

In the Supreme Court of the United States

STUDENTS FOR FAIR ADMISSIONS, INC.,
Petitioner,

v.

UNIVERSITY OF NORTH CAROLINA, ET AL.,
Respondents.

**On Writ of Certiorari Before Judgment to the
United States Court of Appeals for the Fourth Circuit**

JOINT APPENDIX VOL. III of IV (JA1043–JA1697)

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MAY 2, 2022

PETITION FOR WRIT OF CERTIORARI FILED NOVEMBER 11, 2021
PETITION FOR WRIT OF CERTIORARI GRANTED JANUARY 24, 2022

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EXTENDED TO NOVEMBER 15, 2016

Return of Private Foundation

or Section 4947(a)(1) Trust Treated as Private Foundation

OMB No 1545-0052

2015

Open to Public Inspection

Form 990-PF

Department of the Treasury
Internal Revenue Service

Do not enter social security numbers on this form as it may be made public

Information about Form 990-PF and its separate instructions is at www.irs.gov/form990pf.

For calendar year 2015 or tax year beginning

, and ending

Name of foundation THE SEARLE FREEDOM TRUST C/O KINSHIP TRUST COMPANY		A Employer identification number 36-7244615
Number and street (or P.O. box number if mail is not delivered to street address) 225 W WASHINGTON ST, 28TH FLOOR		B Telephone number 312-803-6700
City or town, state or province, country, and ZIP or foreign postal code CHICAGO, IL 60606		C If exemption application is pending, check here <input type="checkbox"/>
G Check all that apply: <input type="checkbox"/> Initial return <input type="checkbox"/> Final return <input type="checkbox"/> Address change <input type="checkbox"/> Initial return of a former public charity <input checked="" type="checkbox"/> Amended return <input type="checkbox"/> Name change		D 1. Foreign organizations, check here <input type="checkbox"/> 2. Foreign organizations meeting the 85% test, check here and attach computation <input type="checkbox"/>
H Check type of organization. <input checked="" type="checkbox"/> Section 501(c)(3) exempt private foundation <input type="checkbox"/> Section 4947(a)(1) nonexempt charitable trust <input type="checkbox"/> Other taxable private foundation		E If private foundation status was terminated under section 507(b)(1)(A), check here <input type="checkbox"/>
I Fair market value of all assets at end of year (from Part II, col. (c), line 16) \$ 155,112,022.	J Accounting method: <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual <input type="checkbox"/> Other (specify) _____	F If the foundation is in a 60-month termination under section 507(b)(1)(B), check here <input type="checkbox"/>

Part I Analysis of Revenue and Expenses (The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a))		(a) Revenue and expenses per books	(b) Net investment income	(c) Adjusted net income	(d) Disbursements for charitable purposes (cash basis only)
1 Contributions, gifts, grants, etc., received		29,658,093.		N/A	
2 Check <input checked="" type="checkbox"/> if the foundation is not required to attach Sch. B interest on savings and temporary cash investments		893,167.	826,322.		STATEMENT 2
3 Dividends and interest from securities		1,531,235.	1,531,235.		STATEMENT 3
5a Gross rents		-25,860.	-25,860.		STATEMENT 4
b Net rental income or (loss) -25,860.					
6a Net gain or (loss) from sale of assets not on line 10		6,178,417.			STATEMENT 1
b Gross sales price for all assets on line 6a 9,856,089.					
7 Capital gain net income (from Part IV, line 2)			5,751,731.		
8 Net short-term capital gain					
9 Income modifications					
10a Gross sales less returns and allowances					
b Less Cost of goods sold					
c Gross profit or (loss)					
11 Other income		524,444.	522,481.		STATEMENT 5
12 Total Add lines 1 through 11		38,759,496.	8,605,909.		
13 Compensation of officers, directors, trustees, etc		1,192,347.	135,898.		1,056,449.
14 Other employee salaries and wages		274,463.	0.		274,463.
15 Pension plans, employee benefits		141,753.	0.		141,753.
16a Legal fees STMT 6		165.	62.		103.
b Accounting fees STMT 7		4,561.	4,561.		0.
c Other professional fees					
17 Interest		818,154.	818,154.		0.
18 Taxes STMT 8		318,027.	77,605.		0.
19 Depreciation and depletion		12,543.	3,851.		
20 Occupancy		267,829.	0.		267,829.
21 Travel, conferences, and meetings		33,924.	0.		33,924.
22 Printing and publications					
23 Other expenses STMT 9		1,994,336.	1,766,604.		132,115.
24 Total operating and administrative expenses. Add lines 13 through 23		5,058,102.	2,806,735.		1,906,636.
25 Contributions, gifts, grants paid		17,882,921.			17,882,921.
26 Total expenses and disbursements. Add lines 24 and 25		22,941,023.	2,806,735.		19,789,557.
27 Subtract line 26 from line 12:					
a Excess of revenue over expenses and disbursements		15,818,473.			
b Net investment income (if negative, enter -0-)			5,799,174.		
c Adjusted net income (if negative, enter -0-)				N/A	

523501 11-24-15 LHA For Paperwork Reduction Act Notice, see instructions.

Form 990-PF (2015)

1

14430123 796085 367244615

2015.05020 THE SEARLE FREEDOM TRUST C/ 36724461

THE SEARLE FREEDOM TRUST
C/O KINSHIP TRUST COMPANY

36-7244615

Part XV Supplementary Information**3 Grants and Contributions Paid During the Year (Continuation)**

Recipient Name and address (home or business)	If recipient is an individual, show any relationship to any foundation manager or substantial contributor	Foundation status of recipient	Purpose of grant or contribution	Amount
STATISTICAL ASSESSMENT SERVICE, BROOKLYN, NY		OTHER PUBLIC CHARITY	SCIENCE LITERACY PROJECT	230,000.
STATISTICAL ASSESSMENT SERVICE, BROOKLYN, NY		OTHER PUBLIC CHARITY	SENSE ABOUT SCIENCE US	130,000.
STUDENT FREE PRESS ASSOCIATION, HILLSDALE, MI		OTHER PUBLIC CHARITY	THE COLLEGE FIX	100,000.
STUDENTS FOR FAIR ADMISSIONS, AUSTIN, TX		OTHER PUBLIC CHARITY	LITIGATION PROGRAM	500,000.
TALIESIN NEXUS, LOS ANGELES, CA		OTHER PUBLIC CHARITY	FILM AND TELEVISION WORKSHOP AND INTERNSHIPS	96,900.
TALIESIN NEXUS, LOS ANGELES, CA		OTHER PUBLIC CHARITY	NARRATIVE WRITING PROGRAM	110,500.
TAX FOUNDATION, WASHINGTON, DC		OTHER PUBLIC CHARITY	PUTTING A FACE ON AMERICA'S TAX RETURNS	100,000.
TAX FOUNDATION, WASHINGTON, DC		OTHER PUBLIC CHARITY	TAXES AND GROWTH DYNAMIC MODELING PROJECT	300,000.
TEXAS PUBLIC POLICY FOUNDATION, AUSTIN, TX		OTHER PUBLIC CHARITY	ENERGY BOOK PROJECT	50,000.
THE CLAREMONT INST FOR STUDY OF STATESMANSHIP & POLIT PHIL, CHEVY CHASE, MD		OTHER PUBLIC CHARITY	PUBLIUS, LINCOLN, AND JOHN MARSHALL FELLOWSHIP PROGRAMS	100,000.
Total from continuation sheets				

523631
04-01-15

Form 1023
(Rev. December 2013)
Department of the Treasury
Internal Revenue Service

Application for Recognition of Exemption
Under Section 501(c)(3) of the Internal Revenue Code

(00)

OMB No. 1545-0058

Note: If exempt status is approved, this application will be open for public inspection.

▶ (Use with the June 2006 revision of the instructions for Form 1023 and the current Notice 1382)

Use the instructions to complete this application and for a definition of all bold items. For additional help, call IRS Exempt Organizations Customer Account Services toll-free at 1-877-829-5500. Visit our website at www.irs.gov for forms and publications. If the required information and documents are not submitted with payment of the appropriate user fee, the application may be returned to you.

Attach additional sheets to this application if you need more space to answer fully. Put your name and EIN on each sheet and identify each answer by Part and line number. Complete Parts I - XI of Form 1023 and submit only those Schedules (A through H) that apply to you.

Part I Identification of Applicant

1 Full name of organization (exactly as it appears in your organizing document)		2 c/o Name (if applicable)	
Students for Fair Admissions, Inc.			
3 Mailing address (Number and street) (see instructions)	Room/Suite	4 Employer Identification Number (EIN)	
3571 Far West Blvd #17		47-1689810	
City or town, state or country, and ZIP + 4		5 Month the annual accounting period ends (01 - 12)	
Austin, TX 78731		12	
6 Primary contact (officer, director, trustee, or authorized representative)		b Phone: 202-719-7142	
a Name: Robert D. Benton		c Fax: (optional) 202-719-7049	
7 Are you represented by an authorized representative, such as an attorney or accountant? If "Yes," provide the authorized representative's name, and the name and address of the authorized representative's firm. Include a completed Form 2848, <i>Power of Attorney and Declaration of Representative</i> , with your application if you would like us to communicate with your representative.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
8 Was a person who is not one of your officers, directors, trustees, employees, or an authorized representative listed in line 7, paid, or promised payment, to help plan, manage, or advise you about the structure or activities of your organization, or about your financial or tax matters? If "Yes," provide the person's name, the name and address of the person's firm, the amounts paid or promised to be paid, and describe that person's role.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9a Organization's website: N/A			
b Organization's email: (optional)			
10 Certain organizations are not required to file an information return (Form 990 or Form 990-EZ). If you are granted tax-exemption, are you claiming to be excused from filing Form 990 or Form 990-EZ? If "Yes," explain. See the instructions for a description of organizations not required to file Form 990 or Form 990-EZ.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11 Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY)		07 / 30 / 2014	
12 Were you formed under the laws of a foreign country? If "Yes," state the country.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

For Paperwork Reduction Act Notice, see page 28 of the instructions.

Cat No 171039C

Form 1023 (Rev. 12-2013)

SFFA-UNC 0000015

Part VIII, Line 15**CLOSE CONNECTION WITH ANOTHER ORGANIZATION**

Students for Fair Admissions has a "close connection" with the Project on Fair Representation ("POFR"). POFR is a legal defense fund that supports civil and voting rights litigation brought under the U.S. Constitution and federal statutes. POFR is currently in the process of transitioning from being a program of Project Liberty, Inc., a Section 509(a)(3) supporting organization, to being a legally-distinct public charity under Section 501(c)(3). Edward Blum, who serves as a volunteer director and the President of Students for Fair Admissions, also serves as a director and the Executive Director of POFR. Students for Fair Admissions' initial funding is from POFR, and the organization anticipates that POFR will continue to be the primary funder of the organization.

Part IX, Line 23**ANY EXPENSE NOT OTHERWISE CLASSIFIED**

	Current Tax Year	Two Succeeding Tax Years	
	(a) From 7/30/14 To 12/31/14	(b) From 1/1/15 To 12/31/15	(c) From 1/1/16 To 12/31/16
Office Supplies	\$5,000	\$5,000	\$5,000
Travel Expenses	\$20,000	\$20,000	\$20,000
Line 23 Total	\$25,000	\$25,000	\$25,000

STUDENTS FOR FAIR ADMISSIONS, INC. vs. THE UNIVERSITY OF NORTH CAROLINA
30(b)(6) Edward Blum on 05/12/2017

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
3 CASE NO.: 1:14-CV-954

4 -----X
5 STUDENTS FOR FAIR ADMISSIONS, :
6 INC., :
7 Plaintiff, :
8 v. :
9 THE UNIVERSITY OF NORTH :
10 CAROLINA AT CHAPEL HILL, :
11 et al., :
12 Defendants. :
13 -----X

14 SUBJECT TO CONFIDENTIALITY AND PROTECTIVE ORDER

15
16 DEPOSITION OF EDWARD BLUM, INDIVIDUALLY
17 AND AS THE RULE 30(B)(6) DESIGNEE OF
18 STUDENTS FOR FAIR ADMISSIONS, INC.
19 (Taken by Defendants)
20 Charlotte, North Carolina
21 May 12, 2017

22
23
24 Reported by: Dayna H. Lowe
25 Court Reporter
 Notary Public

1 BY MR. SCUDDER:

2 Q. Okay. So POFR, as I understand it from your
3 testimony, is a litigation facilitator or advocacy firm
4 or advocacy organization that funds litigation and
5 litigation advocacy related activities, and the one
6 organization, at least at the time that the tax document
7 was current, that you can recall the organization
8 funding was Students for Fair Admissions?

9 MR. STRAWBRIDGE: Object to the form of the
10 question.

11 BY MR. SCUDDER:

12 Q. Is that --

13 A. That's correct.

14 Q. That's correct? Okay. Who formed -- let's
15 move away from Project on Fair Representation and talk
16 about Students for Fair Admissions. When was it formed?

17 A. There was an informal group of individuals who
18 collaborated I would say in perhaps late 2013, and the
19 formal organization itself began in early 2014.

20 Q. When you say "formal," by incorporating and
21 becoming a formal organization in that way, or in some
22 other way?

23 A. No. I can't recall the exact dates of our
24 incorporation, but we started adding members to Students
25 for Fair Admissions in early 2014.

1 Q. Okay. Let's go to the very beginning of the
2 origination, that late 2013 time and that informal
3 collaboration of individuals as you described. Can you
4 tell me how that came to be that individuals came
5 together and were collaborating about formation of a new
6 organization?

7 MR. STRAWBRIDGE: And I just caution the
8 witness, in answering this question please do not
9 disclose the identities of anybody involved in the
10 creation of SFFA, except to the extent that they are
11 publicly known or have been disclosed in this
12 litigation.

13 A. When the Supreme Court granted cert in Fisher
14 One, a number of us started having conversations about
15 the benefit of a membership organization that -- whose
16 mission would be to oppose the use of race and ethnicity
17 in the admissions process.

18 BY MR. SCUDDER:

19 Q. And you put that in the summer of 2013?

20 A. Yeah, kind of summer-fall of 2013, somewhere
21 in through there.

22 Q. Okay. And can you describe the -- at that
23 point it sounded like a concept. Is that --

24 A. It was a concept.

25 Q. Okay. And the concept again was?

1 A. Was advocacy organizations have power when
2 they have members. The efforts to end race-based
3 classifications and preferences in public policy had no
4 membership organization. There were legal defense
5 foundations that litigated those issues, there were one
6 or two small think tanks that concentrated on those
7 issues, but no membership organization where people
8 could say I am a member of this group, much like I would
9 be a member of the Sierra Club or the ACLU, and I
10 joined, and that was not -- there was no organization
11 dedicated to that purpose.

12 Q. So the organization -- so Students for Fair
13 Admissions came together in that spirit of being a new
14 membership organization as you describe it?

15 A. Correct.

16 Q. And did you feel that was important?

17 A. Yes.

18 Q. And why?

19 A. Membership organizations have a source of
20 energy that think tanks and legal advocacy groups just
21 simply don't have. To grow a membership organization
22 dedicated to a purpose, whether it's the environment or,
23 I don't know, economic issues, civil rights issues, that
24 membership organization has, I believe, a more effective
25 role in advocating legal and public policy outcomes.

1 MR. STRAWBRIDGE: Object to the form of the
2 question. You're not calling for any specific action?

3 MR. SCUDDER: No. I can make clear, I'm not
4 intending with any question to breach the agreement that
5 we reached coming into today.

6 MR. STRAWBRIDGE: And I'm not suggesting that
7 you are, Counsel. I just want to make sure the witness
8 understands.

9 MR. SCUDDER: I understand.

10 A. We primarily rely on litigation to achieve our
11 mission.

12 BY MR. SCUDDER:

13 Q. Okay. And do you rely upon anything
14 secondarily to achieve your mission?

15 A. Advocacy. Yes, advocacy and -- yes. Just
16 call it advocacy.

17 Q. And when you say "advocacy," what do you mean
18 by advocacy?

19 A. Educate the American public about the unfair
20 and unconstitutional uses of race by educational
21 institutions in their admissions policies.

22 Q. And with respect to the advocacy prong of the
23 mission or that aspect of the mission, how do you go
24 about pursuing those educational efforts?

25 A. Speeches, debates, forums, one-on-one

1 outreach, media communications. I guess that's about
2 it.

3 Q. And who on behalf of the organization engages
4 in that set of activities that you just described?

5 A. I do, counsel, and occasionally a friend and
6 ally and a member.

7 Q. Okay. When you say "friend and ally,"
8 meaning -- I'm not asking you to identify the person --

9 A. Right.

10 Q. -- but a non-director?

11 A. Correct.

12 Q. And a non-member?

13 A. I think everyone we have asked to advocate on
14 behalf of Students for Fair Admissions in a public
15 setting has been a member, but I can't swear to that.

16 Q. Okay. Understood. The debates, speeches, and
17 the like that you have participated in, can you give me
18 a ballpark of how many times you've done that since the
19 formation of the organization?

20 A. So would you clarify your question? Does that
21 include media contact as well?

22 Q. Let's leave media contact out.

23 A. Okay.

24 Q. Okay? So speeches and the participation in
25 forum discussions. I don't know how else you'd

1 grew steadily from 20 up to, I think at the time of the
2 filing, about 45 or 50 members.

3 Q. At the time of the filing of --

4 A. Of both lawsuits.

5 Q. Yeah. They were filed on the same day, right?

6 A. Correct.

7 Q. Okay. 45 or 50 members?

8 A. Correct.

9 Q. Okay. Go ahead.

10 A. And then from the date of the filing, we grew
11 steadily to approximately, I think, 1200 or so. I think
12 that's right. And then after the -- after the
13 presentations in southern and northern California, we
14 grew from, I guess, around 12 to 1500 up to 20,000.

15 Q. Okay. Do you know as you sit here today the
16 approximate number of members of the organization?

17 A. Today?

18 Q. Yes.

19 A. 21,500 plus or minus.

20 Q. Okay. Let's take a look at page 2 of that
21 particular document, so going to Bates stamp 53, and I'm
22 looking at the resolution in the top half of the page
23 about the decision that the board made to require a
24 one-time assessment of \$10 as membership dues. Why did
25 the organization make that decision at that time?

1 A. We thought that initially we didn't want to
2 have any barriers for an individual to join our
3 organization, and once we had achieved this sort of
4 critical mass of 20,000 individuals, we felt a modest
5 lifetime \$10 membership fee was in order.

6 Q. Okay. So the \$10 is, just as it says,
7 literally a one-time assessment?

8 A. Correct.

9 Q. Can, pursuant to that resolution, an
10 individual join without paying the membership fee?

11 A. Yes.

12 Q. And how does that happen?

13 A. Joining Students for Fair Admissions typically
14 took place on our website.

15 Q. For example -- let me make it more concrete.
16 Could an individual this afternoon join the
17 organization, say I'd love to be a member, I'm without
18 the means of paying the \$10 one-time assessment, but I'd
19 like to join?

20 A. We would take that under consideration.

21 Q. And are there to your knowledge today -- I'm
22 not asking you to identify people -- are there members
23 that make up part of the approximate 21,500 that have
24 not paid the one-time assessment?

25 A. Of the 21,000?

Commonwealth of Virginia



State Corporation Commission

I Certify the Following from the Records of the Commission:

The foregoing is a true copy of all documents constituting the charter of Students for Fair Admissions, Inc. on file in the Clerk's Office of the Commission.

Nothing more is hereby certified.



*Signed and Sealed at Richmond on this Date:
July 31, 2014*

Joel H. Peck

Joel H. Peck, Clerk of the Commission

CIS0505

EXHIBIT B

SFFA-UNC 0000005

BYLAWS

of

STUDENTS FOR FAIR ADMISSIONS, INC.

(Formed under the Virginia Nonstock Corporation Act)

(Adopted August 6, 2014; Amended June 19, 2015)

ARTICLE I

Name and Location

Section 1.01 Name. The name of the corporation is Students for Fair Admissions, Inc. (the “Corporation”).

Section 1.02 Location. The principal office of the Corporation shall be located at 2200 Wilson Blvd., Suite 102-13, Arlington, VA 22201, or at any other place approved by the Board of Directors.

Section 1.03 Registered Office and Agent. The Corporation shall continuously maintain a registered office and agent within the Commonwealth of Virginia at such place as may be designated by the Board of Directors. The Corporation’s initial registered office and agent are set forth in the Articles of Incorporation.

ARTICLE II

Purposes

The Corporation is organized and shall be operated exclusively for charitable, religious, scientific, literary, educational and other purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as now in effect or as hereafter may be amended (the “Code”). The purposes for which the Corporation is formed are to defend human and civil rights secured by law, including the right of individuals to equal protection under the law, through litigation and any other lawful means, and to engage in any lawful act or activity for which corporations may be organized under the Virginia Nonstock Corporation Act (the “Act”). In furtherance thereof, the Corporation shall have all the general powers enumerated in Sections 13.1-826 and 13.1-827 of the Act.

ARTICLE III

Membership

Section 3.01 Members. The Corporation shall have one class of members, referred to as General Members, which shall not be “members” within the meaning of the Act and shall have only the rights specifically set forth in these Bylaws.

Section 3.02 General Members. Any individual who seeks to support the purposes and mission of the Corporation, pays membership dues as may be prescribed by the Board of

EXHIBIT C

Directors, and meets any additional standards and procedures that may be prescribed from time to time by the Board of Directors shall be eligible to become a General Member. General Members shall have the right to vote for one (1) Member-Elected Director pursuant to Section 4.04.

Section 3.03 Revocation; Resignation. The Board of Directors may revoke the membership of any General Member on the grounds that the General Member has engaged or is engaging in activities which are, in the sole discretion of the Board of Directors, contrary to the purposes of the Corporation. A General Member may resign at any time upon written notice to the Corporation.

ARTICLE IV

Board of Directors

Section 4.01 Power of Board of Directors. The business and affairs of the Corporation shall be managed by the Board of Directors.

Section 4.02 Number of Directors. The number of directors of the Corporation shall be five (5) and shall consist of four (4) Board-Elected Directors and one (1) Member-Elected Director.

Section 4.03 Qualifications. All directors must be General Members of the Corporation.

Section 4.04 Election and Term of Directors.

(a) Board-Elected Directors. There shall be four (4) Board-Elected Directors. Board-Elected Directors shall be elected at the applicable annual meeting of the Board of Directors by an affirmative vote of a majority of the directors then in office, to serve for terms of two (2) years from the date of their election, and each shall continue in office until his or her successor is elected or qualified, or until his or her prior death, resignation, or removal.

(b) Member-Elected Director. There shall be one (1) Member-Elected Director. The Member-Elected Director shall be elected in conjunction with the applicable annual meeting of the Board of Directors by an affirmative vote of a majority of the General Members, to serve for a term of two (2) years from the date of such director's election, and such director shall continue in office until his or her successor is elected or qualified, or until his or her prior death, resignation, or removal. The time, method, manner, and eligibility of voting for the Member-Elected Director shall be determined by the Board of Directors. Neither cumulative nor proxy voting shall be allowed in such elections. The candidate receiving the highest number of votes shall be elected.

Section 4.05 Vacancies. A vacancy of a Board-Elected Directorship may be filled by a majority vote of the directors then in office although less than a quorum, or by a sole remaining director. A vacancy of a Member-Elected Directorship shall be filled by an affirmative majority vote of the General Members. Such election shall be held within sixty (60) days of the Member-Elected Directorship becoming vacant; provided that an election to fill a vacancy resulting from



1000 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7040

7925 JONES BRANCH DRIVE
MCLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wileyrein.com

October 8, 2014

Robert D. Benton
202.719.7142
rbenton@wileyrein.com

VIA EXPRESS MAIL

Internal Revenue Service
201 West Rivercenter Blvd.
Attn: Extracting Stop 312
Covington, KY 41012-0192

Re: Form 1023 (Application for Recognition of Exemption) on behalf of
Students for Fair Admissions, Inc. (EIN: 47-1689810)

Dear Sir or Madam:

On behalf of Students for Fair Admissions, Inc., please find enclosed Form 1023 (Application for Recognition of Exemption) and its supporting materials.

The following documents are enclosed as part of Students for Fair Admissions' application:

1. Form 1023 Checklist
2. \$850 Check Payable to the U.S. Treasury
3. Form 2848 (Power of Attorney and Declaration of Representative)
4. Form 1023 (Application for Recognition of Exemption)
5. Exhibit A – Articles of Incorporation
6. Exhibit B – Bylaws
7. Exhibit C – Narrative Description of Activities
8. Exhibit D – Other Application Attachments
9. Exhibit E – Conflict of Interest Policy

Please do not hesitate to call me at 202-719-7142 if you have any questions or comments concerning the enclosed application.

EXHIBIT D

SFFA-UNC 0000008

Internal Revenue Service
October 8, 2014
Page 2

Sincerely,

A handwritten signature in dark ink, appearing to read "R. D. Benton", with a horizontal line extending to the right.

Robert D. Benton

Enclosures

Part IV

NARRATIVE DESCRIPTION OF ORGANIZATION'S ACTIVITIES

I. Introduction

Students for Fair Admissions, Inc. is a non-profit public charity organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code ("IRC"). Formed for the purpose of defending human and civil rights secured by law through the institution of litigation, Students for Fair Admissions seeks to promote and protect the right of the public to be free from discrimination on the basis of race in higher education admissions. *See* Rev. Rul. 80-278, 1980-2 C.B. 175.

Students for Fair Admissions is a coalition of prospective applicants and applicants to higher education institutions who were denied admission to higher education institutions, their family members, and other individuals who support the organization's purpose and mission of eliminating racial discrimination in higher education admissions. An independent and experienced board of directors governs Students for Fair Admissions. The organization's members do not have any voting rights in governance matters.

Students for Fair Admissions does not have its own staff of attorneys and does not provide legal representation to its members or others. Instead, the organization will employ private attorneys to represent it in bringing and maintaining civil rights litigation. As described below, the type of litigation that Students for Fair Admissions intends to initiate benefits the public and does not benefit any private party or interest. Students for Fair Admissions' volunteer board of directors will oversee its litigation, which will include selecting qualified private attorneys to represent the organization and making decisions about litigation strategy.

In addition, Students for Fair Admissions does not have dedicated office space. Its volunteer directors and officers perform their work from home. The board of directors has the sole discretion to determine how and where the organization's funds are expended. Please see Part VIII, Line 15 for additional information about how Students for Fair Admissions is funded.

II. Overview of Students for Fair Admissions' Party-Plaintiff Litigation

Students for Fair Admissions intends to file lawsuits against universities located in the United States alleging that the universities employed racially discriminatory policies and procedures in administering their admissions programs in violation of the Equal Protection Clause of the U.S. Constitution's Fourteenth Amendment and/or Title VI of the Civil Rights Act of 1964. At this time, Students for Fair Admissions anticipates simultaneously filing 2-3 separate lawsuits against 2-3 different universities. The lawsuits will seek declaratory judgments that the universities' admissions programs are racially discriminatory and violate the Equal Protection Clause and Title VI.

The IRS has set forth a three-part test for determining whether an organization that institutes and maintains litigation as a party plaintiff is operated exclusively for charitable

purposes. See Rev. Rul. 80-278, 1980-2 C.B. 175. Under this three-part test, an organization's activities will be considered permissible under Section 501(c)(3) if:

- (1) the purpose of the organization is charitable;
- (2) the activities are not illegal, contrary to a clearly defined and established public policy, or in conflict with express statutory restrictions; and
- (3) the activities are in furtherance of the organization's exempt purpose and are reasonably related to the accomplishment of that purpose.

Id. As explained below, Students for Fair Admissions satisfies this three-part test.

A. Students for Fair Admissions' Purpose is Charitable.

Treasury Regulation 1.501(c)(3)-1(d)(2) provides that "defend[ing] human and civil rights secured by law" is a charitable purpose. "[H]uman and civil rights secured by law" include rights provided not only by the Constitution of the United States, but also by federal statute. See *Nat'l Right to Work Legal Defense & Educ. Foundation*, 487 F. Supp. 801 (E.D. N.C. 1979). Students for Fair Admissions' party-plaintiff litigation, which will focus on defending the rights of all individuals to be free from racial discrimination in higher education admissions under the Equal Protection Clause of the U.S. Constitution's Fourteenth Amendment and/or Title VI of the Civil Rights Act of 1964, falls into this category of charitable activities.

The Equal Protection Clause forbids states from "deny[ing] to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend XIV, § 1. The Supreme Court has held that the Equal Protection Clause applies to higher education admissions policies and procedures. See, e.g., *Grutter v. Bollinger*, 539 U.S. 306 (2003) ("A core purpose of the Fourteenth Amendment was to do away with all governmentally imposed discrimination based on race" and "whenever the government treats any person unequally because of his or her race, that person has suffered an injury that falls squarely within the language and spirit of the Constitution's guarantee of equal protection."). It is well-established that instituting litigation to defend rights guaranteed by the U.S. Constitution constitutes "defend[ing] human and civil rights secured by law" and is a charitable activity. See, e.g., Rev. Rul. 73-285, 1973-2 C.B. 174.

Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance, such as universities. See 42 U.S.C. § 2000d et seq. The Supreme Court also has recognized that Title VI applies to high education admissions policies and procedures. See, e.g., *Regents of Univ. of California v. Bakke*, 438 U.S. 265 (1978) ("Examination of the voluminous legislative history of Title VI reveals a congressional intent to halt federal funding of entities that violate a prohibition of racial discrimination similar to that of the Constitution."). The IRS has frequently recognized that instituting litigation to defend rights provided for under civil rights statutes constitutes "defend[ing] human and civil rights secured by law" and is a charitable activity. See, e.g.,

G.C.M. 38468 (Aug. 12, 1980) (citing *Not A Right to Work Legal Defense & Educ. Foundation*, 487 F. Supp. 801 (E.D. N.C. 1979)).

B. Students for Fair Admissions' Activities are Not Illegal, Contrary to a Clearly Defined and Established Public Policy, or in Conflict with Express Statutory Restrictions.

Private litigation activities are not illegal nor contrary to public policy or any IRC 501(c)(3) restrictions. *See* Rev. Ruls. 80-278, 73-285.

C. Students for Fair Admissions' Activities Further Its Exempt Purpose and Reasonably Relate to the Accomplishment of that Purpose.

Students for Fair Admissions' primary activity, the institution of litigation as a party plaintiff, is an effective method to further its exempt purpose of promoting and protecting the public's right to be free from discrimination on the basis of race in higher education admissions. Congress has provided for private litigation as a means to enforce the Equal Protection Clause. *See* 42 U.S.C. § 1983 (creating a private right of action to enforce rights guaranteed by the U.S. Constitution. And the U.S. Supreme Court has found an implied private right of action under Title VI. *See Alexander v. Sandoval*, 532 U.S. 275 (2001). "These provisions indicate Congressional approval of private litigation as desirable and appropriate means of enforcing" the Equal Protection Clause and federal civil rights statutes. Rev. Rul. 80-278.

III. Students for Fair Admissions' Party-Plaintiff Litigation Serves a Public Interest

Students for Fair Admissions' party-plaintiff litigation serves a public rather than private interest. Regardless of the outcome, the organization's litigation will serve as "test cases" and define the rights of the public generally to be free from discrimination on the basis of race in higher education admissions. As noted above, Students for Fair Admissions' litigation will seek declaratory judgments that the defendant universities' admissions programs are racially discriminatory and violate the Equal Protection Clause and Title VI. Such declaratory judgments would cause not only the defendant universities, but also higher education institutions throughout the country to examine their admissions programs and alter any policies and procedures that could be discriminatory.

In addition to declaratory judgments, Students for Fair Admissions will also seek attorneys' fees in their party-plaintiff litigation. Should Students for Fair Admissions be awarded attorneys' fees, the organization would ensure that the fees are paid directly to the organization to be used for the purpose of defraying its normal operating and program expenses. No monetary recovery of any kind would be distributed to Students for Fair Admissions' members.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JAN 30 2015

STUDENTS FOR FAIR ADMISSIONS INC
3571 FAR WEST BLVD 17
AUSTIN, TX 78731

Employer Identification Number:
47-1689810

DLN:

17053287307014

Contact Person:

LOUIS F JOHNSON

ID# 95135

Contact Telephone Number:
(877) 829-5500

Accounting Period Ending:
December 31

Public Charity Status:
170(b)(1)(A)(vi)

Form 990 Required:
YES

Effective Date of Exemption:
July 30, 2014

Contribution Deductibility:
YES

Addendum Applies:
NO

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,



Director, Exempt Organizations

Letter 947
EXHIBIT E

SFFA-UNC 0000001

**UNANIMOUS WRITTEN CONSENT
IN LIEU OF A MEETING
of
THE BOARD OF DIRECTORS
of
STUDENTS FOR FAIR ADMISSIONS, INC.**

The undersigned, being and constituting all of the members of the Board of Directors of Students for Fair Admissions, Inc. (the “Corporation”), a Virginia nonstock corporation, for purposes of taking action in lieu of an organizational meeting of the Board of Directors of the Corporation, pursuant to Section 13.1-841 of the Virginia Nonstock Corporation Act, hereby adopt the following resolutions and waive all requirements of notice:

Amendment of Bylaws

WHEREAS, Section 7.05 of the Corporation’s Bylaws provides that the Board of Directors may amend the Bylaws in whole or in part by a majority vote of the directors then in office;

WHEREAS, Article III of the Corporation’s Bylaws provides that the Corporation shall have “Members” with rights, privileges, and obligations established by the Board of Directors, but shall not have voting rights and shall not be considered “members” within the meaning of the Act;

WHEREAS, the Corporation’s Members presently number more than 20,000, and the Members have expressed a desire to participate directly in the leadership of the Corporation;

WHEREAS, the Board of Directors believes that Members should have a direct voice in the Corporation’s decision-making, including the management and direction of ongoing litigation;

WHEREAS, the Board of Directors believes it is in the best interests of the Corporation to amend the Bylaws to permit Members to directly elect a member of the Board of Directors;

WHEREAS, the Board of Directors has waived membership dues for Members since the Corporation’s inception because it believed that doing so would encourage participation, aid membership recruitment, and ensure the success of the Corporation in its early stages;

WHEREAS, the Board of Directors believes it is in the best interests of the Corporation to amend the Bylaws to clarify the dues requirements of Members;

WHEREAS, the Board of Directors has reviewed and considered the Amended Bylaws (Exhibit A) to effect such changes;

BE IT RESOLVED, that said Amended Bylaws are adopted in their entirety and a copy is ordered placed in the minute book of the Corporation.

EXHIBIT F

Establishment of Dues Policy for General Members

WHEREAS, Section 3.02 of the Corporation's Bylaws provided that Members shall have the "rights, privileges, and obligations established by the Board of Directors;"

WHEREAS, Section 3.02 of the Amended Bylaws clarifies that General Members shall pay membership dues as may be prescribed by the Board of Directors;

WHEREAS, the Board of Directors has waived membership dues for General Members since the Corporation's inception because it believed that doing so would encourage participation, aid membership recruitment, and ensure the success of the Corporation in its early stages;

WHEREAS, the Corporation has been in existence for nearly one year and has experienced extraordinary membership growth;

WHEREAS, the Board of Directors believes it is in the best interests of the Corporation to begin assessing membership dues upon the one-year anniversary of the Corporation's formation;

BE IT RESOLVED, that the Corporation shall continue to waive membership dues for individuals who become General Members prior to July 30, 2015; and

FURTHER RESOLVED, that the Corporation shall require individuals who become General Members on or after July 30, 2015 to pay a one-time assessment of \$10 as membership dues.

Adoption of Member-Elected Director Election Procedures

WHEREAS, Article IV of the Amended Bylaws created a new directorship to be elected by the Corporation's General Members (the "Member-Elected Director");

WHEREAS, Section 4.04(b) of the Amended Bylaws provides that the Member-Elected Director shall be elected in conjunction with the annual meeting of the Board of Directors by an affirmative vote of a majority of the General Members;

WHEREAS, Section 4.04(b) of the Amended Bylaws further provides that the Board of Directors shall determine the time, method, manner, and eligibility of voting for the Member-Elected Director;

WHEREAS, the Board of Directors has determined that it is in the best interests of the Corporation to hold an election for the Member-Elected Director in conjunction with the Board of Directors' upcoming 2015 annual meeting;

WHEREAS, the Board of Directors has further determined that it is in the best interests of the Corporation to conduct the election in accordance with the attached "Procedures for Electing Member-Elected Directors" (Exhibit B);

BE IT RESOLVED, that the "Procedures for Electing Member-Elected Directors" are adopted in their entirety, and the first election for the Member-Elected Director shall be held in accordance with these procedures.

Authorization and Ratification

BE IT RESOLVED, that the officers of the Corporation are hereby authorized to do all things, take all actions, and to execute, deliver, and file all documents, in the name and on behalf of the Corporation, as may be determined by the officers to be necessary or appropriate to give effect to the foregoing resolutions and the matters contemplated thereby (the appropriateness of which shall be conclusively determined by the taking of such action); and

FURTHER RESOLVED, that any and all actions taken and documents executed by the officers of the Corporation in furtherance of the foregoing resolutions or the matters contemplated thereby are hereby ratified, confirmed, and approved in all respects.

* * *

This action by unanimous written consent may be signed in any number of counterparts, all of which when taken together will constitute one and the same document.

Dated: June 19, 2015

[SIGNATURE PAGE FOLLOWS]

Appendix A

Peter Arcidiacono

Demonstratives

STUDENTS FOR FAIR ADMISSIONS, INC.

v.

UNIVERSITY OF NORTH CAROLINA, et al.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-00954-LCB-JLW

Applicant Datasets (2016-2021)

Initial Observations	In-State Applicants	Out-of-State Applicants	In-State + Out-of-State
	65,123	135,289	200,412
Withdrawal, Incomplete Any Rating Zero Any Special Foreign Total Removed	In-State Removed	Out-of-State Removed	IS + OS Removed
	2,840 (4.4%)	7,772 (5.7%)	10,612
	315 (0.5%)	382 (0.3%)	697
	4,590 (7.0%)	4,273 (3.2%)	8,863
	153 (0.2%)	17,230 (12.7%)	17,383
Total Removed			
Total Removed	7,898 (12.1%)	29,657 (21.9%)	37,555
Total Remaining	57,225	105,632	162,857

NOTE: Percentages denote the number of observations cut as a percentage of the initial number of observations.

UNC's Overall Acceptance Rate = 25.61%

Out-of-State Acceptance Rate = 13.52%

In-State Acceptance Rate = 47.92%

3.5x



Admission Rates by Race and Residency

	White	Asian American	African American	Hispanic
In-State Admission Rate	50.86%	53.56%	30.53%	40.96%
Out-of-State Admission Rate	10.91%	16.60%	16.74%	20.18%

Application Summary Statistics by Race: In-State Applicants (2016-2021)

White

	Reject	Admit	All
Female	56.93	60.67	58.83
First-generation college	18.25	13.21	15.69
Legacy	17.42	21.84	19.67
Waiver	6.92	5.06	5.97
SAT math (z-score)	-0.69	0.06	-0.31
SAT verbal (z-score)	-0.55	0.25	-0.14
High school class percentile (0-100)	79.10	93.58	86.34
GPA (z-score)	-0.09	0.90	0.41
Program Rating (1-10)	5.35	7.52	6.45
Performance Rating (1-10)	5.62	8.37	7.02
Extracurricular Rating (1-10)	5.42	6.07	5.75
Essay Rating > 5	0.05	0.15	0.10
Personal Quality Rating > 5	0.11	0.24	0.18
N	18229	18865	37094

Asian American

	Reject	Admit	All
	55.83	56.97	56.44
	30.03	20.04	24.68
	4.62	5.77	5.24
	16.26	12.19	14.08
	-0.46	0.47	0.04
	-0.74	0.27	-0.20
	74.86	92.78	83.94
	-0.14	1.03	0.49
	6.35	8.56	7.53
	4.96	8.03	6.60
	5.09	6.02	5.59
	0.05	0.19	0.13
	0.11	0.27	0.20
	2794	3223	6017

African American

	Reject	Admit	All
	65.91	70.09	67.19
	41.68	33.57	39.20
	6.35	9.27	7.24
	45.86	37.99	43.46
	-1.57	-0.73	-1.31
	-1.42	-0.51	-1.14
	74.20	91.56	79.26
	-0.67	0.59	-0.28
	4.94	7.30	5.66
	4.55	7.40	5.42
	4.90	5.69	5.15
	0.03	0.13	0.06
	0.14	0.32	0.20
	5401	2374	7775

Hispanic

	Reject	Admit	All
	62.25	61.22	61.83
	51.06	40.48	46.73
	4.53	4.90	4.68
	36.01	28.91	33.10
	-1.17	-0.37	-0.84
	-1.03	-0.16	-0.68
	74.87	91.81	81.57
	-0.39	0.74	0.07
	5.34	7.42	6.19
	4.93	7.77	6.09
	5.00	5.71	5.29
	0.04	0.14	0.08
	0.17	0.32	0.23
	2119	1470	3589

NOTE: Essay and Personal Quality are given across the set (1, 3, 5, 7, 10) though five is by far the most common score.

Application Summary Statistics by Race: Out-of-State Applicants (2016-2021)

White

	Reject	Admit	All
Female	61.18	55.26	60.53
First-generation college	8.97	7.22	8.78
Legacy	2.63	17.82	4.29
Waiver	3.70	2.63	3.58
SAT math (z-score)	-0.01	0.80	0.08
SAT verbal (z-score)	0.15	1.02	0.24
High school class percentile (0-100)	87.49	96.75	88.44
GPA (z-score)	-0.16	0.29	-0.11
Program Rating (1-10)	6.16	8.40	6.40
Performance Rating (1-10)	7.32	9.08	7.51
Extracurricular Rating (1-10)	5.87	6.83	5.98
Essay Rating > 5	0.11	0.44	0.15
Personal Quality Rating > 5	0.16	0.53	0.20
N	56790	6954	63744

Asian American

	Reject	Admit	All
	55.73	54.74	55.56
	13.37	8.90	12.63
	0.80	3.00	1.16
	9.92	6.63	9.37
	0.48	1.20	0.60
	0.22	1.17	0.38
	86.78	97.14	88.53
	-0.16	0.34	-0.07
	7.26	9.10	7.57
	6.85	9.06	7.22
	5.81	7.02	6.01
	0.14	0.50	0.20
	0.17	0.56	0.24
	13554	2698	16252

African American

	Reject	Admit	All
	66.00	66.79	66.13
	29.75	19.00	27.95
	1.78	3.80	2.12
	36.39	25.67	34.60
	-1.16	-0.08	-0.98
	-0.91	0.24	-0.72
	77.18	94.01	79.88
	-0.70	0.07	-0.57
	5.08	7.65	5.51
	5.29	8.01	5.75
	5.24	6.29	5.41
	0.08	0.30	0.12
	0.19	0.51	0.24
	7980	1605	9585

Hispanic

	Reject	Admit	All
	59.26	60.35	59.48
	23.97	14.94	22.14
	1.25	4.34	1.87
	18.54	12.63	17.35
	-0.43	0.40	-0.27
	-0.25	0.64	-0.07
	83.34	95.34	85.57
	-0.21	0.37	-0.09
	6.26	8.42	6.70
	6.35	8.58	6.80
	5.57	6.50	5.76
	0.10	0.35	0.15
	0.20	0.50	0.27
	7202	1821	9023

NOTE: Essay and Personal Quality are given across the set (1, 3, 5, 7, 10) though five is by far the most common score.

Academic Index

$$AI = SAT^* + GPA^*$$

* Z-score

In-State Applicants: Share Above Median Rating by Academic Index Decile

Academic Decile	Academic			Personal	
	Program	Performance	Activities	Essay	Qualities
10	88.70%	84.40%	40.40%	22.20%	28.70%
9	74.60%	70.50%	32.10%	15.50%	22.50%
8	65.20%	61.50%	26.70%	12.90%	21.00%
7	57.90%	51.30%	24.50%	10.60%	19.70%
6	50.10%	40.80%	22.10%	9.30%	17.90%
5	43.20%	31.80%	20.40%	8.90%	17.70%
4	36.30%	21.70%	18.30%	6.50%	15.80%
3	31.30%	14.10%	15.60%	5.20%	14.50%
2	22.60%	7.70%	12.60%	3.70%	13.10%
1	15.00%	1.80%	8.40%	2.00%	11.00%

Out-of-State Applicants: Share Above Median Rating by Academic Index Decile

Academic Decile	Academic			Personal		
	Program	Performance	Activities	Essay	Qualities	
10	85.90%	82.10%	47.20%	29.70%	35.30%	
9	79.00%	74.80%	41.80%	24.10%	30.20%	
8	72.00%	68.60%	38.20%	20.20%	26.90%	
7	64.80%	62.90%	34.30%	18.00%	23.40%	
6	56.40%	54.40%	31.40%	14.90%	20.60%	
5	48.20%	47.50%	28.00%	13.00%	18.30%	
4	40.70%	38.40%	25.60%	10.30%	16.60%	
3	34.00%	26.60%	21.10%	8.40%	14.70%	
2	25.60%	15.50%	18.10%	6.80%	13.10%	
1	15.30%	3.90%	12.50%	3.40%	11.30%	

In-State Applicants in Each Academic Index Decile

Academic Decile	White	Asian American	African American	Hispanic
10	3820	1139	67	128
9	4180	739	138	171
8	4153	625	205	248
7	4101	588	304	238
6	3972	498	452	325
5	3880	457	563	363
4	3663	473	723	406
3	3310	433	1053	476
2	2762	420	1553	518
1	1848	376	2462	582
Total	35689	5748	7520	3455

Percentage of In-State Applicants in Each Academic Index Decile



In-State Admission Rates by Academic Index Decile and Race/Ethnicity

Academic Decile	JA1080				All Applicants
	White	Asian American	African American	Hispanic	
10	98.85%	98.16%	97.01%	98.44%	98.66%
9	94.07%	88.36%	97.10%	96.49%	93.42%
8	84.08%	74.40%	94.63%	87.50%	83.50%
7	69.40%	56.97%	88.49%	81.09%	69.64%
6	47.31%	44.38%	80.09%	67.69%	51.11%
5	29.56%	28.67%	71.23%	53.72%	35.61%
4	17.83%	16.91%	49.24%	38.42%	23.65%
3	7.76%	6.24%	28.77%	22.48%	13.16%
2	3.08%	1.90%	10.69%	5.21%	5.44%
1	0.70%	0.27%	1.02%	1.37%	0.89%
TOTAL	50.66%	52.87%	30.25%	40.93%	47.33%

+ 5.24%

+ 9.93%

+ 13.86%

+ 18.53%

+ 15.50%

+ 11.96%

+ 10.49%

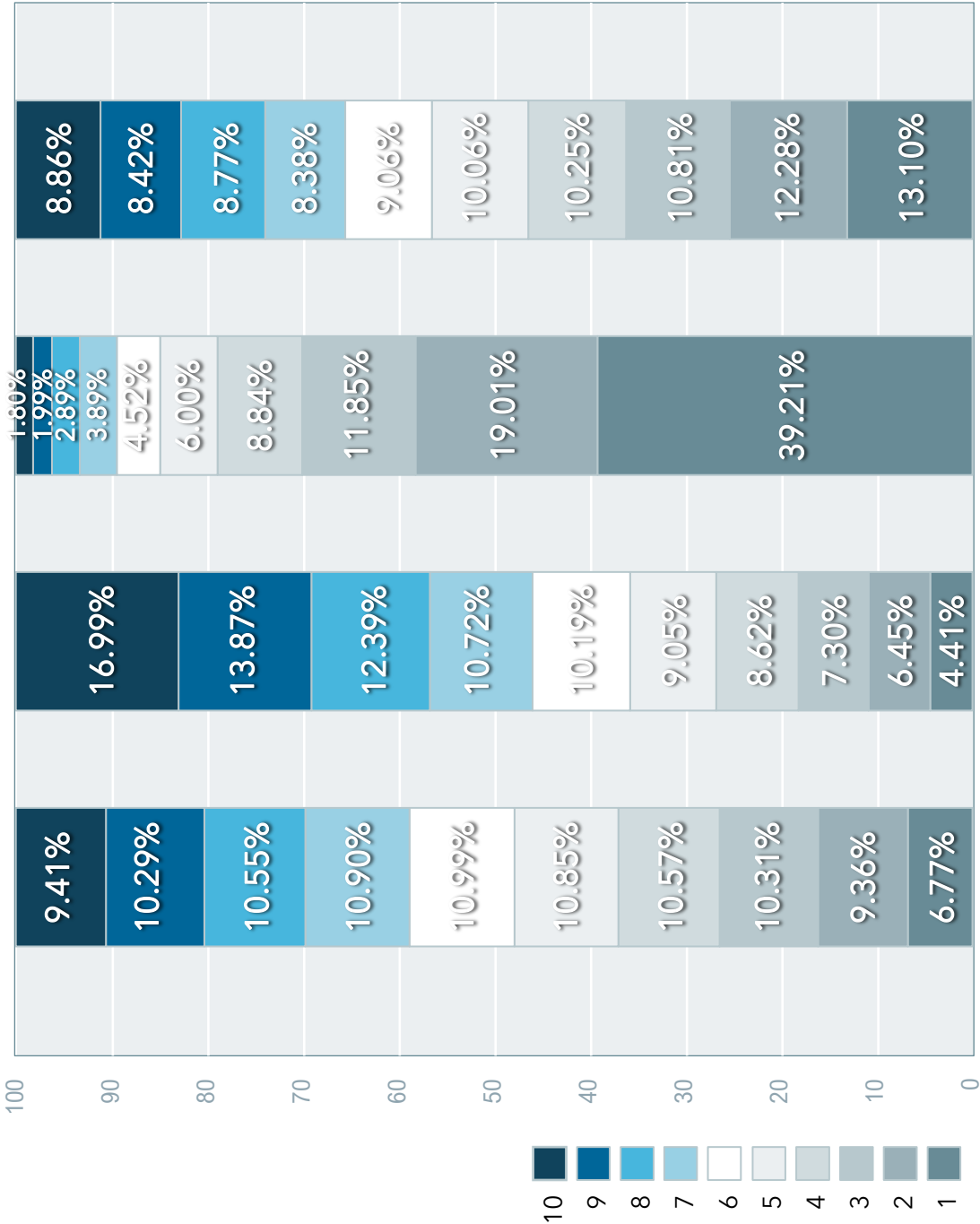
+ 7.72%

+ 4.55%

Out-of-State Applicants in Each Academic Index Decile

Academic Decile	White	Asian American	African American	Hispanic
10	4216	1900	123	568
9	4610	1551	136	540
8	4727	1386	197	562
7	4883	1199	265	537
6	4926	1140	308	581
5	4860	1012	409	645
4	4737	964	603	657
3	4618	816	808	693
2	4195	721	1296	787
1	3033	493	2674	840
Total	44805	11182	6819	6410

Percentage of Out-of-State
Applicants in Each
Academic Index Decile



Out-of-State Admission Rates by Academic Index Decile and Race/Ethnicity

Academic Decile	JA1083				All Applicants
	White	Asian American	African American	Hispanic	
10	41.58%	52.89%	73.17%	61.44%	46.97%
9	26.51%	27.66%	69.12%	42.41%	28.87%
8	15.87%	15.51%	57.87%	33.63%	18.45%
7	9.24%	6.51%	57.74%	30.35%	12.27%
6	5.34%	4.56%	46.10%	22.20%	8.43%
5	2.90%	1.38%	39.61%	15.97%	6.06%
4	1.52%	1.04%	29.85%	9.28%	4.64%
3	0.89%	0.25%	14.36%	3.61%	2.65%
2	0.52%	0.28%	5.71%	1.27%	1.54%
1	0.49%	0.00%	0.45%	0.12%	0.40%
TOTAL	10.56%	16.16%	16.67%	19.64%	12.91%

+ 18.10%

+ 10.42%

+ 6.18%

+ 3.84%

+ 2.37%

+ 1.42%

+ 1.99%

+ 1.11%

+ 1.14%

Number and Share of In-State Admits Under Admission from Top Academic Deciles

WhiteAfrican AmericanHispanic

AdmitShareAdmitsShareAdmitShare

Actual	18080	72.9%	3039	12.3%	2275	9.2%	1414	5.7%
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Admission from Top Deciles	19255	77.6%	3467	14.0%	1055	4.3%	1031	4.2%
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Number and Share of Out-of-State Admits Under Admission from Top Academic Deciles

WhiteAsian AmericanAfrican AmericanHispanic

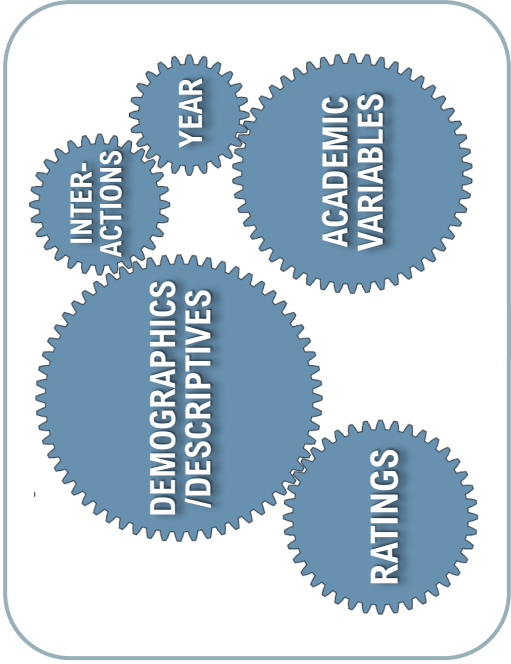
AdmitShareAdmitsShareAdmitShareAdmitShare

Actual	4730	52.9%	1807	20.2%	1137	12.7%	1259	14.1%
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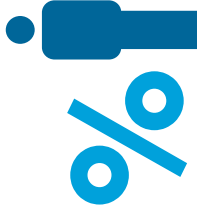
Admission from Top Deciles	5650	63.2%	2382	26.7%	165	1.9%	736	8.2%
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Applicant
Data



LOGIT
MODEL



Probability
of Admission



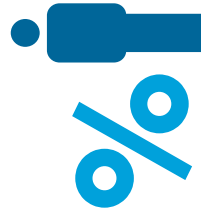
Probability
of Rejection



Applicant
Data



$$\mathbf{a}*\text{Prog} + \mathbf{b}*\text{Perf} + \mathbf{c}*\text{Activ} + \mathbf{d}*\text{Essay} \dots + \mathbf{R}*\text{Race}$$



Probability
of Admission



Probability
of Rejection

Gratz: University of Michigan Points System

VARIABLE

POINTS

Academic Achievement: + Standardized Test Score + Academic Quality of Applicant's High School + Strength or Weakness of Applicant's Curriculum	Up to 110
MI Residency	10
Personal Achievement	5
Outstanding Essay	1-3
Leadership + Service	1-5
Legacy	1-4
Under-Represented Minority*	20
Attendance at a socioeconomic or predominantly minority high school*	20
Recruited Athlete*	20
Provost's Discretion*	20

*Applicants can only receive 20 points for one of these categories

SCORE RANGE

ADMISSIONS DECISION

100-150	Admit
95-99	Admit or Postpone
90-94	Postpone or Admit
75-89	Delay or Postpone
74 and Below	Delay or Reject

Controls Used for Opening Report Models of UNC Admissions

CONTROLS

	MODEL 1	MODEL 2	MODEL 3	MODEL 4	MODEL 5	MODEL 6	MODEL 7
Race/ethnicity	●	●	●	●	●	●	●
Female	●	●	●	●	●	●	●
Early or regular decision	●	●	●	●	●	●	●
Alum	●	●	●	●	●	●	●
First generation	●	●	●	●	●	●	●
Fee waiver	●	●	●	●	●	●	●
Missing fee waiver	●	●	●	●	●	●	●
Year indicators	●	●	●	●	●	●	●
SAT math		●	●	●	●	●	●
SAT verbal		●	●	●	●	●	●
Missing SAT times race/ethnicity		●	●	●	●	●	●
GPA		●	●	●	●	●	●
Missing GPA times race/ethnicity		●	●	●	●	●	●
Percentile		●	●	●	●	●	●
Percentile times non-standard rank type		●	●	●	●	●	●
Missing percentile times year		●	●	●	●	●	●
Race/ethnicity		●	●	●	●	●	●
Non-standard rank type		●	●	●	●	●	●
Non-standard rank type times race/ethnicity		●	●	●	●	●	●
Indicators for different ways of imputing SAT		●	●	●	●	●	●
UNC program score			●	●	●	●	●
UNC performance score			●	●	●	●	●
UNC activity score			●	●	●	●	●
UNC essay score			●	●	●	●	●
UNC personal quality score			●	●	●	●	●
Intended college major				●	●	●	●
Female interacted with race/ethnicity				●	●	●	●
First-generation interacted with race/ethnicity				●	●	●	●
High schools w/ min. number of applications and admits					●	●	●
High school fixed effects						●	●
Census tract data w/ min. number of applications and admits*							●

* In-State Models Only

Interactions

Variable	Coefficient
African American	A
FGC	F
African American and FGC	X

FGC African American [vs. FGC White]

=

A + **X**

FGC African American [vs. Not FGC African American]

=

F + **X**

FGC African American [vs. Not FGC White]

=

A + **F** + **X**

Controls Used for Updated Models of UNC Admissions

CONTROLS

	MODEL 1	MODEL 2	MODEL 3	MODEL 4	MODEL 5	MODEL 6	MODEL 7
Race/ethnicity	●	●	●	●	●	●	●
Female	●	●	●	●	●	●	●
Early or regular decision	●	●	●	●	●	●	●
Alum	●	●	●	●	●	●	●
First generation	●	●	●	●	●	●	●
Fee waiver	●	●	●	●	●	●	●
Missing fee waiver	●	●	●	●	●	●	●
Year indicators	●	●	●	●	●	●	●
Faculty child	●	●	●	●	●	●	●
SAT math		●	●	●	●	●	●
SAT verbal		●	●	●	●	●	●
Missing SAT times race/ethnicity		●	●	●	●	●	●
GPA		●	●	●	●	●	●
Missing GPA times race/ethnicity		●	●	●	●	●	●
Percentile		●	●	●	●	●	●
Percentile times non-standard rank type		●	●	●	●	●	●
Missing percentile times year		●	●	●	●	●	●
Race/ethnicity		●	●	●	●	●	●
Non-standard rank type		●	●	●	●	●	●
Non-standard rank type times race/ethnicity		●	●	●	●	●	●
Indicators for different ways of imputing SAT		●	●	●	●	●	●
Rank within applicants from same high school		●	●	●	●	●	●
Rank within applicants from same high school missing		●	●	●	●	●	●
Met minimum admission requirements		●	●	●	●	●	●
UNC program score			●	●	●	●	●
UNC performance score			●	●	●	●	●
UNC activity score			●	●	●	●	●
UNC essay score			●	●	●	●	●
UNC personal quality score			●	●	●	●	●
Intended college major				●	●	●	●
Female interacted with race/ethnicity				●	●	●	●
First-generation interacted with race/ethnicity				●	●	●	●
High schools w/ min. number of applications and admits				●	●	●	●
High school fixed effects					●	●	●
Census tract data w/ min. number of applications and admits*						●	●

* In-State Models Only

Logit Estimates of In-State Admissions, 2016-2021

Variable		Spec1	Spec2	Spec3	Spec4
FEMALE * RACE	African American	-0.589 (0.029)	1.851 (0.057)	2.863 (0.073)	3.542 (0.119)
	Hispanic	-0.131 (0.038)	1.240 (0.070)	1.771 (0.09)	1.993 (0.15)
	Asian American	0.235 (0.029)	-0.133 (0.057)	-0.011 (0.07)	0.148 (0.10)
FGC * RACE	Female	0.104 (0.018)	0.198 (0.031)	0.035 (0.04)	0.112 (0.05)
	FGC	-0.304 (0.024)	0.647 (0.04)	0.926 (0.05)	1.168 (0.06)
	Alum	0.193 (0.025)	0.380 (0.04)	0.447 (0.05)	0.467 (0.05)
FGC * RACE	African American				-0.469 (0.12)
	Hispanic				-0.166 (0.15)
	Asian American				-0.247 (0.12)
FGC * RACE	African American				-1.027 (0.12)
	Hispanic				-0.392 (0.16)
	Asian American				-0.148 (0.14)
Academic Variables	Academic Variables		X	X	X
	Ratings Variables			X	X
	Heterogeneity Variables				X
N	N	57,225	57,225	57,225	57,225
	Pseudo R-squared	0.0564	0.588	0.725	0.727

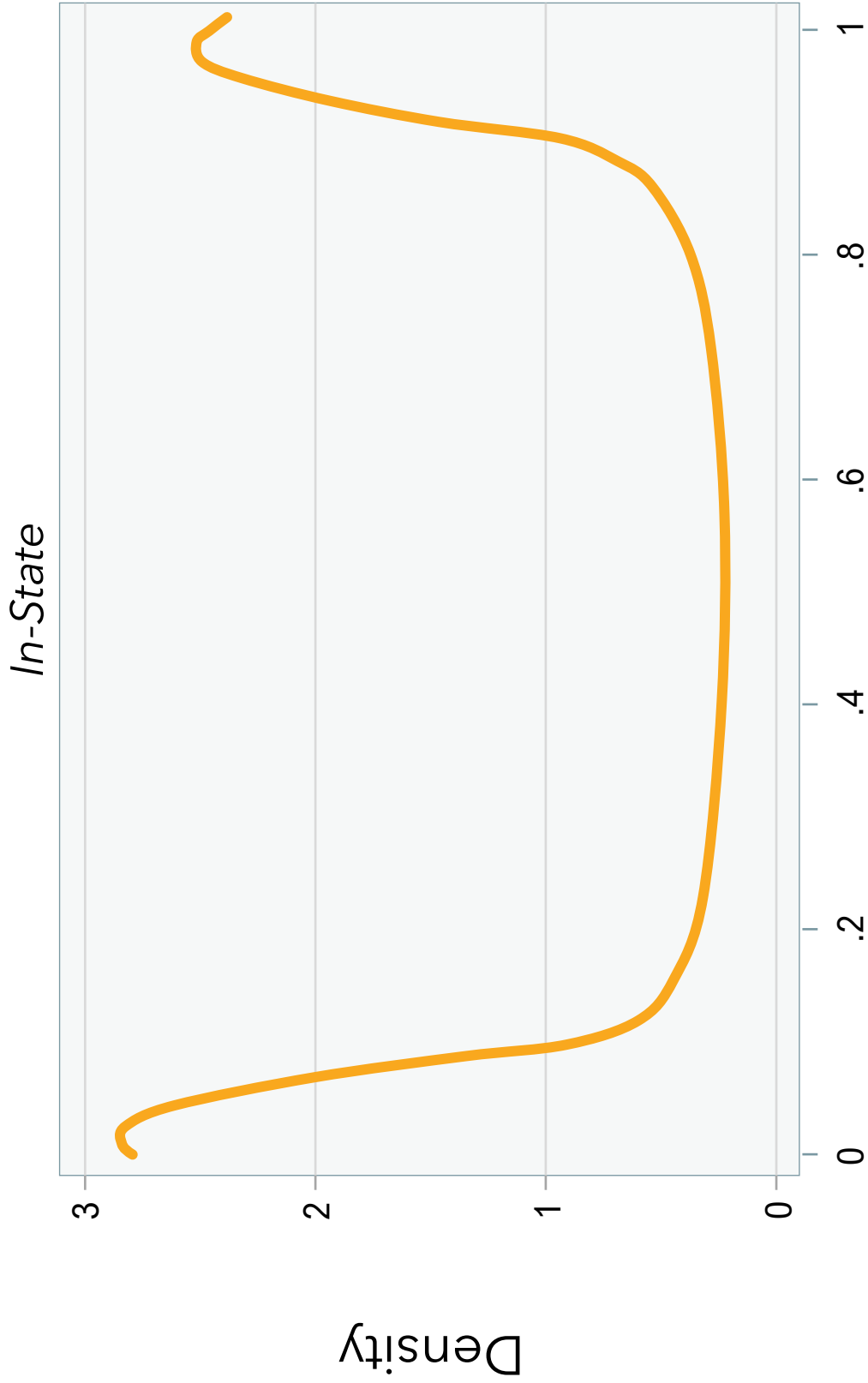
Logit Estimates of Out-of-State Admissions, 2016-2021

Variable		Spec1	Spec2	Spec3	Spec4
FEMALE * RACE	African American	0.866 (0.033)	4.766 (0.077)	5.934 (0.095)	6.162 (0.125)
	Hispanic	0.98 (0.031)	2.484 (0.071)	3.054 (0.083)	3.000 (0.104)
	Asian American	0.781 (0.026)	0.196 (0.055)	0.09 (0.065)	0.077 (0.079)
	Female	-0.157 (0.019)	0.333 (0.025)	0.032 (0.030)	-0.075 (0.040)
FGC * RACE	FGC	-0.172 (0.033)	0.912 (0.044)	1.367 (0.052)	1.889 (0.075)
	Alum	1.866 (0.037)	3.412 (0.055)	4.741 (0.071)	4.769 (0.072)
	African American				0.081 (0.107)
	Hispanic				0.357 (0.094)
FGC * RACE	Asian American				0.107 (0.075)
	African American				-1.343 (0.136)
	Hispanic				-0.986 (0.136)
	Asian American				-0.554 (0.130)
Academic Variables	Academic Variables		X	X	X
	Ratings Variables			X	X
	Heterogeneity Variables				X
N	N	105,623	105,623	105,137	105,116
	Pseudo R-squared	0.0727	0.42	0.586	0.588

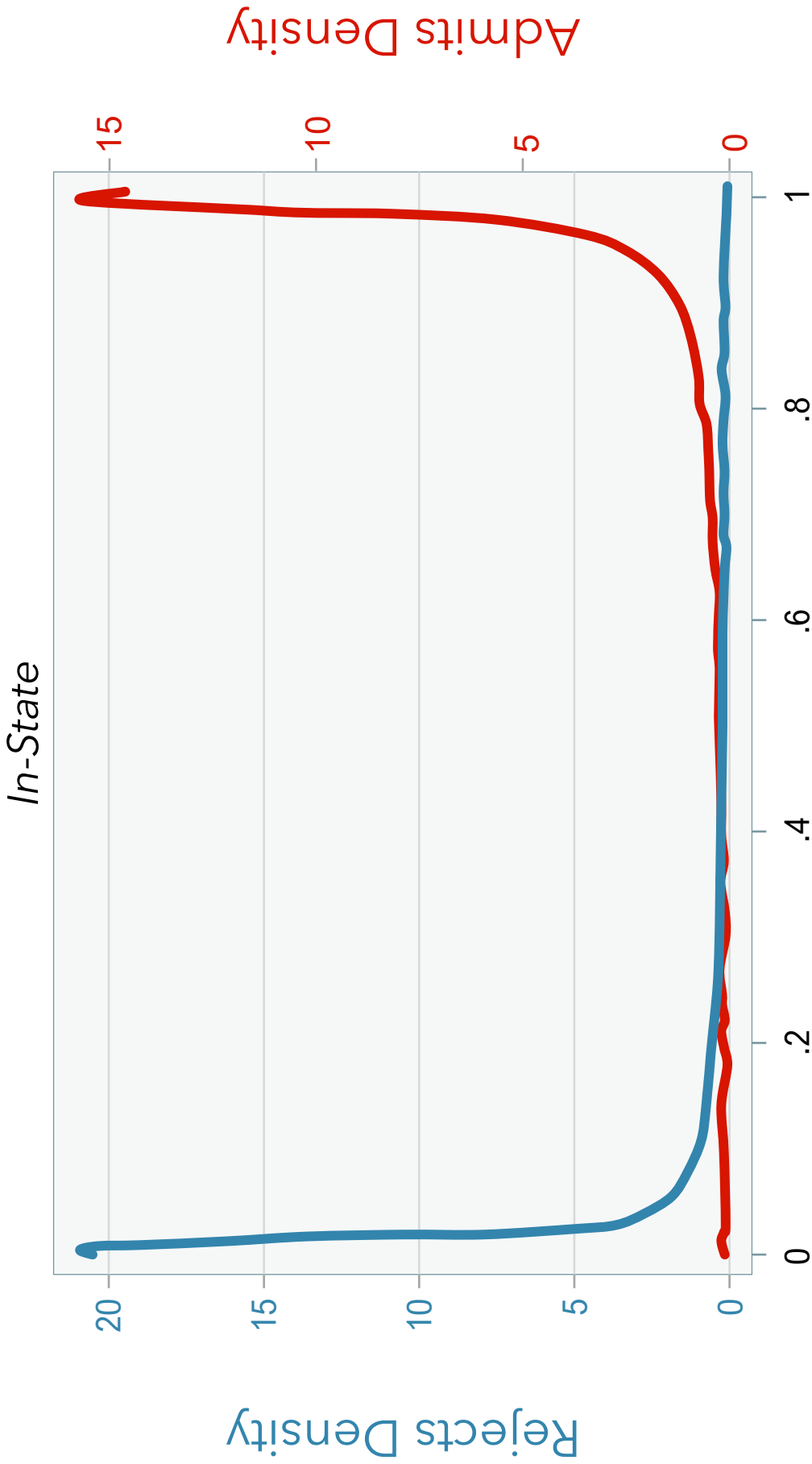
Accuracy of My Preferred Model for In-State Admissions

	Accuracy for Admits	Accuracy for Rejects	Overall Accuracy
Preferred Model	91.8%	92.5%	92.1%
Model with No Controls	48.1%	52.2%	50.2%

Distribution of Predicted Admit Probabilities for In-State Applicants



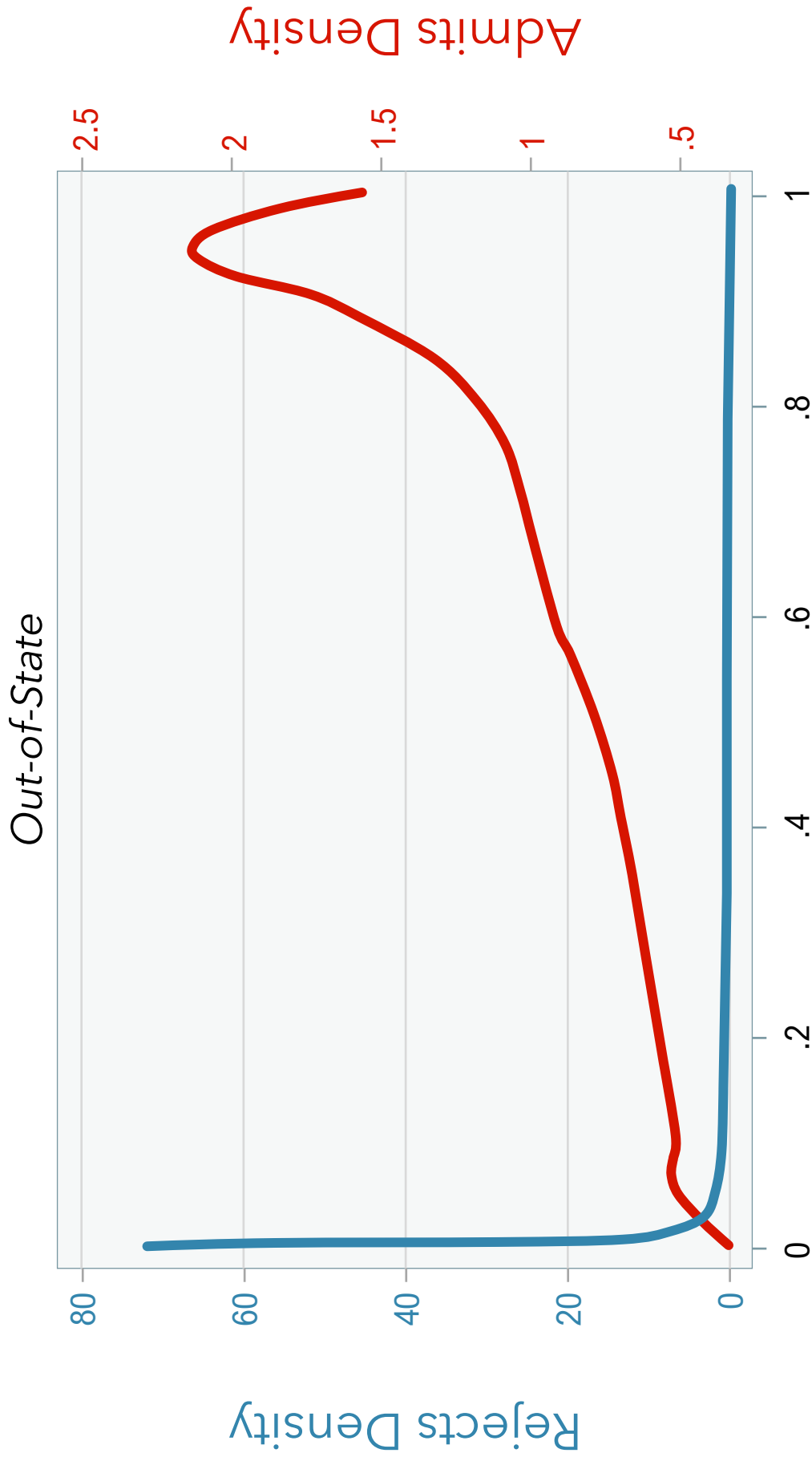
Distribution of Predicted Admit Probabilities Conditional on
Being Rejected or Admitted for In-State Applicants



Accuracy of My Preferred Model for Out-of-State Admissions

	Accuracy for Admits	Accuracy for Rejects	Overall Accuracy
Preferred Model	75.4%	96.1%	93.3%
Model with No Controls	13.9%	86.5%	76.7%

Distribution of Predicted Admit Probabilities Conditional on Being Rejected or Admitted for Out-of-State Applicants



Quantifying the Effect of UNC’s Racial Preferences

Transformational Analysis	
Average Marginal Effect	
Admitted URM's Analysis	
Capacity Constraints Analysis	

Transformational Analysis Methodology

- Consider someone with characteristics that would give them a 25% chance of being admitted.
- The admissions index according to the implicit formula, A , is given by:
$$\frac{\exp(A)}{1+\exp(A)} = 0.25$$
- In this case, $A = -1.098$
- We add to this the racial bump given by the coefficients of the model.
- For example, for an in-state white male who is not FGC, we can just add the African American coefficient: 3.542
- So if this applicant was treated as African American, his new admit probability would be:

$$\frac{\exp(-1.098+3.542)}{1+\exp(-1.098+3.542)} = 0.92$$

Transformational Analysis: Changing the Race of an Individual In-State Applicant

	Original Admit Probability	Admission probability if treated as African American	Admission probability if treated as Hispanic
White , Male, not FGC	10%	79.33%	44.92%
	25%	92.01%	70.98%
White , Female, not FGC	10%	70.59%	40.86%
	25%	87.80%	67.45%
White , Male, FGC	10%	57.88%	35.52%
	25%	80.48%	62.30%
White , Female FGC	10%	46.21%	31.81%
	25%	72.05%	58.33%

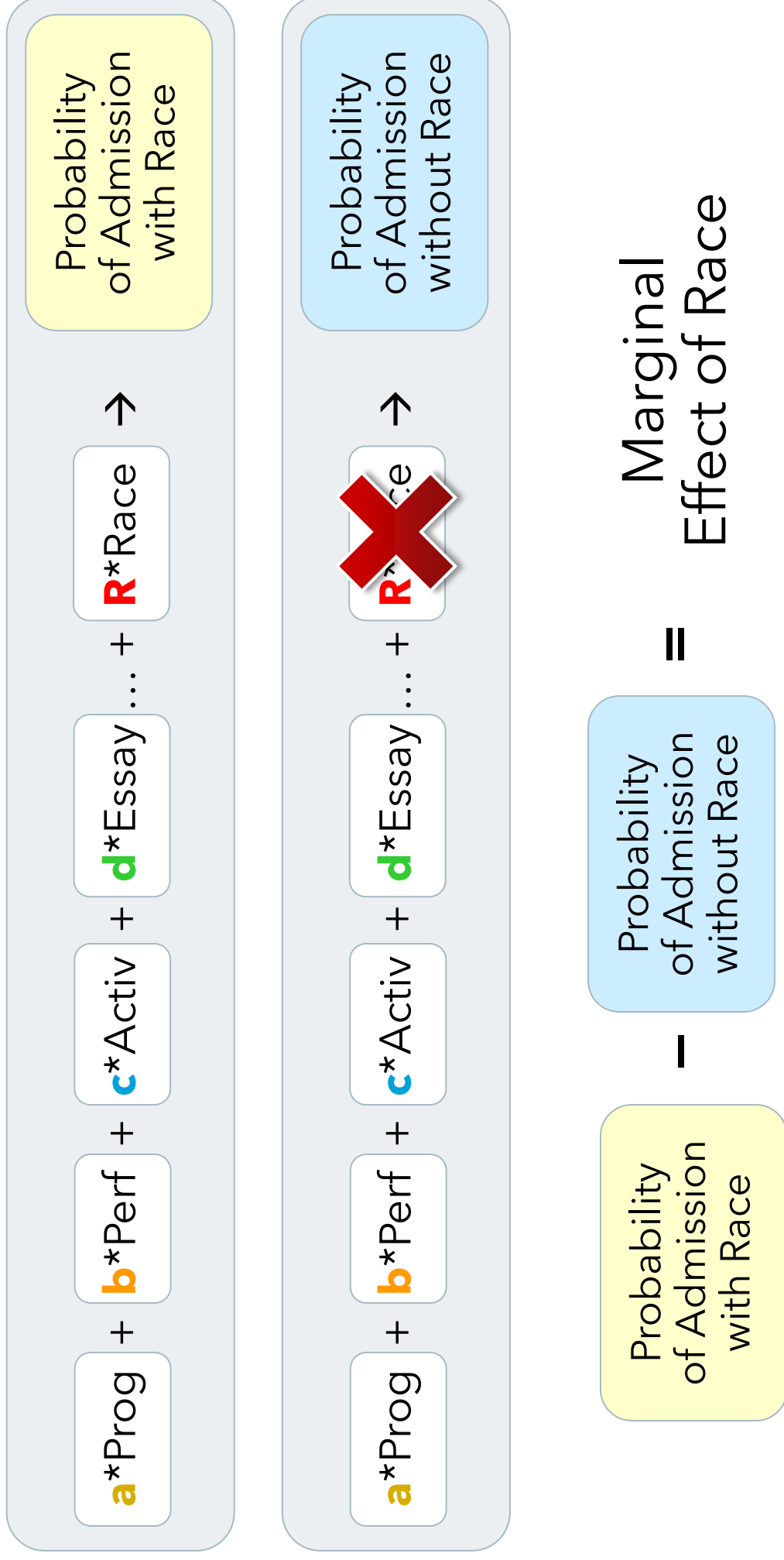
Transformational Analysis: Changing the Race of an Individual Out-of-State Applicant

	Original Admit Probability	Admission probability if treated as African American	Admission probability if treated as Hispanic
White , Male, not FGC	10%	98.14%	69.05%
	25%	99.37%	87.00%
White , Female, not FGC	10%	98.28%	76.13%
	25%	99.42%	90.54%
White , Male, FGC	10%	93.23%	45.43%
	25%	97.64%	71.41%
White , Female FGC	10%	93.72%	54.34%
	25%	97.81%	78.12%

Quantifying the Effect of UNC’s Racial Preferences

Transformational Analysis	✓
Average Marginal Effect	
Admitted URM's Analysis	
Capacity Constraints Analysis	

Average Marginal Effect



Average Marginal Effect

Average Admission Probability

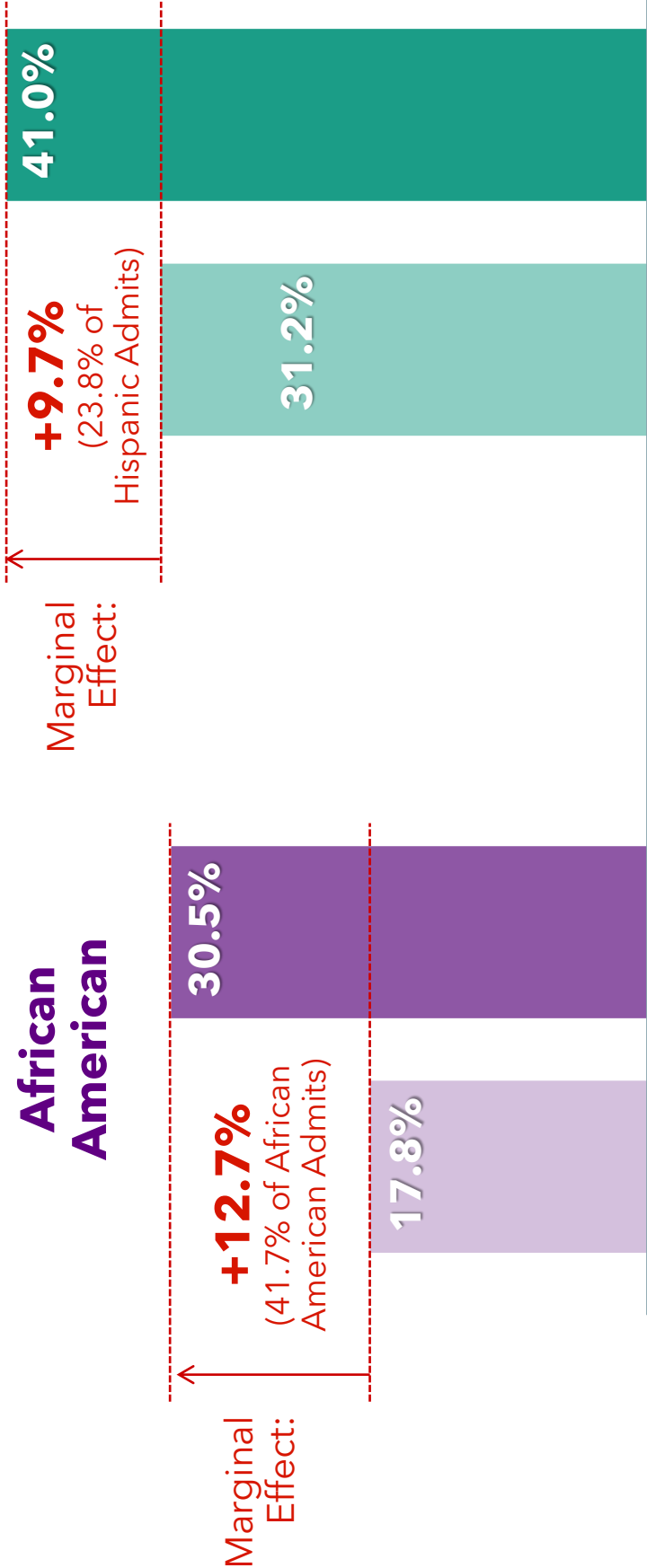
In-State	With Racial Preferences	Without Racial Preferences	Marginal Effect of Race
African American	30.5%	17.8%	12.7%
Hispanic	41.0%	31.2%	9.7%

Out-of-State

African American	17.1%	1.5%	15.6%
Hispanic	20.3%	6.0%	14.2%

Marginal Effect of Race/Ethnicity on Probability of Admission (In-State)

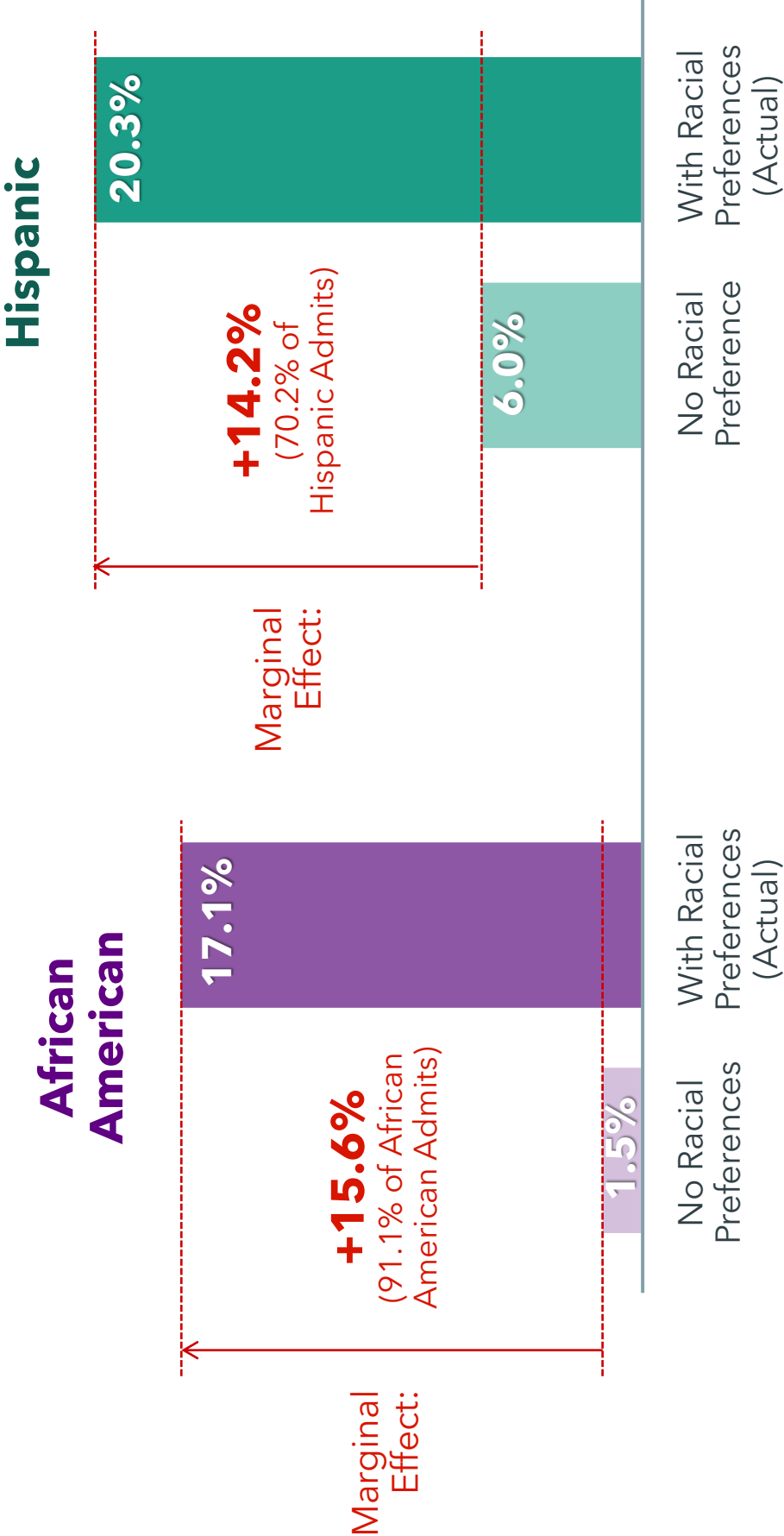
Hispanic



Arcidiacono Model 4

No Racial Preferences With Racial Preferences (Actual)

Marginal Effect of Race/Ethnicity on Probability of Admission (Out-of-State)



Racial Preferences by FGC Status

Average Admission Probability

In-State	With Racial Preferences	Without Racial Preferences	Marginal Effect of Race
African American non-FGC	33.4%	18.4%	14.9%
African American FGC	26.1%	16.9%	9.3%
Hispanic non-FGC	45.8%	34.7%	11.0%
Hispanic FGC	35.5%	27.2%	8.3%

Out-of-State

African American non-FGC	19.1%	1.6%	17.5%
African American FGC	11.9%	1.4%	10.5%
Hispanic non-FGC	22.1%	6.2%	15.9%
Hispanic FGC	13.7%	5.5%	8.2%

Quantifying the Effect of UNC’s Racial Preferences

Transformational Analysis	✓
Average Marginal Effect	✓
Admitted URM's Analysis	
Capacity Constraints Analysis	

Determining the Effect of Racial Preferences for Admitted URM's

- Goal is to determine the probability that a URM who was admitted with UNC's racial preferences in place would still have been admitted if they instead had been treated as a white applicant.
- We can find this probability using Bayes' Rule:

$$\begin{aligned}\Pr(\textit{Admit NoPref} | \textit{Admit Pref}) &= \frac{\Pr(\textit{Admit NoPref}, \textit{Admit Pref})}{\Pr(\textit{Admit Pref})} \\ &= \frac{\Pr(\textit{Admit NoPref})}{\Pr(\textit{Admit Pref})}\end{aligned}$$

Effect of Racial Preferences on Admitted Under-Represented Minorities

In-State Out-of-State

African American **African American**
Hispanic **Hispanic**

Average admit probability for previous admits

57.8% 75.8%

8.7% 29.2%

Share with greater than 50% drop

42.7% 21.9%

94.6% 78.4%

Quantifying the Effect of UNC’s Racial Preferences

Transformational Analysis	✓
Average Marginal Effect	✓
Admitted URM's Analysis	✓
Capacity Constraints Analysis	

Capacity Constraint Methodology

- UNC has a limited capacity of available spaces for admitted students.
- Without racial preferences, URM admission probabilities decrease, which means fewer of those spaces are filled.
- Accordingly, each applicant's probability of admission must be adjusted upwards in order to reach the same number of admitted applicants as in the data.
- This is accomplished by increasing each applicant's admission index by the same amount until the average probability of admission matches that in the data.

Capacity Constraints

Change in Number of In-State Students by Race

	White	Asian American	African American	Hispanic
Number of Admits	18,865	3,223	2,374	1,470
No Racial Preference	19,889	3,370	1,532	1,212
Difference	+1,024	+147	-842	-258

Capacity Constraints

Change in Number of Out-of-State Students by Race

	White	Asian American	African American	Hispanic
Number of Admits	6,954	2,698	1,605	1,821
No Racial Preference	8,878	3,260	208	738
Difference	+1,924	+562	-1,397	-1,083

Capacity Constraints

Change in Number Students Overall

	White	Asian American	African American	Hispanic
In-State	+1,024	+147	-842	-258
Out-of-State	+1,924	+562	-1,397	-1,083
TOTAL	+2,948	+709	-2,239	-1,341

Quantifying the Effect of UNC’s Racial Preferences

Transformational Analysis	✓
Average Marginal Effect	✓
Admitted URM's Analysis	✓
Capacity Constraints Analysis	✓

EXHIBIT 1 TABLE 1

Analyzing UNC's Admissions Process:
Race/Ethnicity as Additive Factors [1]
All UNC Applicants, 2013-14 to 2016-17

Row	Description of Specification [2]	R ²	Share of R ² due to combined test scores	Share of R ² due to race/ethnicity	Share of R ² due to variables other than race/ethnicity and combined test scores	(E)= (B) x (A)	(F)= (C) x (A)
(1)	SAT Combined, ACT Comp [3] [4]	0.121	93.2%	6.8%	-	11.3%	0.8%
(2)	(1) + SAT Subscores, ACT Subscores [3] [4] [5]	0.127	44.9%	7.0%	48.2%	5.7%	0.9%
(3)	(1) + Class Rank, GPA	0.254	33.0%	3.5%	63.5%	8.4%	0.9%
(4)	(3) + Sex	0.254	32.8%	3.5%	63.7%	8.3%	0.9%
(5)	(4) + NC Resident	0.364	29.3%	2.8%	67.9%	10.6%	1.0%
(6)	(5) + Min Coursework, HS Sport, Faculty / Staff Child	0.398	28.3%	2.8%	69.0%	11.3%	1.1%
(7)	(6) + Alum Parent, Early Action	0.406	27.5%	3.0%	69.6%	11.2%	1.2%
(8)	(7) + Parents' Education, Foreign Citizenship, Fee Waiver	0.409	26.9%	2.8%	70.2%	11.0%	1.2%
(9)	(8) + Within-School GPA Rank (SGR)	0.428	23.0%	2.8%	74.2%	9.8%	1.2%

Source: College Board; Connect Carolina; UNC Admissions Website

Note:

[1] This analysis uses Connect Carolina's pooled 2013-14 to 2016-17 data.

[2] Each specification includes race/ethnicity indicator variables.

[3] When a student has multiple SAT or ACT scores, the maximum subscores are utilized, both individually and in constructing the SAT combined score and the ACT comprehensive score.

[4] A new SAT test was introduced in 2016 and accepted during UNC's 2016-17 admissions cycle. UNC continues to accept the old SAT and the ACT. In the analysis here, new SAT scores are converted to old SAT scales. The new SAT math score is converted to the old SAT math scale using the 2008 College Board Concordance Conversion table. However, the new SAT verbal score can only be converted into the combined score of the old SAT reading and writing sections. An algorithm is used to determine the students' old SAT reading and writing subscores.

a) If the student only took the new SAT, the converted reading and writing scores are half the converted combined reading and writing score.

b) If the student took both the new SAT and the old SAT, then if the new converted SAT verbal score is less than the combined old reading and writing scores, the old scores are utilized. Otherwise, the difference between the new converted SAT verbal score and the combined old reading and writing scores (X) is added to the old reading score and the old writing score equally (X/2), unless this pushes an individual score over 800. In this case, this score is capped at 800 and the remaining amount of X is added to the other score. These adjusted old scores are then utilized.

[5] Both the SAT and ACT writing score are set to missing in 2016-17. In this admissions cycle, UNC stopped considering the writing section in the admissions process.

Professor McFadden on the Pseudo R Square Metric

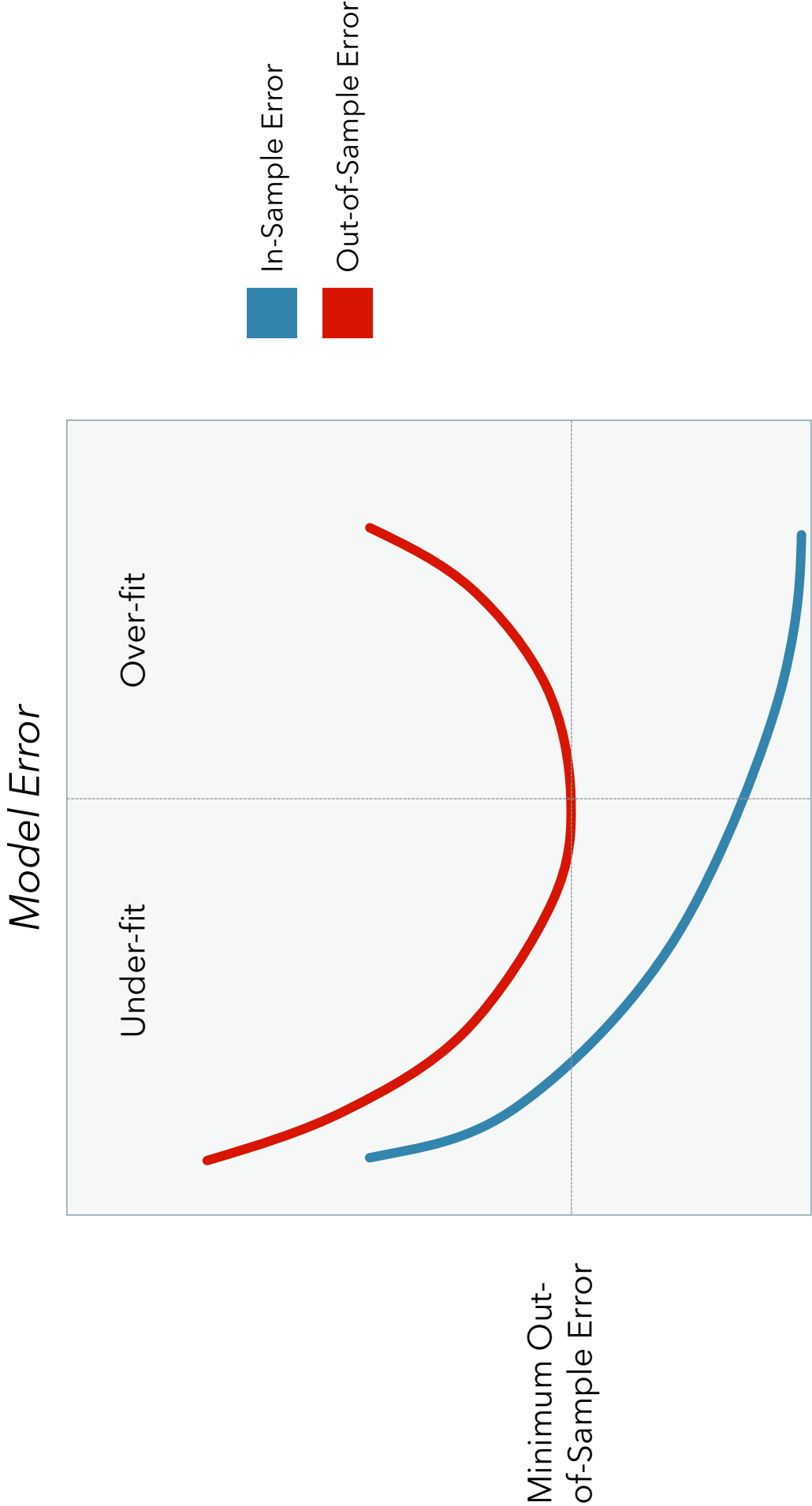
“Those unfamiliar with the ρ^2 index should be forewarned that its values tend to be considerably lower than those of the R^2 index and should not be judged by the standards for a ‘good fit’ in ordinary regression analysis. For example, values of 0.2 to 0.4 for ρ^2 represent an excellent fit.”

- D. McFadden, “Quantitative Methods for Analysing Travel Behavior: Some Recent Developments,” (Chapter 13 in Behavioral Travel Modeling, D.A. Hensher and P.R. Stopher, editors, Croom Helm Ltd., 1979.)

Hoxby Overfit Methodology

- 1.** Uses only 3 of the 6 years of UNC applicant data.
- 2.** Estimates the models on one year of data; tests out-of-sample accuracy on other two.
- 3.** Uses mean squared error (MSE) to quantify in-sample and out-of-sample error.
- 4.** Evaluates overfit by dividing out-of-sample MSE by in-sample MSE.

Model Error In and Out of Sample



Professor Hoxby’s Overfit Measures for All of Her Additive Models

Hoxby Model	Increase in MSE, Out-of-Sample Relative to In-Sample	In-Sample MSE	Out-of-Sample MSE
1	1.51%	0.169	0.171
2	3.58%	0.167	0.172
3	3.40%	0.135	0.139
4	3.40%	0.135	0.139
5	4.53%	0.109	0.114
6	4.92%	0.106	0.111
7	5.04%	0.105	0.110
8	5.50%	0.105	0.110
9	5.01%	0.101	0.106

Average Mean-Squared Error of Arcidiacono Models and Hoxby Model 9

Arcidiacono In-State	In-Sample		Out-of-Sample	
	Model 2	0.092	0.102	
	Model 3	0.056	0.074	
	Model 4	0.055	0.074	
	Model 5	0.056	0.075	
	Model 6	0.035	0.088	
Arcidiacono Out-of-State	Model 2	0.072	0.084	
	Model 3	0.046	0.063	
	Model 4	0.045	0.063	
	Model 5	0.061	0.077	
	Model 6	0.037	0.104	

Hoxby		
In-Sample	Out-of-Sample	
	Model 9	0.106

Out-of-Sample Accuracy for Arcidiacono Models and Hoxby Model 9

Arcidiacono In-State

Model 2	86.9%	87.9%	87.4%
Model 3	91.6%	92.2%	91.9%
Model 4	91.6%	92.2%	91.9%
Model 5	91.9%	91.9%	91.9%
Model 6	92.3%	92.4%	92.3%
Model 7	92.1%	91.8%	92.0%

Arcidiacono Out-of-State

Model 2	62.2%	94.1%	89.8%
Model 3	74.9%	96.0%	93.2%
Model 4	75.1%	96.0%	93.2%
Model 5	76.2%	95.3%	92.2%
Model 6	74.9%	93.6%	90.6%

Hoxby

Model 9	71.6%	89.9%	85.1%
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Accuracy for Admits Accuracy for Rejects Overall Accuracy

Including Special Recruiting Categories: Accuracy

	Pseudo R ²		Overall Accuracy	
	In-State	Out-of-State	In-State	Out-of-State
Model 3	0.715	0.584	91.8%	93.3%
Model 3 including specials	0.688	0.522	91.8%	92.1%
... plus special Indicator	0.732	0.640	92.4%	93.5%
Model 2	0.565	0.416	86.9%	89.7%
Model 2 including specials	0.556	0.352	87.3%	88.3%
... plus special Indicator	0.593	0.496	87.8%	90.1%

Including Special Recruiting Categories: Coefficients

Coefficient on African American

In-State Out-of-State

Model 3	2.85	5.85
Model 3 including specials	2.41	4.32
... plus special Indicator	2.82	5.66
Model 2	1.84	4.68
Model 2 including specials	1.72	3.75
... plus special Indicator	1.83	4.54

Coefficient on Hispanic

In-State Out-of-State

1.81	3.01
1.53	2.30
1.79	2.90
1.27	2.43
1.17	1.95
1.26	2.34

Methods of Imputing Missing GPA

Model

Interact Race
with Missing GPA

Alternative Method 1:

Assign Race-Specific Mean GPA

Alternative Method 2:

Linear Regression to Impute
Missing GPA (no race variables)

Comparison of High School GPA and Performance Rating by Race and Missing GPA Status

	Grade Point Average		In-State Performance Rating		Out-of-State Performance Rating	
	In-State	Out-of-State	GPA Present	GPA Missing	GPA Present	GPA Missing
White	4.43	4.15	7.01	7.27	7.47	7.59
Asian	4.47	4.17	6.56	7.54	7.17	7.33
African American	4.08	3.84	5.42	5.59	5.70	5.85
Hispanic	4.26	4.16	6.10	6.03	6.71	7.01

Average Marginal Effects of Race Under Alternative Imputation Procedures for Missing Performance Measures

Preferred

African American

In-State Out-of-State

30.5%	17.1%
17.8%	1.5%
12.7%	15.6%

Average Admission Probability with Racial Preferences

Average Admission Probability without Racial Preferences

Marginal Effect of Race

Impute 1

African American

In-State Out-of-State

30.5%	17.1%
17.4%	1.7%
13.2%	15.4%

Preferred

Hispanic

In-State Out-of-State

41.0%	20.3%
31.2%	6.0%
9.7%	14.2%

Average Admission Probability with Racial Preferences

Average Admission Probability without Racial Preferences

Marginal Effect of Race

Impute 2

African American

In-State Out-of-State

30.5%	17.1%
17.9%	2.0%
12.6%	15.1%

Impute 2

Hispanic

In-State Out-of-State

41.0%	20.3%
31.9%	6.3%
9.0%	13.9%

Average Marginal Effect of Race When Personal Quality Rating is Removed

African American

In-State Out-of-State

Average Admission with Racial Preferences	30.5%	17.0%
Probability without Racial Preferences	17.6%	1.4%
Marginal Effect of Race	12.9%	15.7%

Hispanic

In-State Out-of-State

	41.0%	20.2%
	30.9%	5.8%
	10.1%	14.5%

Average Marginal Effect of Racial Preferences: Hoxby Model 9

Average Admission Probability

With Racial Preferences	Without Racial Preferences	Marginal Effect Average
----------------------------	-------------------------------	----------------------------

24.3%	11.7%	12.6%
27.9%	16.6%	11.2%

African American

Hispanic

Effect of Racial Preferences on Admitted Under-Represented Minorities Under Hoxby Preferred Model

Average Admit Probability for Previous Admits
Share with greater than 50% drop

African American

In-State	Out-of-State
58.5%	32.4%
36.9%	84.9%

Hispanic

In-State	Out-of-State
73.9%	49.8%
12.7%	56.7%

Preferences African-American Applicants Received in Admissions Translated into SAT & GPA (as compared to white non-FGC)

		In-State		Out-of-State	
		SAT Points	GPA Points	SAT Points	GPA Points
Not FGC	Male	224	3.56	386	6.12
	Female	191	3.03	369	5.85
FGC	Male	249	3.94	414	6.56
	Female	216	3.42	397	6.29

*Class of 2019

Appendix B

Richard Kahlenberg

Workable Race Neutral Alternatives Available to UNC-Chapel Hill

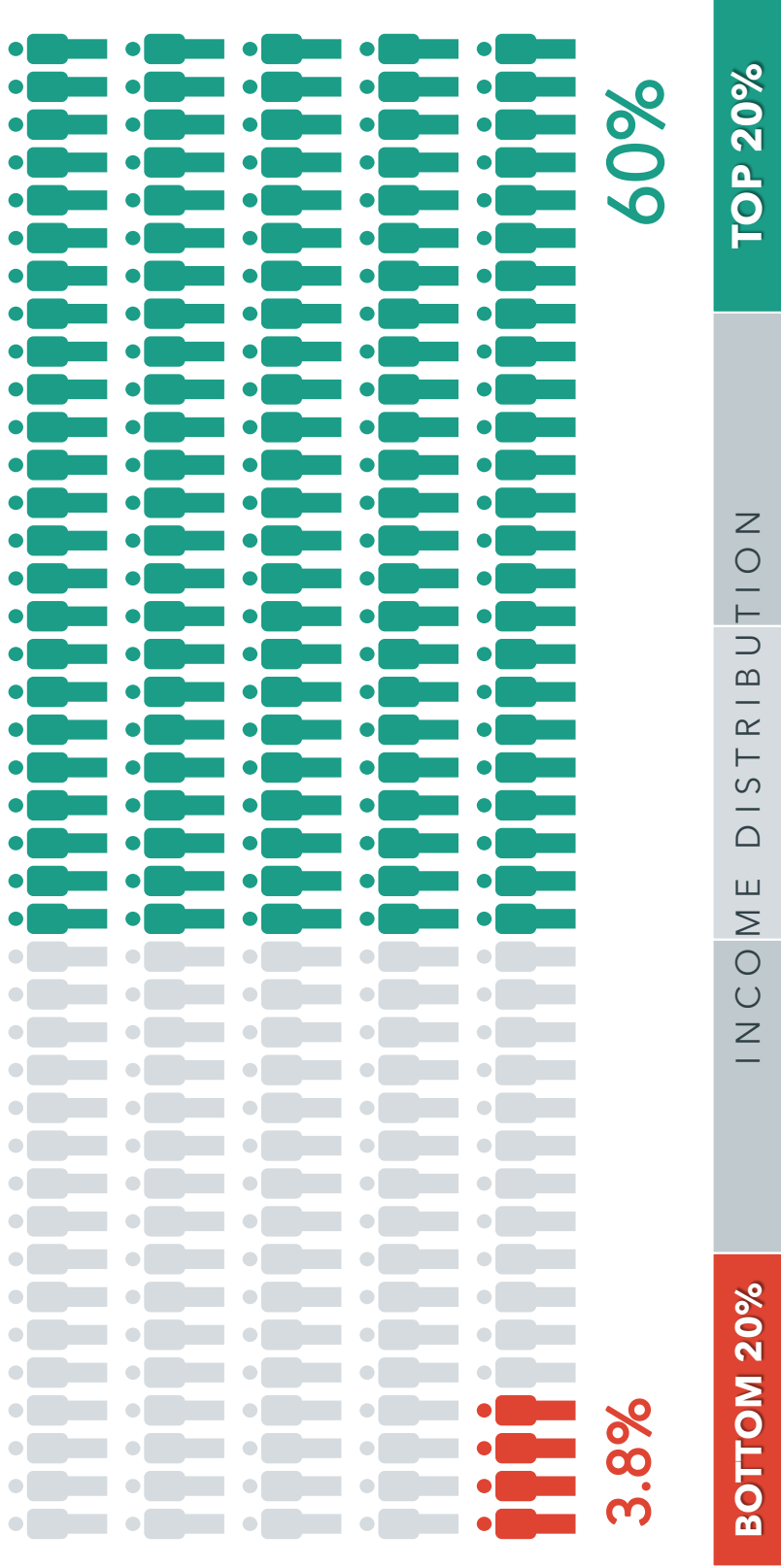
STUDENTS FOR FAIR ADMISSIONS, INC.

v.

UNIVERSITY OF NORTH CAROLINA, et al.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-00954-LCB-JLW

Socioeconomic Diversity at UNC



Source: Kahlenberg Opening Report 26

Socioeconomic Diversity at UNC



Median Household Income
of North Carolina Residents
\$53,764

Socioeconomic Diversity at UNC



Median Household Income
of North Carolina Residents
\$53,764



Median Family Income
of a U.N.C. Student
\$135,100

Socioeconomic Diversity at UNC

- UNC's data also show that the proportion of students who are first generation college students is just 17% for the first year students admitted for the fall of 2017, compared to 72% of North Carolina's adults who over the age of 25 lack a bachelor's degree.

Socioeconomic Diversity at UNC

- UNC has more legacy students than first generation, even though there are 451 times as many American adults without a college degree as adults in the world with a UNC degree.

UNC's Amicus Brief in *Fisher v. University of Texas-Austin* (2012)

- The analysis in UNC's amicus brief ignored the increase in racial diversity at expense of a limited academic decline.

Working Group on Race-Neutral Alternatives (Polk Committee)

- Department of Education's Office of Civil Rights (OCR) required UNC to complete new race-neutral analysis by September 30, 2013. But UNC did not do so until February 25, 2016—about two and half years later.
- UNC wrongly declared that an alternative would not be viable unless it would "maintain" or "increase" racial diversity—meaning it would produce a "greater or equal percentage" of URM's—and "maintain or increase" academic quality as opposed to Supreme Court's guidance of working "about as well."
- UNC had no guidelines for what levels of diversity are required to achieve the educational benefits of diversity or critical mass.
- The report's literature review was limited, and UNC failed to update it after a former OCR official suggested that UNC add more to it.
- There was no baseline analysis of how important race is in admissions, even though UNC had done so for gender, early decision, and legacy status.
- **UNC failed to consider a broad range and combinations of RNAs. Remarkably, UNC did no analysis of socioeconomic preferences.**

Committee on Race-Neutral Strategies (Panter Committee)

- UNC formed a successor to the Working Group to examine race-neutral alternatives after SFFA filed this lawsuit.
- The Committee has done very little in the ensuing years, conducting only a preliminary analysis with no actual conclusions on the workability of race-neutral alternatives.
- As of December 4, 2018—nearly a year after expert reports were submitted in this case—the Subcommittee on Data Analytics had not reviewed my expert reports demonstrating the feasibility of race-neutral alternatives, and it had no specific plan for when it would do so.

About Simulation 3: Holistic SES Race-Neutral Admissions

- Uses data from UNC's own admissions process—meaning it includes all of UNC's ratings and other information like SAT scores that it actually uses today in its holistic process, including:
 1. The rigor of the academic program
 2. Student performance (GPA and whether improving)
 3. Extracurricular activities
 4. Essay; and
 5. Personal qualities

About Simulation 3: Holistic SES Race-Neutral Admissions

- Turned off the existing preferences for race, gender, early action, or being a legacy.
- Turned off the existing boosts that UNC gives for first generation college students and students who ask to waive their application fees.
- Turned athletic preferences back on.

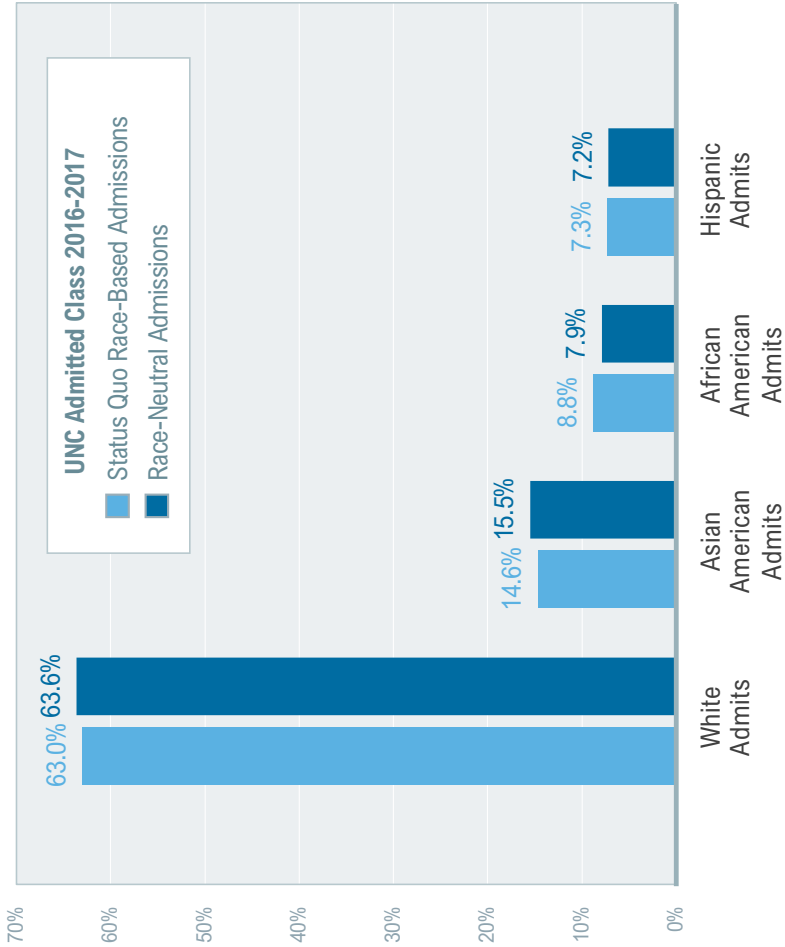
Simulation 3's Socioeconomic Preferences

1. Students who themselves come from disadvantaged families: (A) first generation college; (B) fee waiver; or (C) eligibility for free and reduced priced lunch at in-state public schools;
 2. Students who come from socioeconomically disadvantaged neighborhoods.
- ⇒ Each applicant who falls in one of these categories got a boost per category of equivalent to the legacy preference given for out of state students.

Simulation 3

Race-Neutral Admissions with Socioeconomic Preferences (In-State and Out-of-State High Schools)

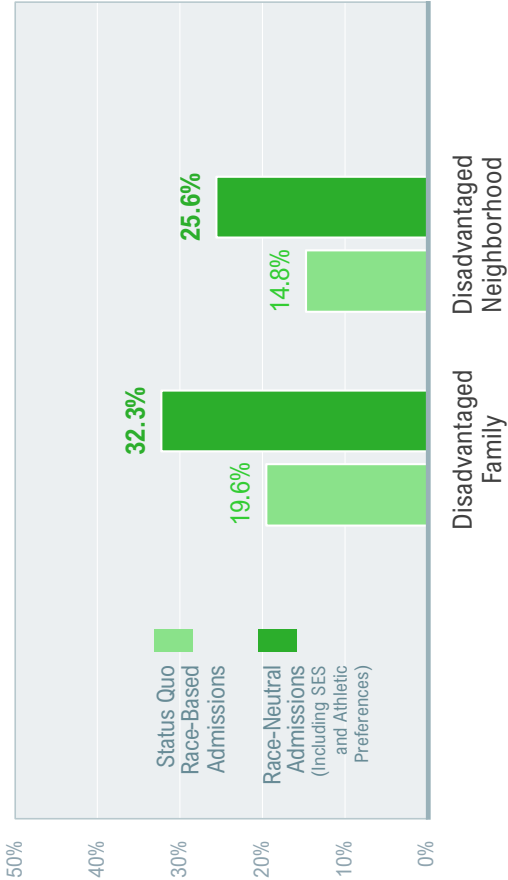
Racial/Ethnic Diversity



Academic Characteristics

	SAT Score	H.S. GPA
Status Quo	1335 (92/93%)	4.71
Simulation	1320 (91%)	4.69

Socioeconomic Diversity



Source: Kahlenberg Expert Report 70, Appendix Table C.2

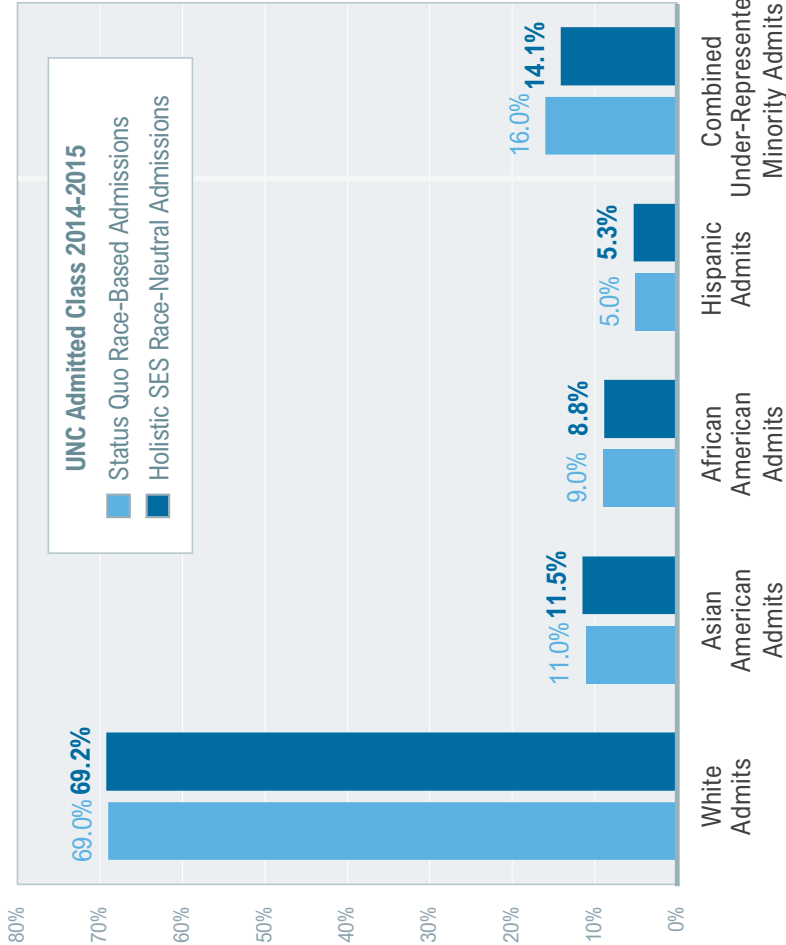
Simulation 13's Refinements to Simulation 3's Socioeconomic Preferences

Simulation 13

1. Students who themselves come from disadvantaged families: (A) first generation college; (B) fee waiver; or (C) eligibility for free and reduced priced lunch at in-state public schools;
 2. Students who come from socioeconomically disadvantaged neighborhoods;
 3. Students who come from socioeconomically disadvantaged high schools
 - Highest (1/3) percentages of free and reduced lunch, **OR**
 - Highest (1/3) percentages of non-English speaking population, **OR**
 - Highest (1/3) percentages of single-parent families from Census block.
- ⇒ Each applicant who falls in one of these categories got a boost per category of equivalent to the legacy preference given for out of state students.
- ⇒ Turn off preference for children of faculty & staff in addition to prior removed preferences.
- ⇒ In-state applicants

Simulation 13 Holistic SES Race-Neutral Admissions (In-State Public & Private High Schools)

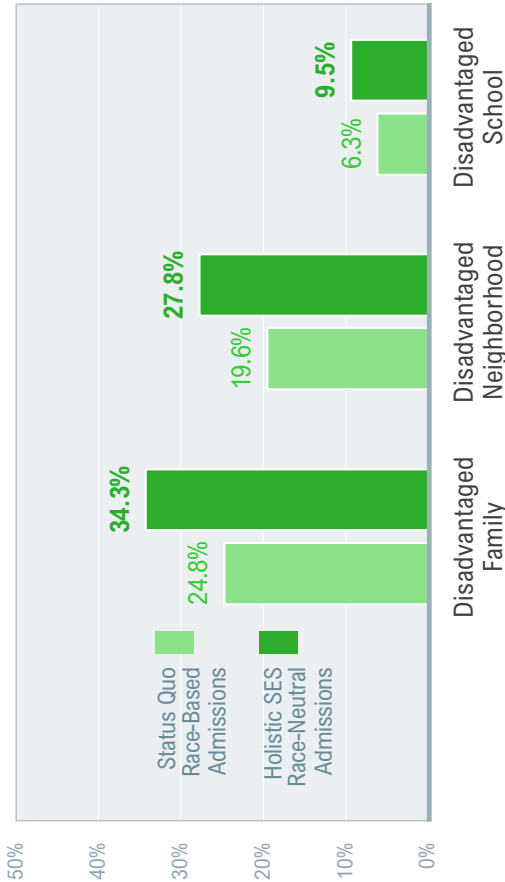
Racial/Ethnic Diversity



Academic Characteristics

	SAT Score (%)	H.S. GPA
Status Quo	1311 (90/91%)	4.67
Simulation	1294 (89/90%)	4.66

Socioeconomic Diversity



Source: Kahlenberg Reply Report Appendix Simulations 8, 13

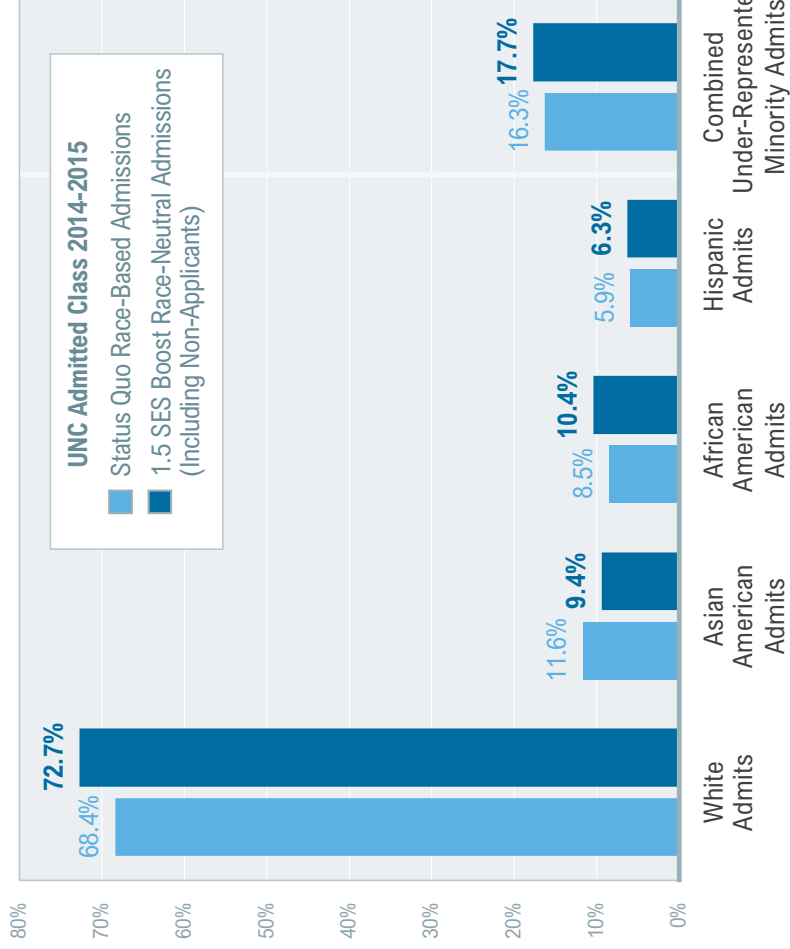
About Simulation 11: 1.5 SES Boost Race-Neutral Admissions

- Based on the same Arcidiacono model, but it makes some adjustments.
 1. It includes not only those students who applied to UNC but also other potential applicants, using the same high school data that Prof. Hoxby used.
 2. Does not include UNC holistic ratings, but can the other race-neutral criteria in the model that matter to UNC, like SATs, grades, etc.
 3. Provided a boost for each of these SES categories which is only about 1/3 as large as the out of state legacy boost.

Simulation 11

1.5 SES Boost Race-Neutral Admissions (Including Non-Applicants; In-State Public Schools)

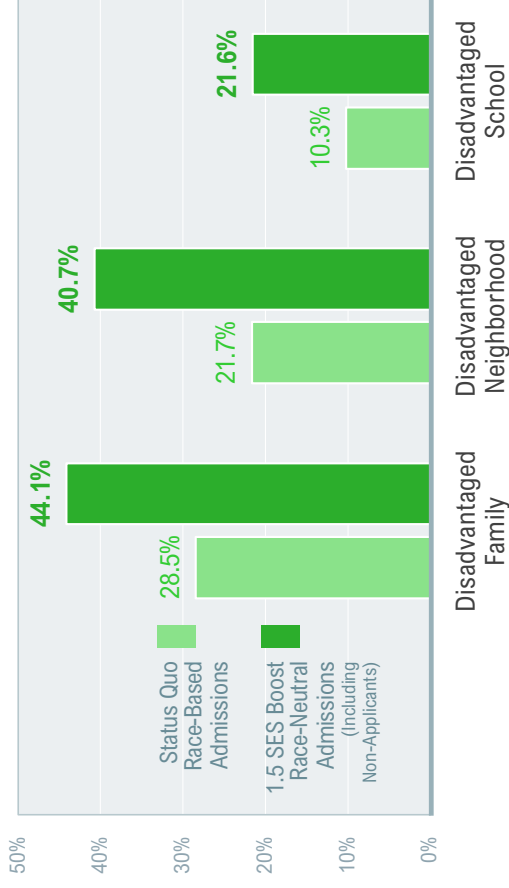
Racial/Ethnic Diversity



Academic Characteristics

	SAT Score (%)	H.S. GPA
Status Quo	1305 (90%)	4.73
Simulation	1279 (87/88%)	4.82

Socioeconomic Diversity



Source: Kahlenberg Reply Report Appendix Simulation 11

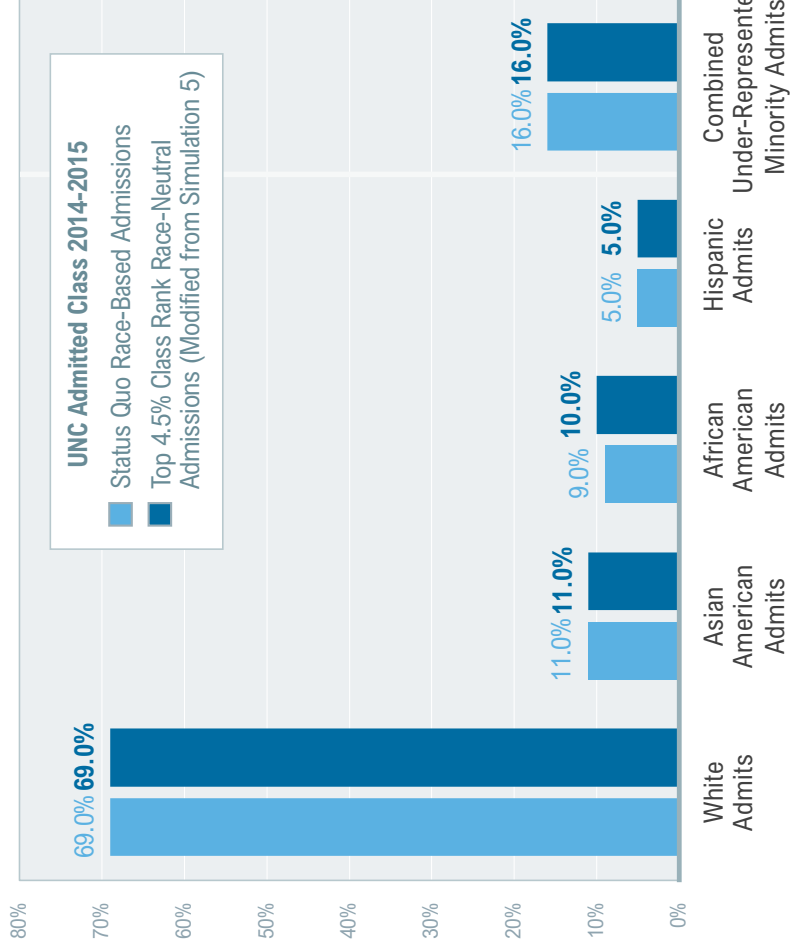
About Simulation 8: Top 4.5% Holistic Race-Neutral Admissions

- Based on top percentage plan.
- Uses UNC's current applicant pool (includes ratings) but turns off the same preferences as before (*race, legacy, early decision, first generation status, fee waiver, and female applicants.*).
- Missing seats because not all the top students from every high school applied.
 - Filled the remaining seats with the top remaining students.
 - Similar to UT's plan.

Simulation 8

Top 4.5% Holistic Race-Neutral Admissions (In-State Public/Private Schools)

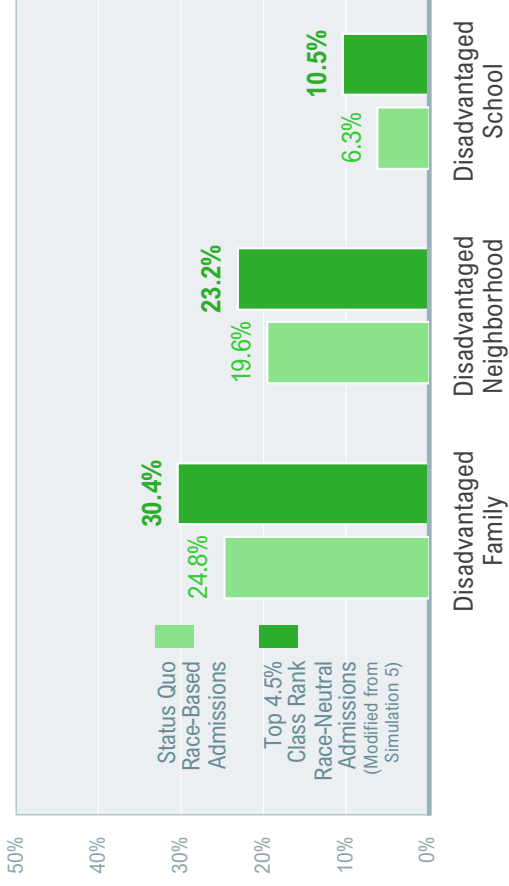
Racial/Ethnic Diversity



Academic Characteristics

	SAT Score (%)	H.S. GPA
Status Quo	1311 (90/91%)	4.67
Simulation	1280 (88%)	4.61

Socioeconomic Diversity



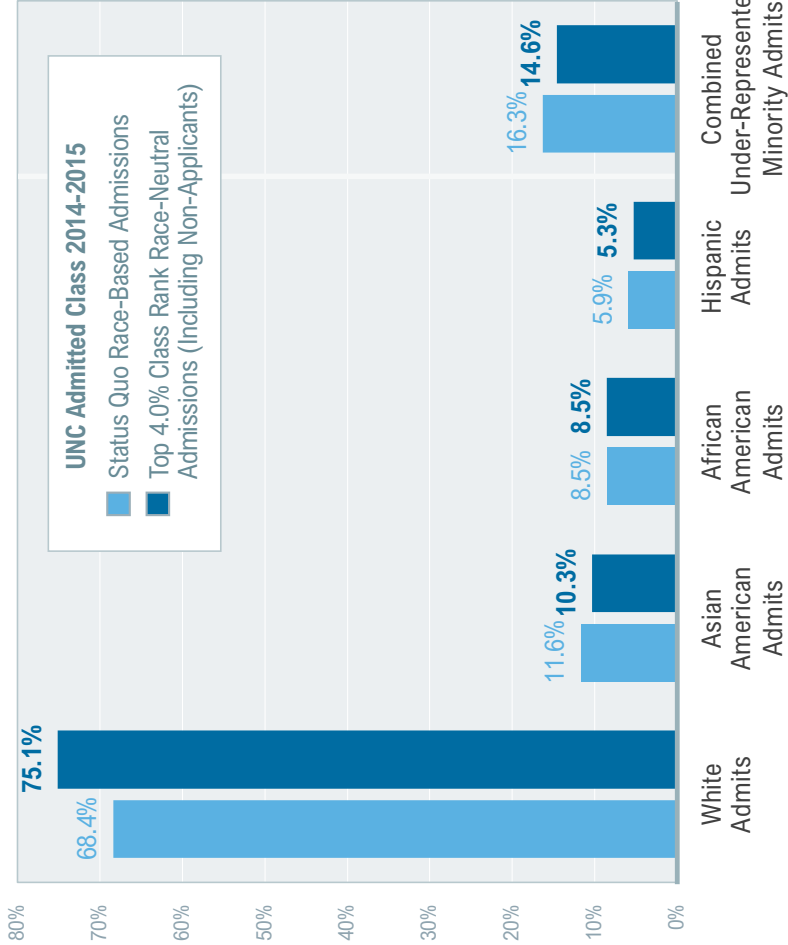
About Simulation 9: Top 4.0% Class Rank Race-Neutral Admissions

- Similar to Simulation 8, but includes non-applicants.
- Because we don't have UNC's ratings for all of the students in this larger data set, we awarded admission to the top 4% by high school. We filled about 75% of the class this way, similar to UT's plan.
- We filled the remaining 25% with other top performing students.

Simulation 9

Top 4.0% Class Rank Race-Neutral Admissions (Including Non-Applicants; In-State Public Schools)

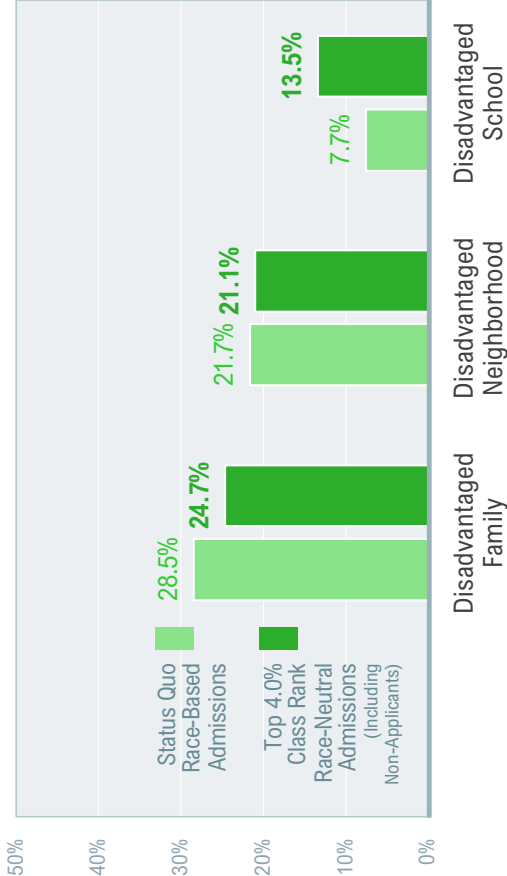
Racial/Ethnic Diversity



Academic Characteristics

	SAT Score (%)	H.S. GPA
Status Quo	1305 (90%)	4.73
Simulation	1292 (89/90%)	4.88

Socioeconomic Diversity



Hoxby 750/20 Simulation Adjustments

- Hoxby ran a variety of SES preferences and admitted a particular number of disadvantaged students before completing the class with non-disadvantaged applicants who UNC actually admitted
 1. One model set aside 750 seats for disadvantaged admits;
 2. Disadvantaged was the lowest 20% of the criteria using a formula that includes family, neighborhood, and school SES.

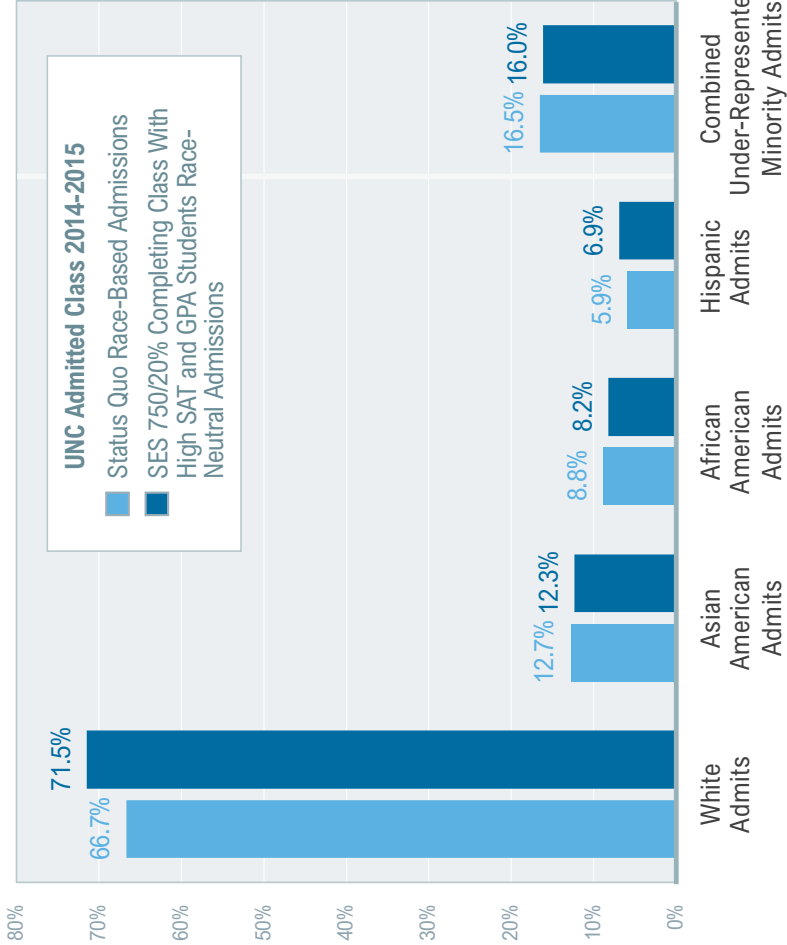
Adjustments made:

- ⇒ Because Hoxby used *actual* UNC admits to complete the class, her system was not race-neutral.
- ⇒ As a result, we completed the class by using the most academically qualified students remaining, using GPA and SAT (equally weighted) for in-state public high school students in NCERDC.

Modified Hoxby Simulation

SES 750/20% Completing Class With High SAT and GPA Students (In-State Public Schools)

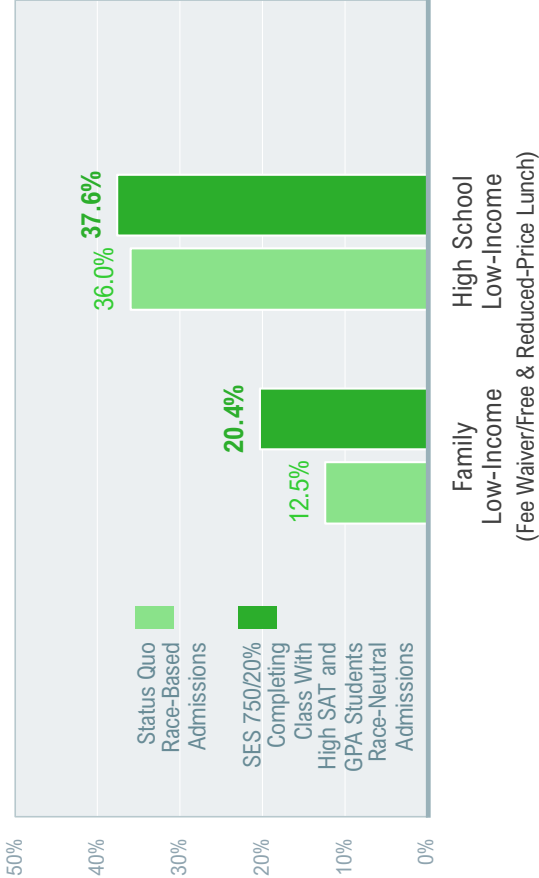
Racial/Ethnic Diversity



Academic Characteristics

	SAT Score (%)	H.S. GPA
Status Quo	1330 (92%)	4.75
Simulation	1303 (90%)	4.63

Socioeconomic Diversity



Other Race-Neutral Strategies Available
That Are Not Factored Into Simulations

1.

Use of
Wealth Data

2.

Better Recruitment
of Applicants
(for Simulations
3, 13, and 8)

3.

More Community
College Transfers



EXHIBIT A

Caroline Hoxby, Ph.D.

Direct Examination Demonstratives

SFFA v. UNC et al., Case No. 14-cv-954 (MDNC)

Caroline Hoxby, Ph.D.



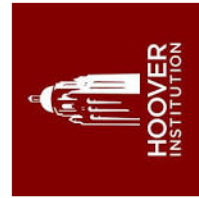
Scott and Donya Bommer
Professor in Economics
Stanford University (2007 – Present)



Program Director
Economics of Education Program
National Bureau of Economic Research



Senior Fellow
Hoover Institution



Senior Fellow
Stanford Institute for Economic Policy Research

Previous Employment at Harvard University:
Harvard College Professor (2005-2007)



Allie S. Freed Professor of Economics (2001-2007)
Assistant / Associate Professor (1994-2000)

EDUCATION

Ph.D., Economics
Massachusetts Institute of Technology (May 1994)
M.Phil., Economics
University of Oxford (June 1990)
A.B. summa cum laude, Economics
Harvard University (June 1988)



Questions Posed



Assess SFFA's allegations regarding UNC's admissions process, including the allegation that race and ethnicity is a dominant factor in the process.



Consider potential race-neutral alternatives to determine whether they can attain the levels of racial and ethnic diversity and academic preparedness achieved through UNC's current race-conscious admissions practice.



Respond to the opinions of Peter Arcidiacono and Richard Kahlenberg.

Opinions Reached

1

Empirical analysis establishes that UNC's admissions decisions are holistic and cannot be explained using a formula containing verifiable student characteristics.

Race / ethnicity is not a dominant factor in the admissions process at UNC.

2

Exhaustive simulations resulted in no race-neutral admissions policy that would allow UNC to attain the levels of academic preparedness and underrepresented minority representation of its actual entering class, even when those simulations are built on generous assumptions to maximize their chances of attaining the actual levels.

Opinions Reached

1

Empirical analysis establishes that UNC's admissions decisions are holistic and cannot be explained using a formula containing verifiable student characteristics.

Race / ethnicity is not a dominant factor in the admissions process at UNC.

2

Exhaustive simulations resulted in no race-neutral admissions policy that would allow UNC to attain the levels of academic preparedness and underrepresented minority representation of its actual entering class, even when those simulations are built on generous assumptions to maximize their chances of attaining the actual levels.

UNC Admissions Regression Models

Row	Description of Specification [2]	R ²
(1)	SAT Combined, ACT Comp [3] [4]	0.121
(2)	(1) + SAT Subscores, ACT Subscores [3] [4] [5]	0.127
(3)	(1) + Class Rank, GPA	0.254
(4)	(3) + Sex	0.254
(5)	(4) + NC Resident	0.364
(6)	(5) + Min Coursework, HS Sport, Faculty / Staff Child	0.398
(7)	(6) + Alum Parent, Early Action	0.406
(8)	(7) + Parents' Education, Foreign Citizenship, Fee Waiver	0.409
(9)	(8) + Within-School GPA Rank (SGR)	0.428

DX 110.1 – Opening Report Ex 1, Table 1

R² versus Pseudo-R²

Professor McFadden on the Pseudo R Square Metric

“Those unfamiliar with the ρ^2 index should be forewarned that its values tend to be considerably lower than those of the R^2 index and should not be judged by the standards for a ‘good fit’ in ordinary regression analysis. For example, values of 0.2 to 0.4 for ρ^2 represent an excellent fit.”

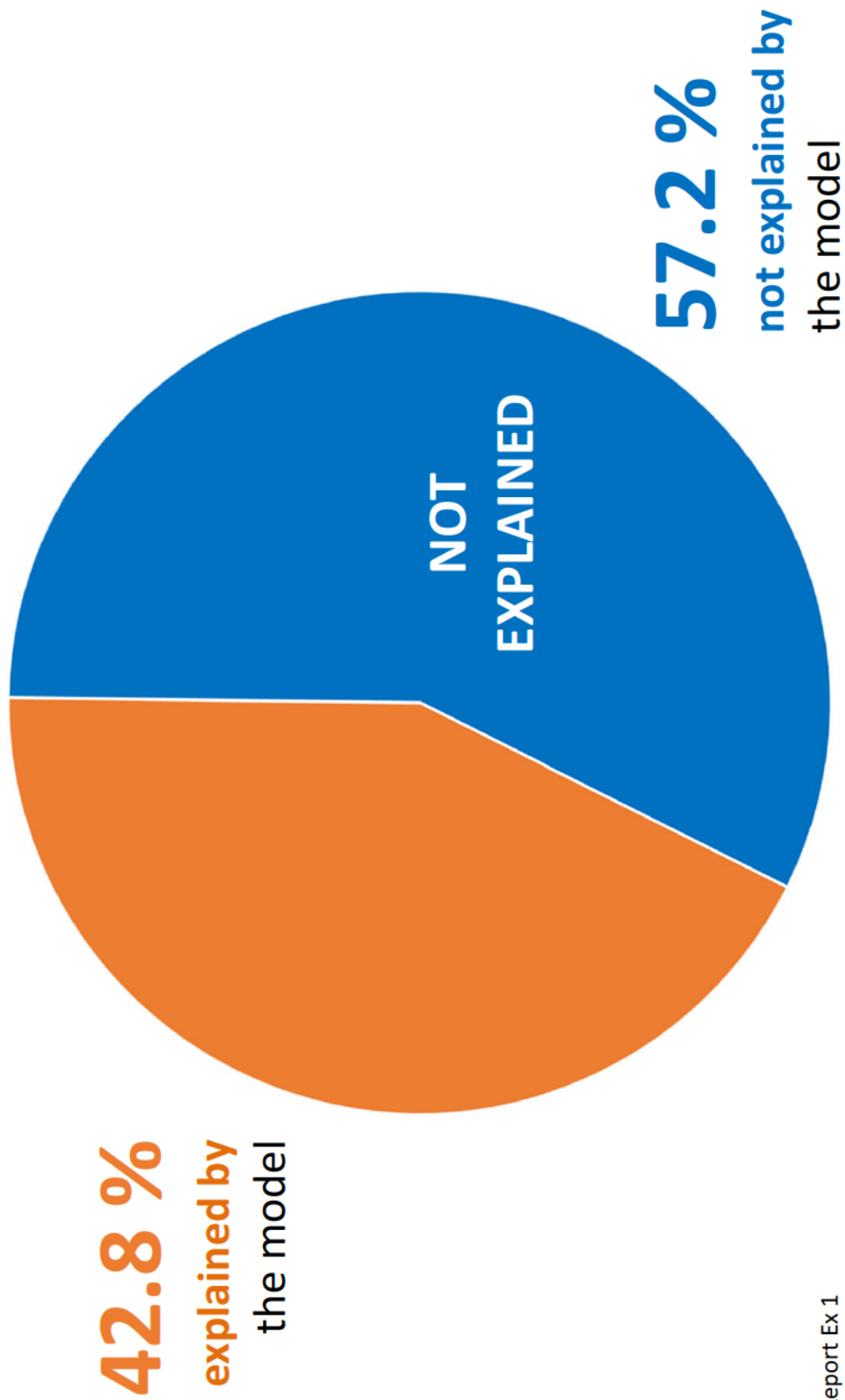
- D. McFadden, “Quantitative Methods for Analysing Travel Behavior: Some Recent Developments,” (Chapter 13 in Behavioral Travel Modeling, D.A. Hensher and P.R. Stopher, editors, Croom Helm Ltd., 1979.)

Arcidiacono Slide 51

- Both R^2 and Pseudo- R^2 are indices on a scale from 0 to 100%. McFadden designed Pseudo- R^2 to be as analogous as possible to R^2 (linear models). Pseudo- R^2 is for non-linear models.
- Arcidiacono's reference to McFadden is misleading because, in the article, McFadden is considering a multinomial (more than two possible outcomes) model. The more choices available, the more difficult it is to model choices. We judge Pseudo- R^2 by more generous standards when there are more choices.
- UNC's admit/reject decision is a *binary* (yes/no) choice, not a choice among several alternatives, so Arcidiacono's critique is misplaced.

UNC's Admissions Process is Holistic

PROBABILITY OF OBSERVED ADMISSIONS DECISIONS



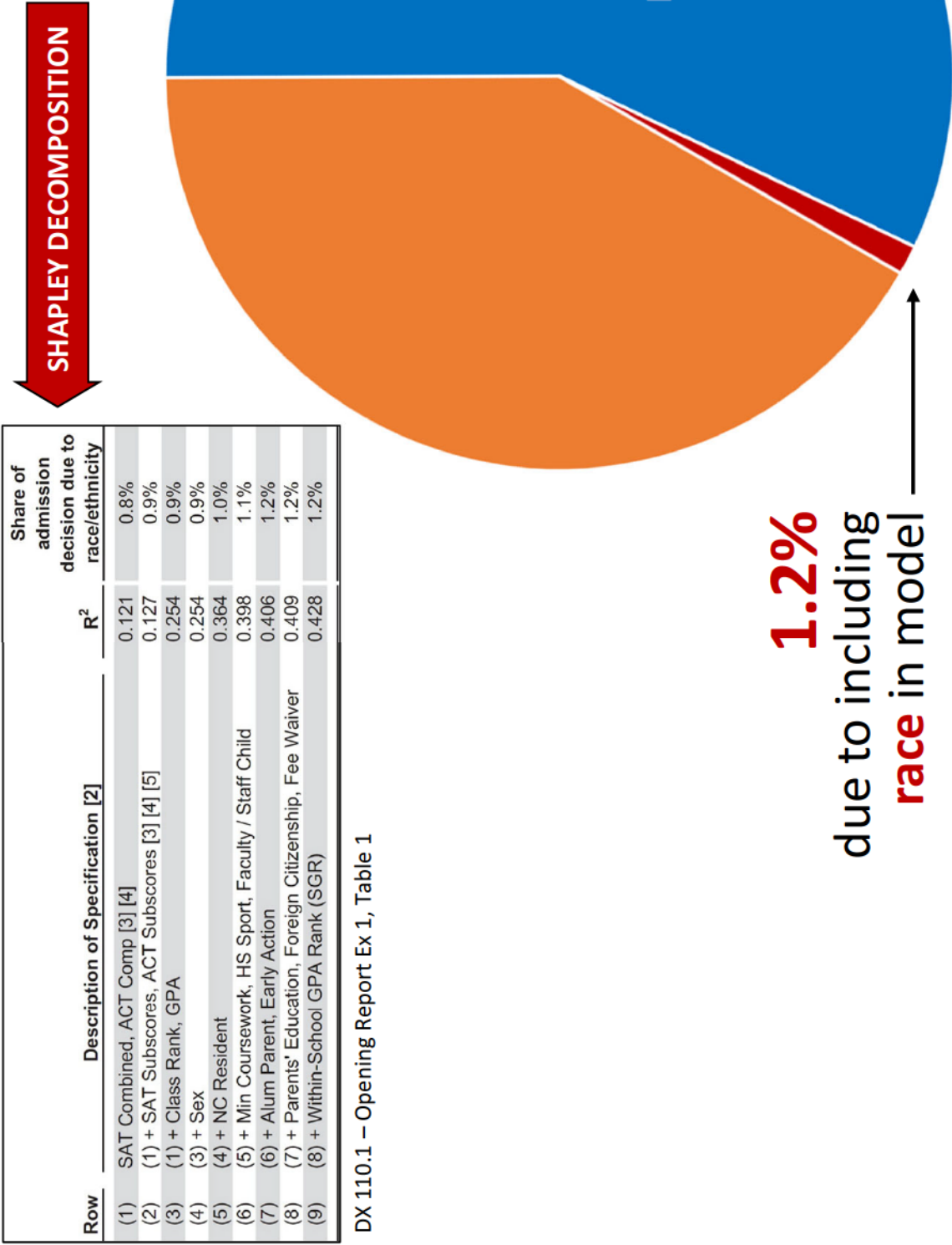
Source:
DX 110.1
Opening Report Ex 1
Table 1

Shapley Decomposition

Economists have devised an econometric method designed to answer questions just like the one presented in this case: how to assess the role of various factors in admissions decisions. The optimal econometric method is known as a “Shapley Decomposition.”

The Shapley Decomposition permits an economist to assess a model that has multiple factors where you seek to explain an outcome attributable to a factor or sub-group of factors.

The Contribution of Race to the Model

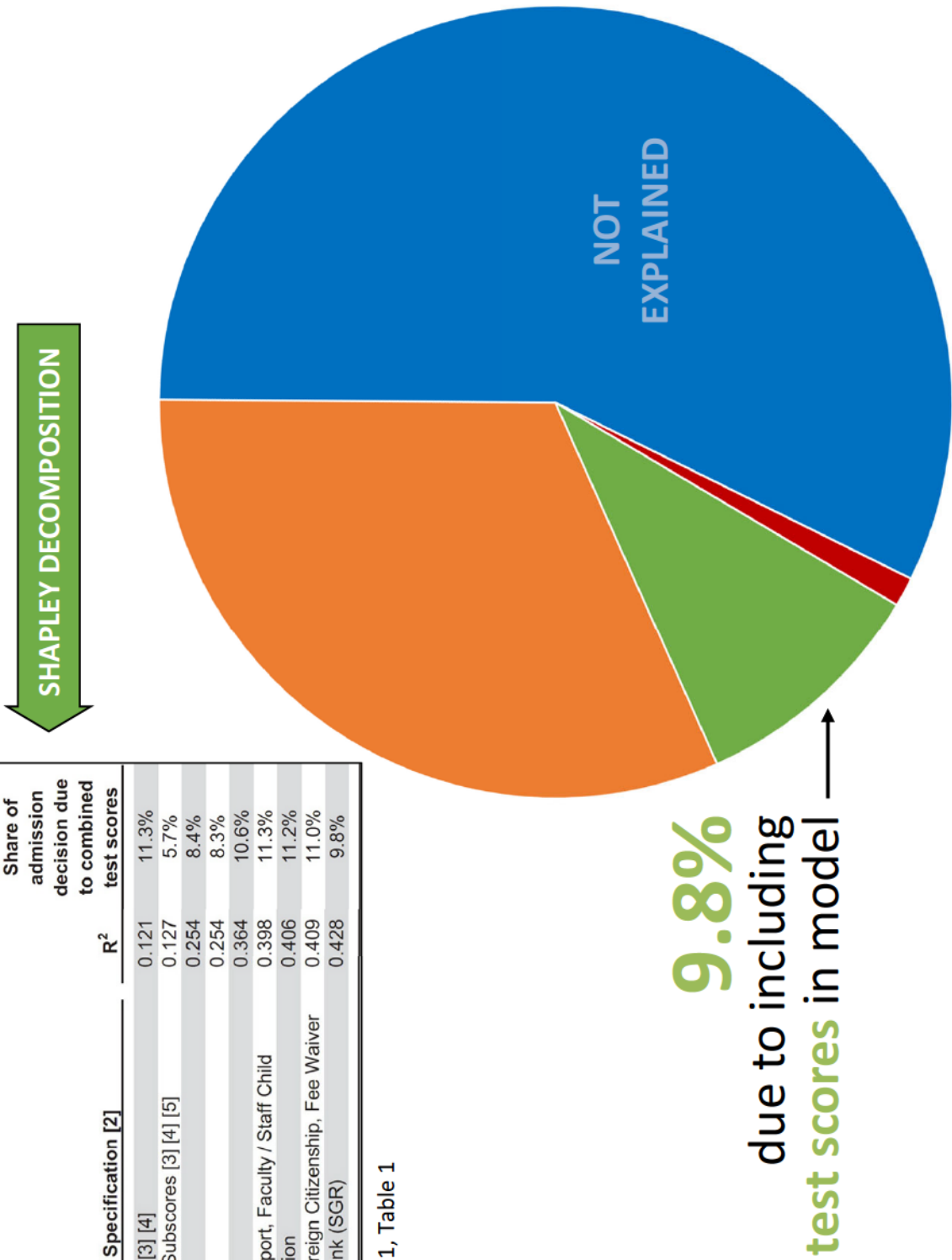


DX 110.1 – Opening Report Ex 1, Table 1

The Contribution of Test Scores to the Model

Row	Description of Specification [2]	R ²	Share of admission decision due to combined test scores
(1)	SAT Combined, ACT Comp [3] [4]	0.121	11.3%
(2)	(1) + SAT Subscores, ACT Subscores [3] [4] [5]	0.127	5.7%
(3)	(1) + Class Rank, GPA	0.254	8.4%
(4)	(3) + Sex	0.254	8.3%
(5)	(4) + NC Resident	0.364	10.6%
(6)	(5) + Min Coursework, HS Sport, Faculty / Staff Child	0.398	11.3%
(7)	(6) + Alum Parent, Early Action	0.406	11.2%
(8)	(7) + Parents' Education, Foreign Citizenship, Fee Waiver	0.409	11.0%
(9)	(8) + Within-School GPA Rank (SGR)	0.428	9.8%

DX 110.1 – Opening Report Ex 1, Table 1



Testing Alternative Models Confirms That Race Is Not A Dominant Factor In Admissions Decisions

Separating In-State and Out-of-State

DX 112.4 – Reply Report Ex 4, Table 1

IN-STATE	OUT-OF-STATE
Race: 1.2%	Race: 5.1%
Test Scores: 14.9%	Test Scores: 18.9%

Including UNC Ratings Variables

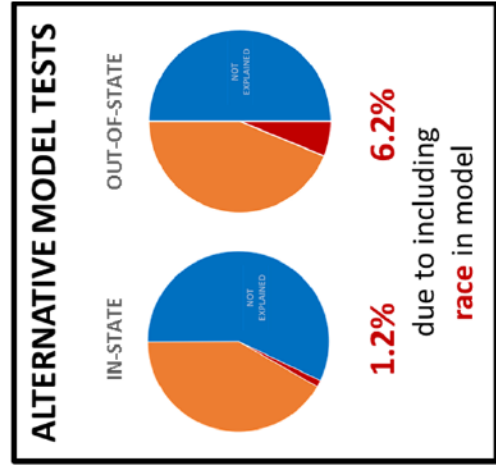
DX 112.4 – Reply Report Ex 4, Table 1

IN-STATE	OUT-OF-STATE
Race: 1.6%	Race: 6.2%
Test Scores: 14.2%	Test Scores: 14.7%

Multiplicative Variables

DX 110.1 – Opening Report Ex 1, Table 2

Race: **5.6%**



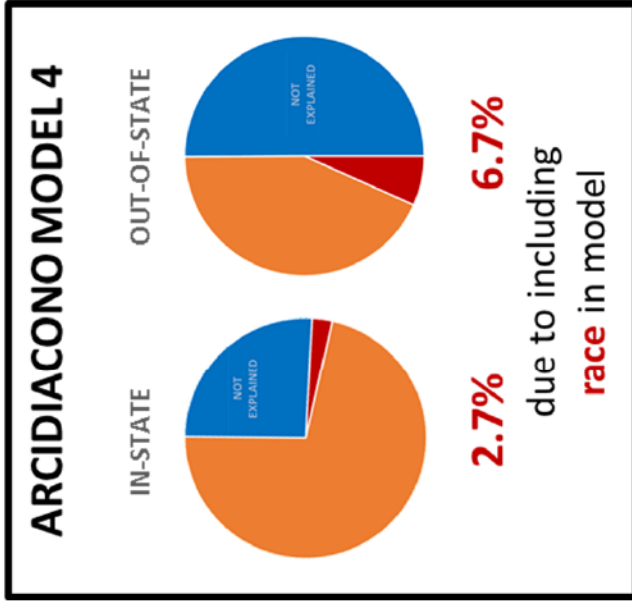
Using the Proper Econometric Method on Arcidiacono's Model Does Not Change My Conclusion

I disagree with Arcidiacono's choice to include the UNC ratings variables in his preferred model.

Regardless, he fails to employ the proper econometric method to assess these data: the Shapley Decomposition.

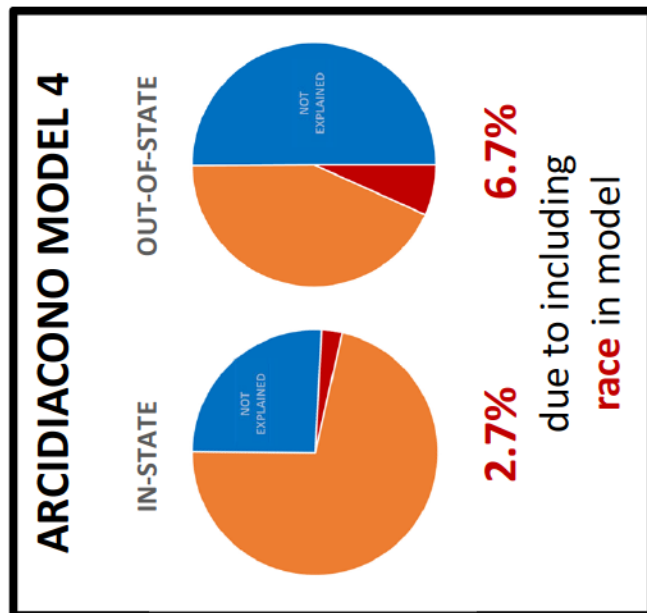
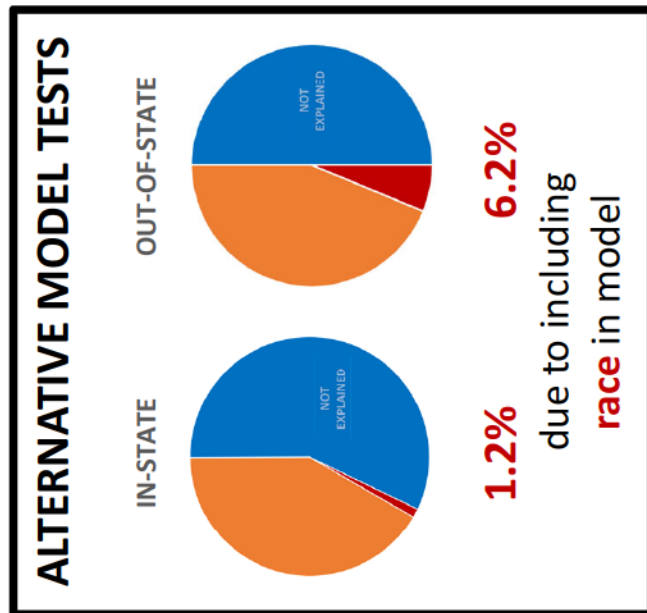
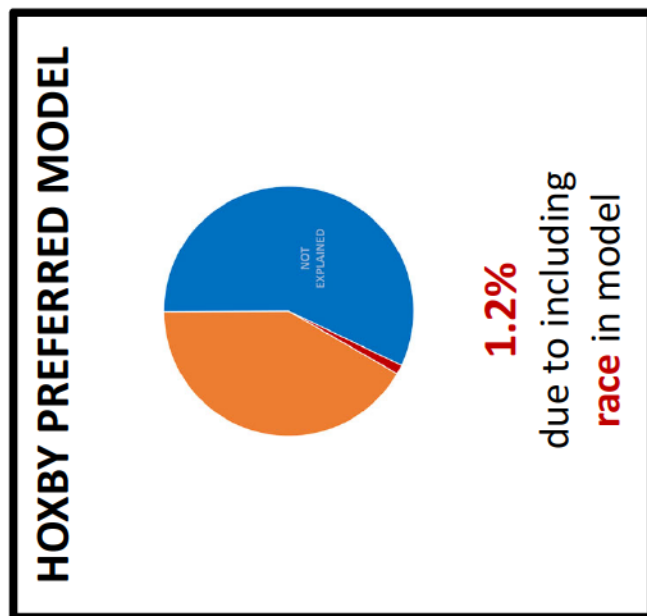
- Arcidiacono's model may have a higher R^2 , but the portion explained by race does not meaningfully increase.
- Disagreements about the model **do not change the overall result** that only a small percentage of the probability of admission is due to race.

JA1173



Source: DX 111.1 – Rebuttal Report Ex 1, Table 1

Race Is Not A Dominant Factor In Admissions Decisions



Arcidiacono’s Decile Analysis is Misleading

In-State Admission Rates by Academic Index Decile and Race/Ethnicity						
Academic Decile	White	Asian American	African American	Hispanic	All Applicants	
10	98.85%	98.16%	97.01%	98.44%	98.66%	+ 5.24%
9	94.07%	88.36%	97.10%	96.49%	93.42%	+ 9.93%
8	84.08%	74.40%	94.63%	87.50%	83.50%	+ 13.86%
7	69.40%	56.97%	88.49%	81.09%	69.64%	+ 18.53%
6	47.31%	44.38%	80.09%	67.69%	51.11%	+ 15.50%
5	29.56%	28.67%	71.23%	53.72%	35.61%	+ 11.96%
4	17.83%	16.91%	49.24%	38.42%	23.65%	+ 10.49%
3	7.76%	6.24%	28.77%	22.48%	13.16%	+ 7.72%
2	3.08%	1.90%	10.69%	5.21%	5.44%	+ 4.55%
1	0.70%	0.27%	1.02%	1.37%	0.89%	
TOTAL	50.66%	52.87%	30.25%	40.93%	47.33%	

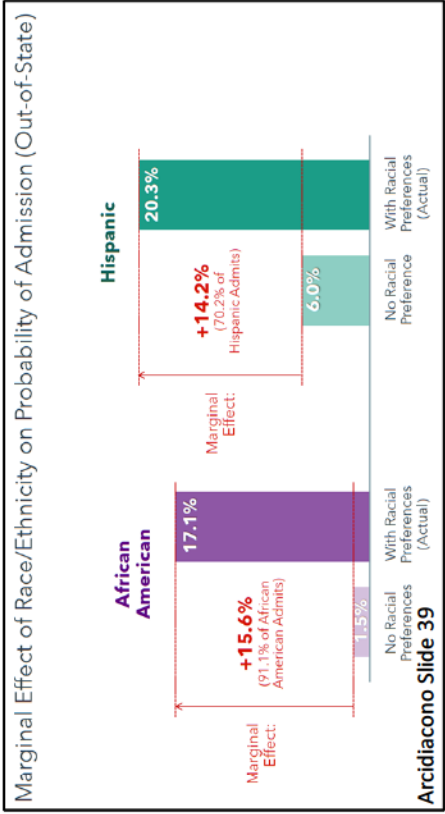
Arcidiacono Slide 12

Out-of-State Admission Rates by Academic Index Decile and Race/Ethnicity						
Academic Decile	White	Asian American	African American	Hispanic	All Applicants	
10	41.58%	52.89%	73.17%	61.44%	46.97%	+ 18.10%
9	26.51%	27.66%	69.12%	42.41%	28.87%	+ 10.42%
8	15.87%	15.51%	57.87%	33.63%	18.45%	+ 6.18%
7	9.24%	6.51%	57.74%	30.35%	12.27%	+ 3.84%
6	5.34%	4.56%	46.10%	22.20%	8.43%	+ 2.37%
5	2.90%	1.38%	39.61%	15.97%	6.06%	+ 1.42%
4	1.52%	1.04%	29.85%	9.28%	4.64%	+ 1.99%
3	0.89%	0.25%	14.36%	3.61%	2.65%	+ 1.11%
2	0.52%	0.28%	5.71%	1.27%	1.54%	+ 1.14%
1	0.49%	0.00%	0.45%	0.12%	0.40%	
TOTAL	10.56%	16.16%	16.67%	19.64%	12.91%	

Arcidiacono Slide 15

- Arcidiacono assumes that that all deciles are equally relevant to the UNC admissions process, which they are not.
- Most UNC admitted students come from the top few deciles. Instead, Arcidiacono focuses on applicants who are “on-the-bubble.” (Deciles 4 through 6 in-state and deciles 5 through 7 out-of-state.)
- When examining whether race is a dominant factor, it is inappropriate to draw a conclusion from a small subset of admitted students.
- Arcidiacono’s decile analysis assumes away unobservable factors that contribute to the admission decisions.

Arcidiacono’s “Average Marginal Effect”

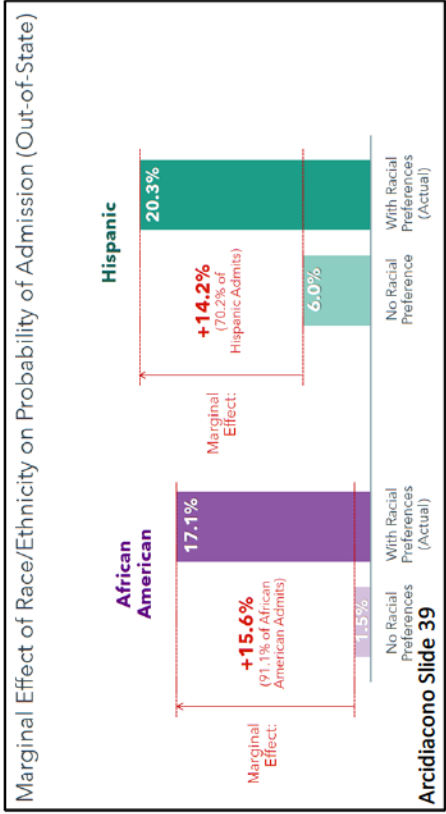


1. Marginal effect and “shares” are inapplicable in this context: we cannot assume that when we flip a switch on the factor of race, all other factors will remain constant.

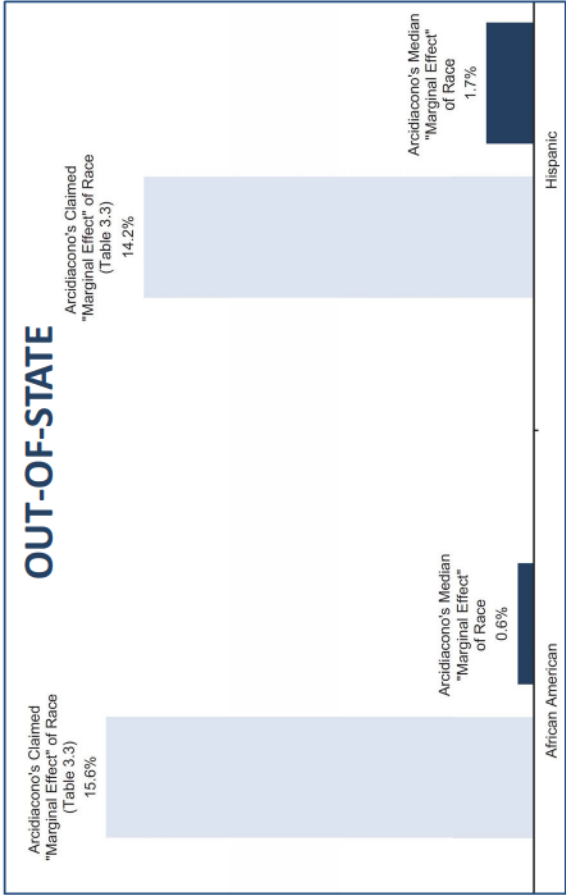
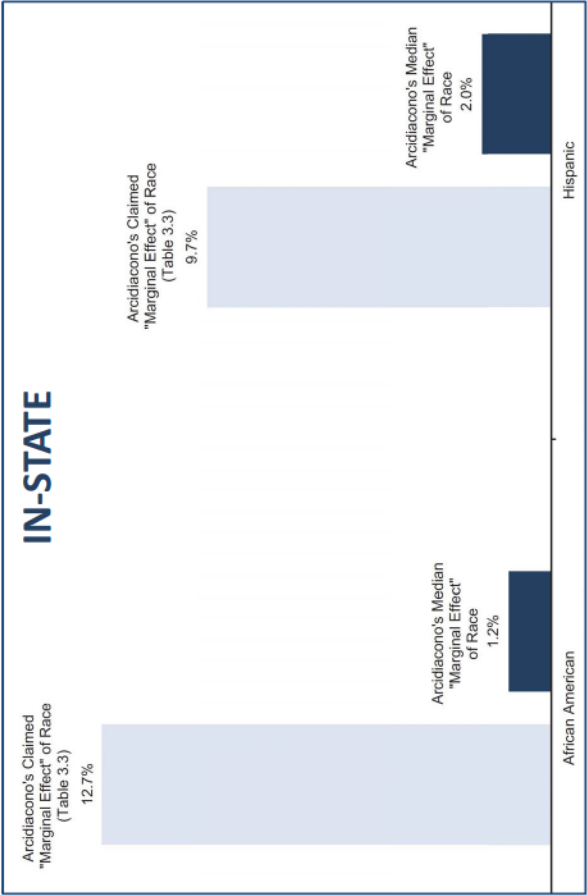
Arcidiacono Measure of "Share Due to" Various Factors, Using Arcidiacono's Preferred Model [1] 2011-12 to 2016-17 Admissions Cycles [2]			
Out-of-State Applicants			
	African American Applicants	Hispanic Applicants	All Applicants
"Share Due to" SAT Preferences	100.0%	100.0%	100.0%
"Share Due to" GPA Preferences	21.1%	25.8%	29.1%
"Share Due to" Percentile Preferences	46.4%	45.6%	49.9%
"Share Due to" Program Rating Preferences	14.9%	25.6%	29.8%
"Share Due to" Essay Rating Preferences	100.0%	100.0%	100.0%
"Share Due to" Personal Quality Rating Preferences	100.0%	100.0%	100.0%
"Share Due to" Activities Rating Preferences	36.5%	42.2%	51.2%
"Share Due to" Performance Rating Preferences	33.4%	48.0%	57.4%
"Share Due to" Race/Ethnicity Preferences	91.1%	70.2%	21.5%
Total	543.4%	557.4%	538.9%

DX 112.1: Hoxby Reply Report, Exhibit 1

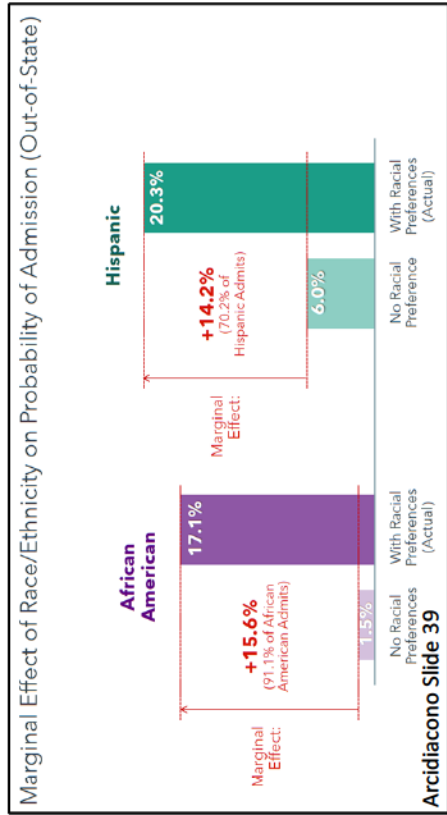
Arcidiacono’s “Average Marginal Effect”



2. Even if we accept these “marginal effects,” the **median** marginal effect is much smaller than the average marginal effect.

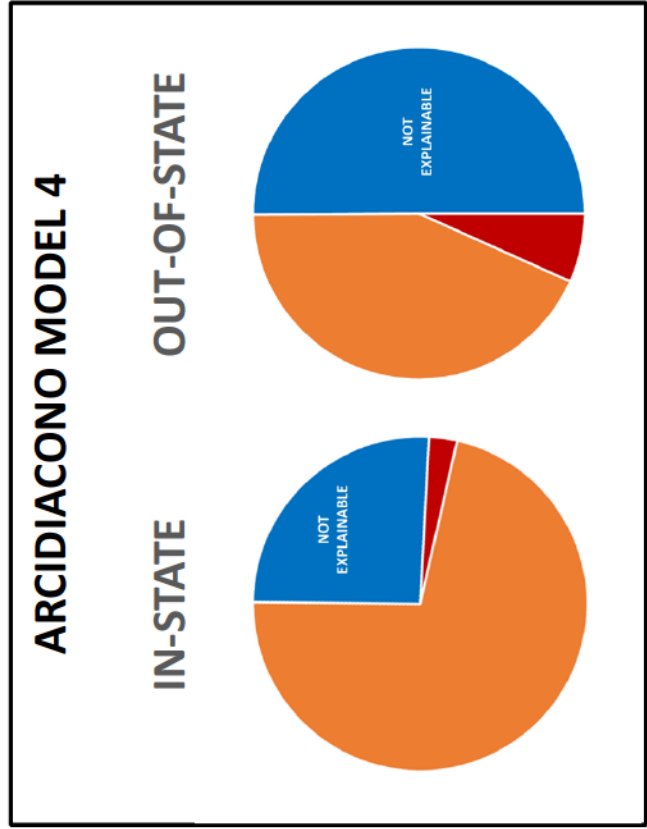


Arcidiacono’s “Average Marginal Effect”



3. Arcidiacono’s “marginal effects” only reflect changes in probabilities within the model itself.

We cannot lose sight of the portion of admission decisions that are **not explained** by his model.



In Assessing the Accuracy of a Model, the Difference Between In-Sample And Out-of-Sample Is What Matters

Average Mean-Squared Error of Arcidiacono Models and Hoxby Model 9

Arcidiacono In-State	In-Sample		Out-of-Sample		Arcidiacono Out-of-State	
	DIFFERENCE		DIFFERENCE			
	Model 2	0.092	0.102	0.072	0.084	0.012
	Model 3	0.056	0.074	0.046	0.063	0.017
	Model 4	0.055	0.074	0.045	0.063	0.018
	Model 5	0.056	0.075	0.061	0.077	0.016
	Model 6	0.035	0.088	0.037	0.104	0.067

Hoxby	In-Sample		Out-of-Sample		DIFFERENCE
	Model 9	0.101	0.106		
					0.005

Modified Arcidiacono Slide 55

The accuracy of a model is determined by whether it predicts *as well out-of-sample as it does in-sample*.

Comparing Overfit: Hoxby and Arcidiacono Models

DX 111.3: Hoxby Rebuttal Report, Exhibit 3

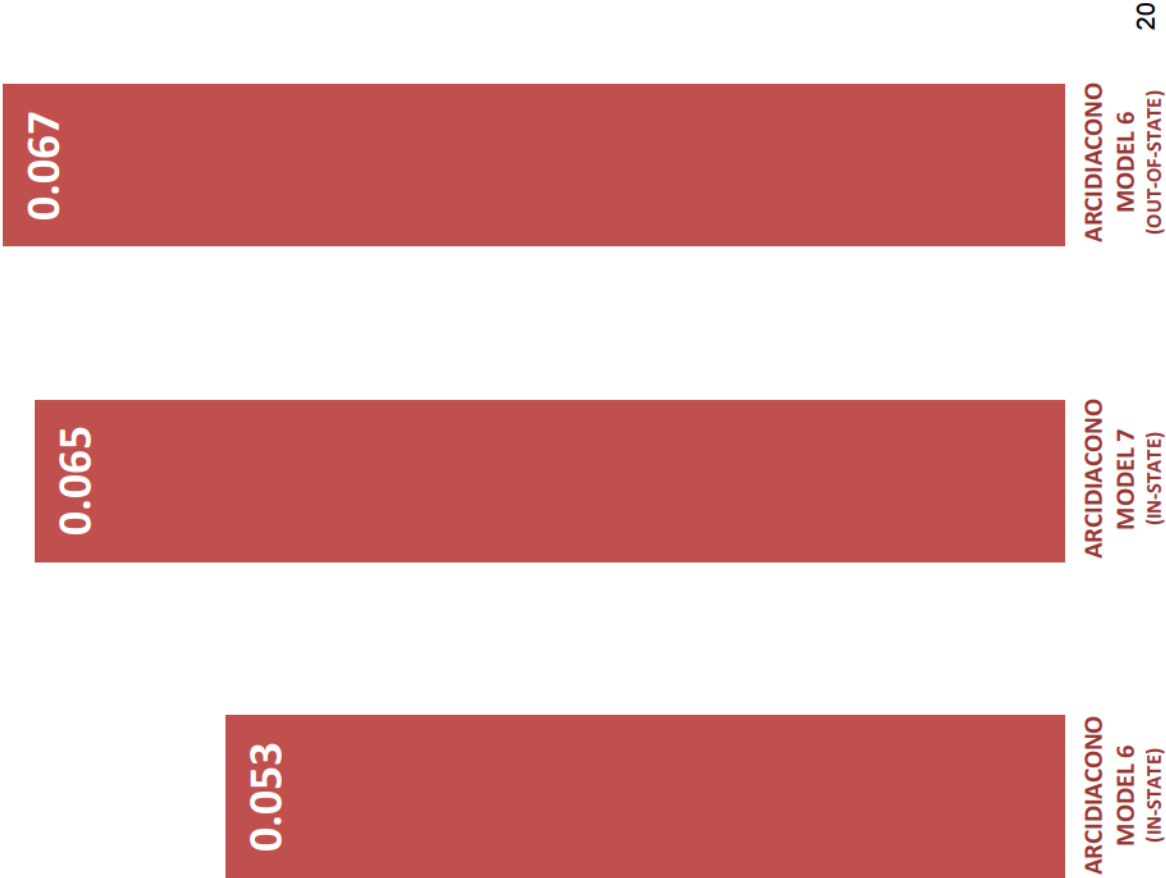
Average Mean-Squared Error of Arcidiacono Models and Hoxby Model 9

Arcidiacono In-State	DIFFERENCE		In-Sample	DIFFERENCE		Out-of-Sample	Arcidiacono Out-of-State
	In-Sample	Out-of-Sample		In-Sample	Out-of-Sample		
Model 2	0.092	0.102	Hoxby	Model 2	0.072	0.084	0.012
Model 3	0.056	0.074		Model 3	0.046	0.063	0.017
Model 4	0.055	0.074		Model 4	0.045	0.063	0.018
Model 5	0.056	0.075		Model 5	0.041	0.077	0.016
Model 6	0.035	0.088		Model 6	0.037	0.104	0.067
Model 7	0.028	0.093					

Modified Arcidiacono Slide 55

DIFFERENCE	
In-Sample	0.101
Out-of-Sample	0.106
Hoxby	0.005

The accuracy of a model is determined by whether it predicts as well out-of-sample as it does in-sample.



Arcidiacono’s Concept of “Accuracy” Only Reinforces the Finding That Race Is Not A Dominant Factor

Even under Arcidiacono’s definition of “accuracy”, removing alleged racial preferences does not significantly change the “accuracy” of Arcidiacono’s models.

This shows that his models do not support his conclusion that race is a dominant factor in UNC’s admission decisions.

In-State Applicants		Overall "Accuracy"
Arcidiacono's Preferred Model with "Racial Preferences" [2]		92.1%
Arcidiacono's Preferred Model without "Racial Preferences" [3]		91.1%
Difference in "Accuracy" (with "Racial Preferences" – without "Racial Preferences")		1.0%
Out-of-State Applicants		
Arcidiacono's Preferred Model with "Racial Preferences" [4]		93.3%
Arcidiacono's Preferred Model without "Racial Preferences" [3]		91.4%
Difference in "Accuracy" (with "Racial Preferences" – without "Racial Preferences")		1.9%

DX 112.3: Hoxby Reply Report, Exhibit3

Other Allegations in SFFA's Complaint

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH CAROLINA; UNIVERSITY OF
NORTH CAROLINA BOARD OF GOVERNORS; JOHN C.
FENNERESQUE, W. LOUIS BISSETTE, JR., JOAN
TEMPLETON PERRY, ROGER AUKEN, HANNAH D. GAGE,
ANN B. GOODNIGHT, H. FRANK FRAINGER, PETER D.
HANS, THOMAS J. HARRELSON, HENRY W. HINTON,
JAMES L. HOLMES, JR. RODNEY E. HOOD, W. MARTY
KOTIS III, G. LEROY LAIL, SCOTT LAMPE, STEVEN B.
LONG, JOAN G. MACNEILL, MARY ANN MAXWELL, W.
EDWIN MCMAHAN, W. G. CHAMPION MITCHELL, HARRI H.
MATH, ANNA SPANGLER NELSON, ALEX PARKER, R.
DOYLE PARRISH, THERENCE O. PICKETT, DAVID M.
POWERS, ROBERT S. RUPPY, HARRY LEO SMITH, JR., J.
CHANG SOUZA, GEORGE A. SYWASSINK, RICHARD F.
TAYLOR, RAUFORD TRASK III, PHILLIP D. WALKER,
LAURA L. WILEY, as members of the Board of Governors in their
official capacities; THOMAS W. ROSS, President of the University
of North Carolina as the Official Governor; UNIVERSITY OF





































Case No. _____

COMPLAINT

JURY TRIAL
DEMANDED

49. The Admissions Director is aware of the projected racial composition of the tentatively admitted students during the SGR process. The reports used during the SGR process include information regarding each candidate's race/ethnicity. Those reports, however, do not include information regarding non-race factors such as first generation college status or eligibility for a fee waiver.

Analysis of School Group Review Data

	2013-14		2014-15		2015-16	
	BEFORE	AFTER	BEFORE	AFTER	BEFORE	AFTER
African American	10.1% 	NO CHANGE 	9.3% 	0.3% 	10.1% 	0.1% 
Asian	19.2% 	0.2% 	20.5% 	0.2% 	20.4% 	0.5% 
Hispanic	9.3% 	1.0% 	8.5% 	NO CHANGE 	9.4% 	0.2% 
Native American	1.7% 	NO CHANGE 	1.6% 	NO CHANGE 	1.5% 	NO CHANGE 
Pacific Islander	0.1% 	NO CHANGE 	0.1% 	NO CHANGE 	0.0% 	0.1% 
White	59.7% 	0.8% 	60.0% 	0.1% 	58.5% 	NO CHANGE 

DX 110.2 – Opening Report Ex 2, Table 1

Opinions Reached

1

Empirical analysis establishes that UNC's admissions decisions are holistic and cannot be explained using a formula containing verifiable student characteristics.

Race / ethnicity is not a dominant factor in the admissions process at UNC.

2

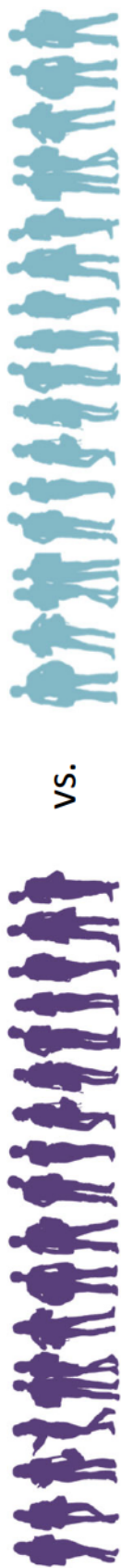
Exhaustive simulations resulted in no race-neutral admissions policy that would allow UNC to attain the levels of academic preparedness and underrepresented minority representation of its actual entering class, even when those simulations are built on generous assumptions to maximize their chances of attaining the actual levels.

Testing Race-Neutral Alternatives

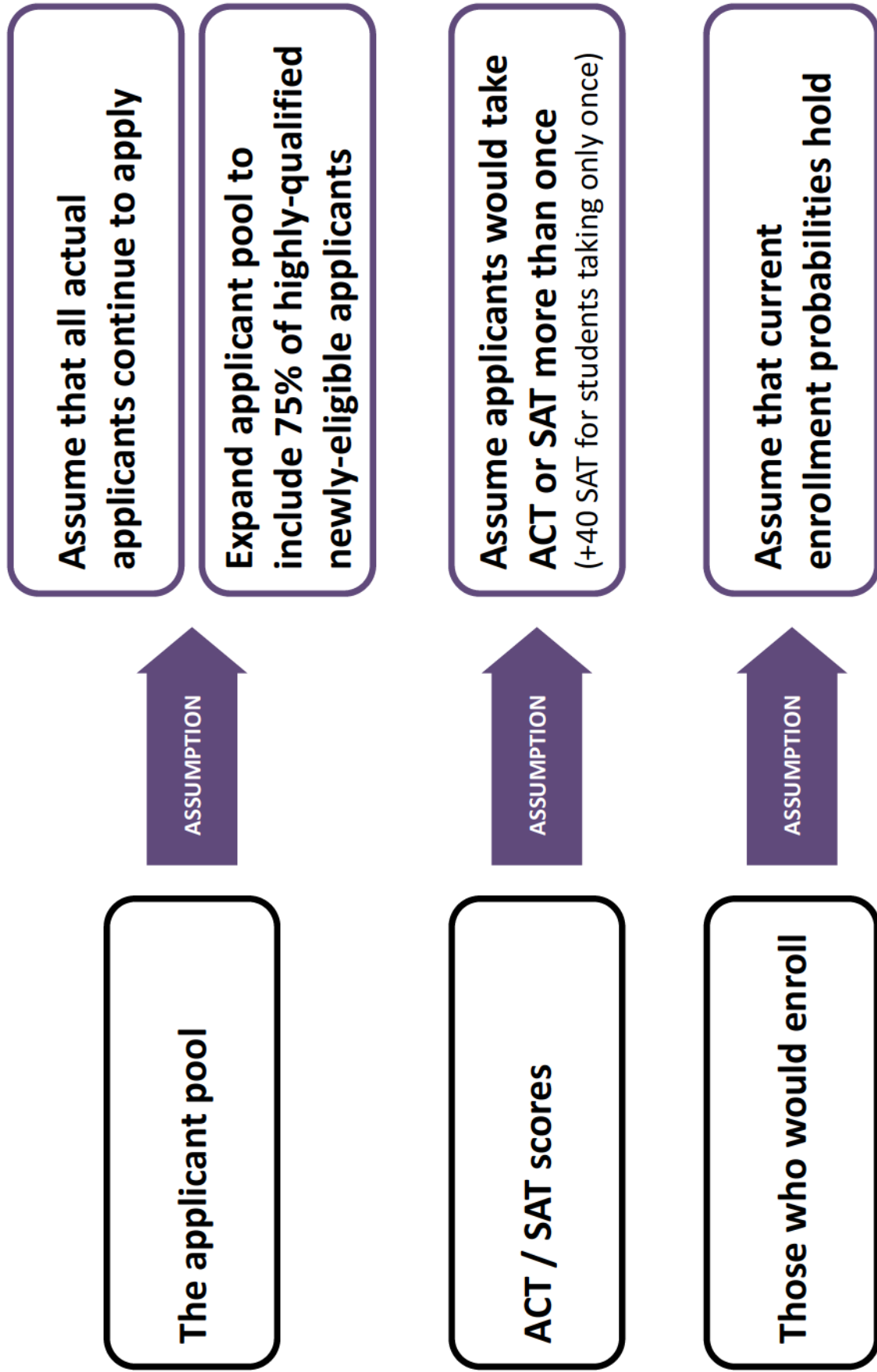
1. Build admissions model using race-blind proxy



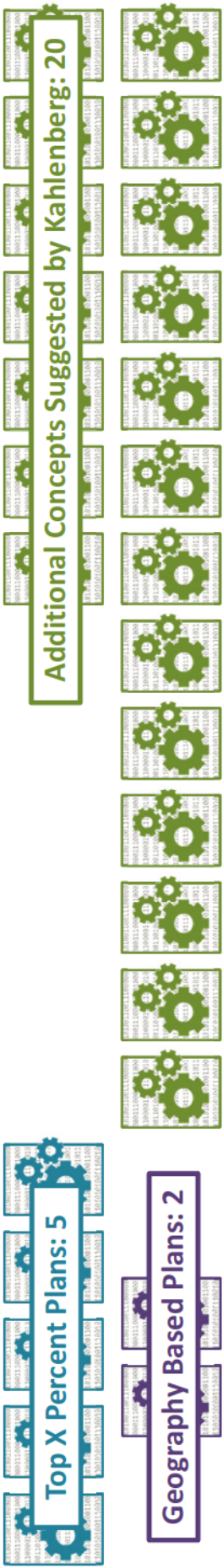
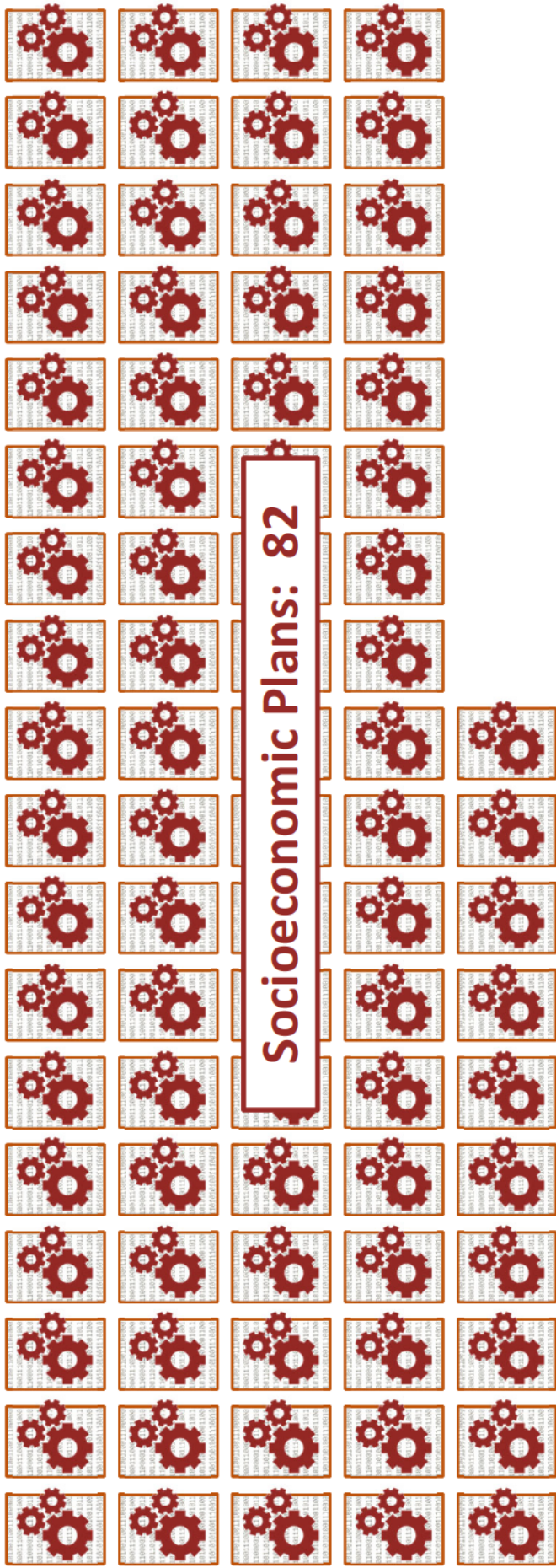
2. Compare **results of simulation** against **UNC actual levels** of academic preparedness and underrepresented minority representation



Applied Assumptions to Give the Simulations the Best Possible Chance to Attain UNC’s Actual Racial Diversity & Test Scores



Exhaustive Approach: 109 Different Simulations



Simulations Matching UNC'S Actual Average SAT and % URM : 0

Socioeconomic Status Indicators: Potential Proxies

- Eligibility for free or reduced price lunch • % of families headed by single parent
- Household income • Mean number of dependents
- % of adults with educational attainment ranging from none to doctoral degree • Rural/urban/central city/population size indicators
- Mean educational attainment of adults • % of students in high school on free or reduced price lunch

DX 110: Opening Report, paragraph 150

Socioeconomic Status Is Not An Effective Proxy for Race

THE MORE ACADEMICALLY PREPARED A STUDENT IS,
THE LESS THE SOCIOECONOMIC VARIABLES
ARE ABLE TO PREDICT WHETHER THE STUDENT IS URM:

All levels of		
preparation.....	83%	error rate
SAT > 1000.....	89%	error rate
SAT > 1100.....	91%	error rate
SAT > 1120.....	91%	error rate
SAT > 1220.....	92%	error rate
SAT > 1260.....	94%	error rate

error rate =
student is not URM
when socioeconomic
variables predicts
they are.

Socioeconomic Status-Based Simulations

1. Construct an SES index measure for every applicant.
2. Define ranges of emphasis* and threshold** to give to the SES index.
3. SES “Disadvantage Preference” :
Predict students admitted as a result of SES status using favorable assumptions about the new applicant pool.
4. Complete the Class:
Predict the admissions outcomes for remaining applicants.

* **Emphasis** is the weight the SES index is given in admissions.

** **Threshold** is the cut-off at which a student is held to be socioeconomically disadvantaged—e.g. “how low in income?”

SES Simulations Structured as Favorably as Possible

Assumed UNC could:

1. Identify all of the socioeconomically “disadvantaged” students and get them to apply at the same rate as current, well-qualified applicants
2. Choose to admit the highest scoring students
3. Continue to enroll current admitted applicants

When “completing the class,” take UNC’s actual applicants as given.

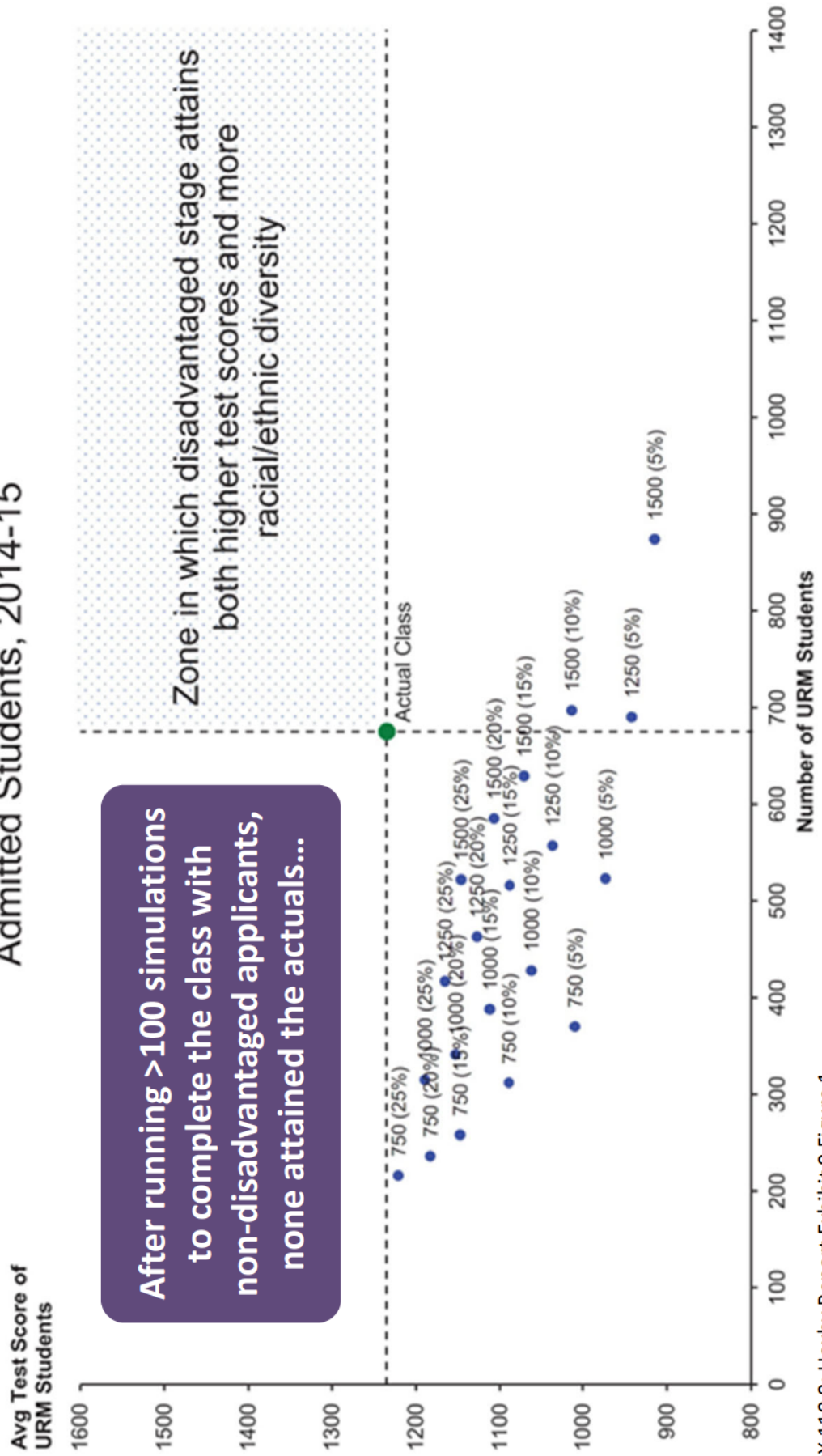
- This assumes highly qualified students would continue to apply even though their chance of admission might decrease substantially under a new admissions process that emphasizes socioeconomic status.

Categories of SES-Based Simulations

LIKELIHOOD OF ATTENDING 4 or 2 YEAR COLLEGE INDEX	STRIVER INDEX	RACE PREDICTING INDEX
A student’s predicted probability of attending either a four or two-year college based on socioeconomic background.	<p>The difference between actual and predicted test score of a student.</p> <p>The index is positive if the student outperforms expectations, given socioeconomic background.</p>	<p>Artificial index constructed to maximize the probability that socioeconomic variables correctly predict underrepresented minority status.</p> <p><small>* This index is meant to test the <i>ceiling</i> of what can be attained by SES in an RNA. It does not have any race-neutral logic.</small></p>

No Simulated Pool of Admitted Students Attained Current Levels of Academic Preparation & Racial Diversity

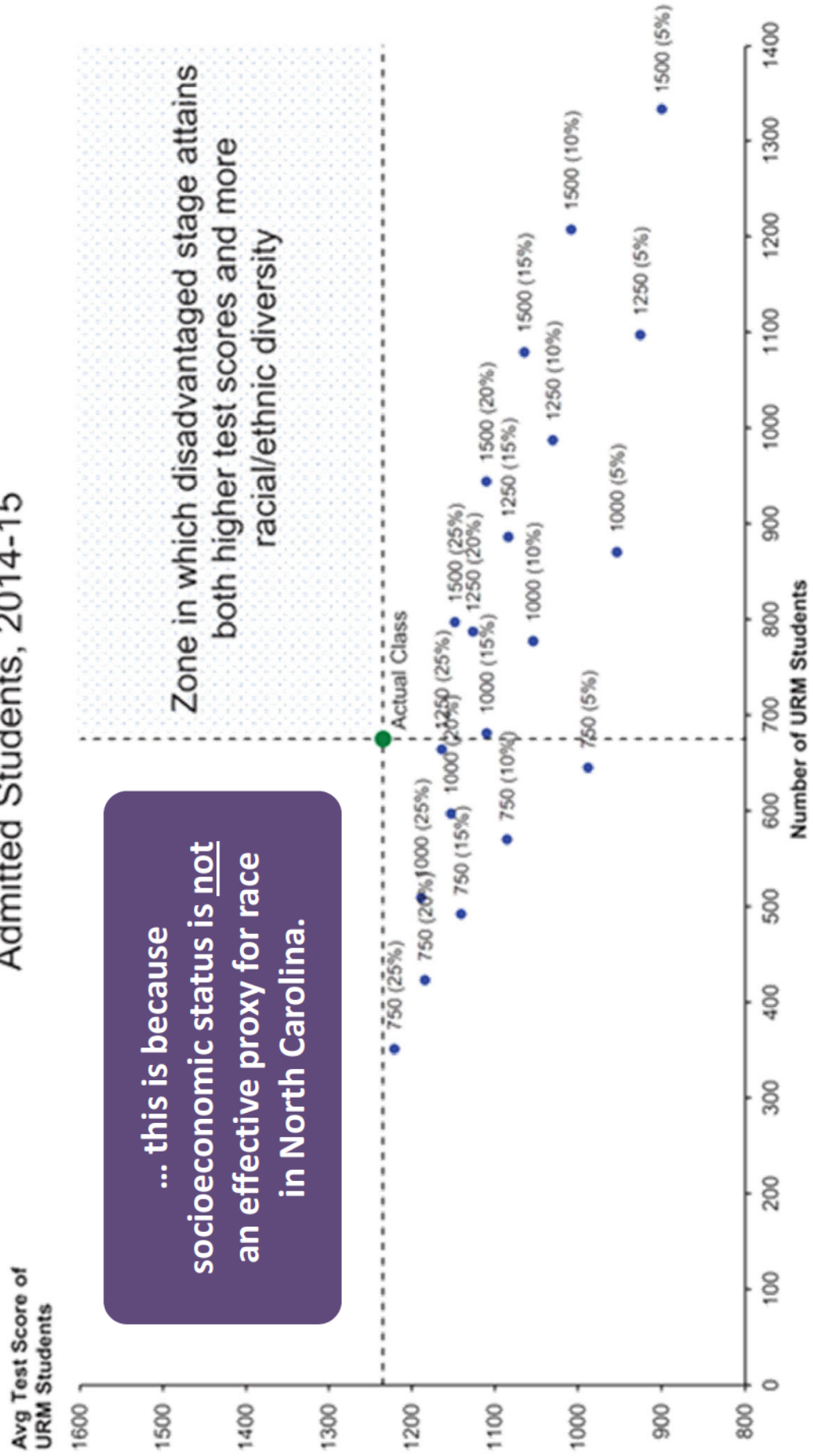
Admissions Modeling Based on Four-Year College-Related Socioeconomic Index: "Disadvantaged Stage" Admitted Students, 2014-15



DX 110.9: Hoxby Report Exhibit 9 Figure 1

No Simulated Pool of Admitted Students Achieved Current Levels of Academic Preparation & Racial Diversity

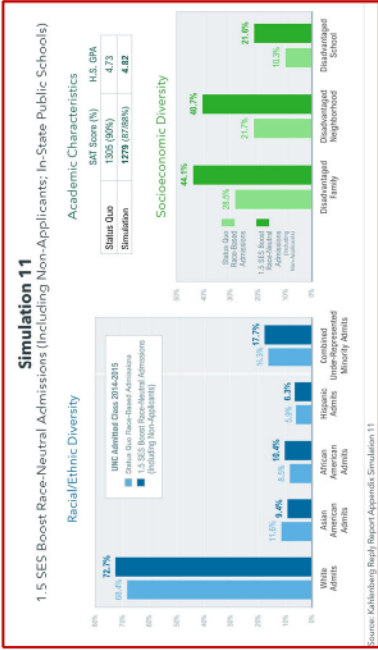
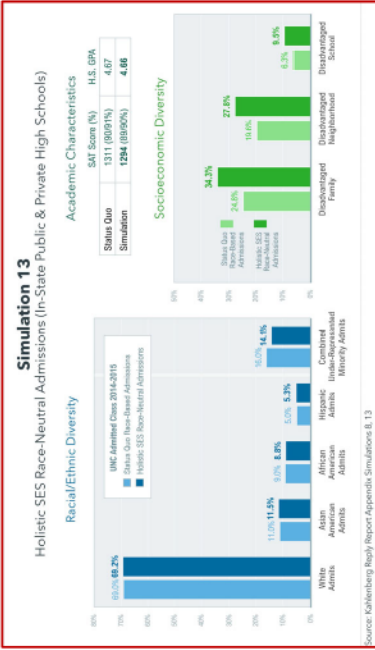
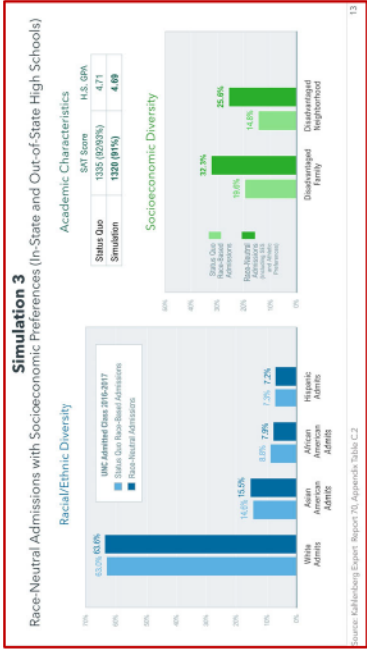
Admissions Modeling Based on Race Predicting Index: "Disadvantaged Stage" Admitted Students, 2014-15



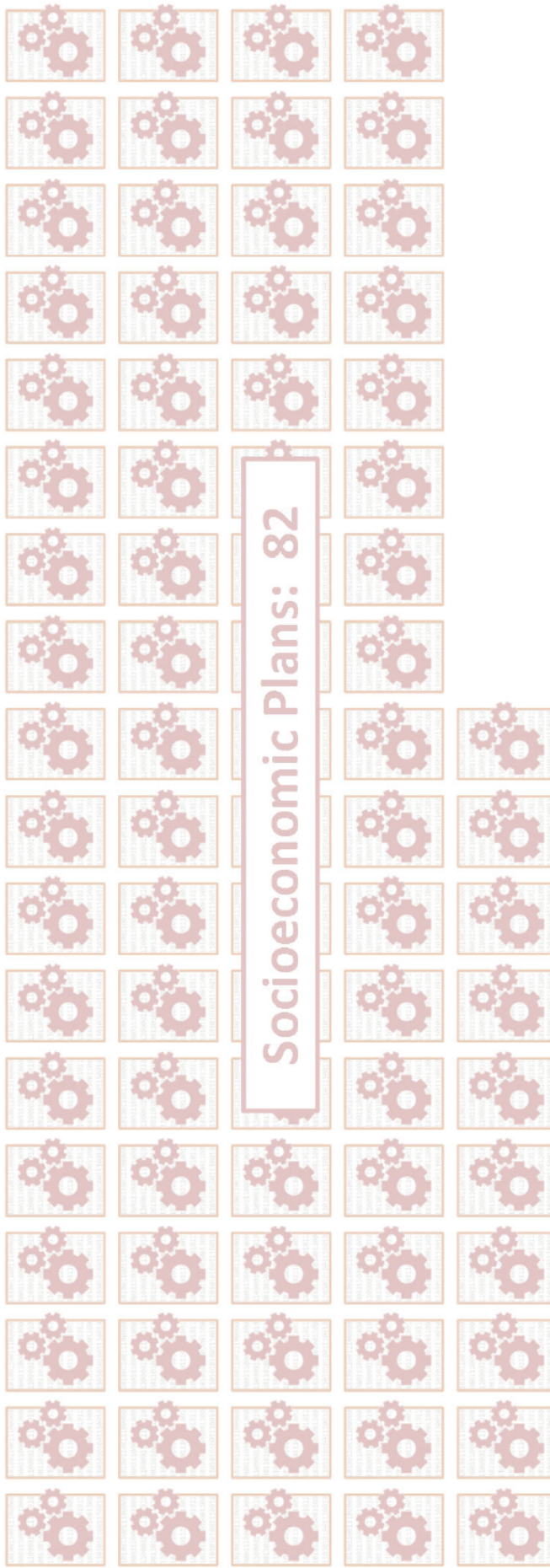
DX 110.9: Opening Report Exhibit 9 Figure 7

Kahlenberg’s Approach To SES-Based Simulations Is Fundamentally Flawed

- Kahlenberg makes unrealistic assumptions.
- His simulations frequently fail to reflect that the applicant pool will change.
- His simulations rely on extremely large “boosts” based on the SES index.
- Kahlenberg places heavy emphasis on socioeconomic diversity to evaluate simulation results rather than focusing on racial / ethnic diversity.



Exhaustive Approach: 109 Different Simulations



Percentage Plans

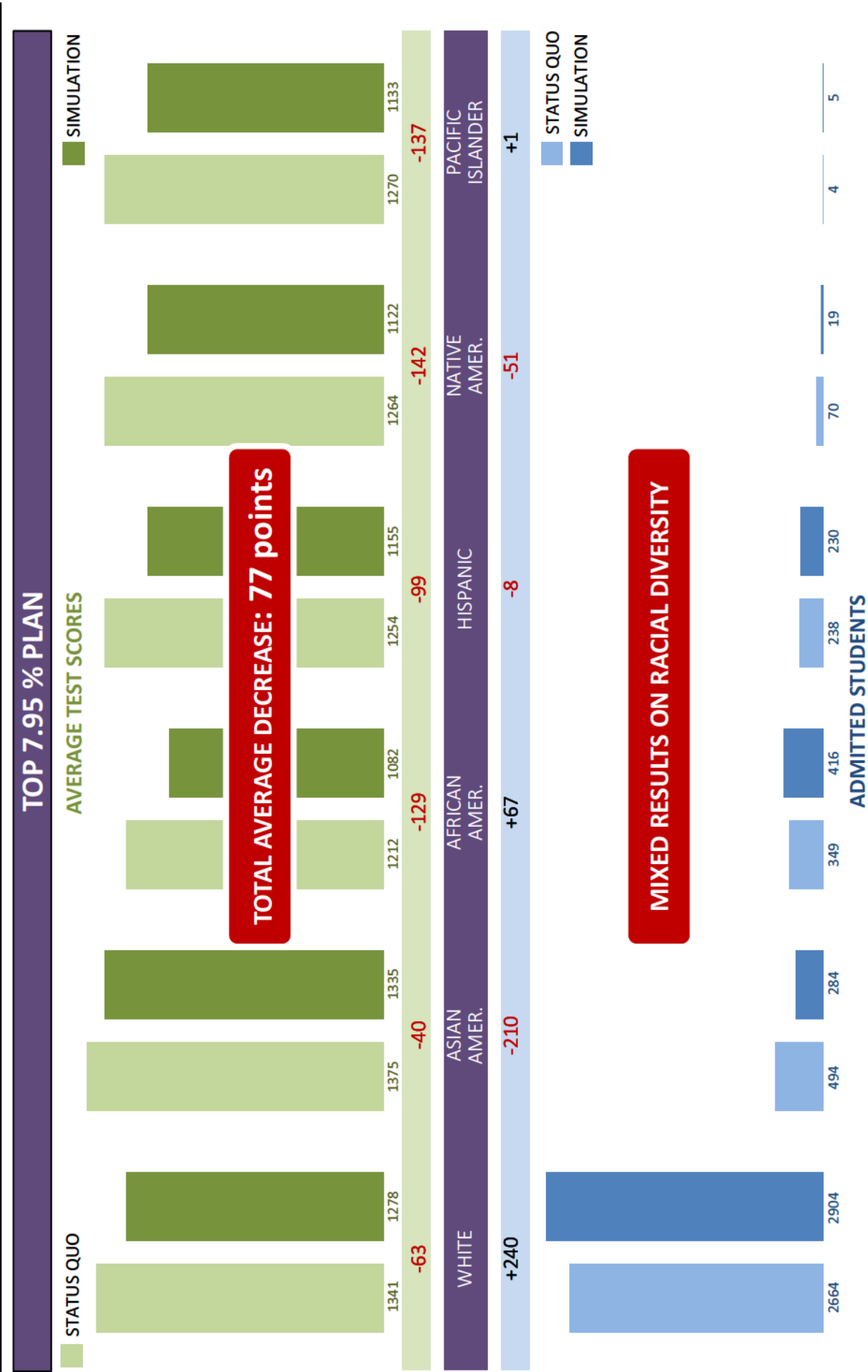
100%
90%
80%
70%
60%
50%
40%
30%
20%
10%
0

A top X percent plan typically admits X% of students based upon **high school class rank**.

X depends on:

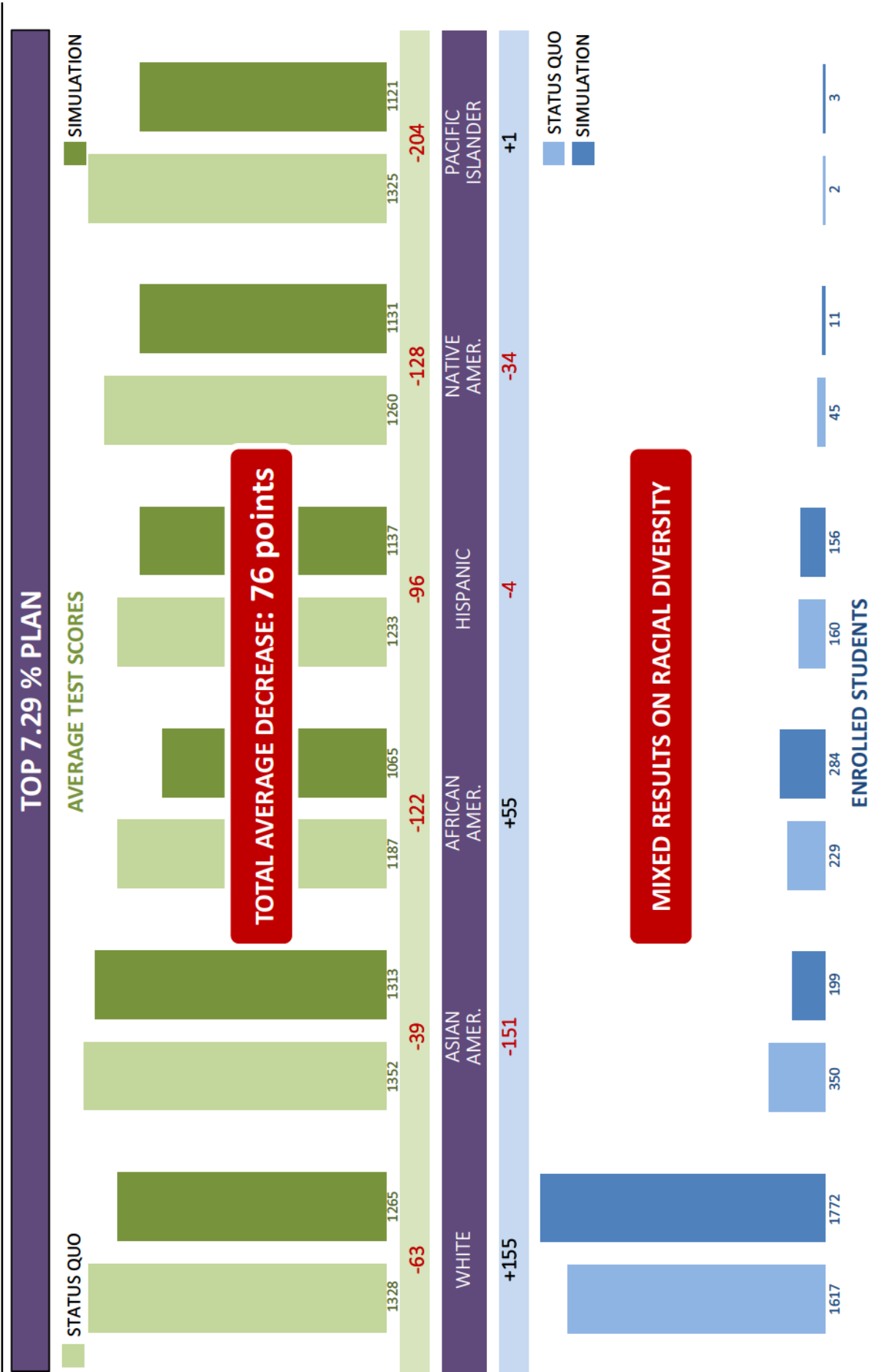
- The number of seats available at UNC.
- What percentage of students who are eligible for admission enroll at UNC.

Percentage Plan Simulations: Admitted Students Significant Decreases in Test Scores



Percentage Plan Simulations: Enrolled Students

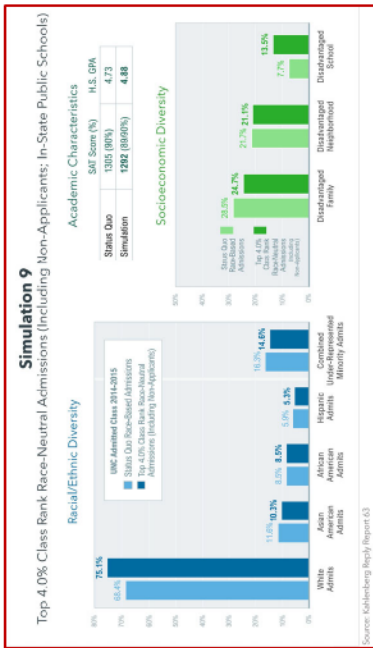
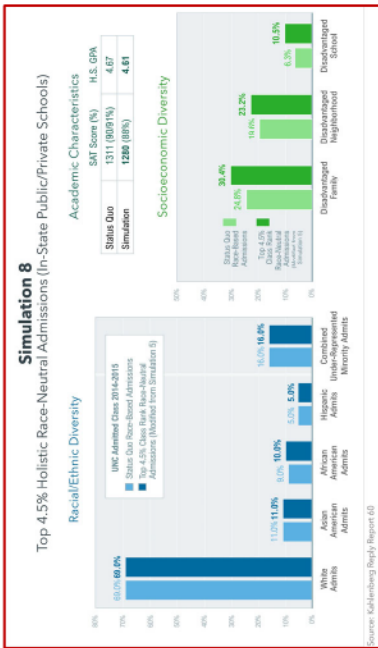
Significant Decreases in Test Scores



Source: DX 110.11: Hoxby Report Exhibit 11 Table 2

Kahlenberg’s Flawed “Percentage” Plans

- Kahlenberg’s Top X% Simulations fail to reflect that the applicant pool will change if UNC’s admissions policy changes.
- Kahlenberg fails to properly account for capacity constraints: how many students UNC can admit and enroll.
- Kahlenberg overweights test score and GPA when completing the class.



Geography-Based Plans

Place-based proxy instead of using high school class rank

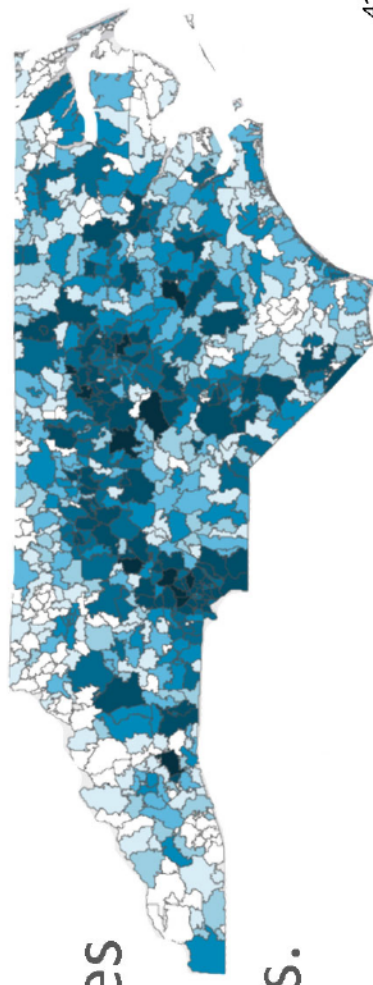
Premise: *a small geographic zone's historical admission rate is highly predictive of a current applicant's advantage or disadvantage related to attending selective colleges.*

Modeled two types of theoretical simulations:

1. Census Tract Plan
2. Race Predicting Index Based on Geography

Structured RNA as favorably as possible:

- More weight to test scores and GPA than UNC's actual admissions process.



Geographical Plan Simulation 1

1. Compute the historical admissions rate among reasonably well-qualified students in each Tract.
2. The Tract Index gives a *higher* priority to tracts with *lower* historical admission rates.
3. Taking tracts in priority order, apply a hypothetical admissions process that admits each tract's top students (equal weighting of test score and GPA) until class is filled.
4. Consider results in the context of a hypothetical status quo resulting from an admissions process where applicant pool is admitted solely on the basis of test scores and GPA.

**FINDING:
SIGNIFICANT DECREASE
IN RACIAL DIVERSITY**

Source: DX 110.13: Hoxby Report Exhibit 13

Geographic Plan Simulation 2: Race Predicting Index that includes Geography

Artificial index using geography and socioeconomic status variables from broader applicant pool to try to predict URM status. As with the earlier race-predicting index, this is meant to test the ceiling of what can be attained with a race-blind index. There is no race-neutral logic behind this artificial index.

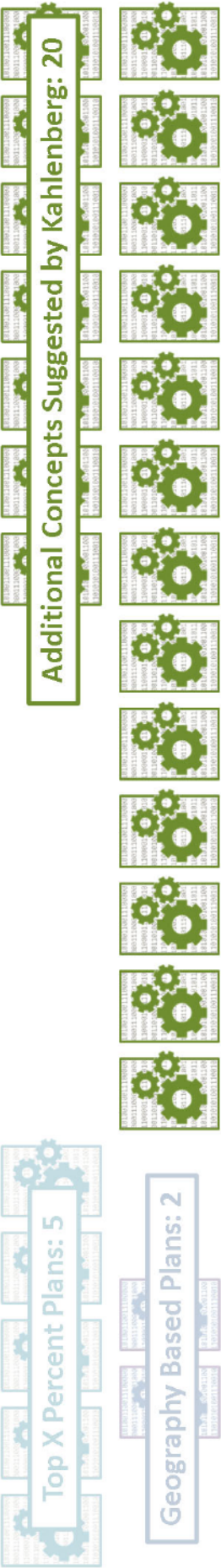
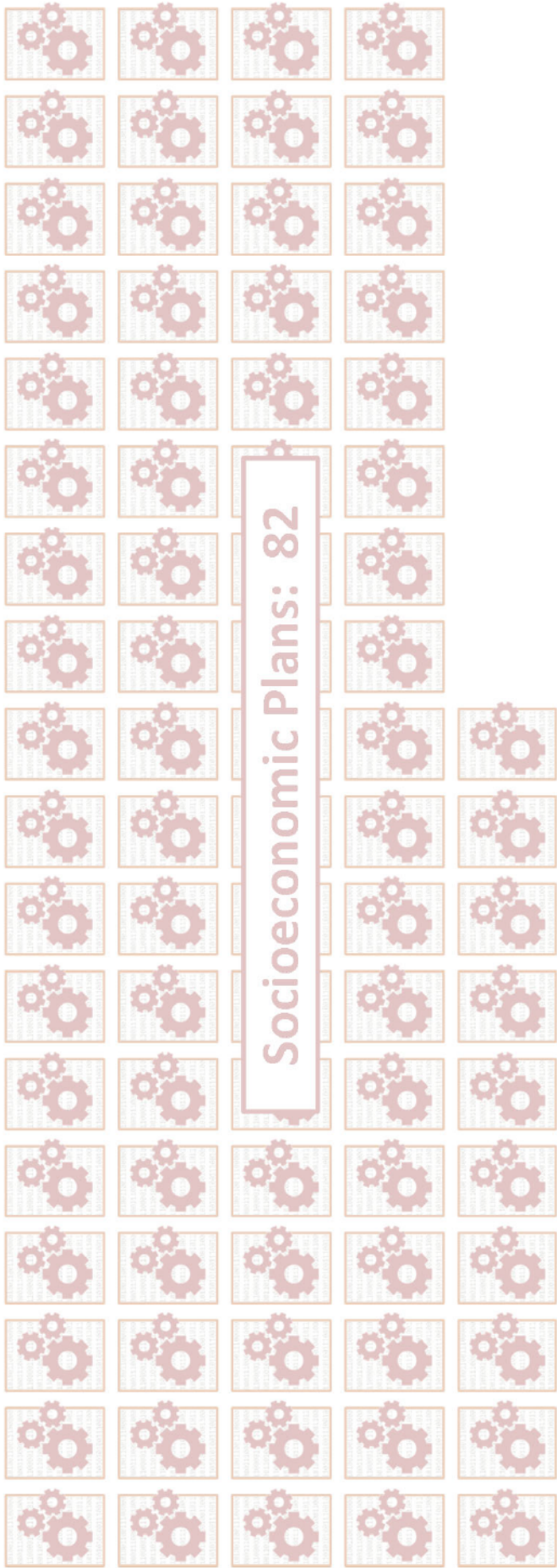
- Predict admissions outcomes based on model of UNC admissions using RPI Index instead of actual race/ethnicity.
- Compare against hypothetical status quo of current applicant pool if UNC admitted students based on admissions model.

**FINDING:
SIGNIFICANT DECREASE
IN RACIAL DIVERSITY**

Source: DX 110.14: Hoxby Report Exhibit 14

43

Exhaustive Approach: 109 Different Simulations



Additional “Alternatives” Suggested by Kahlenberg

Partnerships with disadvantaged high schools

1. Focused on disadvantaged high schools previously incorporated into SES simulations
2. Tested 16 different simulations:
All resulted in substantially lower average test scores

Community college transfers

1. Considered potential transfers from North Carolina State University: **Resulted in lower average test scores and less racial diversity**
2. Used NCERDC data to consider students who indicated they were likely to attend community college:
Resulted in substantially lower average test scores

Kahlenberg Misinterprets My Prior Research

- My research focuses upon highly academically qualified, low income students who do not apply to selective universities (“one-offs”).
- Four years of NCERDC data reveals the vast majority of one-offs (86%) are not URM.
- Such recruiting is not a substitute for race-conscious admissions.

Opinions Reached

1

Empirical analysis establishes that UNC's admissions decisions are holistic and cannot be explained using a formula containing verifiable student characteristics.

Race / ethnicity is not a dominant factor in the admissions process at UNC.

2

Exhaustive simulations resulted in no race-neutral admissions policy that would allow UNC to attain the levels of academic preparedness and underrepresented minority representation of its actual entering class, even when those simulations are built on generous assumptions to maximize their chances of attaining the actual levels.

Direct Testimony of
Bridget Terry Long, Ph. D.

SFFA v. UNC et al., Case No. 14-cv-954 (MDNC)

November 18, 2020

Bridget Terry Long, Ph.D.



Harvard Graduate School of Education
Dean of the Faculty of Education
Saris Professor of Education and Economics
Academic Dean (2013-2017)
Faculty Director (2010-2013)

Chair

National Board for Education Sciences
U.S. Department of Education
Research Associate
National Bureau of Economic Research

Member

National Academy of Education
Board Member
MDRC



EDUCATION

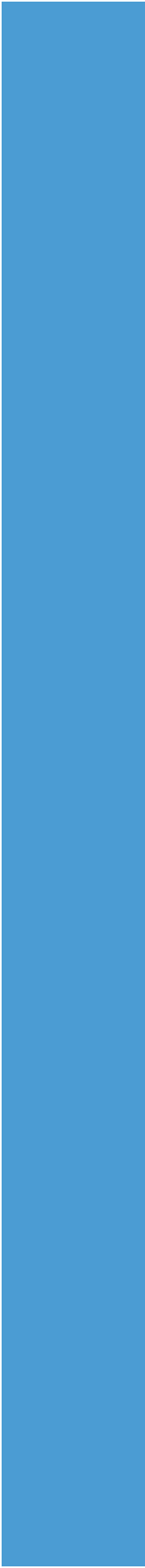

Ph.D., Economics
Harvard University (2000)

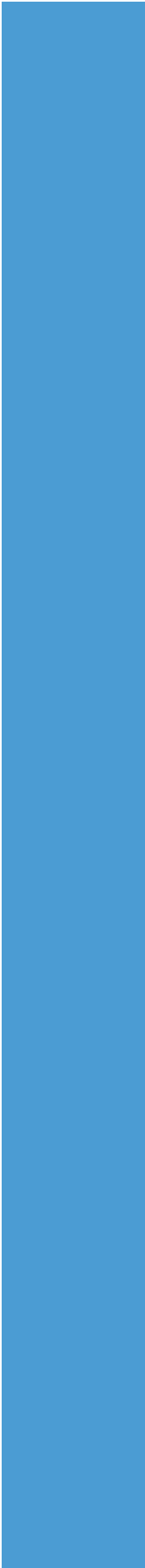

M.A., Economics
Harvard University (1997)

A.B., Economics
Princeton University (1995)



PRINCETON
UNIVERSITY

- 
- ▶ Asked to survey the universe of race-neutral alternatives that have been implemented by other universities, hypothesized in academic literature, and mentioned in the Complaint
 - ▶ Based on that survey, opined as to whether some of these potential race-neutral alternatives should be considered by the University and important factors to keep in mind, such as contextual influences
 - ▶ Asked to review and respond to some of the opinions on race-neutral alternatives offered by Richard Kahlenberg
- 

- 
- ▶ The evaluation of race-neutral simulations at the University
 - ▶ Whether the University should implement a specific race-neutral approach
 - ▶ The role of race / ethnicity within the University's admissions process
- 

Opinions Reached



Based upon my survey of race-neutral alternatives that have been implemented by other universities or hypothesized in academic literature, I opined on those results, including highlighting key factors related to the quality of the evidence and feasibility of specific RNAs.

Based on this review, I identified those RNAs that I believe make sense for the University to consider evaluating, along with factors to keep in mind

Mr. Kahlenberg makes a number of overstatements about RNAs and the potential success of those alternatives at the University

Key Factors in Assessing RNAs

- ▶ The quality and relevance of the evidence
 - What is the quality of the data used to assess the impact of an RNA, including how comprehensive and detailed are the measures used in the assessment?
 - Does the study characterize a feasible admissions process?
 - Does the study consider not only the short-term but also the long-term consequences of a change in admissions policy, including potential impacts on applicant behavior and other indirect influences on the applicant pool?
- ▶ The role of context and institutional characteristics in influencing the impact of RNAs
 - What is the context of the institution featured in the study?
 - What are the characteristics of institution studied?

- 1) Whether studying the effects of a policy put in place or a hypothetical simulation of a potential policy, the impact of any race-neutral approach is dependent upon the specific institutional characteristics and demographic makeup of the context.
- 2) Whether a proxy for race can be used to achieve racial diversity will be determined largely by how correlated race is to the alternative measure.
- 3) Efforts by selective universities to implement various RNAs have not been successful in accomplishing their intended goals.
- 4) Many RNAs hypothesized in the academic literature are not feasible or would be incredibly difficult for institutions to implement in reality.

Opinions Reached

Based upon my survey of race-neutral alternatives that have been implemented by other universities or hypothesized in academic literature, I opined on those results, including highlighting key factors related to the quality of the evidence and feasibility of specific RNAs

 **Based on this review, I identified those RNAs that I believe make sense for the University to consider evaluating, along with factors to keep in mind.**

Mr. Kahlenberg makes a number of overstatements about RNAs and the potential success of those alternatives at the University

The Success of Place-Based RNAs Requires Underlying Segregation

- ▶ Place-based approaches:
 - Percentage plans, based on high school class rank (e.g., Texas)
 - Geography-based admissions plans have not been attempted but would provide preferences based on the residence (e.g., zip code)
- ▶ There must be high levels of segregation across high schools (i.e., schools that are nearly all one race or ethnicity) for this policy to result in admitting a diverse student body



Have Had Limited Success

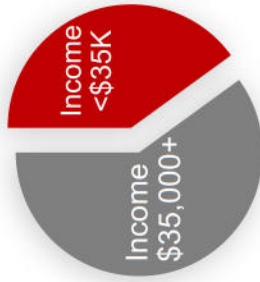
- ▶ Universities that have implemented percentage plans have struggled to maintain racial and ethnic diversity.
- ▶ Institutions that have implemented percentage plans have also expressed concerns about the fact that the approach limits the ability of admissions committees to take into account academic preparation and rigor in their decisions.
- ▶ Percentage plans can have indirect effects on other important behaviors, which can ultimately influence whether universities are able to accomplish their goals.

- ▶ This potential RNA is entirely hypothetical, and the related research does not provide quantitative evidence on the potential impact of this approach on racial and ethnic diversity.
- ▶ Like Percentage Plans based on high school class rank, there must be high levels of underlying segregation for this plan to result in diverse admissions pools.
- ▶ The problem of families acting strategically to alter outcomes would likely be even worse under a geographic or zip-code plan than for Percentage Plans.
- ▶ This plan would also force admissions committees to disregard valuable information on academic preparation and rigor, which could vary even more by zip code than by high school.

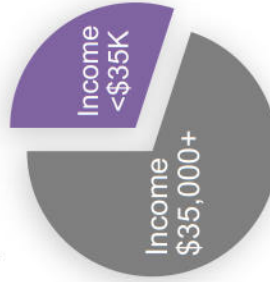
Socioeconomic Status (“SES”) Plans

- ▶ Like place-based RNAs, the effects of an SES Plan will depend upon the strength of the relationship between race and the measure of SES used.
- ▶ Although many Black and Latino students are from low-income families, most poor families are White.
- ▶ Therefore, simulations have shown that SES Plans would favor more White students than racial/ethnic minorities.

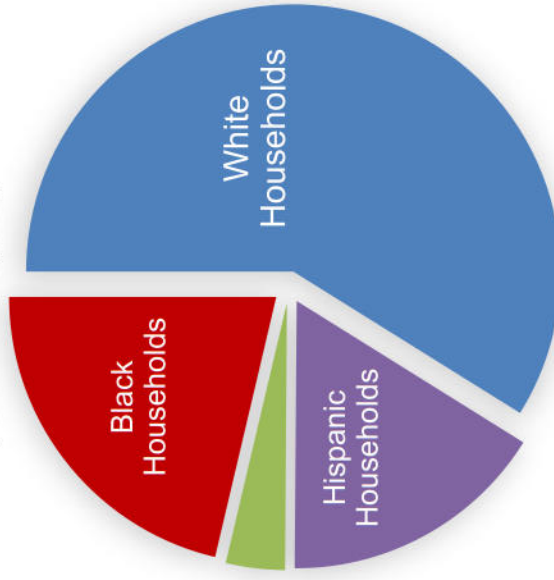
Black Households



Hispanic Households



**All Low-Income Households
(less than \$35,000)**



Source: Income and Poverty in the United States 2019. Table A-2. Households by Total Money Income, Race, and Hispanic Origin of Householder: 1967 to 2019.

- ▶ No undergraduate institution has implemented a SES-based admissions policy to replace a holistic, race-conscious approach.
- ▶ Research on hypothesized SES plans provide limited insight on what might be possible because they are not feasible:
 - The hypothesized plans require data that is not available or practical for an admission committee to use.
 - Simulations in the research literature use assumptions that are not reasonable / appropriate in the real world.

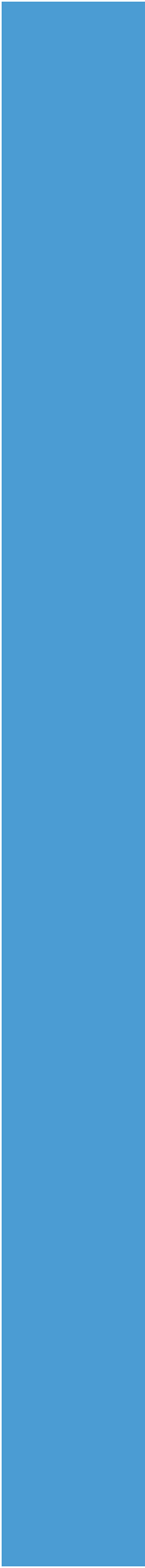

Opinions Reached

Based upon my survey of race-neutral alternatives that have been implemented by other universities or hypothesized in academic literature, I opined on those results, including highlighting key factors related to the quality of the evidence and feasibility of specific RNAs

Based on this review, I identified those RNAs that I believe make sense for the University to consider evaluating, along with factors to keep in mind



Mr. Kahlenberg makes a number of overstatements about RNAs and the potential success of those alternatives at the University.

- 
- 
- 1) He overstates how effective RNAs have been (and would be) because:
 - a) He fails to account for the quality and relevance of the research.
 - b) He ignores the broader context of universities that have implemented RNAs.
 - 2) Kahlenberg's approach could not be implemented because his definition of SES requires information that is not available to admissions offices

Kahlenberg Fails to Account for the Quality and Relevance of the Research

More Rigorous Studies

M. Long and Tienda (2008)

- **Institutional Data:** Administrative data from three Texas universities several years pre- and post-policy change
- **Indirect Effects:** Considers how behavior changed and whether RNAs helped to maintain diversity levels

Bowen, Kurzweil, and Tobin (2005)

- **Detailed Data:** Includes 18 selective institutions (3 public)
- **Multiple Simulations:** Investigates effect of income-sensitive admissions preferences while removing consideration of race

Reardon, et. al. (2015)

- **Comprehensive, Feasible Data:** Multiple years of data focusing on information available to admissions committees
- **Dynamic Model:** Considers what would happen if multiple universities changed practice
- **Indirect Effects:** Accounts for applicants changing their behavior over time

Less Rigorous Studies

Carnevale, et. al. (2014)

- **Unrealistic Assumptions:** Applicants apply to all 193 most selective colleges in U.S., and then colleges rank the enlarged pool and fill entering class from top of list down
- **Limited Data:** Does not use actual institutional data

Gaertner (2014)

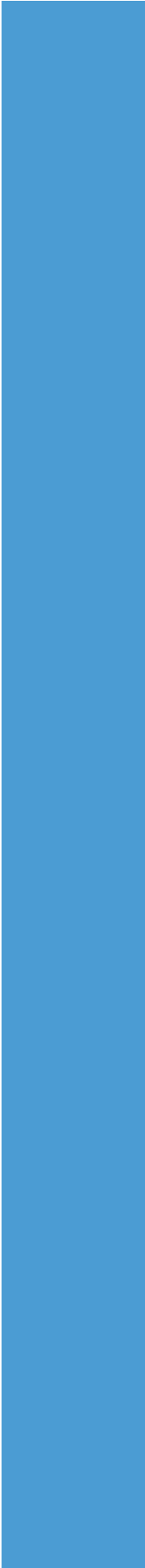

- **Limited Data:** Analysis of a subset of one year of applicants to one institution (CU-Boulder) during an unusual year (2009)
- **SES Measure not Feasible:** Uses an index constructed by relying on an external dataset (the authors admit this is not what admissions committees ordinarily have access to)
- **Dissimilar Context:** CU-Boulder is much less selective than UNC-CH (77% acceptance rate) and different state makeup

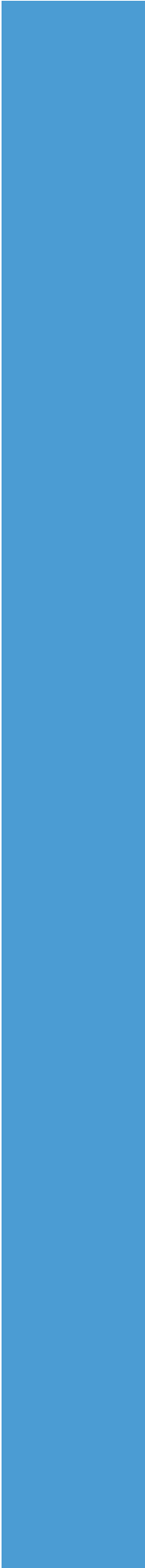

Kahlenberg and Potter (2012)

- **Dissimilar context and institutional characteristics**
(See the next slide.)

Kahlenberg Ignores the Broader Context of Universities That Have Implemented RNAs

Univ. of Arizona	79%	
Univ. of Nebraska-Lincoln	75%	
Univ. of Georgia	54%	
Univ. of Florida	46%	
Univ. of Washington	45% (59% in-state / 42% out-of-state)	
• • •		
Univ. of Michigan	29% (42% in-state / 25% out-of-state)	
Univ. of NC-Chapel Hill	27% (46% in-state / 14% out-of-state)	?
UCLA	18%	
UC-Berkeley	17%	

- 
- ▶ Using wealth or income information in admissions decisions would constitute a fundamental change to admissions practices and violate the objective of being need-blind.
 - ▶ Kahlenberg's approach relies on a broad definition of SES that requires information on family wealth that is not available to admissions offices and so could not be implemented:
 - Income does not equal wealth.
 - Reliable wealth information is not available for many applicants.
- 

- 
- ▶ Kahlenberg incorrectly suggests that universities could use the Free Application for Federal Student Aid (FAFSA) to get information about wealth
 - ▶ The FAFSA would tell institutions little about an applicant's SES:
 - The FAFSA is not completed by all students.
 - Students with incomes below \$50,000 do not complete the wealth questions.
 - The wealth questions exclude home value, which means they leave out the greatest source of assets for most American families.
 - Families report limited amounts of data.
- 

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954

STUDENTS FOR FAIR
ADMISSIONS, INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH
CAROLINA, et al.,

Defendants.

**DEFENDANTS' RESPONSES AND OBJECTIONS
TO PLAINTIFF'S SECOND INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33, and the Local Rules of the Middle District of North Carolina, Defendants object and otherwise respond to Plaintiff Students for Fair Admissions, Inc.'s Second Interrogatories (the "Interrogatories") as follows:

GENERAL OBJECTIONS

1. Defendants object to the Interrogatories to the extent that the Interrogatories, or the related definitions and instructions, purport to impose any obligation on Defendants in excess of the requirements set forth in the Federal Rules of Civil Procedure, the Local Rules of the Middle District of North Carolina, or any other statute, rule, or order applicable to this action.

2. Defendants object to the Interrogatories to the extent that they, or the related definitions and instructions, purport to require Defendants to produce information that is protected from disclosure by the attorney-client privilege, the joint defense privilege, the attorney work product doctrine, or any other applicable privilege or immunity under federal or state

9. Defendants reserve the right to assert additional objections to the Interrogatories, or any other requests for documents or information, if such objections become known or apparent in the future.

10. All defined terms have the same meaning as used by Plaintiff in the Interrogatories unless otherwise defined.

SPECIFIC RESPONSES AND OBJECTIONS

Interrogatory No. 8:

Identify when UNC-CH first began circulating Core Reports (*e.g.*, UNC0098178), Core Report Comparisons (*e.g.*, UNC0081618), or any similar document disclosing racial makeup of the admitted class to readers during the reading period, before releasing decisions to applicants, in any format.

Response to Interrogatory No. 8:

Subject to and without waiving their general objections, Defendants state that UNC-CH first provided reports disclosing information regarding the number of students who applied for admission, the number of applications read, the number of admitted students, and the number of enrolled students by a number of dimensions, including race and ethnicity, with a prior year comparison (“Core Report Comparisons”) in 2006. Core Report Comparisons were created from 2006 until 2009 and from approximately December 2014 until May 2015. Reports disclosing information regarding the number of students who applied for admission, the number of applications read, the number of admitted students, and the number of enrolled students by a number of dimensions, including race and ethnicity (“Core Reports”) were created from 2010 until in or about July 2015. Both Core Report Comparisons and Core Reports ceased in 2015 as discussed in Response to Interrogatory No. 9.

Interrogatory No. 9:

Identify which admissions office employees received Core Reports (*e.g.*, UNC0098178), Core Report Comparisons (*e.g.*, UNC0081618), or any similar document disclosing racial makeup of the admitted class to readers during the reading period, before releasing decisions to applicants, and the frequency within which they received them.

Response to Interrogatory No. 9:

Defendants object to Interrogatory No. 9 to the extent that it seeks information without time limitation. Subject to and without waiving their general and specific objections, Defendants state that Core Report Comparisons were emailed to all Office of Undergraduate Admissions staff on a biweekly basis from 2006 to 2009. From approximately December 2014 to May 2015, Core Report Comparisons were posted to a shared drive accessible by Associate Directors of Admission.

Defendants state that from 2009 until approximately 2010, Core Reports were shared with staff on a biweekly basis. Defendants further state that from approximately December 2010 to July 2015, Core Reports were generated by the UNC-CH ITS department and sent via email daily to Jennifer Kretchmar, Barbara Polk, Melissa Florio, and Stephen Farmer.

Interrogatory No. 10:

Identify the date when UNC-CH stopped circulating Core Reports (*e.g.*, UNC0098178) and Core Report Comparisons (*e.g.*, UNC0081618), or similar reports, to application readers during the reading period, before releasing decisions to applicants, and the reason for doing so.

Response to Interrogatory No. 10:

Defendants object to Interrogatory No. 10 to the extent that it seeks information without time limitation. Subject to and without waiving their general and specific objections, Defendants refer to their Response to Interrogatory No. 9 for the time periods during which Core Reports and Core Report Comparisons were circulated. The 2015 decision to cease generation of Core

meetings. The work of the Committee on Race-Neutral Strategies remains ongoing as of June 30, 2017.

Interrogatory No. 23:

Describe any change made to Your use of race in the admissions process after April 4, 2014. This includes any changes in how race is presented to employees of the admissions office, such as the removal of race from the School Group Review/Decision Review reports as testified to by Barbara Polk in her deposition.

Response to Interrogatory No. 23:

Defendants object to Interrogatory No. 23 because the request for “any change” is overly broad and the phrase “presented to employees” is vague and ambiguous. Without waiving their general and specific objections, Defendants state that, before and after April 2014, UNC-CH has considered race as one factor of many in its individualized, holistic review of applicants. In addition to the reports discussed in Defendants’ Responses to Interrogatories Nos. 8, 9, and 10 and Defendants’ Response to Interrogatory No. 11, before and after 2014, an employee of the Office of Undergraduate Admissions may learn of an applicant’s race or ethnicity if the applicant discloses it in their application for admission or some portion of their application, including essays or recommendation letters (and reflected in the admissions database).

Interrogatory No. 24:

Aside from the Working Group on Race-Neutral Alternatives and the Committee on Race-Neutral Strategies, identify any effort to investigate race-neutral alternatives since 2004, and for each provide:

- The person or persons responsible for the effort;
- The person or persons involved in the effort;
- The nature of the inquiry; and
- Any documents created as part of the effort.

Response to Interrogatory No. 24:

Defendants object to Interrogatory No. 24 because “any effort” is overly broad, unduly burdensome, and vague. Defendants further object to “investigate” as vague. Without waiving their general and specific objections, Defendants state that following the Supreme Court’s decision in *Grutter v. Bollinger*, 539 U.S. 306 (2003), Stephen Farmer and other members of the Office of Undergraduate Admissions, including Barbara Polk, began considering race-neutral alternatives and race-neutral alternative practices through yearly attendance at the College Board Access and Diversity Collaborative, annual meetings of chief admissions officers at major U.S. universities, staying abreast of discussions of race-neutral alternatives in higher education literature and commentary, and by following the use and results of race-neutral alternatives at the University of Michigan, University of California-Berkeley, and other universities that adopted race-neutral admissions practices.

In addition, in 2007, Stephen Farmer conducted an analysis of a race-neutral alternative using socioeconomic factors (UNC 0079518, UNC0079516, and UNC0079517). In July 2009, Jennifer Kretchmar conducted a review of the literature addressing race-neutral alternatives at the direction of Stephen Farmer (UNC0079519). In 2012, Jennifer Kretchmar and Stephen Farmer conducted an analysis of the projected impact of a Top 10 Percent Plan (UNC 0079622). In 2012 as well, Stephen Farmer outlined an idea for a race-neutral alternative stemming from potential partnership with certain North Carolina schools (UNC0323544).

Interrogatory No. 25:

Describe how You identify economically disadvantaged applicants for readers during the admissions process, including the field(s) used for this purpose in UNC-CH’s datasets.

From: Prasertpol, Wissuta <wissutap@admissions.unc.edu>
Sent: Wednesday, December 4, 2013 2:01 PM
To: UGA Associates <associates@admissions.unc.edu>
Cc: Kretchmar, Jen <jkretchmar@admissions.unc.edu>
Subject: Core Report Comparison - Dec 4

Dear Associates,

Please find attached the latest core report update. Please let me know if you have any questions.

Wissuta

Document Produced in Native Format

Core Report Year-on-Year Comparison
Date: Wednesday, December 4, 2013

	Applied			Read			Read%			Admit			Admit%			Enroll			Enroll%		
	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg
First Year Applicants																					
Total	17,884	18,399	▲ 3%	8,425	9,317	▲ 11%	0%	1%	▲ 0%	3,482	3,966	▲ 14%	0%	0%	▲ 0%	0	0	--	0%	0%	0%
By SAT																					
Average SAT Critical Reading	631	637	▲ 6	640	643	▲ 3				673	670	▼ -3				--	--	--			
Average SAT Math	649	655	▲ 6	660	661	▲ 1				687	684	▼ -3				--	--	--			
Average SAT Total (R+M)	1281	1293	▲ 12	1300	1305	▲ 5				1360	1354	▼ -6				--	--	--			
By Ethnicity																					
American Indian or Alaska Native	329	279	▼ -15%	130	102	▼ -22%	0%	0%	▼ 0%	75	56	▼ -25%	1%	1%	▼ 0%	0	0	--	0%	0%	0%
Asian	2,187	2,721	▲ 24%	989	1,244	▲ 26%	0%	0%	▲ 0%	444	556	▲ 25%	0%	0%	▲ 0%	0	0	--	0%	0%	0%
Black or African American	1,715	1,645	▼ -4%	532	587	▲ 10%	0%	0%	▲ 0%	252	288	▲ 14%	0%	0%	▲ 0%	0	0	--	0%	0%	0%
Caucasian	12,796	13,585	▲ 6%	6,357	7,266	▲ 14%	1%	1%	▲ 0%	2,575	3,036	▲ 18%	0%	0%	▲ 0%	0	0	--	0%	0%	0%
Hispanic or Latino	1,283	1,326	▲ 3%	535	551	▲ 3%	0%	0%	▲ 0%	284	305	▲ 7%	1%	1%	▲ 0%	0	0	--	0%	0%	0%
Native Hawaiian or Other Pacific Islander	42	41	▼ -2%	16	17	▲ 6%	0%	0%	▲ 0%	7	6	▼ -14%	0%	0%	▼ 0%	0	0	--	0%	0%	0%
Not specified - Choose not to report	1,268	613	▼ -52%	610	333	▼ -45%	0%	1%	▲ 0%	252	132	▼ -48%	0%	0%	▼ 0%	0	0	--	0%	0%	0%
Other	10	0	▼ -100%	4	0	▼ -100%	0%	0%	▼ 0%	2	0	▼ -100%	1%	0%	▼ -1%	0	0	--	0%	0%	0%
By Gender																					
Female	11,140	11,430	▲ 3%	5,285	5,830	▲ 10%	0%	1%	▲ 0%	2,126	2,407	▲ 13%	0%	0%	▲ 0%	0	0	--	0%	0%	0%
Male	6,744	6,968	▲ 3%	3,140	3,487	▲ 11%	0%	1%	▲ 0%	1,356	1,559	▲ 15%	0%	0%	▲ 0%	0	0	--	0%	0%	0%
Unknown	0	1	--	0	0	--	0%	0%	▲ 0%	0	0	--	0%	0%	▲ 0%	0	0	--	0%	0%	0%
By Residency																					
Non-Resident	10,456	10,985	▲ 5%	4,760	5,166	▲ 9%	0%	0%	▲ 0%	1,208	1,142	▼ -5%	0%	0%	▼ 0%	0	0	--	0%	0%	0%
North Carolina Resident	7,207	7,207	0%	3,662	4,144	▲ 13%	1%	1%	▲ 0%	2,273	2,821	▲ 24%	1%	1%	▲ 0%	0	0	--	0%	0%	0%
Undetermined	221	207	▼ -6%	3	7	▲ 133%	0%	0%	▲ 0%	1	3	▲ 200%	0%	0%	▲ 0%	0	0	--	0%	0%	0%
By Alumni																					
Alum	1,637	1,627	▼ -1%	928	983	▲ 6%	1%	1%	▲ 0%	564	654	▲ 16%	1%	1%	▲ 0%	0	0	--	0%	0%	0%
Not Alum	16,247	16,772	▲ 3%	7,497	8,334	▲ 11%	0%	1%	▲ 0%	2,918	3,312	▲ 14%	0%	0%	▲ 0%	0	0	--	0%	0%	0%
By Citizenship																					
Non-Resident Alien	682	846	▲ 24%	289	268	▼ -7%	0%	0%	▼ 0%	86	81	▼ -6%	0%	0%	▲ 0%	0	0	--	0%	0%	0%
Permanent Resident Alien	298	305	▲ 2%	101	122	▲ 21%	0%	0%	▲ 0%	38	60	▲ 58%	0%	0%	▲ 0%	0	0	--	0%	0%	0%
US Citizen	16,904	17,243	▲ 2%	8,035	8,927	▲ 11%	0%	1%	▲ 0%	3,358	3,825	▲ 14%	0%	0%	▲ 0%	0	0	--	0%	0%	0%
Unknown	0	5	--	0	0	--	0%	0%	▲ 0%	0	0	--	0%	0%	▲ 0%	0	0	--	0%	0%	0%

Core Report Year-on-Year Comparison
Date: Wednesday, November 20, 2013

	Applied			Read			Read%			Admit			Admit%			Enroll			Enroll%		
	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg
First Year Applicants																					
Total	16,848	17,763	▲ 5%	5,869	4,588	▼ -22%	35%	26%	▼ -9%	2,525	2,208	▼ -13%	43%	48%	▲ 5%	0	0	--	0%	0%	0%
By SAT																					
Average SAT Critical Reading	633	639	▲ 6	643	643	■ 0				673	666	▼ -7				--	--	--			
Average SAT Math	651	656	▲ 5	661	661	■ 0				686	680	▼ -6				--	--	--			
Average SAT Total (R+M)	1285	1296	▲ 11	1305	1304	▼ -1				1360	1346	▼ -14				--	--	--			
By Ethnicity																					
American Indian or Alaska Native	299	264	▼ -12%	86	45	▼ -48%	29%	17%	▼ -12%	51	27	▼ -47%	59%	60%	▲ 1%	0	0	--	0%	0%	0%
Asian	2,042	2,630	▲ 29%	612	579	▼ -5%	30%	22%	▼ -8%	295	298	▲ 1%	48%	51%	▲ 3%	0	0	--	0%	0%	0%
Black or African American	1,565	1,555	▼ -1%	333	270	▼ -19%	21%	17%	▼ -4%	168	147	▼ -13%	50%	54%	▲ 4%	0	0	--	0%	0%	0%
Caucasian	12,110	13,144	▲ 9%	4,559	3,660	▼ -20%	38%	28%	▼ -10%	1,914	1,739	▼ -9%	42%	48%	▲ 6%	0	0	--	0%	0%	0%
Hispanic or Latino	1,195	1,261	▲ 6%	356	235	▼ -34%	30%	19%	▼ -11%	189	142	▼ -25%	53%	60%	▲ 7%	0	0	--	0%	0%	0%
Native Hawaiian or Other Pacific Islander	39	40	▲ 3%	10	9	▼ -10%	26%	23%	▼ -3%	3	4	▲ 33%	30%	44%	▲ 14%	0	0	--	0%	0%	0%
Not specified - Choose not to report	1,208	600	▼ -50%	420	149	▼ -65%	35%	25%	▼ -10%	183	65	▼ -64%	44%	44%	■ 0%	0	0	--	0%	0%	0%
Other	10	0	▼ -100%	3	0	▼ -100%	30%	0%	▼ -30%	2	0	▼ -100%	67%	0%	▼ -67%	0	0	--	0%	0%	0%
By Gender																					
Female	10,540	11,052	▲ 5%	3,710	2,936	▼ -21%	35%	27%	▼ -8%	1,546	1,385	▼ -10%	42%	47%	▲ 5%	0	0	--	0%	0%	0%
Male	6,308	6,710	▲ 6%	2,159	1,652	▼ -23%	34%	25%	▼ -9%	979	823	▼ -16%	45%	50%	▲ 5%	0	0	--	0%	0%	0%
Unknown	0	1	--	0	0	--	0%	0%	0%	0	0	--	0%	0%	■ 0%	0	0	--	0%	0%	0%
By Residency																					
Non-Resident	9,608	10,507	▲ 9%	3,255	2,125	▼ -35%	34%	20%	▼ -14%	836	456	▼ -45%	26%	21%	▼ -5%	0	0	--	0%	0%	0%
North Carolina Resident	6,927	7,037	▲ 2%	2,612	2,459	▼ -6%	38%	35%	▼ -3%	1,688	1,750	▲ 4%	65%	71%	▲ 6%	0	0	--	0%	0%	0%
Undetermined	313	219	▼ -30%	2	4	▲ 100%	1%	2%	▲ 1%	1	2	▲ 100%	50%	50%	■ 0%	0	0	--	0%	0%	0%
By Alumni																					
Alum	1,591	1,598	▲ 0%	698	547	▼ -22%	44%	34%	▼ -10%	433	379	▼ -12%	62%	69%	▲ 7%	0	0	--	0%	0%	0%
Not Alum	15,257	16,165	▲ 6%	5,171	4,041	▼ -22%	34%	25%	▼ -9%	2,092	1,829	▼ -13%	40%	45%	▲ 5%	0	0	--	0%	0%	0%
By Citizenship																					
Non-Resident Alien	620	805	▲ 30%	92	118	▲ 28%	15%	15%	■ 0%	23	40	▲ 74%	25%	34%	▲ 9%	0	0	--	0%	0%	0%
Permanent Resident Alien	284	294	▲ 4%	58	48	▼ -17%	20%	16%	▼ -4%	19	25	▲ 32%	33%	52%	▲ 19%	0	0	--	0%	0%	0%
US Citizen	15,943	16,658	▲ 4%	5,719	4,422	▼ -23%	36%	27%	▼ -9%	2,483	2,143	▼ -14%	43%	48%	▲ 5%	0	0	--	0%	0%	0%
Unknown	1	6	▲ 500%	0	0	--	0%	0%	0%	0	0	--	0%	0%	■ 0%	0	0	--	0%	0%	0%

Core Report Year-on-Year Comparison
Date: Wednesday, November 13, 2013

	Applied			Read			Read%			Admit			Admit%			Enroll			Enroll%		
	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg
First Year Applicants																					
Total	16,322	17,496	▲ 7%	4,656	2,269	▼ -51%	29%	13%	▼ -16%	2,074	1,178	▼ -43%	45%	52%	▲ 7%	0	0	--	0%	0%	0%
By SAT																					
Average SAT Critical Reading	635	640	▲ 5	644	641	▼ -3				673	662	▼ -11				--	--	--			
Average SAT Math	651	657	▲ 6	661	660	▼ -1				685	677	▼ -8				--	--	--			
Average SAT Total (R+M)	1286	1298	▲ 12	1305	1302	▼ -3				1358	1340	▼ -18				--	--	--			
By Ethnicity																					
American Indian or Alaska Native	280	256	▼ -9%	62	26	▼ -58%	22%	10%	▼ -12%	35	14	▼ -60%	56%	54%	▼ -2%	0	0	--	0%	0%	0%
Asian	1,999	2,599	▲ 30%	456	283	▼ -38%	23%	11%	▼ -12%	222	159	▼ -28%	49%	56%	▲ 7%	0	0	--	0%	0%	0%
Black or African American	1,393	1,517	▲ 9%	247	135	▼ -45%	18%	9%	▼ -9%	125	78	▼ -38%	51%	58%	▲ 7%	0	0	--	0%	0%	0%
Caucasian	11,830	12,953	▲ 9%	3,658	1,831	▼ -50%	31%	14%	▼ -17%	1,605	940	▼ -41%	44%	51%	▲ 7%	0	0	--	0%	0%	0%
Hispanic or Latino	1,149	1,237	▲ 8%	277	100	▼ -64%	24%	8%	▼ -16%	152	65	▼ -57%	55%	65%	▲ 10%	0	0	--	0%	0%	0%
Native Hawaiian or Other Pacific Islander	35	38	▲ 9%	6	3	▼ -50%	17%	8%	▼ -9%	2	2	0%	33%	67%	▲ 34%	0	0	--	0%	0%	0%
Not specified - Choose not to report	1,178	598	▼ -49%	343	62	▼ -82%	29%	10%	▼ -19%	154	31	▼ -80%	45%	50%	▲ 5%	0	0	--	0%	0%	0%
Other	10	0	▼ -100%	3	0	▼ -100%	30%	0%	▼ -30%	2	0	▼ -100%	67%	0%	▼ -67%	0	0	--	0%	0%	0%
By Gender																					
Female	10,225	10,881	▲ 6%	2,951	1,492	▼ -49%	29%	14%	▼ -15%	1,274	771	▼ -39%	43%	52%	▲ 9%	0	0	--	0%	0%	0%
Male	6,097	6,614	▲ 8%	1,705	777	▼ -54%	28%	12%	▼ -16%	800	407	▼ -49%	47%	52%	▲ 5%	0	0	--	0%	0%	0%
Unknown	0	1	--	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%
By Residency																					
Non-Resident	9,341	10,274	▲ 10%	2,486	899	▼ -64%	27%	9%	▼ -18%	638	176	▼ -72%	26%	20%	▼ -6%	0	0	--	0%	0%	0%
North Carolina Resident	6,686	6,909	▲ 3%	2,168	1,368	▼ -37%	32%	20%	▼ -12%	1,435	1,001	▼ -30%	66%	73%	▲ 7%	0	0	--	0%	0%	0%
Undetermined	295	313	▲ 6%	2	2	0%	1%	1%	0%	1	1	0%	50%	50%	0%	0	0	--	0%	0%	0%
By Alumni																					
Alum	1,578	1,588	▲ 1%	579	301	▼ -48%	37%	19%	▼ -18%	372	215	▼ -42%	64%	71%	▲ 7%	0	0	--	0%	0%	0%
Not Alum	14,744	15,908	▲ 8%	4,077	1,968	▼ -52%	28%	12%	▼ -16%	1,702	963	▼ -43%	42%	49%	▲ 7%	0	0	--	0%	0%	0%
By Citizenship																					
Non-Resident Alien	600	791	▲ 32%	57	53	▼ -7%	10%	7%	▼ -3%	11	18	▲ 64%	19%	34%	▲ 15%	0	0	--	0%	0%	0%
Permanent Resident Alien	276	289	▲ 5%	39	19	▼ -51%	14%	7%	▼ -7%	14	11	▼ -21%	36%	58%	▲ 22%	0	0	--	0%	0%	0%
US Citizen	15,446	16,410	▲ 6%	4,560	2,187	▼ -52%	30%	13%	▼ -17%	2,049	1,149	▼ -44%	45%	52%	▲ 7%	0	0	--	0%	0%	0%
Unknown	0	6	--	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%

Core Report Year-on-Year Comparison
Date: Wednesday, November 12, 2013

	Applied			Read			Read%			Admit			Admit%			Enroll			Enroll%		
	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg
First Year Applicants																					
Total	16,204	17,450	▲ 8%	4,415	2,031	▼ -54%	27%	12%	▼ -15%	1,982	1,067	▼ -46%	45%	53%	▲ 8%	0	0	--	0%	0%	0%
By SAT																					
Average SAT Critical Reading	635	640	▲ 5	645	640	▼ -5				672	662	▼ -10				--	--	--			
Average SAT Math	651	657	▲ 6	660	660	■ 0				684	676	▼ -8				--	--	--			
Average SAT Total (R+M)	1287	1298	▲ 11	1306	1300	▼ -6				1357	1338	▼ -19				--	--	--			
By Ethnicity																					
American Indian or Alaska Native	280	256	▼ -9%	56	22	▼ -61%	20%	9%	▼ -11%	33	14	▼ -58%	59%	64%	▲ 5%	0	0	--	0%	0%	0%
Asian	1,980	2,593	▲ 31%	418	257	▼ -39%	21%	10%	▼ -11%	206	147	▼ -29%	49%	57%	▲ 8%	0	0	--	0%	0%	0%
Black or African American	1,371	1,511	▲ 10%	232	121	▼ -48%	17%	8%	▼ -9%	122	66	▼ -46%	53%	55%	▲ 2%	0	0	--	0%	0%	0%
Caucasian	11,765	12,920	▲ 10%	3,484	1,638	▼ -53%	30%	13%	▼ -17%	1,541	853	▼ -45%	44%	52%	▲ 8%	0	0	--	0%	0%	0%
Hispanic or Latino	1,138	1,233	▲ 8%	259	91	▼ -65%	23%	7%	▼ -16%	141	58	▼ -59%	54%	64%	▲ 10%	0	0	--	0%	0%	0%
Native Hawaiian or Other Pacific Islander	34	38	▲ 12%	5	3	▼ -40%	15%	8%	▼ -7%	2	2	■ 0%	40%	67%	▲ 27%	0	0	--	0%	0%	0%
Not specified - Choose not to report	1,166	597	▼ -49%	326	51	▼ -84%	28%	9%	▼ -19%	148	27	▼ -82%	45%	53%	▲ 8%	0	0	--	0%	0%	0%
Other	10	0	▼ -100%	3	0	▼ -100%	30%	0%	▼ -30%	2	0	▼ -100%	67%	0%	▼ -67%	0	0	--	0%	0%	0%
By Gender																					
Female	10,153	10,853	▲ 7%	2,819	1,327	▼ -53%	28%	12%	▼ -16%	1,232	698	▼ -43%	44%	53%	▲ 9%	0	0	--	0%	0%	0%
Male	6,051	6,596	▲ 9%	1,596	704	▼ -56%	26%	11%	▼ -15%	750	369	▼ -51%	47%	52%	▲ 5%	0	0	--	0%	0%	0%
Unknown	0	1	--	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%
By Residency																					
Non-Resident	9,251	10,242	▲ 11%	2,322	775	▼ -67%	25%	8%	▼ -17%	597	147	▼ -75%	26%	19%	▼ -7%	0	0	--	0%	0%	0%
North Carolina Resident	6,657	6,895	▲ 4%	2,091	1,254	▼ -40%	31%	18%	▼ -13%	1,384	919	▼ -34%	66%	73%	▲ 7%	0	0	--	0%	0%	0%
Undetermined	296	313	▲ 6%	2	2	■ 0%	1%	1%	■ 0%	1	1	■ 0%	50%	50%	■ 0%	0	0	--	0%	0%	0%
By Alumni																					
Alum	1,571	1,586	▲ 1%	556	278	▼ -50%	35%	18%	▼ -17%	359	198	▼ -45%	65%	71%	▲ 6%	0	0	--	0%	0%	0%
Not Alum	14,633	15,864	▲ 8%	3,859	1,753	▼ -55%	26%	11%	▼ -15%	1,623	869	▼ -46%	42%	50%	▲ 8%	0	0	--	0%	0%	0%
By Citizenship																					
Non-Resident Alien	593	790	▲ 33%	39	49	▲ 26%	7%	6%	▼ -1%	8	17	▲ 113%	21%	35%	▲ 14%	0	0	--	0%	0%	0%
Permanent Resident Alien	271	287	▲ 6%	36	16	▼ -56%	13%	6%	▼ -7%	13	9	▼ -31%	36%	56%	▲ 20%	0	0	--	0%	0%	0%
US Citizen	15,339	16,367	▲ 7%	4,340	1,966	▼ -55%	28%	12%	▼ -16%	1,961	1,041	▼ -47%	45%	53%	▲ 8%	0	0	--	0%	0%	0%
Unknown	1	6	▲ 500%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%

Core Report Year-on-Year Comparison
Date: Wednesday, November 6, 2013

	Applied			Read			Read%			Admit			Admit%			Enroll			Enroll%		
	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg
First Year Applicants																					
Total	16,047	17,259	▲ 8%	3,337	459	▼ -86%	21%	3%	▼ -18%	1,478	260	▼ -82%	44%	57%	▲ 13%	0	0	--	0%	0%	0%
By SAT																					
Average SAT Critical Reading	635	640	▲ 5	646	637	▼ -9				673	659	▼ -14				--	--	--			
Average SAT Math	651	657	▲ 6	662	657	▼ -5				686	672	▼ -14				--	--	--			
Average SAT Total (R+M)	1287	1298	▲ 11	1309	1294	▼ -15				1359	1332	▼ -27				--	--	--			
By Ethnicity																					
American Indian or Alaska Native	273	251	▼ -8%	36	8	▼ -78%	13%	3%	▼ -10%	18	5	▼ -72%	50%	63%	▲ 13%	0	0	--	0%	0%	0%
Asian	1,960	2,567	▲ 31%	295	55	▼ -81%	15%	2%	▼ -13%	150	32	▼ -79%	51%	58%	▲ 7%	0	0	--	0%	0%	0%
Black or African American	1,341	1,480	▲ 10%	165	36	▼ -78%	12%	2%	▼ -10%	88	18	▼ -80%	53%	50%	▼ -3%	0	0	--	0%	0%	0%
Caucasian	11,666	12,791	▲ 10%	2,668	371	▼ -86%	23%	3%	▼ -20%	1,166	216	▼ -81%	44%	58%	▲ 14%	0	0	--	0%	0%	0%
Hispanic or Latino	1,126	1,218	▲ 8%	182	24	▼ -87%	16%	2%	▼ -14%	100	15	▼ -85%	55%	63%	▲ 8%	0	0	--	0%	0%	0%
Native Hawaiian or Other Pacific Islander	33	38	▲ 15%	4	2	▼ -50%	12%	5%	▼ -7%	1	2	▲ 100%	25%	100%	▲ 75%	0	0	--	0%	0%	0%
Not specified - Choose not to report	1,160	500	▼ -49%	252	7	▼ -97%	22%	1%	▼ -21%	106	1	▼ -99%	42%	14%	▼ -28%	0	0	--	0%	0%	0%
Other	10	0	▼ -100%	1	0	▼ -100%	10%	0%	▼ -10%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%
By Gender																					
Female	10,056	10,727	▲ 7%	2,163	287	▼ -87%	22%	3%	▼ -19%	924	160	▼ -83%	43%	56%	▲ 13%	0	0	--	0%	0%	0%
Male	5,991	6,531	▲ 9%	1,174	172	▼ -85%	20%	3%	▼ -17%	554	100	▼ -82%	47%	58%	▲ 11%	0	0	--	0%	0%	0%
Unknown	0	1	--	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%
By Residency																					
Non-Resident	9,145	10,087	▲ 10%	1,833	134	▼ -93%	20%	1%	▼ -19%	456	24	▼ -95%	25%	18%	▼ -7%	0	0	--	0%	0%	0%
North Carolina Resident	6,607	6,827	▲ 3%	1,502	323	▼ -78%	23%	5%	▼ -18%	1,021	236	▼ -77%	68%	73%	▲ 5%	0	0	--	0%	0%	0%
Undetermined	295	345	▲ 17%	2	2	0%	1%	1%	0%	1	0	▼ -100%	50%	0%	▼ -50%	0	0	--	0%	0%	0%
By Alumni																					
Alum	1,565	1,580	▲ 1%	423	56	▼ -87%	27%	4%	▼ -23%	276	41	▼ -85%	65%	73%	▲ 8%	0	0	--	0%	0%	0%
Not Alum	14,482	15,679	▲ 8%	2,914	403	▼ -86%	20%	3%	▼ -17%	1,202	219	▼ -82%	41%	54%	▲ 13%	0	0	--	0%	0%	0%
By Citizenship																					
Non-Resident Alien	586	781	▲ 33%	18	9	▼ -50%	3%	1%	▼ -2%	5	3	▼ -40%	28%	33%	▲ 5%	0	0	--	0%	0%	0%
Permanent Resident Alien	268	284	▲ 6%	20	4	▼ -80%	7%	1%	▼ -6%	7	3	▼ -57%	35%	75%	▲ 40%	0	0	--	0%	0%	0%
US Citizen	15,193	16,188	▲ 7%	3,299	446	▼ -86%	22%	3%	▼ -19%	1,466	254	▼ -83%	44%	57%	▲ 13%	0	0	--	0%	0%	0%
Unknown	0	6	--	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%

Core Report Year-on-Year Comparison
Date: Wednesday, October 30, 2013

	Applied			Read			Read%			Admit			Admit%			Enroll			Enroll%		
	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg
First Year Applicants																					
Total	15,455	16,860	▲ 9%	2,115	3	▼ -100%	14%	0%	▼ -14%	915	0	▼ -100%	43%	0%	▼ -43%	0	0	--	0%	0%	0%
By SAT																					
Average SAT Critical Reading	636	640	▲ 4	645	690	▲ 45				671	--	--				--	--	--			
Average SAT Math	652	658	▲ 6	664	720	▲ 56				688	--	--				--	--	--			
Average SAT Total (R+M)	1289	1299	▲ 10	1310	1410	▲ 100				1360	--	--				--	--	--			
By Ethnicity																					
American Indian or Alaska Native	261	238	▼ -9%	27	0	▼ -100%	10%	0%	▼ -10%	12	0	▼ -100%	44%	0%	▼ -44%	0	0	--	0%	0%	0%
Asian	1,902	2,519	▲ 32%	165	0	▼ -100%	9%	0%	▼ -9%	84	0	▼ -100%	51%	0%	▼ -51%	0	0	--	0%	0%	0%
Black or African American	1,247	1,428	▲ 15%	98	1	▼ -99%	8%	0%	▼ -8%	53	0	▼ -100%	54%	0%	▼ -54%	0	0	--	0%	0%	0%
Caucasian	11,255	12,502	▲ 11%	1,718	1	▼ -100%	15%	0%	▼ -15%	735	0	▼ -100%	43%	0%	▼ -43%	0	0	--	0%	0%	0%
Hispanic or Latino	1,074	1,172	▲ 9%	114	0	▼ -100%	11%	0%	▼ -11%	64	0	▼ -100%	56%	0%	▼ -56%	0	0	--	0%	0%	0%
Native Hawaiian or Other Pacific Islander	32	36	▲ 13%	4	0	▼ -100%	13%	0%	▼ -13%	1	0	▼ -100%	25%	0%	▼ -25%	0	0	--	0%	0%	0%
Not specified - Choose not to report	1,130	580	▼ -49%	157	1	▼ -99%	14%	0%	▼ -14%	64	0	▼ -100%	41%	0%	▼ -41%	0	0	--	0%	0%	0%
Other	10	0	▼ -100%	1	0	▼ -100%	10%	0%	▼ -10%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%
By Gender																					
Female	9,693	10,486	▲ 8%	1,381	1	▼ -100%	14%	0%	▼ -14%	567	0	▼ -100%	41%	0%	▼ -41%	0	0	--	0%	0%	0%
Male	5,762	6,373	▲ 11%	734	2	▼ -100%	13%	0%	▼ -13%	348	0	▼ -100%	47%	0%	▼ -47%	0	0	--	0%	0%	0%
Unknown	0	1	--	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%
By Residency																					
Non-Resident	8,754	9,792	▲ 12%	1,202	2	▼ -100%	14%	0%	▼ -14%	283	0	▼ -100%	24%	0%	▼ -24%	0	0	--	0%	0%	0%
North Carolina Resident	6,390	6,711	▲ 5%	911	0	▼ -100%	14%	0%	▼ -14%	631	0	▼ -100%	69%	0%	▼ -69%	0	0	--	0%	0%	0%
Undetermined	311	357	▲ 15%	2	1	▼ -50%	1%	0%	▼ -1%	1	0	▼ -100%	50%	0%	▼ -50%	0	0	--	0%	0%	0%
By Alumni																					
Alum	1,539	1,563	▲ 2%	253	0	▼ -100%	16%	0%	▼ -16%	167	0	▼ -100%	66%	0%	▼ -66%	0	0	--	0%	0%	0%
Not Alum	13,916	15,297	▲ 10%	1,862	3	▼ -100%	13%	0%	▼ -13%	748	0	▼ -100%	40%	0%	▼ -40%	0	0	--	0%	0%	0%
By Citizenship																					
Non-Resident Alien	566	758	▲ 34%	9	1	▼ -89%	2%	0%	▼ -2%	3	0	▼ -100%	33%	0%	▼ -33%	0	0	--	0%	0%	0%
Permanent Resident Alien	258	282	▲ 9%	9	0	▼ -100%	3%	0%	▼ -3%	3	0	▼ -100%	33%	0%	▼ -33%	0	0	--	0%	0%	0%
US Citizen	14,621	15,815	▲ 8%	2,097	2	▼ -100%	14%	0%	▼ -14%	909	0	▼ -100%	43%	0%	▼ -43%	0	0	--	0%	0%	0%
Unknown	10	5	▼ -50%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%

Core Report Year-on-Year Comparison
Date: Thursday, October 24, 2013

	Applied			Read			Read%			Admit			Admit%			Enroll			Enroll%		
	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg
First Year Applicants																					
Total	15,207	16,422	▲ 8%	1,304	2	▼ -100%	9%	0%	▼ -9%	514	0	▼ -100%	39%	0%	▼ -39%	0	0	--	0%	0%	0%
By SAT																					
Average SAT Critical Reading	638	642	▲ 4	641	--	--				668	--	--				--	--	--			
Average SAT Math	654	659	▲ 5	661	--	--				687	--	--				--	--	--			
Average SAT Total (R+M)	1293	1302	▲ 9	1302	--	--				1355	--	--				--	--	--			
By Ethnicity																					
American Indian or Alaska Native	253	229	▼ -9%	19	0	▼ -100%	8%	0%	▼ -8%	9	0	▼ -100%	47%	0%	▼ -47%	0	0	--	0%	0%	0%
Asian	1,882	2,468	▲ 31%	102	0	▼ -100%	5%	0%	▼ -5%	44	0	▼ -100%	43%	0%	▼ -43%	0	0	--	0%	0%	0%
Black or African American	1,207	1,379	▲ 14%	43	1	▼ -98%	4%	0%	▼ -4%	26	0	▼ -100%	60%	0%	▼ -60%	0	0	--	0%	0%	0%
Caucasian	11,074	12,184	▲ 10%	1,084	0	▼ -100%	10%	0%	▼ -10%	424	0	▼ -100%	39%	0%	▼ -39%	0	0	--	0%	0%	0%
Hispanic or Latino	1,065	1,137	▲ 7%	61	0	▼ -100%	6%	0%	▼ -6%	34	0	▼ -100%	56%	0%	▼ -56%	0	0	--	0%	0%	0%
Native Hawaiian or Other Pacific Islander	32	34	▲ 6%	3	0	▼ -100%	9%	0%	▼ -9%	1	0	▼ -100%	33%	0%	▼ -33%	0	0	--	0%	0%	0%
Not specified - Choose not to report	1,119	559	▼ -50%	91	1	▼ -99%	8%	0%	▼ -8%	35	0	▼ -100%	38%	0%	▼ -38%	0	0	--	0%	0%	0%
Other	10	0	▼ -100%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%
By Gender																					
Female	9,534	10,216	▲ 7%	869	1	▼ -100%	9%	0%	▼ -9%	323	0	▼ -100%	37%	0%	▼ -37%	0	0	--	0%	0%	0%
Male	5,673	6,204	▲ 9%	435	1	▼ -100%	8%	0%	▼ -8%	191	0	▼ -100%	44%	0%	▼ -44%	0	0	--	0%	0%	0%
Unknown	0	2	--	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%
By Residency																					
Non-Resident	8,575	9,494	▲ 11%	801	1	▼ -100%	9%	0%	▼ -9%	177	0	▼ -100%	22%	0%	▼ -22%	0	0	--	0%	0%	0%
North Carolina Resident	6,315	6,401	▲ 1%	501	0	▼ -100%	8%	0%	▼ -8%	336	0	▼ -100%	67%	0%	▼ -67%	0	0	--	0%	0%	0%
Undetermined	317	527	▲ 66%	2	1	▼ -50%	1%	0%	▼ -1%	1	0	▼ -100%	50%	0%	▼ -50%	0	0	--	0%	0%	0%
By Alumni																					
Alum	1,528	1,528	0%	145	0	▼ -100%	9%	0%	▼ -9%	92	0	▼ -100%	63%	0%	▼ -63%	0	0	--	0%	0%	0%
Not Alum	13,679	14,894	▲ 9%	1,159	2	▼ -100%	8%	0%	▼ -8%	422	0	▼ -100%	36%	0%	▼ -36%	0	0	--	0%	0%	0%
By Citizenship																					
Non-Resident Alien	559	743	▲ 33%	4	1	▼ -75%	1%	0%	▼ -1%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%
Permanent Resident Alien	254	275	▲ 8%	6	0	▼ -100%	2%	0%	▼ -2%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%
US Citizen	14,384	15,399	▲ 7%	1,294	1	▼ -100%	9%	0%	▼ -9%	514	0	▼ -100%	40%	0%	▼ -40%	0	0	--	0%	0%	0%
Unknown	10	5	▼ -50%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%

Core Report Year-on-Year Comparison
Date: Thursday, October 17, 2013

	Applied			Read			Read%			Admit			Admit%			Enroll			Enroll%		
	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg	2013	2014	Chg
First Year Applicants																					
Total	11,109	8,791	▼ -21%	595	2	▼ -100%	5%	0%	▼ -5%	223	0	▼ -100%	37%	0%	▼ -37%	0	0	--	0%	0%	0%
By SAT																					
Average SAT Critical Reading	636	644	▲ 8	636	--	--				669	--	--				--	--	--			
Average SAT Math	652	659	▲ 7	654	--	--				686	--	--				--	--	--			
Average SAT Total (R+M)	1288	1303	▲ 15	1291	--	--				1355	--	--				--	--	--			
By Ethnicity																					
American Indian or Alaska Native	178	117	▼ -34%	6	0	▼ -100%	3%	0%	▼ -3%	5	0	▼ -100%	83%	0%	▼ -83%	0	0	--	0%	0%	0%
Asian	1,265	1,228	▼ -3%	39	0	▼ -100%	3%	0%	▼ -3%	18	0	▼ -100%	46%	0%	▼ -46%	0	0	--	0%	0%	0%
Black or African American	811	622	▼ -23%	22	1	▼ -95%	3%	0%	▼ -3%	13	0	▼ -100%	59%	0%	▼ -59%	0	0	--	0%	0%	0%
Caucasian	8,303	6,773	▼ -18%	500	0	▼ -100%	6%	0%	▼ -6%	186	0	▼ -100%	37%	0%	▼ -37%	0	0	--	0%	0%	0%
Hispanic or Latino	749	543	▼ -28%	29	0	▼ -100%	4%	0%	▼ -4%	16	0	▼ -100%	55%	0%	▼ -55%	0	0	--	0%	0%	0%
Native Hawaiian or Other Pacific Islander	22	15	▼ -32%	1	0	▼ -100%	5%	0%	▼ -5%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%
Not specified - Choose not to report	786	291	▼ -63%	40	1	▼ -98%	5%	0%	▼ -5%	12	0	▼ -100%	30%	0%	▼ -30%	0	0	--	0%	0%	0%
Other	6	--	--	0	--	--	0%	--	--	0	--	--	0%	--	--	0	--	--	0%	--	--
By Gender																					
Female	7,095	5,628	▼ -21%	404	1	▼ -100%	6%	0%	▼ -6%	141	0	▼ -100%	35%	0%	▼ -35%	0	0	--	0%	0%	0%
Male	4,014	3,163	▼ -21%	191	1	▼ -99%	5%	0%	▼ -5%	82	0	▼ -100%	43%	0%	▼ -43%	0	0	--	0%	0%	0%
By Residency																					
Non-resident	6,079	5,308	▼ -13%	384	1	▼ -100%	6%	0%	▼ -6%	88	0	▼ -100%	23%	0%	▼ -23%	0	0	--	0%	0%	0%
North Carolina Resident	4,781	1,937	▼ -59%	209	0	▼ -100%	4%	0%	▼ -4%	134	0	▼ -100%	64%	0%	▼ -64%	0	0	--	0%	0%	0%
Undetermined	249	1,546	▲ 521%	2	1	▼ -50%	1%	0%	▼ -1%	1	0	▼ -100%	50%	0%	▼ -50%	0	0	--	0%	0%	0%
By Alumni																					
Alum	1,129	854	▼ -24%	61	0	▼ -100%	5%	0%	▼ -5%	37	0	▼ -100%	61%	0%	▼ -61%	0	0	--	0%	0%	0%
Not Alum	9,980	7,937	▼ -20%	534	2	▼ -100%	5%	0%	▼ -5%	186	0	▼ -100%	35%	0%	▼ -35%	0	0	--	0%	0%	0%
By Citizenship																					
Non-Resident Alien	328	430	▲ 31%	3	1	▼ -67%	1%	0%	▼ -1%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%
Permanent Resident Alien	175	119	▼ -32%	2	0	▼ -100%	1%	0%	▼ -1%	0	0	--	0%	0%	0%	0	0	--	0%	0%	0%
US Citizen	10,596	8,242	▼ -22%	590	1	▼ -100%	6%	0%	▼ -6%	223	0	▼ -100%	38%	0%	▼ -38%	0	0	--	0%	0%	0%
Unknown	10	--	--	0	--	--	0%	--	--	0	--	--	0%	--	--	0	--	--	0%	--	--

From: Boyle, Janina Pauline <boylej@email.unc.edu>
Sent: Monday, February 10, 2014 7:34 PM
To: Rosenberg, Jared I <jrosenberg@admissions.unc.edu>
Subject: RE: Case for tomorrow, and a call to couns? Mental health concerns for OOS ADMIT with diversity, great testing, great grades [Redacted]

Totally fine, and please go ahead and amend the decision however you see fit. I am glad Kyle and BP will look at it, bc I feel unqualified to make a solo, safe decision on this one.

From: Rosenberg, Jared I
Sent: Monday, February 10, 2014 2:31 PM
To: Boyle, Janina Pauline
Subject: RE: Case for tomorrow, and a call to couns? Mental health concerns for OOS ADMIT with diversity, great testing, great grades [Redacted]

Gina,

I talked with Kyle about this application – to make a long story short (and you and I can talk tomorrow), we want to hold off on presenting this to the entire group as we just recently reached out to legal on this very issue. Kyle and BP will look at it, and perhaps we can bring it up at a later meeting.

Jared

From: Boyle, Janina Pauline
Sent: Monday, February 10, 2014 12:54 PM
To: Rosenberg, Jared I
Subject: Case for tomorrow, and a call to couns? Mental health concerns for OOS ADMIT with diversity, great testing, great grades [Redacted]
Importance: High

Jared,

Please take a look at E1 for this OOS admit. [Redacted] All of the highlighted parts were flags, the pink highlights especially so.

He is a terrific admit by the numbers, but E1 raises concerns of ongoing, unresolved mental health battles.

Would this be a good case to present tomorrow? Stellar academics for a Native Amer/African Amer kid, but w flags?

I admitted him, after talking to counselor, please do as you see fit, change decision.....the more I think of it, I think everyone to vote on this one....can we review it tomorrow? I think Cathy Bryson is a LCSW, maybe she could offer insight on whether these are real flags, or typical comments?

Gina

From: Felder, Andrea D
Sent: Thursday, March 06, 2014 7:59 PM
To: Perkins, Ni-Eric
Subject: RE: **Redacted**

Thanks for checking. At least he has the alum status going for him.

Andrea

From: Perkins, Ni-Eric
Sent: Thursday, March 06, 2014 2:58 PM
To: Felder, Andrea D
Subject: RE: **Redacted**

Without providing any residency information and checking no to residency and with dad living in TX supporting mom and student, all points to being a non-resident. Mom was a non-resident while enrolled at UNC as well.

-Ni

From: Felder, Andrea D
Sent: Thursday, March 06, 2014 2:03 PM
To: Perkins, Ni-Eric
Subject: **Redacted**

Hi Ni,

This is what happens when I do school group?

Another situation for you, this student lives in NC with his mother, lists an NC address, attended Cedar Ridge for all four years, but checked no for residency purposes. He makes it clear in an essay that his dad still lives in Texas and he and his mother moved to NC so his mother could attend school. Mom finished school in 2013, so they could very well intend to move back to Texas. Reader says she consulted Jared. Should we have investigated further? I'm going through this trouble because this is a bi-racial (black/white) male. I would definitely admit for NC. He has alum status, so I could argue WL as an OOS alum. Just trying to do due diligence. Thank you for your thoughts. Sorry this is a long email!

Andrea

From: Employee 1 <[REDACTED]@admissions.unc.edu>
Sent: Thursday, November 06, 2014 2:13 AM
To: Employee 2; Employee 1; Employee 3
Subject: Conversation with Employee 2, Employee 1

Employee 1 [8:46 AM]:

Do we have 20 total merits for both in state and out of state for D1?

Employee 2 [8:48 AM]:

He talked about increasing the # per reader but that was the number I remember

Employee 3 [8:50 AM]:

lol

i make no promises on that

Employee 2 [8:50 AM]:

staying under 20?

Employee 3 [8:51 AM]:

yea.

i'm kinda kidding

^o)

Employee 2 [8:52 AM]:

are you half way to 20 already

Employee 3 [8:55 AM]:

with NC i've maybe used 3 or 4

cant quite remember but i gather i'll be heavy handed

i'm ok w it

Employee 1 [8:59 AM]:

I'm monitoring mine, but I'm at 12 so far with NC and OOS. There are probably 3 or 4 that I can bump off if I go too much over 20.

Employee 1 [9:02 AM]:

Wait, i just looked at the PPT. He said we have 30 spots for NC excel, and 20 merits (both NC and OOS) per deadline.

I thought the 20 included NC and OOS merit as well as NC Excel.

OMG! Did Arroyo come and tell y'all about the convo she had with [REDACTED]'s mom?! I just pulled up her app. Ha!

Employee 3 [9:05 AM]:

lolol

no

Redacted

lol

Employee 2 [9:05 AM]:

So in the meeting he said 20/20 NC/OOS then he crunched the #s and when he sent the ppt he changed the amounts. so 30 sounds right

Who is Redacted? And why is this her name?

Employee 3 [9:06 AM]:

but she showed me some other crazy spelling for a normally common name
so 30 total merit checks?

Employee 2 [9:06 AM]:

If that is in his email or ppt

Employee 1 [9:06 AM]:

Yep, that was Redacted

Employee 3 [9:07 AM]:

lolololol

yesssss

:D

Employee 1 [9:07 AM]:

That's what's in the PPT. 30 Excel, but I think that's both deadlines.

It's one the slide about 2015 Excel numbers.

No idea who Redacted is or why that's her name. I just remember Arroyo was heated after talking to the mama.

Employee 3 [9:09 AM]:

the names make me laugh so hard

Employee 2 [9:10 AM]:

She should be heated because her mom is wrong for this name

Employee 3 break her name down. Redacted

ebonics?

Employee 3 [9:12 AM]:

lololol

Redacted

lololol

Employee 2 [9:12 AM]:

lol

Employee 3 [9:12 AM]:

oh gosh

Employee 1 [9:12 AM]:

:D

Employee 3 [9:12 AM]:

lol

Employee 1 [9:12 AM]:

Y'all make me happy.

Employee 2 [9:13 AM]:

why did the mom call?

Employee 1 [9:14 AM]:

No idea, but her middle is [Redacted] I'd probably go by that.

Employee 2 [9:19 AM]:

Are you trying to admit her?

Employee 1 [9:34 AM]:

So she's an 880, +130 WR. 6/185. 3, 8, 7, 3, 10. 2 APs in 12, all As in 11, works 35 hours/week. FGC, URM, FW. Single mom, unemployed. ADMIT, but writing is problematic. Saving her PID for Bridge

Employee 2 [9:36 AM]:

Dont save that PID send her name to Damon today!!!

Employee 3 [9:36 AM]:

oh that's nice for her.

Employee 1 [9:36 AM]:

I already did

ECs are an 8, not 7.

Employee 2 [9:37 AM]:

Should we hire her as a work study student?

Employee 3 [9:37 AM]:

[E 2] you are really looking ahead for her

yall are like her guardian angels

Employee 2 [9:38 AM]:

She will be covenant

Employee 3 [9:39 AM]:

i hear you

(i'm so tickled about our lunch tuesday)

[E 2], put it on your calendar

1pm

after director's mtg

Employee 2 [9:40 AM]:

I have it on my calendar

Employee 1 [11:35 AM]:

Can we get excited for this brown FGC NC boy who's being raised by his grandfather, wants to become a surgeon, #2 in his class. 27 ACT. 10, 9, 5, 5, 7. Yes! Admit w/ merit!

Employee 2 [11:35 AM]:

I am excited

But every kid I read wants to be a surgeon

Employee 3 [11:36 AM]:

i am too but do you need more in ECs and essay for merit?

Employee 1 [11:36 AM]:

Are they 10, 9 brown boys?!

Employee 2 [11:37 AM]:

I am reading an Am Ind

Employee 1 [11:37 AM]:

Oh yay! Possibly need a little more for merit, but I want to give him a shot. He lists bio as his major so he may be good for CSSP.

Employee 2 [11:38 AM]:

Yes, each of those should be a shout out for CSS

Employee 1 [11:38 AM]:

Oh nice. I just opened a brown girl who's an 810.

Employee 2 [11:38 AM]:

810 total?

Employee 1 [11:39 AM]:

Since it's either/or with Excel, I want him to have a fighting chance with merit. If he doesn't make it, he should definitely get Excel. Needless to say, he's a watchlist.

1290 w/ WR. +50 bump

Employee 3 [11:40 AM]:

ok. just had me think of a wonderful brown girl a bit ago...1390, 5,4,4 on APs, #1 in a small class, 8/10/5/5/7

Employee 2 [11:40 AM]:

yes, I have a question. If a student says a Cal class is AP in the app but the transcript says otherwise. How should we rate?

Employee 3 [11:40 AM]:

i only marked her excel

Employee 1 [11:40 AM]:

I could it.

Employee 3 [11:40 AM]:

maybe i'll merit her

Employee 1 [11:40 AM]:

*count

Sometimes the transcript on lists one semester

Employee 2 [11:40 AM]:

ok thanks

Employee 1 [11:40 AM]:

Is she NC E 3?

Employee 3 [11:41 AM]:

yea

did i just become crazy?

Employee 1 [11:41 AM]:

Give her a chance at merit

Employee 3 [11:41 AM]:

ok

thanks

yayayayaya

Employee 1 [11:41 AM]:

Aid/scholarships are why we lost alot of this URM kids

Employee 2 [11:42 AM]:

I still use that Andrea observation. If its brown and above a 1300 put them in for merit/Excel

Yes, the ASQ tells us that every year

I just read a blk girl who is an MC and Park nominee

wants science potential engr

Employee 3 [11:44 AM]:

oooh fun

and i know about the ASQ, i was just getting caught in these average ECs/Ess's

Employee 1 [11:52 AM]:

Ooohhh, a beast! I know I'm harder with my EC , essay and PQ ratings although I feel as though I've been using more of the scale this year, but with these URM/FGC/FW kids, I'm trying to at least give them the chance to compete even if the ECs and essays are just average.

I don't think I can admit or defer this brown girl.

Employee 2 [11:53 AM]:

Yeah its hard

Employee 1 [11:54 AM]:

Testing, ECs and performance are too low for me to even make an argument

Employee 3 [11:56 AM]:

yep. gotta let her go

Employee 2 [11:57 AM]:

5,5,6,5,5 [E 3]?

Employee 3 [11:59 AM]:

huh?

a brown kid

in NC?

OR are you being funny [E 2]?

Employee 2 [12:00 PM]:

being funny

Employee 3 [12:00 PM]:

bump you

Employee 1 [12:01 PM]:

Why are y'all fighting?

Employee 3 [12:01 PM]:

and i think i used to say 56555 NC kids were generally admits

Employee 2 [12:01 PM]:

for real 4/9/6/7/7 27ACT 6/358 Pogue AM ind

Employee 1 [12:01 PM]:

Um, yes!

Employee 2 [12:01 PM]:

Wrong test score 26

Employee 1 [12:01 PM]:

Still yes, give these brown babies a shot at these merit \$\$

Employee 3 [12:02 PM]:

is the kid actually doing work connected to diversity & bringing folks together?

Employee 2 [12:02 PM]:

She is within her lumbee comty

Employee 3 [12:02 PM]:

ok

awesome

go for it

Employee 2 [12:02 PM]:

Goal to open a clinic within her cmtty

Employee 1 [12:03 PM]:

You can do Pogue and merit, or is it either/or?

Employee 2 [12:03 PM]:

You can do merit and Pogue

Employee 1 [12:03 PM]:

OK, training and last year are a blur to me

Employee 2 [12:03 PM]:

I am only doing Pogue for this one

Employee 3 [2:12 PM]:

Again...Can this kid have Excel w/ average EC/ES but 32/10/10..2 of 99 in class...APs 5,5,4,4,43

i'm going to be an over-checker at this rate

NC...no spec indicators

Employee 2 [2:13 PM]:

Im trying to understand all the numbers

Employee 3 [2:14 PM]:

oh 32/10/10....2/99 class rank

Employee 2 [2:14 PM]:

what are the EC/ess

Employee 3 [2:14 PM]:

6/5

Employee 2 [2:15 PM]:

It could be but you are going to have a # of 32/10/10, you cant give everyone excel

the essays/EC and Rec should play a role

Employee 1 may disagree

Employee 1 [2:16 PM]:

I would be at a no, if there's nothing else compelling. Jared said on Tuesday that there needs to be more.

Employee 3 [2:16 PM]:

ok...i'll start backing off. but jot down the pid's consistently

i'll tighten up now

Employee 1 [2:17 PM]:

I think that's a good approach. Jared specifically said that every 10/10 in NC isn't Excel.

Employee 3 [2:17 PM]:

cool. i wasnt in the room for that

:-)

Employee 2 [2:51 PM]:

perfect 2400 SAT All 5 on AP one B in 11th

Employee 1 [2:54 PM]:

Brown?!

Employee 2 [2:54 PM]:

Heck no

Asian

Employee 1 [2:54 PM]:

Of course

Still impressive

Employee 2 [2:55 PM]:

Natl Chess player ranked [REDACTED] in the nation
goes to NCSSM

Employee 3 [3:37 PM]:

there's my 2nd F

Employee 1 [3:53 PM]:

Ha...still haven't seen one but had a D earlier.

Employee 2 [3:54 PM]:

I havent seen an F yet. Seen a few D's

Employee 1 [4:58 PM]:

Phew, I'm tired.

Employee 3 [5:09 PM]:

off to hot yoga...i may need to sign back on later tonight:-/

hugs to you both

Employee 2 [5:11 PM]:

have a good time

From: Rosenberg, Jared I
Sent: Thursday, February 19, 2015 3:05 PM
To: Coleman, Yolanda
Subject: RE: Reader Feedback

Thanks Yolanda,

Yes, I have had some discussions with her about some applications with this issue. She had oral surgery and is going to miss our meeting this afternoon. I asked if I could call her later today to give her directions on defer review. I felt I may better be able to convey the issue of test scores over the phone.

Jared

From: Coleman, Yolanda
Sent: Thursday, February 19, 2015 9:18 AM
To: Rosenberg, Jared I
Subject: Reader Feedback

Hi Jared,

A good number of my thirds involved reading behind Joi. I know you've spoken with her, but her comments and decisions made me a bit concerned that she's not quite grasping the testing context of URM, FW and FGC. Unfortunately, I didn't save any of the PIDs (and I don't know if there's any way to pull them), but I think it may be worthwhile to have a general conversation with her just to make sure she understands that the testing for those groups may not hit or exceed the mid-50 ranges.

Best,
Yolanda

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH CAROLINA, ET
AL

Defendant.

Civil Action No. 1:14-cv-00954

EXPERT REPORT OF RICHARD D. KAHLENBERG

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I.Ā Professional Qualifications

My name is Richard D. Kahlenberg. I am a senior fellow at The Century Foundation, a non-profit, non-partisan research organization founded in 1919. The views expressed in this report are solely my own, and this report is submitted on my own behalf and not on behalf of any organization.

I am the author or co-author of six books and the editor of ten books. (For the full list, see my Curriculum Vitae in Appendix A.) Most relevant here, I am the author of *The Remedy: Class, Race, and Affirmative Action* (Basic Books, 1996), which was described by Harvard University’s William Julius Wilson in the New York Times as “by far the most comprehensive and thoughtful argument thus far for . . . affirmative action based on class.”¹ The book was named one of the best books of the year by the Washington Post.²

In 2003, *Diverse Issues in Higher Education*, a widely read industry magazine on diversity issues, called me “arguably the nation’s chief proponent of class-based affirmative action in higher education admissions.”³ In 2013, The New York Times identified me as “perhaps the most prominent self-described progressive with doubts about the current version of affirmative action.”⁴ And in 2016, reflecting on my time researching and writing about higher education, William G. Bowen, the former president of Princeton University, and Michael S. McPherson, the former president of Macalester

¹ William Julius Wilson, “Class Consciousness,” New York Times Book Review, July 14, 1996.

² Norman Ornstein, “Social Issues,” Washington Post Book World, December 8, 1996.

³ Ronald Roach, “Class-Based Affirmative Action,” *Diverse Issues in Higher Education*, June 19, 2003.

⁴ David Leonhardt, “The Leading Liberal Against Affirmative Action,” New York Times, March 9, 2013.

College, wrote that I deserve “more credit than anyone else for arguing vigorously and relentlessly for stronger efforts to address disparities by socioeconomic status.”⁵

I am also the editor of four books that address, in part or in whole, race-neutral affirmative action strategies:

- *Ā America’s Untapped Resource: Low-Income Students in Higher Education* (Century Foundation, 2004);
- *Ā Rewarding Strivers: Helping Low-Income Students Succeed in College* (Century Foundation, 2010);
- *Ā Affirmative Action for the Rich: Legacy Preferences in College Admissions* (Century Foundation, 2010); and
- *Ā The Future of Affirmative Action: New Paths to Higher Education Diversity after Fisher v. University of Texas* (Century Foundation/Lumina Foundation, 2014).

My law review articles on race-neutral alternatives to racial preferences include:

- *Ā “Getting Beyond Racial Preferences: The Class-Based Compromise,”* 45 *American University Law Review* 721 (February 1996);
- *Ā “Class-Based Affirmative Action,”* 84 *California Law Review* 1037 (July 1996); and
- *Ā “Reflections on Richard Sander’s Class in American Legal Education,”* 88 *Denver University Law Review* 719 (September 2011).

I also have researched and published numerous articles on race-neutral alternatives to racial preferences in prominent publications, including The New York Times, The Wall Street Journal, The Washington Post, and The New Republic. (See all publications in Appendix A). Over the years, I have served on numerous conference panels giving me an opportunity to interact with college admissions officers at a number of selective colleges.

Before coming to The Century Foundation, I was a Fellow at the Center for National Policy, a visiting associate professor of constitutional law at George Washington University, and a legislative

⁵ William G. Bowen & Michael S. McPherson, Lesson Plan: An Agenda for Change in American Higher Education (Princeton University Press, 2016), p. 35.

assistant to Senator Charles S. Robb (D-VA). I graduated from Harvard College and Harvard Law School.

I also serve on the advisory boards of the Pell Institute and the Albert Shanker Institute, as well as the Research Advisory Panel of the National Coalition for School Diversity. In 2013, I was the winner of the William A. Kaplin Award for Excellence in Higher Education Law and Policy Scholarship.

II.Ā Purpose

In 2014, I was retained in this matter by Students for Fair Admissions, Inc. (SFFA) to provide an opinion regarding the availability and feasibility of race-neutral alternatives to the use of race by University of North Carolina at Chapel Hill's (UNC) as a factor in undergraduate admissions. In particular, I was asked to examine whether UNC could implement workable race-neutral alternatives that would produce the educational benefits of diversity. The rate for my services in this matter is \$295 an hour.

In making my opinions, I draw first upon my extensive knowledge of the history and study of race-neutral alternatives. *See* Section I, *supra*, and Appendix A. I have authored, co-authored, edited, or reviewed virtually every major study or analysis on race-neutral alternatives from the past 20 years. I have also reviewed substantial portions of the voluminous evidence that has been produced by UNC in this case, including numerous deposition transcripts and several internal reports from UNC. A full list of the documents and transcripts I reviewed is provided at Appendix B. Finally, I have reviewed and had access to the admissions data, analysis, and conclusions from SFFA's other expert witness, Duke Professor Peter Arcidiacono.

It is also important to understand what I have not reviewed. I did not have access to some of the data that I would have liked to review from UNC, including precise data about student income

and wealth. These data would have been helpful to me, as they would have allowed me to consider additional race-neutral strategies and evaluate whether they would be workable as possible replacements for UNC's use of race in admissions decisions. Nevertheless, I am confident about the opinions I am able to state below.

I have not testified as an expert at trial or deposition in the past four years.

III.Ā Summary of My Opinions

The U.S. Supreme Court has long stated that student body diversity—by race and also by socioeconomic status—offers important educational benefits.⁶ But because of the heavy costs associated with using race in governmental decision making, the Fourteenth Amendment “forbids the use even of narrowly drawn racial classifications except as a last resort.”⁷ In *Fisher v. University of Texas*, therefore, the Supreme Court held that colleges cannot employ racial preferences unless “no workable race-neutral alternatives would produce the educational benefits of diversity.”⁸ Indeed, in pursuing the compelling goal of diversity, universities bear “the ultimate burden of demonstrating, before turning to racial classifications, that available workable race-neutral alternatives do not suffice.”⁹

With these guideposts in mind, I am prepared to give testimony on three main opinions to a reasonable degree of professional certainty.

⁶ *Grutter v. Bollinger*, 539 U.S. 306, 330 (2003).

⁷ *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 519 (1989) (Kennedy, J., concurring in part and concurring in the judgment).

⁸ 133 S. Ct. 2411, 2420 (2013).

⁹ *Id.*

First, there is extensive empirical evidence and academic research documenting the myriad (and innovative) ways in which colleges and universities such as UNC can use race-neutral alternatives to produce the educational benefits of diversity.

Second, it is apparent from my review of the deposition testimony and relevant evidence produced that, in the years between *Fisher I* and the filing of this lawsuit, UNC failed to accurately consider or fully implement any of the numerous available race-neutral alternatives that could achieve the educational benefits of diversity. These include:

- Ā** Increasing socioeconomic preferences;
- Ā** Increasing financial aid;
- Ā** Adopting policies using geographic diversity, including percentage plans and the use of zip codes and Census tract data;
- Ā** Reducing or eliminating preferences for legacies;
- Ā** Increasing recruitment efforts;
- Ā** Increasing the admission of community college transfers;
- Ā** Eliminating the Early Action admissions option; and
- Ā** Developing partnerships with disadvantaged high schools.

Finally, after reviewing UNC's admissions data and other relevant socioeconomic data, I have concluded that there are race-neutral alternatives available that could provide UNC with the educational benefits of diversity without the use of racial preferences.

IV.Ā Experience and academic research show that colleges and universities can maintain or increase diversity through race-neutral alternatives without sacrificing academic quality.

A.Ā Experience at selective public universities shows that race-neutral strategies can produce racial, ethnic, and socioeconomic diversity.

For years, supporters of racial preferences argued that no workable alternatives existed for creating racial diversity. In the words of Justice Blackmun in his 1978 *Bakke* opinion, "I suspect that it would be impossible to arrange an affirmative action program in a racially neutral way and have it

successful. To ask that this be so is to demand the impossible. In order to get beyond racism, we must first take account of race. There is no other way.”¹⁰

Since then, however, numerous universities have proven him wrong. In 2012, my colleague Halley Potter and I examined ten leading universities where racial preferences had been banned and found that seven of the ten—the University of Texas at Austin, Texas A&M, the University of Washington, the University of Florida, the University of Georgia, the University of Nebraska, and the University of Arizona—had used race-neutral alternatives to meet or exceed the racial diversity levels they had obtained in the past using racial preferences.¹¹ These schools obtained such results through a variety of approaches, including creating plans to encourage geographic and socioeconomic diversity, bolstering financial aid policies, adopting programs that could attract disadvantaged students from underrepresented demographics with the promise of financial support, and building partnerships with K-12 schools to increase the pool of college-ready applicants.¹²

Many of these colleges had been adamant that race-neutral alternatives could never succeed. For example, in 1998, the University of Washington was forced to abandon racial preferences after a ballot initiative was passed banning the practice. At the time, Richard McCormick, the president of the University of Washington, spoke out strongly against the referendum and made dire predictions about its effect on racial diversity. But the University ultimately crafted new approaches to achieve diversity, including recruiting at predominantly minority high schools, expanding financial aid, and

¹⁰ *Regents of University of California v. Bakke*, 438 U.S. 265, 407 (1978) (Blackmun, J., concurring).

¹¹ Richard D. Kahlenberg & Halley Potter, *A Better Affirmative Action: State Universities that Created Alternatives to Racial Preferences* (Century Foundation), pp. 26-61.

¹² *Id.* at 76.

considering such factors as “personal adversity” and “economic disadvantage” in its admissions decisions. By 2004, McCormick wrote, “the racial and ethnic diversity of the UW’s first-year class had returned to its pre-1999 levels,” when race was still considered in admissions, and the new admissions policy also increased economic diversity among the student body.¹³

Similarly, in 2000, the University of Georgia adopted a number of race-neutral strategies after a federal court struck down the university’s use of race in admissions.¹⁴ In particular, the university began using a number of socioeconomic factors in its admissions process, including parental education and high school environment, began admitting the valedictorian and salutatorian from every high school class, and stopped giving preference to children of alumni. Although alumni opposed the end of legacy admissions, the university “has not encountered noticeable fundraising challenges as a result of the change.”¹⁵ Although minority enrollment initially dropped after the ban on using race in admission, it has since moved upward and “the years since 2000 have shown the university moving in the right direction, toward increased racial, ethnic, socioeconomic, linguistic, and geographic diversity on campus.”¹⁶

The other three universities we examined—the University of Michigan, UCLA, and the University of California Berkeley—had not reached their prior levels of racial diversity. As an initial

¹³ Richard L. McCormick, “Converging Perils to College Access for Racial Minorities: Examples of Responses that Work from Washington State and New Jersey,” in *The Future of Affirmative Action: New Paths to Higher Education Diversity after Fisher v. University of Texas*, ed. Richard D. Kahlenberg (New York: Century Foundation/Lumina Foundation, 2014), *supra*, p. 118.

¹⁴ See *Johnson v. Board of Regents*, 106 F. Supp. 2d 1362 (S.D. Ga. 2000).

¹⁵ Nancy G. McDuff & Halley Potter, “Ensuring Diversity Under Race-Neutral Admissions at the University of Georgia,” in *The Future of Affirmative Action*, *supra*, p. 126.

¹⁶ *Id.* at 123.

matter, the data on African-American enrollment at Michigan are problematic. In 2010, the Department of Education changed its methodology for categorizing students by race and ethnicity, requiring colleges to report separately students who are members of two or more races. “So a drop in the number of black students reported at a university from 2009 to 2010,” a Chronicle of Higher Education article noted, “doesn’t *necessarily* mean that there were actually fewer black students.”¹⁷ In fact, when the new “mark one or more” races methodology was proposed, civil rights groups raised concerns that it would result in an artificial decline in African-American and Hispanic representation in government statistics.¹⁸

To the extent that race-neutral alternatives have not been fully effective at these universities, however, it is mostly because of their failure to utilize them fully.¹⁹ Michigan still gives preferences in admission to the children of alumni (who, at selective colleges, tend to be disproportionately non-

¹⁷ Jonah Newman, “What Does the Education Dept. Know About Race?” Chronicle of Higher Education, April 28, 2014. Consider, also, the case of the University of Virginia (UVA), which is not subject to a voter-imposed ban on racial preferences and continues to use race as a factor in admissions. In 2008, before students could use the multi-race category, UVA enrolled 1,199 African-American students. By 2012, after the change in categories was put in place, the number of African Americans was 946, suggesting a dramatic 21.1 percent drop. But when the 2012 data include the 206 students who identified as African American and some other ethnicity (for a grand total of 1,152 African Americans under the old methodology), the drop was 3.9 percent. In other words, about 80 percent of the apparent decline in black enrollment at UVA was due to reporting changes. McGregor McCance, “Analysis of U.Va.’s Incoming Class Shows Consistent Quality with Dynamic Change,” UVA Today, May 16, 2013. In 2010, UNC began reporting IPEDS data using the new multiracial category, which results in an artificial decline in the reporting of African American students and some other categories. Williford deposition, pp. 67-69. See also UNC0193172.

¹⁸ See Kim M. Williams, *Mark One or More: Civil Rights in Multicultural America* (University of Michigan Press, 2008).

¹⁹ U.C. Berkeley, UCLA, and the University of Michigan have also faced a special disadvantage in recruiting minority students because they have a national pool of applicants and restrictions on using race that were imposed by a state referendum rather than a federal court. As a result, out-of-state competitors could continue to use racial preferences.

minority)²⁰ and still provides substantial “merit” aid to wealthy students, thereby diverting funds from need-based aid.²¹ U.C. Berkeley and UCLA currently employ only family income as the primary determinant of economic disadvantage and thus are not using more accurate measures of socioeconomic disadvantage.²² As discussed further below, using wealth alongside income would better capture economic disadvantage than does income alone and could lead to greater racial diversity.

It is significant to note that these types of race-neutral approaches also produce much higher levels of socioeconomic diversity than do race-based admissions.²³ The enhancement of socioeconomic diversity that flows from these plans is critical from an educational and legal perspective, because the educational benefits of diversity arise from the interchange of ideas and experiences with those from different financial circumstances just as surely as those from different racial backgrounds—a point affirmed both by legal precedent and the testimony of UNC officials.²⁴

²⁰ John Brittain & Eric L. Bloom, “Admitting the Truth: The Effect of Affirmative Action, Legacy Preferences, and the Meritocratic Ideal on Students of Color in College Admissions,” in *Affirmative Action for the Rich: Legacy Preferences in College Admissions*, ed. Richard D. Kahlenberg (Century Foundation Press, 2010), pp. 127-32.

²¹ Richard D. Kahlenberg, “A Fresh Chance to Rein in Racial Preferences,” *Wall Street Journal*, October 13, 2013.

²² Richard Sander, “The Use of Socioeconomic Affirmative Action at the University of California,” in *The Future of Affirmative Action*, *supra*, p. 101 (that U.C. campuses look at parental education and income).

²³ See Matthew N. Gaertner, “Advancing College Access with Class-Based Affirmative Action: The Colorado Case,” in *The Future of Affirmative Action*, *supra*, p. 181, Table 14.3; Anthony P. Carnevale, Stephen J. Rose, & Jeff Strohl, “Achieving Racial and Economic Diversity with Race-Blind Admissions Policy,” in *The Future of Affirmative Action*, *supra*, p. 192, Table 15.2.

²⁴ See *Grutter*, 539 U.S. 306, 324 (2003); *Bakke*, 438 U.S. 265, 316 (1978). See also Farmer deposition, p. 132 (that underrepresented students who are a priority include “transfer students, first-generation college students...low-income students.”) See further discussion below.

In California, for example, students from economically disadvantaged backgrounds were significantly more likely to be admitted to universities in California after the State banned racial preferences.²⁵ Likewise, when UCLA Law School adopted a socioeconomic affirmative action program, the proportion of students who were the first in their families to attend college roughly tripled.²⁶

It seems hardly an accident, therefore, that the University of California dominates the list of schools “doing the most for low-income students” in the *New York Times*’ “College Access Index” in 2015.²⁷ Similarly, of the top seven institutions for social mobility, six were from the UC system, and the seventh, the University of Florida, has also implemented race-neutral strategies in the face of a racial preference ban.²⁸ In general, according to a 2017 report from New America, public flagship universities have a wealthier student population today than in the late 1990s. At only three flagship universities did the representation of low-income students increase, two of which (the University of Texas at Austin, and the University of Michigan) were implementing policies to achieve racial diversity without employing race.²⁹

²⁵ See Kate Antonovics & Ben Backes, “The Effect of Banning Affirmative Action on College Admissions Policies and Student Quality,” *The Journal of Human Resources* 49, no. 2 (Spring 2014): p. 306.

²⁶ Sander, “The Use of Socioeconomic Affirmative Action,” *supra*, p. 105.

²⁷ David Leonhardt, “California’s Upward-Mobility Machine,” *New York Times*, September 16, 2015.

²⁸ *Id.*; Kahlenberg & Potter, *A Better Affirmative Action*, *supra*.

²⁹ Stephen Burd (ed), *Moving on Up? What a Groundbreaking Study Tells Us about Access, Success, and Mobility in Higher Ed* (New America, October 2017), pp. 33-34. The third was the University of Nevada.

B.Ā Academic research shows that selective universities can employ effective race-neutral strategies.

In the wake of Supreme Court rulings on affirmative action, think tanks and the academic community have been examining in earnest the use of race-neutral strategies to promote racial, ethnic, and socioeconomic diversity on campuses. For example, the Lumina Foundation teamed up with The Century Foundation to produce a 299-page volume (which I edited) that brought together both supporters and skeptics of racial preferences to consider the meaning of the Supreme Court’s rulings and to examine the efficacy of race-neutral strategies.³⁰ The College Board’s Access and Diversity Collaborative produced papers on race-neutral policies, including “The Playbook: A Guide to Assist Institutions of Higher Education in Evaluating Race-and Ethnicity-Neutral Policies in Support of the Mission-Related Diversity Goals.”³¹ And the American Council on Education surveyed 338 colleges on their use of race-neutral strategies.³²

As a result, valuable research has emerged identifying concrete ways in which universities can increase racial diversity through race-neutral means. For example, in 2014, Professors Anthony Carnevale, Stephen Rose, and Jeff Strohl of Georgetown University examined how socioeconomic

³⁰ Kahlenberg (ed), *The Future of Affirmative Action*, *supra*.

³¹ See, e.g., Arthur L. Coleman, Teresa E. Taylor, & Katherine E. Lipper, “The Playbook: A Guide to Assist Institutions of Higher Education in Evaluating Race- and Ethnicity-Neutral Policies in Support of the Mission-Related Diversity Goals,” College Board and Education Counsel, October 2014, [http://educationcounsel.com/wp-content/uploads/2015/06/ADC%20Playbook%20October%202014%20\(for%20posting%20to%20website\).pdf](http://educationcounsel.com/wp-content/uploads/2015/06/ADC%20Playbook%20October%202014%20(for%20posting%20to%20website).pdf). UNC officials were aware of this report. See UNC0325560.

³² Lorelle L. Espinosa, Matthew N. Gaertner, & Gary Orfield, “Race, Class, and College Access: Achieving Diversity in a Shifting Legal Landscape” American Council on Education, 2015, <http://www.acenet.edu/news-room/Documents/Race-Class-and-College-Access-Achieving-Diversity-in-a-Shifting-Legal-Landscape.pdf>.

affirmative action programs, percentage plans, or a combination of the two, could work at the nation's most selective 193 institutions.³³ The authors found that if these schools used class-based affirmative action—which would include a mix of socioeconomic considerations (such as parental education, income, savings, and school poverty concentrations)—the combined African-American and Hispanic representation would *rise* from 11% to 13%—all without the use of racial preferences. Under a different simulation (in which the top 10% of test takers in every high school was among the pool admitted to this collection of schools) the authors found that African-American and Hispanic representation would rise from 11% to 17%. Under each of these scenarios, socioeconomic diversity and mean SAT scores would also rise.³⁴

Similarly, in 2014, Matthew Gaertner examined admissions at the University of Colorado at Boulder and found that a sophisticated socioeconomic affirmative action plan that gave considerable weight to economic disadvantage could achieve even *more* racial diversity than using racial preferences. Based on national research, the University of Colorado devised an index of socioeconomic disadvantage that looked at a number of factors, including “the applicant’s native language, single-parent status, parents’ education level, family income, the number of dependents in the family, whether

³³ Carnevale, Rose, & Strohl, “Achieving Racial and Economic Diversity with Race-Blind Admissions Policy,” in *The Future of Affirmative Action*, *supra*; see also David Leonhardt, “If Affirmative Action Is Doomed, What’s Next?” *New York Times*, June 17, 2014.

³⁴ Carnevale, Rose, & Strohl, “Achieving Racial and Economic Diversity with Race-Blind Admissions Policy,” in *The Future of Affirmative Action*, *supra*, p. 192, Tables 15.1, 15.2. The study’s breakdown is as follows: Status quo (4% African American, 7% Hispanic; 14% from the bottom socioeconomic half; 1230 mean SAT); Admissions by test score (1% African American, 4% Hispanic; 15% bottom socioeconomic half; 1362 mean SAT); Socioeconomic affirmative action (3% African American, 10% Hispanic; 46% from bottom socioeconomic half; 1322 mean SAT); Top 10% of test takers from every high school (6% African American, 11% Hispanic; 31% from bottom socioeconomic half; 1254 mean SAT). *Id.*

the applicant attended a rural high school, the percentage of students from the applicant's high school eligible for free or reduced-price lunch (FRL), the school-wide student-to-teacher ratio, and the size of the twelfth-grade class.” Under the hypothetical program, the university gave socioeconomically disadvantaged students a preference in admissions that was larger than what African-American and Hispanic students had been provided in the past. When simulations were run, Gaertner found that not only would socioeconomic diversity increase, but the acceptance rates of underrepresented minority applicants would also increase—from 56% under race-based admissions to 65% under class-based admissions.³⁵

In addition, in a 2015 study, Professor Sigal Alon found that if the most selective 115 American universities instituted broad reform—including effectively eliminating³⁶ legacy, athletic, and racial preferences—a socioeconomic boost “could not only replicate the current level of racial and ethnic diversity at elite institutions but even increase it.”³⁷ Professor Alon's model looked at three variations: (1) a “socioeconomic status” model, which looks at family-based economic disadvantages; (2) a “structural” model, which looks at neighborhood-based economic disadvantages; and (3) a “multidimensional” model, which looks at both. Professor Alon found that racial diversity would meet or exceed current admissions and socioeconomic diversity would increase under all three models.

³⁵ Gaertner, “Advancing College Access with Class-Based Affirmative Action,” *supra*, p. 181, Table 14.3. UNC was aware of the Boulder experiment. UNC0079652.

³⁶ Alon effectively eliminates athletic, legacy, and racial preferences by replacing those students in the weakest academic quartile—whom she presumes includes those for whom preferences were decisive—with the most academically competitive economically disadvantaged students of all races.

³⁷ Sigal Alon, *Race, Class, and Affirmative Action* (Russell Sage Foundation, 2015), pp. 254-56.

Meanwhile, because mean SAT scores would remain steady, “all this could be done without jeopardizing academic selectivity.”³⁸

C.Ā Well-crafted race-neutral strategies do not compromise academic quality.

Critics may argue that race-neutral alternatives will reduce academic standards. But experience and research refute that claim.

Consider, for example, the academic results of students admitted through the University of Texas at Austin’s “top 10% plan,” adopted by the legislature in 1997, which admitted students in the top of their high school classes, irrespective of SAT or ACT scores. In 2000, UT’s president noted that “minority students earned higher grade point averages last year than in 1996 and have higher retention rates.”³⁹ Moreover, careful research by Sunny Niu and Marta Tienda of Princeton University found that between 1993 and 2003, black and Hispanic students admitted through the percentage plan “consistently perform as well or better” than white students ranked at or below the third decile.⁴⁰ In recent years, with three quarters of the class still admitted through the percentage plan, graduation rates have increased to record levels.⁴¹ To take another example, after UCLA Law School adopted a

³⁸ Id. at 256.

³⁹ See Larry Faulkner, The “Top Ten Percent Law” Is Working for Texas (Oct. 19, 2000)

⁴⁰ Sunny X. Niu & Marta Tienda, Minority Student Academic Performance under the Uniform Admission Law: Evidence from the University of Texas at Austin, 44 EDUC. EVALUATION & POL’Y ANALYSIS 32 (2010).

⁴¹ Four-year graduation rates have risen 15 percentage points in the past five years. The 65.7% on time graduation rate set “a university record.” The six-year graduation rate was 82.9%. See “Four-Year Graduation Rate Rises from 51 to 66 Percent in Five Years,” UT News, September 20, 2017. <https://news.utexas.edu/2017/09/20/four-year-graduation-rate-rises-from-51-to-66-percent>

socioeconomic preferences program, the school's California bar exam passage rate rose to an all-time high.⁴²

Likewise, in a national simulation, Professors Carnevale and Rose found that top universities could nearly quadruple the proportion of students from the bottom socioeconomic half (from 10% of all students, the level they found in their research, to 38%) without any change in graduation rates.⁴³

These studies are buttressed by a growing body of research on “undermatching,” in which highly qualified students do not apply to selective colleges. Professor Caroline Hoxby of Stanford and Professor Christopher Avery of Harvard have found that 35,000 low-income students are high achieving, but that only one-third apply to one of the country's 238 most selective colleges. Of those low-income, high-achieving students, roughly 2,000 are African American and 2,700 are Hispanic.⁴⁴ Additional research has found that 43% of students who are academically qualified to gain admission to selective colleges undermatch, and that many are Hispanic and African American.⁴⁵ In raw numbers, that translates into 4,000 Hispanic and 2,000 African-American SAT takers who have the strongest academic credentials yet do not attend a highly selective school.⁴⁶ Most recently, research by Anthony Carnevale and Martin Van Der Werf identified 86,000 Pell Grant recipients who have test scores

⁴² Sander, “The Use of Socioeconomic Affirmative Action at the University of California,” *supra*, p. 107.

⁴³ Anthony P. Carnevale & Stephen J. Rose, “Socioeconomic Status, Race/Ethnicity, and Selective College Admissions,” in *America's Untapped Resource: Low-Income Students in Higher Education*, ed. Richard D. Kahlenberg (The Century Foundation Press, 2004), pp. 148-49.

⁴⁴ Caroline M. Hoxby & Christopher Avery, “The Missing ‘One-Offs’: The Hidden Supply of High-Achieving, Low Income Students,” NBER Working Paper no. 18586, December 2012, p. 34.

⁴⁵ Alexandria Radford & Jessica Howell, “Addressing Undermatch: Creating Opportunity and Social Mobility,” in *The Future of Affirmative Action*, *supra*, p. 134.

⁴⁶ *Id.*

comparable to those of students at selective colleges but do not now attend such institutions. These high-achieving low-income students include 5,260 who are Hispanic and 2,580 who are black.⁴⁷ This body of research indicates that there is enormous potential to increase socioeconomic and racial diversity without in any way sacrificing academic quality if colleges were aggressively to recruit high-achieving, low-income students.

V.Ā UNC failed to fully consider any of the numerous race-neutral alternatives that could achieve the educational benefits of diversity.

The Supreme Court’s instructions regarding race-neutral alternatives are clear. Colleges must prove that “no workable race-neutral alternatives would produce the educational benefits of diversity.”⁴⁸ This requirement has been widely discussed in the academic community.⁴⁹ Indeed, in a 2013 article in the *Chronicle of Higher Education*, Thomas Kane and James Ryan of Harvard University noted that the *Fisher* decision means that “[t]o consider race in admissions . . . institutions must prove to courts that race-neutral alternatives—such as relying on socioeconomic status or where students live—will not work.”⁵⁰ They warned that “few universities and colleges are prepared to answer the questions that courts will soon be asking. If they fail to prepare convincing answers, they

⁴⁷ Anthony Carnevale & Martin Van Der Werf, “The 20% Solution: Selective Colleges Can Afford to Admit More Pell Grant Recipients (Georgetown University Center on Education and the Workforce, 2017), pp. 9 and 12.

⁴⁸ *Fisher*, 133 S. Ct. 2411, 2420 (2013).

⁴⁹ See, e.g., Arthur L. Coleman & Teresa E. Taylor, “Emphasis Added: *Fisher v. University of Texas* and Its Practical Implications for Institutions of Higher Education,” in *The Future of Affirmative Action*, *supra*, 50-51.

⁵⁰ Thomas J. Kane & James E. Ryan, “Why ‘*Fisher*’ Means More Work for Colleges,” *Chronicle of Higher Education*, July 29, 2013.

will lose. And, having been put on notice, responsibility for that loss will be with our college and university leaders, not our courts.”⁵¹

Despite all this, it appears that UNC—one of the nation’s great research universities—conducted only a limited and flawed investigation to see whether race-neutral strategies could yield the educational benefits of diversity, as required by law. In an agreement with the U.S. Department of Education’s Office of Civil Rights, UNC committed to completing an analysis of race-neutral alternatives by September 30, 2013.⁵² In fact, UNC’s Working Group on Race-Neutral Alternatives (chaired by Barbara Polk) did not even convene until December 2013; and the group’s report was not presented until January 2016, and not approved until February 25, 2016—about two and half years late.⁵³

The Working Group’s analysis was flawed from the outset because it chose a different standard for judging race-neutral strategies than the Supreme Court employed. The *Fisher* case held that “If a nonracial approach...could promote the substantial interest about as well and at tolerable administrative expense, then the university may not consider race.”⁵⁴ The “about as well” language has been read to suggest some degree of flexibility. Legal scholars such as James Ryan and his colleague Tom Kane, for example, wrote that it is unclear whether a plan “that produced, for example, 60

⁵¹ Id.

⁵² UNC0325546, UNC0325551; Kretchmar deposition, 196.

⁵³ UNC0079625, UNC0079680, UNC0079684, UNC0100625, UNC0283495, UNC0283499, UNC0323680; Kretchmar deposition, 31, 36-39, 336-337. See also Panter deposition, 30; Polk deposition, 240-42; and Williford deposition, 187.

⁵⁴ This language was quoted when UNC established the Committee on Race-Neutral Strategies. UNC0283498.

percent as many minority students would be sufficient.”⁵⁵ By contrast, the Working Group instead chose a higher standard which assumed, without evidence, that current levels of racial diversity and academic preparedness, are an absolute floor.⁵⁶ According to the Group’s chair, Barbara Polk, an alternative would not be viable unless it would “maintain” or “increase” racial diversity—meaning it would produce a “greater or equal percentage” of underrepresented minorities—and “maintain or increase” academic quality.⁵⁷

Moreover, the Working Group provided no guidelines for what levels of diversity are required to achieve the educational benefits of diversity. The Working Group’s report noted that UNC’s 2005 diversity policy called for the “‘achievement of critical masses of underrepresented populations’ since the absence of such critical masses ‘impedes the educational process’ and ‘can place undue pressure on underrepresented students and interfere with all students’ experiencing the educational benefits of a diverse learning environment.’”⁵⁸ The goal of achieving “critical masses” of underrepresented students was reaffirmed in a 2014 UNC diversity plan.⁵⁹ The Working Group’s internal documents raised the question: “What is ‘critical mass’ and how will we know when we reach it.”⁶⁰ Yet nowhere

⁵⁵ Kane & Ryan, “Why ‘Fisher’ Means More Work for Colleges,” *supra*.

⁵⁶ In a February 25, 2016 meeting of the Advisory Committee on Undergraduate Admissions to review the Working Group’s report, a faculty member homed in on this issue. According to minutes from the meeting, Professor Jon Engel said “he believed the study demonstrated that the working group did not find a race-neutral means that would yield results exactly the same as the results we are currently achieving. He asked whether the courts have provided any guidance as to how close such results would need to be before they could be deemed equivalent and workable. Barbara Polk responded that there was no clear guidance to date.” UNC0283495.

⁵⁷ Polk deposition, pp. 296-97. See also UNC0079684 (looking at whether the alternative “yields an entering class with equal or greater diversity and academic quality”); see also UNC0096472.

⁵⁸ UNC0079695.

⁵⁹ UNC0283511.

⁶⁰ UNC0079651, UNC0079624; see also UNC0324038, UNC0378075, UNC0376477.

did the Working Group establish benchmarks for success—defining when critical mass has been achieved—either for underrepresented racial/ethnic or socioeconomic status groups.⁶¹

The Working Group’s literature review of the results from state experiments also had substantial gaps and tended to rely on a skewed subset of studies that suggested race-neutral alternatives were lacking, a deficiency that Working Group Chair Barbara Polk was specifically made aware of but failed to correct. In November 2014, Polk sought input from Howie Kallem, a former official with the U.S. Department of Education’s Office for Civil Rights, on the Working Group’s draft report.⁶² Kallem warned Polk that the draft’s literature review was out of date and noted, in particular, that it failed to include an extensive analysis by The Century Foundation of race-neutral strategies which found that “a majority” of flagship universities using race-neutral strategies were successful in maintaining diversity.⁶³ Nevertheless, the October 2015 draft of the Working Group made no mention of any of the 18 analyses conducted by some of the nation’s leading researchers on race-neutral strategies, contained in The Century Foundations/Lumina Foundation study.⁶⁴

Most troubling of all, the Working Group’s simulation of race-neutral options at UNC was highly truncated. To begin with, the Office of Institutional Research did not conduct a basic

⁶¹ When pressed, UNC officials refused or were otherwise unable to define “critical mass” in terms of a particular level or range of racial and ethnic representation/enrollment. See Dean deposition, pp. 87, 126, and 133, and Polk deposition, p. 197-98. In *Fisher II*, the Supreme Court made clear that “critical mass” is not merely a number but also that it “must be sufficiently measurable to permit judicial scrutiny of the policies adopted to reach them.” Slip opinion, p. 12. The Court also noted that demographics “do have some value as a gauge of the University’s ability to enroll students who can offer underrepresented perspectives.” Slip opinion, p. 14.

⁶² UNC0097612 (soliciting input); UNC0325588 (noting that Kallem was with Office for Civil Rights)

⁶³ UNC0326346.

⁶⁴ UNC0079684-712. Although this version of the report is marked “draft,” it appears to be the latest available.

regression analysis to determine what weight its admissions committee currently provides to race.⁶⁵ This failure is particularly glaring because the Office of Admissions conducted similar studies to look at the effect of such factors as legacy, early admission and gender on admissions.⁶⁶ Without this baseline analysis of how heavily race counts in admissions, it is very difficult to know whether the use of race is narrowly tailored and to begin the work of devising race-neutral strategies. Likewise, Vice Provost Farmer testified that UNC has never conducted an analysis to determine the impact on racial and ethnic diversity of continuing holistic admission but applying a race-blind reading.⁶⁷

The Working Group did model what would happen if UNC adopted five different versions of a geographic or “percentage plan” approaches to admissions.⁶⁸ But it failed to conduct analysis of a variety of other widely-used race-neutral alternatives, including: (1) providing a preference to socioeconomically disadvantaged students, (2) increasing financial aid, (3) eliminating legacy preferences, (4) increasing recruitment efforts, (5) increasing admission to community college transfers, (6) ending early admission, or (7) creating partnerships with disadvantaged high schools. The decision not to analyze and report back on these options is curious. Several of the options were informally raised; indeed, UNC initially planned to simulate “preferencing students on the basis of

⁶⁵ Williford deposition, p. 155.

⁶⁶ Farmer deposition, pp. 119-123, and Kretchmar deposition, p. 194. In addition, UNC conducted an exercise in 2015 seeking to streamline the admissions process and discard the requirement for a second reader in instances when admissions probabilities were very low. The model for this analysis looked at the probability of admissions factoring in “residency, FGC, Alum, URM, highest test score, program, performance, activities, EC’s, and deadline applied.” UNC0090652. See also Farmer deposition, pp. 115-118.

⁶⁷ Farmer deposition, p. 259.

⁶⁸ See discussion of the five plans below.

socioeconomic status”—but chose not to follow through.⁶⁹ Given its failure to even explore these options, its claim that no workable race-neutral strategies are available lacks credibility.⁷⁰

Following the filing of the SFFA lawsuit, a successor group, the Committee on Race-Neutral Strategies, chaired by Abigail Panter, was created to examine race-neutral alternatives.⁷¹ This group, officials said, is beginning to do the elementary work of conducting logistic regressions to determine which factors matter most in admissions, and is beginning to examine race-neutral strategies such as socioeconomic preferences.⁷² But the newly created group has not yet issued any reports on its findings.⁷³

Throughout this period of time, there were numerous race-neutral alternatives available that have the potential to obtain the educational benefits of diversity, and which UNC certainly could have considered and potentially adopted. I discuss these options below.

⁶⁹ See UNC0104931; UNC0104933 (outlining two major simulations – to automatically admit students based on class rank and to provide socioeconomic preferences). UNC planned an analysis by looking at such factors as the socioeconomic status of schools (including percent of students eligible for free and reduced price lunch), the socioeconomic status of families (including parental education levels) and the socioeconomic status of communities (using Census data). See UNC0104934. More generally, UNC was aware of additional race-neutral strategies, including community college transfers, high school partnerships, and better recruitment. UNC0079951-54. It specifically discussed zip code approaches in meetings. UNC0079613

⁷⁰ Farmer acknowledged, for example, that the Working Group’s final report did not include any discussion of expanding community college transfers through the C-STEP program, giving greater weight to first generation college status in admissions, or providing a preference by zip code. Farmer deposition, pp. 273-77. See also Kretchmar deposition, 317, 338-9.

⁷¹ UNC0079680; UNC0283495; UNC0283498; Polk deposition, pp. 261 and 297.

⁷² Panter deposition, 149-150, 156-158.

⁷³ Polk deposition, p. 308.

A.Ã UNC could increase socioeconomic preferences.

1.Ã Socioeconomic factors such as income and wealth are highly correlated with race.

Well-crafted race-neutral alternatives, while not providing a racial preference, are nevertheless cognizant of the ways in which past and present racial discrimination shapes opportunities in America. Race-neutral alternatives based on socioeconomic factors work to produce racial diversity because economic disadvantage is often influenced by the legacy of racial discrimination. This helps explain why African Americans and Hispanics on average have lower incomes and smaller savings than whites do, and why even middle-class blacks live in neighborhoods with higher poverty rates than low-income whites.⁷⁴

Research finds that when socioeconomic affirmative action programs are constructed using a wide variety of variables—not just parental income, but factors such as wealth/net worth, and neighborhood and school levels of poverty that are correlated with race—they can produce substantial racial and ethnic diversity, because this wider array of socioeconomic factors better captures the economic impact of ongoing and past racial discrimination than does income (or race) alone.

For example, Professor Dalton Conley of New York University finds that a family's wealth (rather than income) better reflects the nation's legacy of slavery and segregation because wealth is handed down from generation to generation.⁷⁵ African Americans typically have incomes that are 70%

⁷⁴ John R. Logan, "Separate and Unequal: The Neighborhood Gap for Blacks, Hispanics and Asians in Metropolitan America," US2010 Project, July 2011, p. 5.

⁷⁵ Dalton Conley, "The Why, What, and How of Class-Based Admissions Policy," in *The Future of Affirmative Action*, *supra*, p. 209. See also Lisa J. Dettling, Joanne W. Hsu, Lindsay Jacobs, Kevin B. Moore, & Jeffrey P. Thompson, "Recent Trends in Wealth-Holding by Race and Ethnicity: Evidence from the Survey of Consumer Finances," Federal Reserve FEDS Notes, September 27, 2017 (Black median family wealth was 10.3% of white median family wealth in 2016, and Hispanic wealth was

of white incomes, but African-American wealth is just 10% of white wealth.⁷⁶ Moreover, parental wealth and education are far more powerful predictors of college completion than race or income, Conley finds.⁷⁷ Wealth matters more than income because “educational advantages are acquired through major capital investments and decisions,” such as purchasing a home in a neighborhood with good public schools.⁷⁸

Concentrated poverty is also highly correlated with race and imposes an independent disadvantage on students above and beyond family poverty.⁷⁹ For example, while 6% of young whites live in neighborhoods with more than 20% poverty rates, 66% of African Americans live in such neighborhoods.⁸⁰ Colleges that give a preference to students growing up in concentrated poverty and having access to little wealth will acknowledge the challenges that, in the aggregate, poor minority children face much more often than poor white children.

UCLA Law School is an exemplar of an institution that examined factors such as wealth and concentrated poverty to obtain racial diversity. In the fall 2011 entering class, African Americans were 11.3 times as likely to be admitted under the socioeconomic status (SES) program as other programs,

12.1% of white wealth. Meanwhile, black median family income was 57.8% of white median family income and Hispanic income was 62.9% of white income.); and Ta Nehisi Coates, “The Case for Reparations,” *The Atlantic*, June 2014 (discussing the link between racial discrimination and the black/white wealth gap.)

⁷⁶ Conley, “The Why, What, and How of Class-Based Admissions Policy,” *supra*, p. 209.

⁷⁷ *Id.* at 206.

⁷⁸ *Id.* at 207.

⁷⁹ See e.g. Richard D. Kahlenberg, *All Together Now: Creating Middle-Class Schools through Public School Choice* (Brookings Press, 2001), pp. 25-37.

⁸⁰ See Patrick Sharkey, *Stuck in Place: Urban Neighborhoods and the End of Progress Toward Racial Equality*, Figure 2.1 (University of Chicago Press, 2013), p. 27. See also Logan, “Separate and Unequal,” *supra*, pp. 4-6.

and Latinos were 2.3 times as likely to be admitted. African Americans constituted 20.4% of those admitted under the SES program (22 of 108) compared with 0.8% of admissions for non-SES programs (12 of 1,363). Likewise, Hispanics constituted 35.2% of SES admits (38 of 108) compared with 5.5% for non-SES admits (75 of 1,363). Even though the SES program admitted 108 students, compared with 1,363 under non-SES, the absolute number of African Americans admitted under the SES program (22) exceeded the number admitted under other programs (12).⁸¹ Similarly, Professor Richard Sander and Aaron Danielson of UCLA found in a 2014 analysis that richer measures of socioeconomic status, above and beyond income to include factors such as wealth and neighborhood poverty levels, significantly increased the correlation between race and socioeconomic status and the racial dividend of class-based affirmative action.⁸²

The powerful connection between race and socioeconomic status that is found nationally is also manifest among UNC students. Among admitted in-state students for the classes of 2016-2021, Arcidiacono's analysis of UNC data shows that minority students are much more likely to be economically disadvantaged than white students: 53.5% of admitted black students were economically disadvantaged, as were 47.2% of Hispanic students, and 27% of Asian students, but only 16.5% of white students. As discussed in further detail below, there is also a strong correlation between race and socioeconomic status within UNC's applicant pool. See Appendix C.4.

Some criticize race-neutral alternatives as subterfuges seeking a desired racial result covertly. But this thinking has it exactly backwards because the beneficiaries are a very different subset of African-American and Hispanic students than those who usually benefit from racial preferences. The

⁸¹ Kahlenberg & Potter, "A Better Affirmative Action," p. 14, *supra*.

⁸² Richard Sander & Aaron Danielson, "Thinking Hard About 'Race-Neutral' Admissions," 47 University of Michigan Journal of Law Reform 967, 990-991 (2014).

new beneficiaries are more likely to be working-class and actually to live in segregated neighborhoods. As Georgetown University Law Professor Sheryll Cashin notes, place-based approaches help “those who are actually disadvantaged by structural barriers” rather than enabling “high-income, advantaged blacks to claim the legacy of American apartheid.”⁸³

Class-based preferences also avoid two important costs associated with racial preferences: a reinforcement of negative stereotypes and an increase in racial and ethnic antagonism.⁸⁴ Polls find that most Americans (including a majority of black respondents) oppose the use of race or ethnicity as a factor in college admissions, but large majorities favor the consideration of economic disadvantage.⁸⁵ Because students of all races who have overcome economic disadvantage are seen as deserving of special consideration, such students are unlikely to face the stigma or resentment that has been directed toward recipients of racial preferences.⁸⁶ (At UNC, under the existing system of racial preferences, only 73.8% of African American students reported that “students are respected here regardless of their race or ethnicity,” compared with 90.4% of students at the university as a whole).⁸⁷

⁸³ Sheryll Cashin, *Place Not Race: A New Vision of Opportunity in American* (Boston: Beacon Press, 2014), p. 78.

⁸⁴ *Bakke*, 438 U.S. 265, 298-99.

⁸⁵ Scott Jaschik, “Poll: Public Opposes Affirmative Action,” *Inside Higher Ed*, July 8, 2016 (citing Gallup poll finding 63%-36% opposition to race as a factor in college admissions, but 61%-39% support for considering family economic circumstances in admissions).

⁸⁶ Paul M. Sniderman & Thomas Leonard Piazza, *The Scar of Race* (Harvard University Press, 1993), pp. 102-04. See also Robert P. Jones, Daniel Cox, Betsy Cooper, & Rachel Lienesch, “Anxiety, Nostalgia and Mistrust: Findings from the 2015 American Values Survey,” *Public Religion Research Institute*, November 17, 2015, p. 5 (finding resentment associated with racial preferences).

⁸⁷ UNC0130768. See also Williford deposition, pp. 220-221.

2.Ā UNC's socioeconomic diversity is deeply lacking.

Both external studies and internal data from UNC suggest that UNC's student body is deeply lacking in socioeconomic diversity. In the context of racial diversity, UNC officials repeatedly testified that when certain racial and ethnic groups were "underrepresented," the benchmark was "the population in the State of North Carolina."⁸⁸ By this measure, socioeconomic underrepresentation at UNC is far greater than racial underrepresentation.

Most notable is a 2017 study by Professor Raj Chetty of Stanford University) and colleagues which examined a unique data set of 30 million college students and financial data from the IRS. According to analysis of the Chetty data by the New York Times, 60% of UNC students from those born in 1991 (the class of 2013) came from the top 20% of the income distribution compared with 3.8% from the bottom 20% of the income distribution.⁸⁹ In other words, a visitor of UNC was *16 times* as likely to bump into a high-income student as a low-income student on campus. The median family income of a student from U.N.C. was \$135,100.⁹⁰ This is more than twice the median household income for North Carolina residents in 2016 (\$53,764).⁹¹ Indeed, the figure is close to double the median family income (\$73,857) for Americans ages 45-54 (a typical age for the parents of

⁸⁸ See Farmer deposition, p. 44. See also Andrew Parrish deposition, p. 30; and UNC0378123 ("Foundations and Practices Regarding the Evaluation of Candidates," which defined underrepresented as "groups whose percentage enrollment within the undergraduate student body is lower than their percentage within the general population in North Carolina.")

⁸⁹ "Economic Diversity and Student Outcomes at U.N.C.- Chapel Hill," New York Times, January 18, 2017.

⁹⁰ "Economic Diversity and Student Outcomes at U.N.C.- Chapel Hill," New York Times, January 18, 2017.

⁹¹ U.S. Census Bureau, "Median Household Income by State," Table H-8. <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-income-households.html>

college students.).⁹² Almost half (43%) of UNC students came from the top 10% of the income distribution. More students at UNC came from the top 5% than the bottom 60% by income.⁹³ By comparison, at top flagship public universities such as U.C. Berkeley and UCLA, Chetty's data show about twice the proportion of students come from the bottom 20% by income as at UNC.⁹⁴

UNC testimony and evidence in this case reinforces these findings up to the present day. For the Fall of 2017 incoming first year class, UNC reported that only 12% of its students qualified for the Carolina Covenant program, which covers disadvantaged families earning up to 200% of the poverty line—about \$48,500 for a family of four.⁹⁵ By comparison, 31% North Carolina residents are in households making less than 200% of the poverty line.⁹⁶

⁹² See Proctor, Semega, and Kollar, “Income and Poverty in the United States: 2015,” *supra*, pp. 5-6, Table 1.

⁹³ “Economic Diversity and Student Outcomes at U.N.C.- Chapel Hill,” New York Times, January 18, 2017.

⁹⁴ See “Economic Diversity and Student Outcomes at the University of California, Berkeley,” New York Times, January 18, 2017 <http://www.nytimes.com/interactive/projects/college-mobility/university-of-california-berkeley> (summary of Chetty data); and “Economic Diversity and Student Outcomes at the University of California, Los Angeles,” New York Times, January 18, 2017 <http://www.nytimes.com/interactive/projects/college-mobility/university-of-california-los-angeles> (summary of Chetty data). While 3.8% of UNC Chapel Hill students came from the bottom 20% by income, 7.3% of U.C. Berkeley students and 8.3% of UCLA students did.

⁹⁵ UNC, “Class Profile First-Year Students, Fall of 2017,” <https://admissions.unc.edu/apply/class-profile-2/>; UNC, “Carolina Covenant,” <https://www.unc.edu/studentaid/pdf/misc/CovOnePage.pdf>

⁹⁶ Kaiser Family Foundation, “Distribution of the Total Population by Federal Poverty Level (above and below 200% FPL, 2016) <https://www.kff.org/other/state-indicator/population-up-to-200-fpl/?currentTimeframe=0&selectedDistributions=under-200percent&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

In the entering first-year class in 2014, only 10.7% of students qualified for a fee waiver.⁹⁷ UNC's fee waiver is determined by income criteria developed by the College Board.⁹⁸ The College Board provides that all students eligible for free and reduced price lunch—more than half of the North Carolina public school student population—is eligible for fee waivers on college applications.⁹⁹

In addition, UNC's documents show that only 43% of students receive need-based financial aid to support them in meeting the hefty burden of the annual total cost of full time attendance—\$25,876 for North Carolina residents and \$53,100 for out-of-state residents in the 2017-18 academic year.¹⁰⁰ In other words, fully 57% of UNC students come from families that are wealthy enough to handle these costs without university grants.

UNC's data also show that the proportion of students who are first generation college students is just 17% for the first year students admitted for the fall of 2017.¹⁰¹ By comparison, 72.2% of

⁹⁷ UNC0193169. In the Fall of 2016, among first year students, 11.4% received fee waivers. UNC0283534.

⁹⁸ See UNC079708; UNC0193172. See also Farmer deposition, p. 278.

⁹⁹ At the K-12 level, 59.82% of North Carolina public school students were eligible for free or reduced price lunch in the 2016-17 school year. Public schools of North Carolina, "Free and Reduced Meal Application Data," <http://www.ncpublicschools.org/fbs/resources/data/>. All students receiving free and reduced price meals are eligible for both a College Board SAT waiver and a Common Application fee waiver. See "SAT Fee Waivers," <https://collegereadiness.collegeboard.org/sat/register/fees/fee-waivers>; and "Common App Fee Waiver," <https://appsupport.commonapp.org/link/portal/33011/33013/Article/758/Common-App-fee-waiver>

¹⁰⁰ UNC "Facts and Figures," June 2016; and UNC, "Cost of Attendance," <http://admissions.unc.edu/afford/cost-of-attendance/>

¹⁰¹ University of North Carolina at Chapel Hill, "Class Profile," Fall 2017 First Year Students. <https://admissions.unc.edu/apply/class-profile-2/>. First Generation College is defined by UNC as "Student for whom neither parent and/or legal guardian has attained a four-year degree." UNC0079708; UNC0193172; see also UNC0193169 (17.9% of fall 2014 first year class was first generation college.)

Carolina adults over the age of 25 lack a bachelor's degree, as do 72.5% of those ages 45-64.¹⁰² Stuningly, the percentage of students who were sons or daughters of UNC alumni was even greater, (19%) than first generation college students (17%).¹⁰³ This is remarkable in a nation where there are *451 times* as many American adults age 25 and older without a college degree (143 million) as adults in the world with a UNC degree (317,000).¹⁰⁴ The level of socioeconomic underrepresentation at UNC is substantially greater it is for underrepresented minorities.¹⁰⁵

Another way to consider socioeconomic diversity is eligibility for the federal Pell grant for students needing financial aid to pay for college. Using federal data, U.S. News & World Report found that the proportion of UNC undergraduates receiving Pell grants in the 2015-2016 school year was 22%. By comparison, at U.C. Berkeley, 33% of students received Pell grants, and at UCLA the figure

¹⁰² Rebecca Tippet, "NC in Focus: Increasing Educational Attainment," UNC Carolina Population Center, December 10, 2015 (citing 2010-2014 American Community Survey estimates) <http://demography.cpc.unc.edu/2015/12/10/nc-in-focus-increasing-educational-attainment/> For national figures, see Ryan & Bauman, "Educational Attainment in the United States: 2015" (68% of adults age 45-64 lack a bachelor's degree).

¹⁰³ University of North Carolina at Chapel Hill, "Class Profile," Fall 2017 First Year Students. <https://admissions.unc.edu/apply/class-profile-2/>. This pattern is consistent over time. For example, in the fall of 2014 entering class, the number of alumni children (718) outnumbered those who were first generation college (710). UNC0193169. In the fall of 2016 entering first year class, 18.7% were children of alumni, and just 16.7% first generation college. UNC0283534.

¹⁰⁴ Camille L. Ryan & Kurt Bauman, "Educational Attainment in the United States: 2015," U.S. Census Bureau, March 2016, p. 2, Table 1; UNC "Facts and Figures," May 2017.

¹⁰⁵ Just 17% of UNC undergraduates are first generation college students, while 72.2% of North Carolina adults lack a bachelor's degree for a representation rate of 0.235. By contrast African American high school students constitute 27.6% of North Carolina public high school graduates. See Public Schools of North Carolina, "Statistical Profile," <http://apps.schools.nc.gov/ords/f?p=1:161:1474975992537601::NO::> African Americans represent 15% of college-age population in the U.S. https://www.nytimes.com/interactive/2017/08/24/us/affirmative-action.html?_r=0 At UNC, 10% of students are African American, as reported in the entering class of 2017. UNC "Class Profile." This amounts to a representation rate of 0.362 (in-state) and 0.667 (out of state).

was 37%.¹⁰⁶ (These universities are considered peers by UNC and rank higher on U.S. News & World Report's college rankings, an evaluation system that UNC recognizes as an important measure in its own literature.¹⁰⁷) Even some highly-ranked private colleges had a higher percentage of Pell recipients. At Columbia University, for example, 32% of students received Pell grants.¹⁰⁸

3.Ā UNC could make critical socioeconomic data available to admissions officers.

UNC has adopted “need-blind” admissions, meaning it has placed a firewall between the admissions and financial aid offices that prevents admissions officers from knowing the family income or wealth of applicants.¹⁰⁹ This policy creates an enormous barrier to implementing a central race-neutral strategy used at numerous other colleges: one that provides a preference in admissions to low-income and low-wealth applicants.

¹⁰⁶ “Economic Diversity: National Universities,” US News & World Report, [http://www.usnews.com/](http://www.usnews.com/best-colleges/rankings/national-universities/economic-diversity)

[best-colleges/rankings/national-universities/economic-diversity](http://www.usnews.com/best-colleges/rankings/national-universities/economic-diversity). Increases in Pell percentages at UNC over time may not represent actual changes in socioeconomic diversity. See e.g. Jason Delisle, “The Pell Grant proxy: A ubiquitous but flawed measure of low-income student enrollment” Brookings Institution, October 12, 2017 (noting that increases in Pell representation may reflect changes that made the program more generous over time, not increases in actual socioeconomic diversity).

¹⁰⁷ See e.g. Farmer deposition, pp. 98 and 204 (peers). UNC boasts in its literature that in is the 5th best public university in U.S. News & World Report. UNC “Facts and Figures,” May 2017. In that evaluation system, UC Berkeley ranked #1 and UCLA #2.

¹⁰⁸ “Economic Diversity: National Universities,” US News & World Report, [http://www.usnews.com/](http://www.usnews.com/best-colleges/rankings/national-universities/economic-diversity)
[best-colleges/rankings/national-universities/economic-diversity](http://www.usnews.com/best-colleges/rankings/national-universities/economic-diversity).

¹⁰⁹ See Farmer deposition, p. 280 (“We don’t share information with financial aid about the financial circumstances of families.”); Polk deposition, p. 221 (“we do not have family income information”); and Kretchmar deposition, 127, 234-5.

When asked about the possibility of implementing “race-blind” admissions, Provost Jim Dean dismissed the idea because “it would not be holistic if it didn’t include everything that we know about the student.”¹¹⁰ Yet in the case of socioeconomic status, admissions officers lack a full picture of the students and so must piece together clues about whether a student is economically disadvantaged. Accordingly, admissions officers try to make educated guesses by examining whether a student requested an application fee waiver, the parents’ education level and occupation, the socioeconomic characteristics of an applicant’s high school, and the student’s essays for clues as to his or her socioeconomic status.

Withholding critical information about a student’s specific family income makes it impossible for UNC to implement a sophisticated socioeconomic affirmative action program as a race-neutral alternative for attaining the educational benefits of racial, ethnic, and socioeconomic diversity. Moreover, admissions officers have no solid information about a family’s assets. As discussed above, that is a critical omission because wealth is an important determinant of opportunity. Indeed, for the purposes of race-neutral analysis, wealth has a much higher correlation with race than does income, which means the potential racial dividend of using wealth is substantially greater than it is for using income.¹¹¹

4.Ā UNC could increase the weight it gives to socioeconomic factors.

For many years, UNC prided itself for failing to provide any admissions break to economically disadvantaged students through its Carolina Covenant program. In creating the 2004 Carolina

¹¹⁰ Dean deposition, p. 194. See also Polk deposition, p. 316 (not possible to do holistic admissions without race).

¹¹¹ Conley, “The Why, What, and How of Class-Based Admissions Policy,” *supra*, p. 209.

Covenant program, UNC associate dean Harold Woodard told former *New York Times* reporter Edward B. Fiske, “there is no doubt that these students are Carolina material...There has been no lowering of standards. They have not been given a break because of their circumstances.”¹¹²

Over time, UNC began considering socioeconomic status in admissions, but statistical analyses from SFFA’s expert shows that the preference provided to economically disadvantaged students is much smaller than those provided to other groups.

SFFA’s expert witness, Peter Arcidiacono of Duke University, reviewed data from 200,412 in-state and out-of-state applicants primarily from the class of 2016 to the class of 2021 admissions cycles, of which 162,857 were identified as an appropriate dataset.¹¹³ He provides logit estimates of admission (with the largest numbers suggesting the largest boost). The data are presented for in-state and out-of-state applicants separately. (UNC faces a financial penalty if out-of-state enrollment exceeds 18% under state policy; as a result, admissions is far more competitive for the smaller number out of state slots.¹¹⁴ This competition is compounded by the fact that UNC receives more out-of-state than in-state applications). In rank order of importance, Arcidiacono’s results show the relative weight of various preferences in UNC’s admissions for in-state and out-of-state applicants, respectively.¹¹⁵

¹¹² Edward B. Fiske, “The Carolina Covenant,” in Richard D. Kahlenberg (ed), *Rewarding Strivers: Helping Low-Income Students Succeed in College* (Century Foundation Press, 2010), 67 (also citing Steve Farmer on the same point).

¹¹³ Arcidiacono Report, § 2.2.1. Some aggregated admissions data were also available for admissions cycles for the classes of 2014 and 2015.

¹¹⁴ See Bailey Pennington, “The Admissions Radio: the UNC System’s 82-18 split,” UC Media Hub, May 18, 2016 (describing March 1986 UNC Board of Governors policy 700.1.3.)

¹¹⁵ Recruited athletes are omitted from this analysis. Because athletic coaches can discuss admission eligibility with the UNC admissions office before making offers, recruited athletes are essentially guaranteed admission (at a 97% rate). They constitute just 1.7% of domestic UNC admits. Arcidiacono Report, § 1.

In State Applicants (2016-2021)¹¹⁶

Preference	Logit Estimate of Admission
African American	4.687
Hispanic	2.623
First Generation College	1.251
Legacy	0.435
Early Applicant	0.355
Fee Waiver	0.205
Female	0.177
Asian	0.163

As Arcidiacono notes, among in-state applicants, the magnitude of the first generation preference is less than 30% that of the racial preference African-American male applicants receive. Moreover, the preference for first generation college students is smaller for Hispanics, and practically non-existent for African Americans.¹¹⁷

A perverse effect of giving such a big preference for race is that it negates the incentive to give minorities a socioeconomic preference. While admitted in-state minority students are more likely to be economically disadvantaged than admitted white students, admitted underrepresented minorities are about twice as likely to be socioeconomically advantaged as the general North Carolina public high school population. For example, according to data produced by the North Carolina Education Research Data Center (NCERDC), for the class of 2019, 55.4% of black students admitted to UNC were from advantaged families, compared with 29.4% of North Carolina black public high school students; and 59.7% of admitted North Carolina Hispanic students were advantaged compared with

¹¹⁶ Arcidiacono Report, Table A.4.1 (spec 7).

¹¹⁷ Arcidiacono Report, § 4.1

25.3% of North Carolina Hispanic public high school students. Likewise, according to UNC's data, in the Fall of 2014, 791 underrepresented minority students 543 (68.6%) had a parent with a bachelor's degree, while 248 (31.4%) were first-generation college.¹¹⁸

The same general pattern of preference holds for out-of-state applicants:

Out-of-State Applicants (2016-2021)¹¹⁹

Preference	Logit Estimate of Admission
African American	7.090
Legacy	5.637
Hispanic	3.483
First Generation	2.428
Early Applicant	0.967
Asian	0.218
Fee Waiver	0.165
Female	-0.08

Finally, it is worth noting that these findings are in line with prior studies examining similar schools. Empirical research—from four sets of *supporters* of racial preferences—suggest that universities do not in fact provide much of a leg up to economically disadvantaged students, at least so long as direct racial preferences are available to them.

- ¹²⁰ In a 2004 study of the nation's most selective 146 institutions, Georgetown professors Anthony Carnevale and Stephen Rose found that race-based preferences on average triple the representation of blacks and Hispanics students compared to admission based on grades and test scores, but that universities do nothing to boost socioeconomic representation.¹²⁰ In fact, the representation of poor and working class students is slightly

¹¹⁸ UNC0145991

¹¹⁹ Arcidiacono Report, Table A.4.2 (spec 6).

¹²⁰ Carnevale & Rose, "Socioeconomic Status, Race/Ethnicity, and Selective College Admissions," *supra*, p. 135.

lower than if grades and test scores were the sole basis for admissions, the researchers found.¹²¹ UNC was among the institutions studied.¹²²

- ¹²³ In a 2005 study of highly selective institutions, the Mellon Foundation’s William Bowen and colleagues found that being an underrepresented minority increases one’s chance of admissions by 27.7 percentage points; that is, an applicant with a 40% chance of admissions has a 68% chance if she is African American, Hispanic, or Native American. By contrast, being in the bottom income quartile (relative to the middle quartiles) has no positive effect.¹²³
- ¹²⁴ A 2009 analysis by Thomas Espenshade of Princeton and Alexandria Radford finds that, at highly selective private institutions, the boost provided to African-American applicants is worth 310 SAT points (on a 1600 scale), compared with 130 points for poor students, 70 points for working-class applicants, and (distressingly) 50 points for upper-middle class students, relative to middle-class pupils.¹²⁴
- ¹²⁵ A 2015 study of 40 selective colleges by Sean Reardon of Stanford and colleagues using 2004 data concludes that “racial affirmative action plays (or played, in 2004) some role in admissions to highly selective colleges but SES-based affirmative action did not.”¹²⁵

In the end, these analyses indicate that UNC is dramatically undervaluing socioeconomic status compared with race.

Consistent with this finding, other behaviors of the UNC admissions office underline the relatively greater importance accorded to racial diversity than to socioeconomic diversity. For many years, for example, the Core reports used to summarize ongoing admissions information as decisions were still being made provided data on racial breakdown, but no data on Covenant Scholars, first

¹²¹ Id. at 142.

¹²² See America’s Untapped Resource, *supra*, p. 165, Table A2.

¹²³ William G. Bowen, Martin A. Kurzweil, & Eugene M. Tobin, *Equity and Excellence in American Higher Education* (University of Virginia Press, 2005), p. 105, Table 5.1.

¹²⁴ Thomas J. Espenshade & Alexandria Walton Radford, *No Longer Separate, Not Yet Equal* (Princeton University Press, 2009), p. 92, Table 3.5.

¹²⁵ Sean F. Reardon, Rachel Baker, Matt Kasman, Daniel Klasik, & Joseph B. Townsend, “Can Socioeconomic Status Substitute for Race in Affirmative Action College Admissions Policies? Evidence From a Simulation Model,” Educational Testing Service, 2015, p. 6.

generation college students, or applicants with fee waivers.¹²⁶ Whereas racial status is systematically noted by admissions officers, there is no box for admissions officers of applicants to check to designate “economically disadvantaged.”¹²⁷

The behavior of athletic coaches also suggests that race matters more than economic status in admissions. Because coaches are given only a limited number of slots for recruitment, they are careful not to waste special requests on students who would otherwise be admitted. Accordingly, coaches often conduct informal check-ins with admissions officers to gauge the likelihood of an athlete’s admissibility. In email correspondence in the record of this case, athletic recruiters would often mention the race of applicants, but not the socioeconomic status.¹²⁸

B.Ā UNC could increase financial aid.

UNC has gained considerable favorable attention for its “Carolina Covenant” program which provides grants for dependent students coming from families making up to 200% of the poverty line, or about \$48,500 for a family of four.¹²⁹ But the program does not recognize that typically-sized families making somewhat more than \$48,500 may struggle to meet UNC’s total cost of full time attendance (\$25,876 for North Carolina residents and \$53,100 for out-of-state residents in the 2017-18 academic year.)¹³⁰ By contrast, UNC’s peers, U.C. Berkeley and UCLA, provide the “Blue and Gold Opportunity Plan,” which covers tuition and fees for families making up to \$80,000 a year.¹³¹

¹²⁶ Kretchmar deposition, 170-171. See also Polk deposition, pp. 97-98.

¹²⁷ Polk deposition, p. 224.

¹²⁸ See, e.g., Polk deposition, pp. 113-133 (citing several examples).

¹²⁹ UNC “Facts and Figures,” June 2016; UNC, “Carolina Covenant,” <https://www.unc.edu/studentaid/pdf/misc/CovOnePage.pdf>

¹³⁰ UNC, “Cost of Attendance,” <http://admissions.unc.edu/afford/cost-of-attendance/>

¹³¹ <http://financialaid.berkeley.edu/blue-and-gold-opportunity-plan>

Moreover, unlike many selective colleges, UNC diverts precious scholarship funds to non-need “merit aid” for 140 students each year. These scholarships can cover up to the full cost of attendance per year for students who do not demonstrate any financial need whatsoever.¹³²

Part of UNC’s failure to provide financial aid is the direct result of an explicit policy of the board of regents, adopted in 2014, to limit the degree to which Chapel Hill can use tuition money to aid needy students. Under the policy, the amount of tuition revenue that can be used for financial aid is capped at 15%.¹³³ By contrast, the University of California system devotes one-third of tuition revenues to financial aid.¹³⁴

This lack of commitment to financial aid obviously matters for socioeconomic diversity but it also matters for racial diversity. Unaided students come from the wealthiest families in the country, so it is relevant to note that whites constitute 96.2% of the nation’s top 1% of earners and African Americans just 1.4%.¹³⁵

UNC may claim that increasing financial aid would be too expensive to be part of a workable race-neutral strategy. But UNC officials testified that UNC would remain committed to achieving

¹³² See UNC Student Aid, “Frequently Asked Questions,” 8 and 9. <http://studentaid.unc.edu/faqs/scholarships-faqs/#Q8>. In the First year fall 2014 class, 3.5% (139 students) received merit-based rather than need-based aid. UNC0193169. Merit aid excludes athletic scholarships. UNC0193173.

¹³³ “Full UNC board limits use of tuition for financial aid,” Raleigh News-Observer, August 1, 2014.

¹³⁴ Goldie Blumenstyk, “New 11-University Alliance Plans Efforts to Help Graduate More Needy Students,” Chronicle of Higher Education, September 16, 2014. <https://www.chronicle.com/article/New-11-University-Alliance/148819>

¹³⁵ Shartia Brantley, “Who Are the Black ‘1 Percent?’” The Grio, November 21, 2011 (based on calculations from Federal Reserve data).

racial diversity in new ways if the courts were to rule against the use of race in admission.¹³⁶ Presumably, this commitment would entail expanding financial aid if it were necessary to achieve the goal of racial diversity. Although UNC alleged in an amicus brief before the U.S. Supreme Court that a key race-neutral strategy (a percentage plan) would be unworkable because it would water down academic quality at UNC with an influx of students from poorly resourced high schools (a contention we will address below), the university made no claim that the presence of such student would put too much pressure on financial aid budgets to be workable.¹³⁷

Indeed, UNC's endowment is a staggering \$3 billion, making it the 35th richest university in the entire world.¹³⁸ Despite being among the planet's wealthiest colleges, and therefore best positioned to support low-income students, UNC enrolls far fewer needy students than do colleges with much smaller endowments.

C.Ā UNC could adopt admissions policies utilizing geographic diversity, including percentage plans (for in-state admissions) and the use of zip codes or Census tract data (for out-of-state admissions).

UNC says it seeks geographic diversity in its student body, but the commitment appears to be weak, which in turn undercuts its efforts to promote student body diversity. In Arcidiacono's dataset, slightly more than half (50.3%) of in-state UNC admitted students come from just 7.8% (59) of North

¹³⁶ See, e.g., Dean deposition, p. 141 (agreeing with the statement that "regardless of what happens legally, the university will always be concerned about increasing diversity, including racial diversity, on campus.")

¹³⁷ University of North Carolina, Amicus brief in *Fisher v. University of Texas*, pp. 33-36.

¹³⁸ Hazel Bradford, "UNC Investment Fund returns 12.1% for fiscal year," Pension & Investments, September 12, 2017. <http://www.pionline.com/article/20170912/ONLINE/170919957/unc-investment-fund-returns-121-for-fiscal-year> ; and The Best Schools, "The 100 Richest Universities: Their Generosity and Commitment to Research 2017," August 17, 2017. <https://thebestschools.org/features/richest-universities-endowments-generosity-research/>

Carolina high schools. Among just private high schools, which provide 20% of in-state students, a similar pattern prevails. Just 6.5% of North Carolina's private high schools (20) account for nearly 60% of all admitted private high school students at UNC.¹³⁹

Unlike the use of socioeconomic preference options outlined above, UNC did attempt to model the effects of geographic approaches like those used at the University of Texas, the University of California, and the University of Florida that admit a certain percentage of high-achieving students from state high schools.¹⁴⁰ UNC conducted two sets of simulations—one in 2012, and a series of five in 2014. I begin by setting out their respective findings, then explain why UNC was wrong to reject these alternatives as unworkable.

In 2012, UNC filed an amicus brief in the *Fisher v. University of Texas* litigation in which Chapel Hill disclosed that it had conducted its own simulation of how a plan to automatically admit the top 10% of North Carolina public high school students (by class rank) from the existing pool of applicants would have worked for the class entering the fall of 2012.¹⁴¹ In 2014, the Working Group on Race-

¹³⁹ UNC079698; UNC079703. North Carolina has 307 private high schools according to Niche, a website that analyzes schools and neighborhoods in the United States. <https://www.niche.com/k12/search/best-private-high-schools/s/north-carolina/>

¹⁴⁰ See Potter, "Transitioning to Race-Neutral Admissions," *supra*, pp. 82-83 (referencing details about the Texas top 10% plan, the California top 9% plan, and the Florida top 20% plan. Only the Texas plan guarantees admission to the flagship institution.) See also Stella Flores and Catherine Horn, "Texas Top Ten Percent Plan: How It Works, What Are Its Limits, and Recommendations to Consider" (Educational Testing Service, 2015), p. 6, Table 1 (that Texas's plan applies to public and private high schools; California's to comprehensive public and private school schools; and Florida's to public high schools.) About 80% of North Carolina high schools report class rank. Kretchmar deposition, 213. It may well be that percentage would increase if student admission to UNC depended upon it.

¹⁴¹ The analysis involved only North Carolina public school students, who constitute about 66% of UNC's total class. 82% of students are in-state, and 80% of in-state students attend public high schools. UNC079697.

Neutral Alternatives conducted additional analyses which built upon and expanded the 2012 analysis by going beyond the impact on North Carolina public high school students to look at private school students in North Carolina as well as out-of-state applicants. The new analyses also looked beyond the existing applicant pool.¹⁴² The Working Group analyzed five possibilities: (1) Admitting the Top 10%; (2) Admitting the Top 4.5%; (3) Admitting those with 5 AP classes or more and 1150 SAT or more; (4) Admitting those with 1280 SAT or more; and (5) Admitting the Top 7.5% of High Poverty Schools and the Top 3% of Low Poverty Schools.¹⁴³

1. Æ 2012 UNC Study.

UNC's 2012 analysis showed that the percentage plan would, in fact, *increase* the proportion of underrepresented students—from 15% to 16%—enrolled in the first-year class at UNC compared with the use of racial preferences. Oddly, UNC did not say what the socioeconomic impact would be, even though it repeatedly claimed that socioeconomic diversity is also important.¹⁴⁴ Nevertheless, UNC claimed that plan was unworkable because it would result in a 55-point decline in the class's average SAT scores from 1317 to 1262. The university also claimed that first year GPA averages among freshmen students would decline one-tenth of a point from 3.26 to 3.16.¹⁴⁵ Issuing a dire warning, UNC claimed that the plan would have a “devastating educational effect” as “many” of those in the top 10% of their high school class “would quickly find themselves educationally lost amid

¹⁴² UNC079697; UNC0323664. Because non-applicants were included, the analysis modeled the likely admitted class rather than the enrolled class. UNC0323665; see also UNC0080085-86.

¹⁴³ UNC0087666.

¹⁴⁴ UNC0079622. Texas's percentage plan did increase socioeconomic diversity. See discussion below.

¹⁴⁵ Brief of Amicus Curiae The University of North Carolina at Chapel Hill Supporting Respondents, *Fisher v. University of Texas* (August 9, 2012), pp. 33-35. See also UNC0079622.

the faster pace of Chapel Hill—flocking to remedial courses to overcome their relatively weak secondary school education and facing increasingly difficult challenges to reach graduation.”¹⁴⁶

UNC’s analysis of the academic impact of the simulation was flawed on several fronts. An SAT drop from 1317 to 1262 in 2012 represented a modest decline from the 91st percentile to the 86th.¹⁴⁷ In testimony, Vice Provost Farmer, head of admissions, flatly rejected the amicus brief’s characterization that students would flock “to remedial courses.” Farmer testified: “I don’t agree with that statement.”¹⁴⁸ He noted that while a gap exists between graduation rates of first generation college students and others, the differential has “narrowed really dramatically over the last ten years.”¹⁴⁹

Strikingly, the analysis focused on SAT scores and did not outline what the effect of the top 10% plan would have on the average high school GPA of incoming UNC students.¹⁵⁰ (A plan focused solely on admitting students with the highest grades in every high school might well be expected to result in a rise in average high school GPA.) UNC officials testified that the University has conducted no analysis of the correlation between high school class rank and college GPA.¹⁵¹

¹⁴⁶ UNC Amicus Brief, pp. 35-36. The brief also noted that 21% of those making the Dean’s list in 2012, and nearly 15% of those inducted into Phi Beta Kappa were outside the top 10% Id. at 36. Left unsaid was that the vast majority—79% of the Dean’s list and 85% of Phi Beta Kappa inductees—were in fact in the top 10%.

¹⁴⁷ “SAT Percentile Ranks for Males, Females and Total Group: 2012 College Board Seniors – Critical Reading and Mathematics,” (2012) <http://media.collegeboard.com/digitalServices/pdf/research/SAT-Percentile-Ranks-Composite-CR-M-2012.pdf>

¹⁴⁸ Farmer deposition, p. 333.

¹⁴⁹ Farmer deposition, pp. 346.

¹⁵⁰ UNC0079622. Kretchmar deposition, p. 112.

¹⁵¹ See e.g. Polk deposition, pp. 78-79. Although class rank is not included in the model, predicted college GPA does include a high school performance variable. UNC0080085.

Even the questionable decline in projected college GPA was misreported in the amicus brief. UNC documents show that Dr. Kretchmar, who conducted the study, estimated the drop in first year GPA was not a full tenth of a point but rather between seven and eight one-hundredths of a point.¹⁵² This new projected GPA of 3.19 for the class would have been substantially higher than the projected GPA on which UNC insists for recruited athletes (2.3) or the GPA that was achieved by underrepresented minority males in 2001-2009 at the end of their first year (ranging from 2.54-2.79).¹⁵³

2.Ā 2014 UNC Study

UNC's 2014 study of five options found results suggesting that four of the five may have been problematic, but UNC also rejected a fifth option—the top 4.5% plan—despite its strong promise.¹⁵⁴ The Working Group claimed the 4.5% plan resulted in an incoming class that “is both less diverse and less academically qualified than the actual admitted class.”¹⁵⁵ But the evidence suggests that when one considers economic as well as racial diversity, and high school grades as well as standardized test

¹⁵² UNC0080085-86. The amicus brief, and a UNC's own write up of the results, employed the wrong comparison, between top 10% NC actually admitted (3.2621) and the top 10% North Carolina simulation (3.1609), yielding the tenth of a point estimate (0.1012). The correct comparison is between the top 10% North Carolina simulation (3.1609) and Actual North Carolina admits (3.2363), which yields a smaller differential, of 0.0755. When presenting the SAT decline, UNC did report the proper comparison between the top 10% simulation (1262) actual North Carolina admits (1317).

¹⁵³ UNC0193175 and Panter deposition, 44 (recruited athletes must have a predicted college GPA of at least 2.3 though that threshold is sometimes waived.) The minimum 2.3 projected GPA was waived 23 times in 2012, 14 times in 2013 and 9 times in 2014. UNC0193178. For GPA of underrepresented minority males, see UNC0093898.

¹⁵⁴ UNC0087666. The Working Group found the four other models lacking: (1) the top 10% plan presented a challenge because it admitted too many students (9,592 vs. 4,097) and produced a 130-point drop in SAT scores. UNC0323685; (2) the 5 AP classes option led to a large reduction in the proportion of underrepresented minorities (from 16.4% in the fall of 2012 to 6.4%); (3) the 1280 SAT option led to an even more dramatic decline of underrepresented minorities (to 4.8%); and (4) the Top 7.5%/Top 3% option led to more diversity (17.8% underrepresented minorities), but a 113-point decline in average critical reading plus math SAT scores (from 1303 to 1190).

¹⁵⁵ UNC0079701.

scores, the diversity and academic quality under the top 4.5% plan is at least as strong as the class admitted with the use of racial preferences.

The Working Group noted that under the simulation, underrepresented minorities saw a modest 2.5 percentage point decline among in-state public school students (from 16.4% to 13.9%) and rejected the option for that reason.¹⁵⁶ But the report also noted that economic diversity increased substantially as the proportion who attended schools with more than 50% of students eligible for free and reduced-price lunch increased by 18 percentage points (from 20.2% to 38.0%).¹⁵⁷ The report did not directly track the socioeconomic status of the families of students (as measured by eligibility for free and reduced price lunch, first generation college, or fee waiver.)¹⁵⁸ But we know that in other

¹⁵⁶ The data presented in the text reference North Carolina public high school students, who represent two-thirds of the UNC class. This is consistent with UNC's own emphasis on such students. See UNC0104933 ("Because this population of students—North Carolina residents attending North Carolina public schools—comprises the bulk of our first-year enrolling class, we can reasonably assess the impact of alternative admissions practices on the composition of the first-year class by studying the impact of this population alone.")

The Working Group also modeled a variation on the 4.5% plan for out of state students and projected a 21 percentage point decline in under-represented minority students. See UNC0323687; UNC0323669. But the model used for out-of-state students was not parallel to the spirit of the in-state top 4.5% plan in two respects. First, the model imposed an arbitrary SAT minimum of 1230, while the in-state model eliminates consideration of SAT scores. Second, the out-of-state model makes no attempt to prioritize students from different geographic backgrounds by, for example, taking students who ranked high in their high school class from a variety of zip codes. It simply takes those with the highest grades and test scores irrespective of geographic considerations. By avoiding the two central features of the in-state percentage plan—the emphasis on high school grades over test scores and geographic diversity—the out-of-state model is completely inapposite.

¹⁵⁷ UNC0079701. UNC officials were aware from their research on race-neutral strategies that UT Austin's percentage plan had yielded an increase in students from high poverty and medium-poverty schools. UNC0096551.

¹⁵⁸ See UNC0323476 (on data limitations suggesting fee waiver and first generation college status were only available for applicants and student-level free and reduced price lunch eligibility was only available at the student level for the North Carolina public high school dataset.) Indirect evidence, however, suggests an increase in socioeconomic diversity at the family level. As noted above, the income eligibility requirements for college application fee waivers is similar to the high school eligibility for

cases, such as the UT's top 10% plan, socioeconomic diversity at the individual family level spiked dramatically under the plan.¹⁵⁹ The lopsided attention to racial/ethnic diversity (to the exclusion of socioeconomic and other types of diversity) was highlighted in the Working Group's conclusion: "No identifiable race-neutral approach was found that would result in admitted class that is academically as qualified while also maintaining or enhancing *racial/ethnic diversity*." (emphasis supplied)¹⁶⁰

A small decline in racial and ethnic diversity accompanied by a substantial increase in socioeconomic diversity constitutes a net increase the educational benefits of diversity – even by UNC's own standards. UNC says that in evaluating the benefits of diversity, race should be "a single element" within a "larger definition of diversity" which is defined "broadly" to include "differences in social background [and] economic circumstances" among other factors.¹⁶¹ The University's Academic Plan from 2003 emphasizes "diversity, broadly construed, is fundamental to students

free and reduced price lunch. See "SAT Fee Waivers," <https://collegereadiness.collegeboard.org/sat/register/fees/fee-waivers>; and "Common App Fee Waiver," <https://appsupport.commonapp.org/link/portal/33011/33013/Article/758/Common-App-fee-waiver>. The simulation suggested that for North Carolina in-state public high school students, the existing class had 8.8% of students eligible for fee waivers, and under the 4.5% plan, the proportion eligible for free and reduced price lunch would be 13.9%. UNC0087666.

¹⁵⁹ Roughly three-quarters of students are admitted to UT through the percentage plan, and one-quarter through discretionary admissions (which, after 2004, began to include race again). In 2013, 21% of incoming students admitted through the percent plan were from families making less than \$40,000, compared with 6% of those admitted under discretionary admissions. See William Powers, The University of Texas at Austin: Report to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives on the Implementation of SB 175, at 30 (Dec. 20, 2013).

¹⁶⁰ UNC0323690.

¹⁶¹ UNC0171640; UNC0079695 (citing 2005 UNC diversity plan). UNC's Working Group also recognized this point, citing Bakke's requirement that "the diversity that furthers a compelling state interest encompasses a far broader array of qualifications and characteristics of which race or ethnic origin is but a single through important element." UNC0079684.

success.”¹⁶² UNC officials outlined several distinct reasons that Chapel Hill should be inclusive of disadvantaged students: “When we limit educational opportunities (and ultimately leadership) to only those students who have had advantages not open to others, we deprive ourselves of a significant share of the total intellect, talents, and viewpoints available to us.”¹⁶³ In an October 2015 statement, UNC declared that it “works strongly to attract and retain disadvantaged students regardless of race. This is a critical component of the institution’s obligation to the State of North Carolina and indeed to the nation.”¹⁶⁴ On the broader measure of racial and socioeconomic diversity, the 4.5% plan would result in greater, not fewer, educational benefits.

Likewise, when academic preparation is measured broadly, by high school grades as well as standardized test scores, the 4.5% plan represents a net improvement, not a decline, as the Working Group suggested. UNC faulted the 4.5% plan because it projected a 76-point decline in average critical reading and math scores (from 1303 to 1227).¹⁶⁵ (The average score would drop from the 91st to the

¹⁶² UNC0079694. See also 1998 Faculty Statement of Principles of Service, Diversity and Freedom of Inquiry that values diversity “in its many manifestations.”

including “economic circumstances” and “family educational attainment” as well as race and ethnicity. UNC0079695-96.

¹⁶³ UNC0171641

¹⁶⁴ UNC0283515; UNC0378123.

¹⁶⁵ The Working Group also faulted the 4.5% plan for causing a decline in the proportion of students taking 5 or more AP classes (from 92% to 47.9%). UNC0079701. But focusing on AP classes taken is problematic on a number of levels. First, UNC’s own analysis has found taking more than 5 AP classes has no predictive value in college grades. See Williford deposition, p. 179.

Second, it is relevant to note that among the predictors of Freshman GPA at UNC, the correlation with program/AP classes taken (0.24) was weaker than several other categories, including high school performance (0.42), SAT Critical reading (0.36) and SAT Math (0.35). UNC0101919. For the ACT, the correlation for program (0.19) and Freshman GPA was also much weaker than performance (0.42), ACT English (0.34) or ACT math (0.33). UNC0101924.

Third, focusing on the number of AP classes taken by students leads to inequities. Many schools do not offer a full complement of AP classes. According to an analysis by the Education

83rd percentile).¹⁶⁶ But at the same time, the simulation projected that the proportion of students in top 5% of their high school class by grade point average would spike a staggering 41.5 percentage points, from 58.5% to 100%.¹⁶⁷ (Unlike the 2012 simulation, the 2014 exercise did not project college GPA on the basis of these results.)¹⁶⁸

If standardized test scores were far more important a measure than high school class rank and grade point average in UNC's estimation, one might understand the Working Group's rejection of the 4.5% plan. But UNC frequently cites its student body's high school class rank data alongside SAT scores. Moreover, in practice and testimony, UNC officials repeatedly emphasized the *relative importance* of high school grades over standardized test scores, making the Working Group's dismissal of the 4.5% plan all the more puzzling.

Trust, 15.6% of high schools do not offer any AP classes in English; 18.4% in the Social Sciences; 21.9% in math, 28.4% in science, 55.6% in world languages and culture, and 63.2% in art. See Christina Theokas & Reid Saaris, "Finding America's Missing AP and IB Students," (Education Trust, June 2013), p. 3, Figure 2. Moreover, low income and minority students were least likely to attend high schools with the full array of AP classes. Low-income students (15%) were almost twice as likely as other students (8%) to attend a school without "the full complement" of courses; and black students (15%) were more likely than white students (9%) to have limited AP options. Id, p. 4. Even in schools where AP is offered, many academically prepared low-income and minority students face barriers that prevent them from enrolling in AP classes. Id. p. 6. UNC itself has recognized these inequities, acknowledging that students can hardly be faulted for failing to take large numbers of AP classes where such classes are not offered. The model did not account for this fact. See Kretchmar deposition, p. 308. Indeed, Vice Provost Farmer has said that as part of its effort to create socioeconomic diversity, UNC has decreased the emphasis on the number of Advanced Placement courses taken in high school. See T. Rees Shapiro, "Cooke Foundation gives UNC \$1 million," Washington Post, June 19, 2017.

¹⁶⁶ College Board, "SAT: Understanding Scores, 2017" <https://collegereadiness.collegeboard.org/pdf/understanding-sat-scores.pdf>.

¹⁶⁷ UNC0087666.

¹⁶⁸ See UNC0323667-69.

In public documents, UNC boasts that 78% of first year students admitted into the class entering in the fall of 2017 were from the top 10% of their high school class – presumably because the university thinks such data are relevant.¹⁶⁹ When asked whether high school grades or standardized test scores were more important, UNC officials repeatedly prioritized grades. Dr. Kretchmar, for example, testified that high school GPA is generally acknowledged to be a better predictor of college performance than test scores.¹⁷⁰ UNC’s own internal research on the entering classes beginning in 2006-2010 found high school grades were the most important predictor of college grades. “Our performance rating, a 0-9 measure of the grades earned by an applicant, is the strongest *single* predictor of FGPA ($r=.42$),” the study concluded.¹⁷¹ (This reality may help explain why UT students admitted through the percentage plan have been academically successful in college despite the omission of standardized test scores from admission decisions.)¹⁷²

In testimony, UNC officials also prioritized high school grades over test scores. When asked what academic qualifications are “more important than somebody’s standardized test score,” senior associate director of admissions Barbara Polk listed “grades” and “rigor of high school curriculum.”¹⁷³ The relative ranking of grades and test scores is also reflected in UNC evaluation of groups of students. After making preliminary decisions about which students to admit, UNC undergoes a process known

¹⁶⁹ UNC, “Class Profile,” First Year Students enrolling Fall of 2017. <https://admissions.unc.edu/apply/class-profile-2/>

¹⁷⁰ Kretchmar deposition, 271. See also John Brittain and Benjamin Landy, “Reducing Reliance on Testing to Promote Diversity,” in *The Future of Affirmative Action*, supra, pp. 170-171.

¹⁷¹ UNC0101918. The study went on to say that other factors, including standardized testing, increases the predictability. *Id.*

¹⁷² See discussion above.

¹⁷³ Polk deposition, pp. 71-72.

as “school group review” which compares all applicants from a given high school as a check to make sure decisions were “appropriate.”¹⁷⁴ In presenting students by high school, applicants are listed not by rank order of SAT/ACT scores but by high school grade point average.¹⁷⁵

Indeed, in other contexts, UNC has repeatedly downplayed the importance of SAT and ACT scores in admissions.¹⁷⁶ Provost Jim Dean testified that SAT and ACT scores “even collectively don’t really determine the outcome with a high degree of predictability, which is disappointing for someone like me. You wish it were better.”¹⁷⁷ Senior associate director of admissions Barbara Polk, when asked if, “all things being equal,” UNC valued students with higher standardized test scores, responded “not necessarily....[A] high test score does not necessarily make a better candidate.”¹⁷⁸ A 2007 Faculty Advisory Committee on Undergraduate Admissions suggested that UNC does “not aim to maximize any single, narrow outcome—for example, the average SAT score or the average eventual GPA of the entering class.”¹⁷⁹

In fact, UNC could boost average SAT scores of in-state public students by almost 60 points by using a minimum SAT threshold, the Working Group found, but it chooses not to because doing

¹⁷⁴ Polk deposition, p. 149.

¹⁷⁵ Polk deposition, pp. 82-83.

¹⁷⁶ See e.g. Panter deposition, p. 231 (cutoffs are “not always reliable.”) For example, UNC has rejected a flat SAT cutoff in admissions and rejected one race-neutral strategy—known as Application Quest—because it requires hard cutoffs. Farmer deposition, pp. 246-247; https://motherboard.vice.com/en_us/article/nzee5d/behind-the-color-blind-college-admissions-diversity-algorithm; Polk deposition, p. 280; UNC0079703-04; UNC0323671.

¹⁷⁷ Dean deposition, p. 302.

¹⁷⁸ Polk deposition, pp. 70-71

¹⁷⁹ UNC0079697 (referencing April 2007 Faculty Advisory Committee on Undergraduate Admissions.) See also UNC0283512.

so would reduce racial diversity.¹⁸⁰ Likewise, UNC could boost mean SAT scores by shifting the mix of in-state and out-of-state students. The mean SAT score for admitted out-of-state students in the entering class of 2021 was 1421, 105 points higher than the mean score of 1316 for in-state students.¹⁸¹ See App.C.1a &C.1b. But the state has made a policy decision that some things are more important than having a student body with the highest test scores.

Currently, UNC officials testified, all UNC students are academically qualified and can succeed despite large SAT and ACT test score and high school GPA gaps among individual students and groups of students. In Arcidiacono's analysis, for the admitted classes of 2016-2021, UNC admits only 2.79% of whites in the 5th academic decile of out-of-state applicants, and 1.19% of Asians, but 15.60% of Hispanics and 39.17% of African Americans.¹⁸² The pattern has persisted for many years. The average SAT gap between African American and Asian American students admitted in 2012, for example, was 202 points (1431 vs. 1229).¹⁸³ (This gap actually underestimates first year performance

¹⁸⁰ UNC0323686; UNC0087666.

¹⁸¹ Likewise, the mean SAT score for out of state enrolled students in the entering class in the fall of 2016 was 1353 compared to 1290 for instate students – a difference of 63 points. UNC0283535. See also Kretchmar deposition, 70 (UNC has twice as many out-of-state applicants for one-fifth the number of slots). Other universities have a very different mix of in-state and out-of-state students. At the University of Michigan, for example, in the new freshman class entering in the fall of 2017, 51.9% of students were from in-state and 48.1% from out of state. See University of Michigan "Enrollment Summary, Residence" Fall 2013-Fall 2017 <http://www.ro.umich.edu/report/17enrollmentsummary.pdf> . According to the data produced by UNC, if it were to shift from its current 82% in-state/18% out-of-state population an equal mix (similar to that found at the University of Michigan) mean SAT scores of admitted students would rise 33 SAT points from 1348 to 1381.

¹⁸² Arcidiacono Report, Table 3.4.

¹⁸³ UNC Answer, pp. 33-34. See also Parish deposition, p. 212. UNC contemplated—but did not pursue—a plan to conduct a pre-admit yield campaign for “likely admits.” The proposed parameters for eligibility included (along with performance and program requirements) white and Asian students scoring above 1400 on the SATs and underrepresented minority students scoring above 1100—a

gaps because the SAT, as UNC officials know, has been found to over-predict performance for African American students.)¹⁸⁴ Among student athletes who enrolled in the fall of 2014, the SAT scores at the 25th and 75th percentiles were both 180 points below the entering class as a whole.¹⁸⁵ More generally, Dr. Kretchmar testified that the current SAT point range among students is “several hundred points.”¹⁸⁶ The range for just the middle 50% of SAT scores in the entering class in the fall of 2016 was 1190-1410, a 220-point spread, suggesting the absolute gap among all students may be considerably larger.¹⁸⁷

All of these students—even the lowest scoring—are academically qualified, several officials testified. Vice Provost Farmer, for example, after noting that roughly 40 students in a recently admitted class scored less than 1000 on the SAT, testified, “I think the students we admit are students

staggering 300-point difference in thresholds. See UNC0212598 and Parrish deposition, pp. 236-249, and 223.

¹⁸⁴ In email correspondence, Provost Jim Dean hypothesized that SATs might underpredict college performance for under-represented minority students, but he was given information that in fact the opposite was true: on average, African Americans and Hispanics perform worse in college than their SAT scores would predict. UNC0091915-16. This is true in national research. UNC0091922; UNC091928; UNC0091931. UNC’s analysis of its own student body for the entering first year classes between 2006 and 2010 also found that SATs overpredict for underrepresented minority students. UNC0101915. The study also found overprediction for First Generation students, though the coefficient (-0.14 for reading and -0.11 for Math) was quite a bit smaller than for African American students (-0.23 for reading and -0.20 for math.) UNC0101921. National research finds that there is no over-prediction for low-income students. Bowen, Kurzweil, & Tobin, *Equity and Excellence in Higher Education*, *supra*, p. 118.

¹⁸⁵ UNC0193176 (for student athletes who enrolled in 2014, the 25th percentile score was 1030 and the 75th percentile was 1220. By contrast, for the entering class as a whole, the SATs were 1210 at the 25th percentile and 1400 at the 75th percentile). UNC0193169. Student athletes who enrolled in 2014 had test scores in middle 50% (1030-1220) that were 100 points below the projected average for the class in the 4.5% plan (1130-1330). See UNC0323484.

¹⁸⁶ Kretchmar deposition, p. 218. In the fall of 2014 entering class, the SAT range of those in the 25th and 75th percentile alone was 190 points (1210-1400). UNC0193169.

¹⁸⁷ UNC0283535.

we're confident and have the capacity to succeed at UNC.”¹⁸⁸ Provost Jim Dean testified that regardless of any particular applicant's SAT scores, “I don't believe that we admit students into the university who are unqualified to be here.” He further testified that “we have clearly more qualified students than we're able to take.”¹⁸⁹ Dean specifically rejected the idea that underrepresented minority students were mismatched. “I believe all the students who we accept are capable of being successful, and in fact the vast majority of them do succeed.”¹⁹⁰ Senior Associate Director of Admissions Barbara Polk agreed that “every student the University admits” is “academically prepared to succeed at UNC” and denied that the use of race in the admissions process is leading to the admission of students who are less than academically prepared to succeed.”¹⁹¹ To the extent that any admitted students struggles, UNC has decided to devote more than \$3 million on a program designed to support them called Thrive.¹⁹²

UNC's rejection of a plan that substantially boosts the proportion of high school students who do very well in high school but would depress SAT scores is so at odds with its stated positions on the importance of test scores that it raises questions about what alternative concerns might be coming into play. Critical reading and math SAT scores, after all, are a much bigger component in U.S. News & World Report rankings than high school class rank.¹⁹³ UNC itself cites its rankings in

¹⁸⁸ Farmer deposition, p. 236.

¹⁸⁹ Dean deposition, pp. 177-178.

¹⁹⁰ Dean deposition, p. 288.

¹⁹¹ Polk deposition, pp. 335, 336-37. See also Kretchmar deposition, p. 346 (Chapel Hill “turns away plenty of applicants who could probably do well and succeed at UNC.”)

¹⁹² Dean deposition, pp. 291-292.

¹⁹³ Under U.S. News's methodology, 12.5% of the ranking is due to “Student selectivity.” In that equation, SAT and ACT scores account for 65% of the rating; percentage in the top 10% of the high school class accounts for 25%; and acceptance rate counts for 10%. See Robert Morse and Eric

U.S. News on its website, and, like other schools, cares about its position in the magazine's ratings.¹⁹⁴ Concern about rankings in a popular magazine, however, has never been found by a court of law to justify using race in admission.

3.Ā A Percentage Plan for Out-of-State Applicants

Although a percentage plan is typically applied to in-state students only, a version of such a plan (taking top students within zip codes rather than high schools) could provide a powerful race-neutral alternative for promoting racial, ethnic, and socioeconomic diversity among out-of-state students. According to Harvard University Professor Danielle Allen, programs that enhance geographic diversity (and thus leverage the unfortunate reality of residential and high school segregation by race and class for a positive purpose) can promote integration in higher education. Professor Allen has noted that zip codes provide an important way for national universities to provide geographic diversity and also contribute to racial, ethnic, and socioeconomic diversity.¹⁹⁵ Allen has described how “[g]eographically based structures for seeking talent are tried and true” and “the pursuit of geographic diversity in admissions is our best hope of merging the goals of diversity and

Brooks, “Best Colleges Ranking Criteria and Weights,” US News and World report, September 11, 2017 <https://www.usnews.com/education/best-colleges/articles/ranking-criteria-and-weights>.

¹⁹⁴ See e.g. UNC, “Recent Rankings and Ratings,” (referencing 5th best public university in US News) <http://uncnews.unc.edu/rankings/> Other university officials have expressed concerns about U.S. News rankings specifically related to percentage plan admissions. University of Texas Chancellor William McRaven, for example, has decried the Texas 10% plan, despite the academic success of its students, for its alleged role in depressing US News rankings. See Amy Scott, “‘Top 10%’ rule for college admissions faces a new challenge,” Marketplace, National Public Radio, May 23, 2016. <https://www.marketplace.org/2016/05/18/wealth-poverty/top-10-rule-faces-new-challenge-texas> See also “University of Texas Chancellor Opposes Top 10 Percent Admission Rule,” January 25, 2106 <http://publicuniversityhonors.com/2016/01/25/university-of-texas-chancellor-opposes-top-10-percent-admission-rule/>.

¹⁹⁵ See Danielle Allen, “Talent is Everywhere: Using ZIP Codes and Merit to Enhance Diversity,” in *The Future of Affirmative Action*, *supra*.

excellence.”¹⁹⁶ Such geographic diversity could “be taken to the level of ZIP codes and, in particular, to the level of the ZIP+4 system, which divides the United States into geographic units as small as a city block or group of apartments.”¹⁹⁷ Professor Allen suggests that a university might sort students through a “geographic diversity algorithm” and then “review the identified admits, case-by-case, confirming or disconfirming [each] selection.”¹⁹⁸ A university might also “determine the combination of SAT score and GPA that would constitute its entrance threshold” and then choose the highest performing applicants within specific ZIP codes.¹⁹⁹ Given the increasing number of “ethnic census tracts,” in which certain minority groups constitute more than 25% of the tract population, Professor Allen expects that “at selective colleges and universities a stronger orientation toward geographic diversity could well support diversification of student populations by ethnicity, thereby permitting us to slip free of the contested terrain of affirmative action.”²⁰⁰

Such methods have already been put into action. For example, Halley Potter and I have written about public charter schools in San Diego, California, which have used zip codes to ensure socioeconomic and racial diversity.²⁰¹ Such geographic and socioeconomic diversity can succeed because, unfortunately, concentrated poverty is often highly correlated with race. African Americans

¹⁹⁶ Id. at 147.

¹⁹⁷ Id.

¹⁹⁸ Id. at 148.

¹⁹⁹ Id. at 147.

²⁰⁰ Id. at 155-56.

²⁰¹ See Richard D. Kahlenberg & Halley Potter, *A Smarter Charter: Finding What Works for Charter Schools and Public Education* (Teachers College Press, 2014), p. 186.

and Hispanics are much more likely to live in neighborhoods with concentrated poverty than whites.²⁰² Indeed, Carnevale’s simulation, noted above, finds that a comparable approach—admitting high test scorers within schools—promotes socioeconomic and racial diversity.²⁰³

UNC officials testified that they rejected this approach because there is too much demographic variation within zip codes.²⁰⁴ But zip code information is widely used to assess the socioeconomic status of geographic regions. Moreover, UNC’s rationale does not explain why it would reject more specific analyses, such as those that employ Census Tract data.²⁰⁵

UNC’s failure to implement a 4.5 percent plan for in-state students and a zip code plan for out of state students, represents a major missed opportunity. Given UNC’s testimony that socioeconomic diversity matters alongside racial diversity, and that high school grades matter more to academic quality than standardized test scores, its insistence on using race in the face of a viable alternative is unreasonable.

D.Ā UNC could reduce or eliminate legacy preferences that favor non-minorities.

UNC also insists on retaining a legacy preference program that disproportionately benefits wealthy and white students—policies whose elimination would increase socioeconomic and racial diversity.

²⁰² See Sharkey, *Stuck in Place*, *supra*, p. 27; and Logan, “Separate and Unequal,” *supra*, pp. 4-6.

²⁰³ Carnevale, Rose, & Strohl, in “Achieving Racial and Economic Diversity with Race-Blind Admissions Policy,” *supra*.

²⁰⁴ Polk deposition, p. 279; Williford deposition, p. 145.

²⁰⁵ Census tract data have been used to promote socioeconomic diversity in K-12 integration plans. See e.g. Richard D. Kahlenberg, “School Integration in Practice: Lessons from Nine Districts,” (Century Foundation, October 14, 2016). <https://tcf.org/content/report/school-integration-practice-lessons-nine-districts/> (citing programs in Chicago, Louisville and Dallas).

UNC has for decades employed legacy preferences for the offspring of alumni. Legacy policies began at private universities as a strategy for reducing the admissions of Jewish students.²⁰⁶ To this day, legacy preferences disproportionately benefit white students to the detriment of Asian-American, African-American, and Hispanic students.²⁰⁷

UNC provides a substantial boost to the children of alumni in the case of out-of-state applicants. Arcidiacono found that for such applicants, the boost is second only to that given to African Americans and is bigger than those provided for Hispanics and First Generation students.²⁰⁸ An out-of-state student whose record provides a 25% chance of admission sees her odds skyrocket to 97% if she is a legacy.²⁰⁹

UNC persists in promoting legacy preferences despite ample evidence that doing so undermines its efforts to promote racial and socioeconomic diversity. As the former chief counsel for the Lawyers Committee for Civil and Human Rights, John Brittain, and his coauthor Eric Bloom have noted, “For the most part, legacy preferences are ‘proxies for privilege’ as they favor children of white, well educated, presumably affluent families.”²¹⁰ The authors note that “affirmative action does not

²⁰⁶ See Peter Schmidt, “A History of Legacy Preferences and Privileges,” in *Affirmative Action for the Rich: Legacy Preferences in College Admissions*, ed. Richard D. Kahlenberg (New York: Century Foundation press, 2010), p. 42.

²⁰⁷ See generally Brittain & Bloom, “Admitting the Truth,” *supra*.

²⁰⁸ Arcidiacono Report, Table A.4.2 (spec6). For in-state applicants, the boost to legacies is much more modest, but is still larger than for early applicants and students receiving fee waivers. Arcidiacono Report, Table A.4.1 (spec7).

²⁰⁹ Arcidiacono Report, § 4.3.

²¹⁰ Brittain & Bloom, “Admitting the Truth,” *supra*, p. 127.

offset legacy preference: the use of legacy preference, in fact, requires college admission officers to rely more heavily on affirmative action.”²¹¹

At UNC, Arcidiacono’s data show that white applicants are more than twice as likely as non-white applicants to be legacies. In the six cycles he examines, 19.67% of white in-state applicants were the children of alumni, compared with 7.24% of black applicants, 5.24% of Asian applicants, and 4.68% of Hispanic applicants.²¹² For out-of-state applicants, the same pattern holds: 4.29% of white applicants are the children of alumni, compared with just 2.12% of black applicants, 1.87% of Hispanic applicants, and 1.16% of Asian applicants. Fully 17.82% of out of state admitted white students are children of alumni, more than four times the rate of admitted out of state Hispanic students (4.34%), Black students (3.80%), and Asian students (3.00%).²¹³ Arcidiacono’s modeling suggests eliminating legacy would have a positive effect on African-American representation and on Hispanic representation for out-of-state applicants.²¹⁴ Nevertheless, UNC discussed eliminating legacy preference and decided to maintain the practice.²¹⁵

Although UNC elected to maintain legacy preferences, it should be noted that eliminating legacy preferences is a workable race-neutral strategy. Among the top 10 universities in the widely-cited Shanghai rankings, four (Caltech, U.C. Berkeley, Oxford, and Cambridge) do not employ legacy preferences.²¹⁶ Research also finds that the existence of legacy preferences does not increase alumni

²¹¹ Brittain & Bloom, “Admitting the Truth,” *supra*, p. 132.

²¹² Arcidiacono Report, Table 2.3.

²¹³ Arcidiacono Report, Table 2.4.

²¹⁴ Arcidiacono Report, Table 4.5.

²¹⁵ Farmer deposition, p. 276.

²¹⁶ Richard D. Kahlenberg, “Introduction,” in *Affirmative Action for the Rich*, *supra*, p. 8.

donations to an institution. In an examination of the top 100 universities in U.S. News & World Report, Chad Coffman of Winnemac Consulting and colleagues found “no evidence that legacy preference policies themselves exert an influence on giving behavior.”²¹⁷ When UNC was sued for the use of legacy preferences in a 1976 case, the judge pointed to the existence of alumni donations, but provided no evidence that legacy preferences were a direct cause of such contributions.²¹⁸ Provost Jim Dean, when asked why UNC provides a legacy preferences, appeared to discount the importance in fundraising.²¹⁹

E.Ā UNC could increase its recruitment efforts.

UNC’s own Working Group on Race-Neutral Alternatives noted in its report that Florida was successful in promoting racial diversity in large measure because it was able to increase applications from underrepresented minorities.²²⁰ UNC officials testified also that they were aware of successful efforts by the University of Florida to recruit more disadvantaged students, including underrepresented minorities, to apply.²²¹ More generally, UNC officials argued that recruitment was the key to putting UNC on “solid footing for our diversity efforts” in the event the use of race were banned in admissions.²²²

²¹⁷ Chad Coffman, Tara O’Neil, & Brian Starr, “An Empirical Analysis of Legacy Preferences on Alumni Giving at Top Universities,” in *Affirmative Action for the Rich*, *supra*, p. 113.

²¹⁸ See *Rosenstock v. Bd. of Governors of Univ. of N.C.*, 423 F.Supp. 1321 (1976); and Peter Schmidt, “A History of Legacy Preferences and Privilege,” in *Affirmative Action for the Rich*, *supra*, p. 61.

²¹⁹ Dean deposition, p. 305 (“There may be on the margin some sense about alumni giving to the university. But the effect is—is relatively small, so it’s—I’m not sure how material it actually is.”)

²²⁰ UNC0079686.

²²¹ Kretchmar deposition, p. 325.

²²² UNC0080178 (email from Andrea Felder to Stephen Farmer).

UNC's own actions highlight the importance of recruitment in achieving a diverse student body. Vice Provost Farmer pointed to UNC's Carolina College Advising Corps, which was started in 2007 to send recent UNC graduates to disadvantaged high schools, as an important effort to support guidance counseling.²²³ According to UNC, the Corps currently sends 57 advisors to 77 schools.²²⁴ UNC also purchases information about applicants from the College Board based on SAT scores.²²⁵ And UNC employs a program known as Excel to increase yield of admitted students by exposing them to a variety of on-campus opportunities while they are weighing college options.²²⁶

Nevertheless, the bottom line results suggest UNC does a poor job of recruiting economically disadvantaged applicants, many of whom are underrepresented minorities. For example, UNC does an especially poor job of recruiting into its applicant pool students whose parents do not have a college degree. For the classes of 2016-2021, Arcidiacono finds that such students comprised just 21.85% of all in-state applicants and 12.28% of out of state applicants.²²⁷ By comparison, the proportion of North Carolina adults ages 45-64 years who lack a bachelor's degree is 72.5%, and 68% of American adults age 45-54 lack a bachelor's degree.²²⁸

²²³ Farmer deposition, p. 219.

²²⁴ <https://carolinacollegeadvisingcorps.unc.edu/>

²²⁵ Parrish deposition, p. 104.

²²⁶ Parrish deposition, p. 169.

²²⁷ Arcidiacono Report, Tables 2.3 & 2.4.

²²⁸ See Rebecca Tippet, "NC in Focus: Increasing Educational Attainment," UNC Carolina Population Center, December 10, 2015 (citing 2010-2014 American Community Survey estimates) <http://demography.cpc.unc.edu/2015/12/10/nc-in-focus-increasing-educational-attainment/>. For all North Carolina adults above age 25, the figure lacking a bachelor's degree was 72.2%.; and Ryan & Bauman, "Educational Attainment in the United States: 2015," *supra*, p. 2, Table 1.

Likewise, only 11% of UNC applicants request fee waivers because of economic hardship.²²⁹ (As noted early, more than half the children in North Carolina would qualify.)²³⁰

The poor performance in recruiting first-generation college students and fee-waiver applicants impacts UNC's racial and ethnic diversity as well as its socioeconomic variety. NCERDC data produced in this case indicate that nearly three quarters of Hispanic high school students in North Carolina (74.7%), and 70.6% of black students are economically disadvantaged compared with about one-quarter of white students (28.3%). The same pattern holds among UNC applicants. While 15.69% of North Carolina in-state white applicants are first generation college, 46.73% of Hispanic applicants, 39.20% of black applicants, and 24.68% of Asian applicants are first generation college.²³¹ Likewise, UNC data indicate that under-represented minority students are *five times* as likely to receive fee waivers as those students who are not under-represented minorities.²³² Among in-state applicants to the 2016-2021 UNC classes, the NCERDC data indicate that African Americans were also five times as likely to be designated as economically disadvantaged (51.5% vs. 9.9%)

Once students are accepted, UNC does a poor job of targeting disadvantaged students to come to campus. In 2013, for example, about one in five students (1817 of 8243) were invited to the special Excel program to encourage acceptance. Of those students deemed highly desirable by UNC, just 17.2% were first generation college students and just 19.5% were underrepresented minorities.²³³

²²⁹ Panter deposition, p. 245.

²³⁰ See discussion, *supra*, Section V.A.2.

²³¹ Arcidiacono Report, Table 2.3 A similar pattern holds for out-of-state applicants: 8.78% of white applicants are first generation, compared with 27.95% of black applicants, 22.14% of Hispanic applicants, and 12.63% of Asian applicants. *Id.*, Table 2.4.

²³² Panter deposition, pp. 242-243.

²³³ Parrish deposition, pp. 187-188.

This failure to recruit high-achieving, low-income students, including thousands who are African American and Hispanic, is an enormous missed opportunity. As discussed above, there is a very large reservoir of such students whom UNC, the nation's oldest public university, is not recruiting.

F.Ã UNC could increase its admission of community college transfers.

UNC also fails to provide the opportunity for significant numbers of high-achieving community college students to transfer to UNC—a strategy used by many selective public and private colleges to promote socioeconomic and racial diversity in their student bodies. Community colleges have many more African-American, Hispanic, and low-income students than selective four-year colleges.²³⁴ According to the American Association of Community Colleges, “the majority of Black and Hispanic undergraduate students in this country study at [community] colleges.”²³⁵ UNC itself reports that of its incoming class in 2017, its transfer students (38% of whom come from North Carolina community colleges), are much more likely to be first generation college than first year students (34% vs. 17%), more likely to be Carolina Covenant scholars (31% vs. 12%) and less likely

²³⁴ See Bridging the Higher Education Divide: Strengthening Community Colleges and Restoring the American Dream – Report of The Century Foundation Task Force on Preventing Community Colleges from Becoming Separate and Unequal (Century Foundation Press, 2013), pp. 18-21.

²³⁵ American Association of Community Colleges, “Students at Community Colleges,” <http://www.aacc.nche.edu/AboutCC/Trends/Pages/studentsatcommunitycolleges.aspx>.

to be sons and daughters of UNC alumni (9% vs. 19%).²³⁶ (If the data isolated community college transfers, not all transfers, the demographic differences would likely be even larger.)²³⁷

While other colleges began ramping up community college transfers as a way to promote student diversity, UNC has for years lagged in this arena. UNC boasts of the Carolina Student Transfer Excellence Program, or C-STEP, started in 2006, to provide guaranteed admission, and transition and support services to disadvantaged students (below 300% of the poverty line) transferring from selected community colleges.²³⁸ But the program only involves 10 of North Carolina's 58 community colleges, according to Vice Provost Farmer.²³⁹ The program has not expanded beyond these 10 despite an impressive 85% graduation rate of C-STEP students.²⁴⁰ In the incoming class of 2014, C-STEP students accounted for just 6.1% of transfer students and just 1.0% of all entering UNC students.²⁴¹

Likewise, the total number of community college transfers to UNC (whether part of the means-tested C-STEP program or not) are paltry in comparison to other top public colleges. For the incoming class in the fall of 2017, for example, UNC reported that 38% (or about 270) of its 709

²³⁶ UNC, "Class Profile," 2017 incoming class, <https://admissions.unc.edu/apply/class-profile-2/>. See also UNC0193169-71 (In the entering class in the fall of 2014, transfers were more likely than first years to be eligible for a fee waiver (15.6% vs. 10.7%), be first generation college (31.5% vs. 17.9%), be Carolina Covenant scholars (18.4% vs. 12.5%); and less likely to be alumni children (11.6% vs. 18.1%). In terms of race, transfers were more likely to be Hispanic (13.0% vs. 7.8%) but less likely to be African American (7.0% vs. 10.6%).

²³⁷ UNC did not provide SFFA data on transfer applications and admitted students.

²³⁸ UNC0193174. See also <http://admissions.unc.edu/apply/transfer-students/carolina-student-transfer-excellence-program-c-step/>.

²³⁹ Farmer deposition, p. 273. See also UNC0193174.

²⁴⁰ Dean deposition, p. 175 (referencing report).

²⁴¹ UNC0193169-71.

transfer students were from North Carolina community colleges.²⁴² Those 270 community college students represented just 5.3% of the incoming class of 5064 (4355 first year students and 709 transfers). By contrast, at some top selective public colleges, a much greater proportion of the undergraduate population consists of community college transfers. Take, for example, U.C. Berkeley, which UNC officials consider a peer institution.²⁴³ In 2014, almost 20% of Berkeley's undergraduate student body consisted of students who had transferred from community colleges—roughly quadruple UNC's proportion.²⁴⁴

The failure represents another missed opportunity to add racial and socioeconomic diversity to UNC.

G.Ā UNC could end early admissions.

In addition, UNC could increase racial, ethnic, and socioeconomic diversity if it were to drop its “early admissions” program,²⁴⁵ that disproportionately benefits wealthy and white students. Early admission is a practice in which schools allow students to submit their application in the early Fall if they apply to only one school. For the admitted classes of 2016-2021, 82% of in-state admits and 61% of out-of-state admits applied through the early rather than regular admissions process. According to Arcidiacono's model, applying early admission provides important advantages. For both in-state and out-of-state applicants, the preference for applying early is larger than that provided to fee waiver

²⁴² UNC “Class Profile,” Fall 2017 incoming class, <https://admissions.unc.edu/apply/class-profile-2/>.

²⁴³ See e.g. Farmer deposition, pp. 100 and 205.

²⁴⁴ “Campus releases admissions data for 2014-15 transfer students,” U.C. Berkeley Public Affairs, May 15, 2014. <http://news.berkeley.edu/2014/05/15/admissions-data-2014-15-transfer-students/>

²⁴⁵ Kretchmar deposition, p. 27.

students.²⁴⁶ A number of top universities—such as several top University of California programs—have eliminated early admissions.²⁴⁷

Early admission programs, like UNC's program, usually benefit wealthier and better-informed students because these students have the resources to submit their application early and do not need to hold out for the prospect of financial aid.²⁴⁸ By contrast, low-income students and minorities face a disadvantage under early admissions because they often receive inadequate information and counseling and lack the economic resources to commit to a school so early in the process. According to a 2011 study by Julie J. Park of Miami University and M. Kevin Eagan of the UCLA Higher Education Research Institute, students who applied early-action to 290 colleges and universities across the country are more economically advantaged and more likely to be white than those who did not apply early.²⁴⁹

The same pattern holds at UNC. The data produced by UNC indicate that for the admissions cycles for the classes of 2016-2021, of white in-state applicants, 75.8% applied early, compared with 71.2% of Asian applicants, 62.1% of Hispanic applicants, and 54.9% of black applicants. Among out-of-state students, 54.4% of white UNC applicants applied early, compared with 44.9% of Hispanic applicants, 32.5% of Asian applicants and 32.0% of black applicants. Economically advantaged students were also more likely to apply early than disadvantaged students.

²⁴⁶ Arcidiacono Report, Tables A.4.1(spec7) and A.4.2 (spec6).

²⁴⁷ Christopher Avery & Jonathan Levin, "Early Admission at Selective Colleges," Stanford Institute for Economic Policy Research, March 2009, p. 4 (noting that the four top University of California colleges did not employ early admissions).

²⁴⁸ See Alan Finder & Karen W. Arenson, Harvard Ends Early Admission, New York Times, September 12, 2006, <http://www.nytimes.com/2006/09/12/education/12harvard.html>.

²⁴⁹ Julie J. Park & M. Kevin Eagan, "Who Goes Early? A Multi-Level Analysis of Enrolling via Early Action and Early Decision Admissions," Teachers College Record, 2011.

UNC could increase student body diversity by eliminating early admissions, as other selective colleges have.

H.Ā UNC could develop partnerships with disadvantaged North Carolina high schools.

Finally, some Universities, such as the University of Nebraska at Lincoln (UNL), have created special partnerships with disadvantaged high schools to build the pipeline for diverse students. UNL works with two high schools in particular to provide academic support, counseling and summer classes.²⁵⁰ Internal documents show that UNC was aware that colleges in California, Pennsylvania, Vermont and Florida have created partnerships with low-performing high schools to mentor students and improve the diversity of the future applicant pool.²⁵¹

But UNC initially took a more hard-hearted view. In its 2012 amicus brief in *Fisher*, UNC coldly noted that many North Carolina public schools are “under-financed and low-performing” and that for that reason, top students in those schools were not academically qualified to attend UNC.²⁵²

UNC’s Working Group began by taking a more charitable view. Rather than writing off every single student in under-resourced high schools as beneath UNC’s consideration, the Working Group asked “What if colleges put honor academies in these schools?”²⁵³ Vice Provost Farmer testified that UNC “had conversations within the office about such partnerships,” but ultimately decided not to pursue them.²⁵⁴ That failure represents yet another missed opportunity.

²⁵⁰ Potter, “Transitioning to Race-Neutral Strategies,” *supra*, p. 87.

²⁵¹ UNC0096545.

²⁵² UNC Amicus Brief, *Fisher v. University of Texas*, p. 35.

²⁵³ UNC0079613. See also Williford deposition, p. 146.

²⁵⁴ Farmer deposition, p. 270-72. See also Polk deposition, pp. 292-93.

VI.Ā Simulations of UNC's data show that workable race-neutral alternatives exist.

A.Ā A careful simulation indicates that UNC could achieve the educational benefits of racial, ethnic, and socioeconomic diversity without sacrificing academic quality.

To simulate the likely results of adopting race-neutral strategies at UNC, Professor Arcidiacono tested the results of several race-neutral options using the admissions data provided by UNC. At my request, he conducted simulations of multiple race-neutral alternatives to forecast the likely outcomes thereof.²⁵⁵ These simulations, and the underlying assumptions, are set forth in the charts set forth in detail in Appendix C. For discussion purposes in this report, I will focus primarily on two simulations: a version of the socioeconomic preference which examined family and neighborhood factors (Simulation 3) and a percentage-plan approach (Simulation 5).

By law, UNC enrolls the vast majority of its class (82%) from within North Carolina, and just 18% from out-of-state.²⁵⁶ The out-of-state admissions process is much more competitive. For the class of 2021, 14% of out-of-state students were admitted compared with 46% of in-state students.²⁵⁷ Accordingly, Arcidiacono simulated the two processes separately, then combined the results, using the 82/18 ratio of in-state and out-of-state students to approximate the likely results for UNC's student body as a whole.

²⁵⁵ I have worked in the past with researchers such as Anthony Carnevale at Georgetown University to measure the effectiveness of race-neutral alternatives through similar simulations. See *supra* Section IV.B.

²⁵⁶ <http://mediahub.unc.edu/university-ratio-unc-systems-82-18-split/>.

²⁵⁷ See <https://admissions.unc.edu/apply/class-profile-2/>. The yield rates also differ significantly between in-state applicants (61%) and out of state applicants (20%). *Id.* In addition, 14% of students in the most recent class were admitted through the transfer process. See <https://admissions.unc.edu/apply/class-profile-2/>. (In the fall of 2017, UNC enrolled 4,355 first year students and 709 transfer students.) Because UNC did not provide data on transfer applicants, we were unable to include this population in the simulation.

To replicate as closely as possible UNC's existing system of holistic admissions, Arcidiacono began by using the model he developed that accounts for numerous criteria for admission, including test scores, high school grades, and UNC's rating system, which rates applicants in five areas: (1) program rating (rigor of classes taken),²⁵⁸ (2) performance rating (GPA plus whether a student is improving or declining over time),²⁵⁹ (3) extracurricular rating, (4) essay rating, and (5) personal quality ratings (including curiosity and integrity and contributions to diversity).²⁶⁰

UNC's simulations were described by the college itself as inferior to holistic review because they relied on "quantifiable measures like standardized test scores, GPA and class rank" but were unable to account for "application essays, letters of recommendation, and extracurricular activities...all of which give a more nuanced understanding of the academic achievement and potential

²⁵⁸ UNC0079709 (defines program rating as "an indicator of the strength of a student's high school curriculum" including AP classes).

²⁵⁹ UNC0079708-09 (defines performance rating as "a measure of high school grades/performance"). Complaint, p. 13, has 8 criteria.

²⁶⁰ See UNC0283514 (outlining eight major categories UNC employs in holistic admissions: (1) Academic program criteria (rigor of courses); (2) Academic performance criteria (grade point average, rank in class, and trends in grades); (3) Standardized testing criteria; (4) Extracurricular activity criteria; (5) Special talent criteria (in music, drama, athletics and writing); (6) Essay criteria; (7) Background criteria (including economic disadvantage and legacy status); and (8) Personal criteria (including curiosity, creativity, history of overcoming obstacles, and talent for building bridges across divisions.) In addition to these criteria, UNC also singles out the need to achieve critical masses of underrepresented minority students (African American, Hispanic, and American Indian) as well as economically disadvantaged students regardless of race. UNC0283515. This is based upon Tables A.4.1 and A.4.2 (spec4) in the Arcidiacono report, with an adjustment. Athletes were put back into the dataset. In addition to race interacted with year, the model also contains an interaction between disadvantaged and year.

of each student.”²⁶¹ By contrast, Arcidiacono’s simulations take account of each of these factors by incorporating UNC admissions’ officers ratings.²⁶²

The advantage associated with other preferences were “turned off”—specifically, the preferences for recruited athletes, race, legacy, early decision, first generation status, fee waiver applicants, and female applicants. With those preferences off, admissions probabilities could be generated, and the applicants could be ranked in order of strength under the remaining aspects of UNC’s admissions process. This approach allows for simulating the effects of a variety of race-neutral options on racial diversity, socioeconomic diversity, and academic readiness.

Before beginning the simulations, Arcidiacono turned UNC’s existing preferences for recruited athletes back “on.” He did this at my direction, because I have found that removing athletic preferences in connection with race-neutral alternatives is sometimes perceived as radical. This particular simulation thus avoids any concern that eliminating recruited athletes is unworkable or otherwise inappropriate when seeking a race-neutral alternative.²⁶³

Arcidiacono’s Simulation 1 shows the effects of turning off preferences for race and socioeconomic status but providing no race-neutral alternatives. For the class of 2021 (the most recent class for which data are available), removing preferences would cause black admission shares to decline from 8.8% to 5.1%, Hispanic shares to decline from 7.3% to 5.1%, and economic disadvantaged

²⁶¹ UNC0079699.

²⁶² For this reason, the Arcidiacono analysis avoids the *Fisher II* court’s concern that relying solely on class rank “would sacrifice all other aspects of diversity” and might “exclude the start athlete or musician whose grades suffered because of daily practices and training.” *Fisher II*, slip op., p. 17.

²⁶³ For the fall of 2014, 138 athletes were admitted through the special talent policy. UNC0193173. Of UNC’s first year class of 3974, these students constituted 3.5% of the class, or 2.9% of all new first year and transfer students (4758). There were 175 student athletes in the entering first year class in 2014 as a whole. UNC0193179.

families to decline from 19.6% to 15.9%, while mean SAT scores rise from 1335 to 1344. Test scores would improve, but racial and socioeconomic diversity would decline, a tradeoff UNC has suggested would be unacceptable. See Appendix C.2.

But what would happen if UNC instead ended racial preferences and substituted them with practicable race-neutral strategies? The first step in the race-neutral socioeconomic model (Simulation 2) provided a preference to students that come from families that are socioeconomically disadvantaged. For in-state applicants, these include students that fall into any of three categories: (1) first generation college (neither parent has a bachelor's degree); (2) applied for a fee-waiver; and (3) eligible for subsidized meals under a federal program providing free and reduced-price lunches.²⁶⁴

The magnitude of the preference for disadvantaged students of families (5.0) in the simulation is roughly equivalent to the out-of-state preference currently provided to legacy students (4.741), which is smaller than the preference currently bestowed upon out-of-state African American students (6.059), but is about twice as large as that given to economically disadvantaged students (first generation 1.814 and fee waiver 0.315).²⁶⁵

Simulation 2 by itself, however, underestimates the potential of UNC to create race-neutral strategies to promote diversity because it does not directly consider the socioeconomic status of neighborhoods that students grow up in. As noted above, if coming from a family that is socioeconomically disadvantaged imposes a disadvantage, growing up in a low-income neighborhood

²⁶⁴ For out of state-applicants, data for subsidized lunch eligibility were not available, so the first two factors were employed. We did not have access to the family net worth/wealth of either in-state or out-of-state applicants, a factor that is more highly correlated with race than is parental education and income. As a result, the simulations likely form a lower bound estimate of the racial dividends of these strategies. Better data could produce higher levels of racial diversity.

²⁶⁵ Arcidiacono Report, Table A.4.2 (spec4); see also note 260.

imposes a distinct disadvantage.²⁶⁶ Students who overcome such obstacles (and are still academically qualified) deserve special consideration. Accordingly, Simulation 3 provides an additional legacy-equivalent bump to students who reside in zip codes with median income in the lowest one third of all zip codes nationally. This preference comes on top of a legacy-equivalent bump to students from the most socioeconomically disadvantaged families.

This double-sized legacy-sized preference for students facing both the disadvantages associated with growing up in a socioeconomically disadvantaged family and growing up in a disadvantaged neighborhood amounts to a preference that is larger than that currently provided to underrepresented minority students, but this methodology is appropriate because evidence suggests that socioeconomic obstacles to academic achievement are greater in magnitude than racial obstacles. An economically disadvantaged student who managed to overcome hurdles may have a more promising future than her academic profile on paper.²⁶⁷ Moreover, as William Bowen, the former President of Princeton University, has noted, SAT scores do not over-predict the college grades of low-income students as they do those of African-American students.²⁶⁸

²⁶⁶ See discussion V.A.1.

²⁶⁷ See, e.g., Anthony P. Carnevale & Jeff Strohl, “How Increasing College Access Is Increasing Inequality, and What To Do About It,” in *Rewarding Strivers* 170, Table 3.7 (Century Foundation, 2010), p. 170, Table 3.7 (estimating the SAT scores socioeconomically disadvantaged students on average are 399 points below socioeconomically advantaged students, while for African American students, controlling for economic status, the expected score is 56 points lower).

²⁶⁸ Bowen, Kurzweil, & Tobin, *Equity and Excellence in Higher Education*, *supra*, p. 118 (SAT’s do not over-predict college grade point average for low-income students); and William Bowen and Derek Bok, *The Shape of the River*, p. 77 (SAT’s over-predict college grade point average for African American students).

The results of Simulation 3 for the class the admitted class of 2021 (in-state and out-of-state combined) are presented below.²⁶⁹

UNC – Admitted Class of 2021			
Status Quo Race-Based Admissions		Simulation 3 Race-Neutral Admissions	
White	63.0%	White	63.6%
African American	8.8%	African American	7.9%
Hispanic	7.3%	Hispanic	7.2%
Asian American	14.6%	Asian American	15.5%
Other Minority and Unreported Race	6.3%	Other Minority and Unreported Race	5.8%
SES Disadvantage	19.6%	SES Disadvantage	32.3%
SES Advantaged	80.4%	SES Advantaged	67.8%
SAT/HS GPA	1335/4.71	SAT/HS GPA	1320/4.69

Overall, Simulation 3 maintains racial diversity and provides a sizable increase in socioeconomic diversity, while maintaining academic excellence. See Appendix C.2 for the full results (Simulation 3). Several observations are worth highlighting.

²⁶⁹ Simulation 4 takes this socioeconomic preference analysis preference in Simulation 3 one step further and provides an additional legacy-equivalent bump to students who attend schools which are in the most socioeconomically disadvantaged third (as measured by the proportion of students eligible for subsidized lunch) in the state. A long line of research suggests that attending a high-poverty school imposes an additional obstacle to academic achievement, so a student who manages to do well academically despite this hurdle deserves special consideration. See e.g. Richard D. Kahlenberg, *All Together Now: Creating Middle Class Schools through Public School Choice* (Brookings Press, 2001), pp. 25-39. This approach increases racial diversity among in-state applicants above that achieved using racial preferences. Because school data were readily available for in-state applicants, but not out-of-state applicants, simulation 4 was limited to in-state students.

First, under Simulation 3, socioeconomic diversity would increase considerably, with the proportion of socioeconomically disadvantaged students increasing from 19.6% under the status quo to 32.3%, a 65% increase. The disadvantaged share would move UNC much closer to the state average for these categories (which exceed 72%) but is still well below proportional representation.²⁷⁰

Second, under simulation 3, overall racial and ethnic diversity would hold steady for underrepresented minorities even through racial preferences are not employed. Hispanic representation would remain virtually the same, declining from 7.3% to 7.2%. African American representation would decline less than a percentage point, from 8.8% to 7.9%. Using racial preferences, UNC has seen much wider swings in black and Latino representation between years.²⁷¹ Indeed, in another context, Vice Provost Farmer suggested that a difference of one full percentage point change in the underrepresented minority student population was negligible, characterizing the levels of diversity as “about the same.”²⁷² In fact, several UNC officials testified that they were not looking for a certain percentage of underrepresented minorities on campus. Provost Jim Dean testified that UNC could still achieve the educational benefits of diversity with “some level of variation” in the proportion of underrepresented minority students and that he could not specify a proportion or range

²⁷⁰ Nationally, more than two-thirds of American families headed by individuals between the ages of 45 and 54 lack a bachelor’s degree, which lands students in the disadvantaged category. In North Carolina, 72.5% of adults ages 45-64 lack a four-year college degree. This is a floor for the number of students from disadvantaged families to which one would need to add any students from families that are low-income despite having parents with a bachelor’s degree. See *supra* section V.A.2.

²⁷¹ In the classes of 2016-2021, the proportion of admitted students who were black varied from a low of 8.82% to a high of 10.38%. The proportion of admitted students who are Hispanic ranged from 7.19% to 8.47%. Arcidiacono Report, Table 2.2.

²⁷² Farmer deposition, p. 223.

in minority representation that was necessary.²⁷³ Senior Associate Director of Admissions Barbara Polk said there is no minimum percentage of underrepresented minorities necessary to achieve the educational benefits of diversity.²⁷⁴ Dean also testified that he was not aware of any analysis conducted by the college to determine what level of racial representation is necessary to achieve the benefits of diversity.²⁷⁵

Even with a small decline in black representation, UNC would likely remain among the most racially diverse of its peers.²⁷⁶ Moreover, this simulation would increase the share of *disadvantaged* African-American and Hispanic students. Admitted UNC underrepresented minority students are currently substantially more advantaged than their peers in the state. State-wide, only 19% of native black adults 25 years and older and 26% of native Hispanics have a bachelor's degree, and yet 45.1% of black in-state UNC admits and 49.0% of Hispanic in-state UNC admits were advantaged in the class of 2021.²⁷⁷ By contrast, under Simulation 3, the share of disadvantaged black admitted students

²⁷³ Dean deposition, pp. 87, 133.

²⁷⁴ Polk deposition, p. 198.

²⁷⁵ Dean deposition, p. 126.

²⁷⁶ According to UNC's own "enrollment diversity benchmarks," its existing levels of racial diversity are high. Among 16 universities that UNC considers its peer group, UNC ranks 3rd in enrollment of African American students and 7th in Hispanic students. In the top 30 national universities, UNC ranked 3rd in enrollment of African Americans and 17th among Hispanic students. Among 60 universities in the Association of American Universities, UNC ranked 5th in African American representation, and in the top half for Hispanic representation. UNC0082907. See also Kretchmar deposition, pp. 245-46; Dean deposition, pp. 207-208; and Williford deposition, pp. 196-198.

²⁷⁷ Appendix C.4. See also Rebecca Tippet, "NC in Focus: Educational attainment by race/ethnicity and nativity," UNC Carolina Population Center, July 14, 2016 <http://demography.cpc.unc.edu/2016/07/14/nc-in-focus-educational-attainment-by-raceethnicity-and-nativity/>

in-state rises to 77.8% and Hispanics to 81.3%—close to the state averages.²⁷⁸ Finally, any modest decline in black representation could be addressed if UNC were to employ a wealth variable as discussed below.

Third, in looking at the educational benefits of diversity, the Supreme Court—and UNC officials—have repeatedly suggested that both racial and socioeconomic diversity are important.²⁷⁹ While media reports often focus solely on the racial impact of alternatives, the critical measure is the net impact on socioeconomic and racial diversity taken together. Given the large increase in socioeconomic diversity and the rough maintenance on racial diversity, the simulation suggests a substantial *net increase* in the educational benefits of diversity.

Fourth, it is important to note that the UNC class remains very academically competitive under Simulation 3. Average SAT scores for the class move from 1335 to 1320—remaining essentially even. The score change represents less than a one percentile point drop (from the 93rd/94th percentile to the 93rd percentile) of all students nationally in 2017.²⁸⁰ High school GPA also remain essentially unchanged, going from 4.71 to 4.68. As noted above, UNC official Stephen Farmer observed that UNC currently admits students scoring below 1000 on the SAT (the 48th percentile nationally) and yet

²⁷⁸ The same pattern holds for out of state admits. In the class of 2021, 65.8% of black admits were advantaged, along with 80.4% of Hispanic admits. Under Simulation 3, the proportion of advantaged admits declines to 63.6% among black students and 59.4% among Hispanic students. Appendix C.4

²⁷⁹ See *Grutter*, 539 U.S. 306, 324 (2003); *Bakke*, 438 U.S. 265, 316 (1978). See also UNC, “Our Broad Commitment to Diversity and Inclusion,” (referencing importance of socioeconomic diversity), cited in Dean deposition, p. 104; Parrish deposition, p. 34; Polk deposition, p. 88 (socioeconomic diversity a part of diversity) and p. 332 (“All types of diversity are critical to the mission.”); and Williford deposition, pp. 99 (noting climate survey looked at diversity in its many forms, including “economic circumstances”); UNC0136870.

²⁸⁰ See College Board, “SAT: Understanding Scores 2017,” <https://collegereadiness.collegeboard.org/pdf/understanding-sat-scores.pdf>.

Farmer testified that “the students we admit are student we’re confident have the capacity to succeed at UNC.”²⁸¹ And UNC tolerates far larger differences in SAT and GPA between racial and ethnic groups.²⁸²

B.Ā Through inclusion of additional data and better recruiting of low-income students, the simulation could predict even greater racial and ethnic diversity.

As noted above, this simulation could have achieved a more robust racial dividend if I had access to additional information about critical factors that UNC did not make available—regarding applicants’ income, wealth, and student transfers—or if UNC had recruited disadvantaged students more aggressively.

More accurate income data. UNC’s data on socioeconomic disadvantage referenced first generation college status and fee waiver requests, but UNC did not reveal the full range of income of students, which would have allowed SFFA to model socioeconomic preferences more precisely. For instance, I could not model providing a bigger boost in the analysis to a remarkable student who performed well academically despite coming from a very low-income household compared to a student near the 185% of the poverty line which makes one eligible for a fee waiver and covers roughly half of the K-12 student population.²⁸³ This limitation has important implications for the racial dividend of class-based affirmative action because the racial differential grows as one moves further down the income scale. For instance, in 2015, black children were 2.1 times as likely as non-Hispanic

²⁸¹ Farmer deposition, pp. 235-36.

²⁸² See discussion in Section V.C.2 *supra*.

²⁸³ See discussion Section V.A.2 *supra*.

white children to live at 200% of the poverty line, but were 3.0 times as likely to live at 50% of the poverty line.²⁸⁴

Wealth data. Second, I did not have access to data on the wealth of applicants. As discussed earlier, these data have enormous implications for the racial dividend of class-based affirmative action.²⁸⁵ While African Americans make roughly 60% of what whites make in annual income, the median wealth of African Americans is just 10% the median wealth of whites.²⁸⁶

Community college transfer data. Third, UNC did not provide data on transfer applicants, so these students were excluded from the simulation. As noted above, boosting community college transfers to levels employed by the University of California at Berkeley or UCLA could substantially increase racial, ethnic, and socioeconomic diversity, but without the necessary data, transfer students could not be modeled in the simulation.²⁸⁷

Better recruitment. Fourth, the simulation necessarily understates the racial and socioeconomic dividend of the alternatives studied because it was limited to the *existing pool* of applicants even though evidence outlined above suggests that UNC does a poor job of recruiting disadvantaged students to apply.²⁸⁸ There are more than 20,000 very high achieving low-income applicants who do not attend any of the most selective 238 colleges, much less a top-ranked public

²⁸⁴ Annie E. Casey Foundation, Kids Count Data Center, “Children below 200% poverty by race,” and “Children in extreme poverty (50 percent poverty) by race and ethnicity” <http://datacenter.kidscount.org/data/tables/6726-children-below-200-percent-poverty-by-race#detailed/1/any/false/573,869,36,868,867/10,11,9,12,1,13,185/13819,13820> and

²⁸⁵ See *supra* Section V.A.1.

²⁸⁶ *Id.*

²⁸⁷ See discussion Section V.F *supra*.

²⁸⁸ See *supra* Section V.E.

college such as UNC.²⁸⁹ According to the NCERCD data, in 2014, there were 16,354 economically disadvantaged high school students (of all grades) who were identified as academically gifted, of which nearly half were underrepresented minorities, (4,277 Black students and 2,795 Hispanic students). If UNC had done a better job of recruiting such students, the more robust applicant pool that would have resulted would likely have increased the racial divided in our simulations.

C.Ā A careful simulation of a holistic percentage plan shows UNC could achieve the educational benefits of racial, ethnic, and socioeconomic diversity without sacrificing academic quality.

In addition to the socioeconomic preference, I asked Professor Arcidiacono to simulate the application of a percentage plan approach. As noted above, a number of leading state universities have created racial diversity by employing “percentage plans” that enroll top students in a variety of high schools.²⁹⁰ We focused on the 82% of students enrolled through the in-state process.²⁹¹

UNC determined in its own simulations that a “top 4.5%” model would yield a class similar in size to the current student body, so we follow that approach. Unlike UNC’s simulation, however, the model I asked to Arcidiacono to employ does not rank and admit students solely by a single factor—high school grades—but rather identifies the top 4.5% of students in every North Carolina high school who rank highest using UNC’s current holistic model that includes test scores, high school

²⁸⁹ Hoxby & Avery, “The Missing ‘One-Offs,’” *supra*, p. 35 (finding that two-thirds of 35,000 high achieving low income students do not attend a selective colleges); see David Leonhardt, Better Colleges Failing to Lure Talented Poor, New York Times, March 16, 2013, <http://www.nytimes.com/2013/03/17/education/scholarly-poor-often-overlook-better-colleges.html?pagewanted=all>.

²⁹⁰ See *supra* Section V.C.

²⁹¹ A version of the percentage plan could also be applied to out-of-state applicants by admitting top students from a variety of geographic locations, such as zip codes or College Board clusters. See discussion in Section V.C.3 *supra*.

grades, program rating, performance rating, extracurricular rating, essay rating and personal quality.²⁹²

This is Simulation 5.

As with the socioeconomic preference model, Simulation 5 next turns off the preferences for race, legacy, early decision, first generation status, fee waiver applicants, and female applicants. (As with the socioeconomic model, Arcidiacono turned UNC's existing preferences for recruited athletes back "on.")

The results of the simulation for the Class of 2019 (the most recent for which data were available) are reported below.

²⁹² This simulation follows the logic of UNC's 2012 study by examining the pool of UNC applicants, as opposed to the thinking behind UNC's 2014 study, which examined both applicants and hypothetical non-applicants from "the entire population of North Carolina public high school graduates" as well as 20 private feeder high schools. See UNC0079697-98. The disadvantage of the 2012 approach is that a percentage plan could change the applicant pool by encouraging more eligible students to apply. But the disadvantages of the 2014 approach are far greater. The 2014 methodology assumes that all students who are eligible would apply, an audacious assumption. See UNC079698 (outlining study's assumption "that the students we identify would, in fact, apply.") Moreover, as noted above, by focusing on actual applications, Simulation 5 allows us to employ precisely the type of holistic approach that the Supreme Court endorsed in *Fisher II*, by going beyond just high school grades to include test scores, program ratings, performance ratings, extracurricular ratings, essay ratings, and personal quality ratings. See *Fisher II*, slip opinion, p. 17. Such a holistic simulation is impossible when non-applicants are included in the analysis.

UNC – Admitted Classes of 2019 (In-State Admissions)			
Status Quo Race-Based Admissions		Simulation 5 Race-Neutral Admissions	
White	69.2%	White	64.7%
African American	8.7%	African American	13.1%
Hispanic	5.4%	Hispanic	6.3%
Asian American	11.0%	Asian American	11.3%
Other Minority or Unreported	5.7%	Other Minority or Unreported	4.6%
SES Disadvantage	24.8%	SES Disadvantage	25.4%
SES Advantaged	75.2%	SES Advantaged	74.6%
SAT/HS GPA	1309/4.67	SAT/HS GPA	1320/4.77

Simulation 5 is superior to the status quo in virtually every respect. African-American representation increases by 51%, Hispanic shares increase by more than 16%, and disadvantaged shares also increase. Geographic diversity is enhanced as top students in all high schools can attend UNC. Meanwhile, traditional academic criteria are honored; indeed, academic qualifications improve under this model, as both mean SAT scores and high school GPA rise. Holistic admissions is employed within each high school—with consideration of everything from academic records to extracurricular activities and essays—and the costs associated with explicit racial preferences are avoided.

These simulations are not the only way that UNC could achieve its goals without the use of race. But the analysis confirms—using information about UNC’s current process, and data already

available to UNC—that such alternatives are both available and workable. UNC no doubt could identify alternative methods, if it were committed to doing so.

VII. Conclusion

Under the Fourteenth Amendment, UNC bears “the ultimate burden of demonstrating, before turning to racial classifications, that available, workable race-neutral alternatives do not suffice.”²⁹³ UNC officials have claimed the college has fairly examined all workable race-neutral strategies and found them all wanting.

The record refutes that assertion. Experience and research demonstrates that there are numerous ways that universities can achieve the educational benefits of racial and socioeconomic diversity without using race. Despite all of its financial and academic resources, UNC, the oldest public college in the country, has failed to take the necessary steps to determine whether there are workable race-neutral strategies available. Moreover, a careful investigation of UNC’s admissions data and practices confirms that UNC has at its disposal viable race-neutral alternatives that would provide a net increase in racial and socioeconomic diversity without requiring the use of race.

Dated: January 12, 2018

s/ Richard D. Kahlenberg

Richard D. Kahlenberg

²⁹³ *Fisher*, 133 S. Ct. 2411, 2420.

VII.Ā Appendices

A.Ā Appendix A – Curriculum Vitae

RICHARD D. KAHLENBERG

Senior Fellow
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EDUCATION

- 1986-1989 Harvard Law School, Cambridge, Massachusetts.
J.D., *cum laude*, June 1989.
- 1985-1986 University of Nairobi School of Journalism, Nairobi, Kenya.
Certificate, Mass Communications, June 1986.
Rotary International Fellowship.
- 1981-1985 Harvard College, Cambridge, Massachusetts.
A.B. in Government, *magna cum laude*, June 1985.
Senior Honors Thesis "Coalition Building and Robert Kennedy's 1968
Presidential Campaign"

EMPLOYMENT HISTORY

- 1998- The Century Foundation (formerly Twentieth Century Fund), Washington, D.C.
Senior Fellow. Coordinating programs involving elementary, secondary and
higher education and organized labor.
- 1996-1998 Center for National Policy, Washington, D.C.
Fellow. Coordinated project on New Strategies to Promote Equal Opportunity.
- 1994-1995 Professorial Lecturer and Independent Writer, Washington, D.C.
Taught Cases in Public Policy, George Washington University Department
of Public Administration and completed book on affirmative action.
- 1993-1994 George Washington University National Law Center, Washington, D.C.
Visiting Associate Professor of Law. Taught Constitutional Law.
- 1989-1993^Å Senator Charles S. Robb, Washington, D.C.
Legislative Assistant. Advised Senator on issues relating to Crime, Energy,
Environment, Judicial Appointments, Campaign Finance, and Civil Rights.

PUBLICATIONS

I. BOOKS

A Smarter Charter: Finding What Works for Charter Schools and Public Education (coauthored with Halley Potter) (Teachers College Columbia University Press, 2014). *The Washington Post* called *A Smarter Charter*, “A remarkable new book...Wise and energetic advocates such as Kahlenberg and Potter can take the charter movement in new and useful directions.”

Why Labor Organizing Should Be a Civil Right: Rebuilding a Middle-Class Democracy by Enhancing Worker Voice (coauthored with Moshe Z. Marvit) (Century Foundation Press, 2012). The book was called “a must read” by NAACP President and CEO Benjamin Todd Jealous and “a persuasive roadmap for extending the protections of the Civil Rights Act to workers who want to organize a union” by American Federation of Teachers President Randi Weingarten.

Tough Liberal: Albert Shanker and the Battles Over Schools, Unions, Race and Democracy (Columbia University Press, 2007). The Wall Street Journal called the book “a well researched and engaging biography,” and Slate labeled it a “stirring account.” The book has also been reviewed in The Nation, The American Prospect, The Weekly Standard, Newsday, New York Sun, City Journal, Publishers Weekly, and The Washington Monthly. The book was written with the support of the Hewlett, Broad and Fordham foundations. It was named one of the Five Best Books on Labor in the Wall Street Journal

All Together Now: Creating Middle Class Schools through Public School Choice (Brookings Institution Press, 2001). The book, labeled “a clarion call for the socioeconomic desegregation of U.S. public schools” by Harvard Educational Review, was said by the Washington Post to make “a substantial contribution to a national conversation” on education. The book was also reviewed in Teachers College Record, Education Next, and National Journal. One author called Kahlenberg “the intellectual father of the economic integration movement.”

The Remedy: Class, Race, and Affirmative Action (Basic Books, 1996). The book was named one of the best of the year by the Washington Post and William Julius Wilson’s review in the New York Times called it “by far the most comprehensive and thoughtful argument thus far for...affirmative action based on class.” The book was also reviewed in The American Lawyer, The New Yorker, The Progressive, The Washington Monthly, The Detroit News, National Review, Legal Times, The Atlanta Journal-Constitution, and Publishers Weekly

Broken Contract: A Memoir of Harvard Law School (Hill & Wang/Farrar, Straus & Giroux, 1992). The book, which details the way in which idealistic liberal law students are turned to corporate law, was called “a forceful cri de coeur” by the L.A. Times. The book was reviewed in The New York Times, The Washington Post Book World, The Harvard Law Review, The Washington Monthly, Legal Times, The Boston Globe, The Hartford Courant, The Baltimore Evening Sun, The St. Petersburg Times, The Detroit News, The Cleveland Plain Dealer, The Dallas Morning News, and Publishers Weekly. In 1999, the book was reissued by University of Massachusetts Press with a new afterword. The book has also been translated into Japanese and Chinese.

Editor, *The Future of Affirmative Action: New Paths to Higher Education Diversity after Fisher v. University of Texas* (Century Foundation Press, 2014). Chapters include, “Defining the Stakes,” by Nancy Cantor and Peter Englot; “Promoting Economic Diversity for College Affordability,” by Sara Goldrick-Rab; “Fisher v. University of Texas and Its Practical Implications for Institutions of Higher Education,” by Arthur L. Coleman and Teresa E. Taylor; “New Rules for Affirmative Action in Higher Education,” by Scott Greytak; “Transitioning to Race-Neutral Admissions,” by Halley Potter; “Striving for Neutrality,” by Marta Tienda; “The Use of Socioeconomic Affirmative Action at the University of California,” by Richard Sander; “Converging Perils to College Access for Racial Minorities,” by Richard L. McCormick; “Ensuring Diversity Under Race-Neutral Admissions at the University of Georgia,” by Nancy G. McDuff and Halley Potter; “Addressing Undermatch,” by Alexandria Walton Radford and Jessica Howell; “Talent is Everywhere,” by Danielle Allen; “Reducing Reliance on Testing to Promote Diversity,” by John Brittain and Benjamin Landy; “Advancing College Access with Class-Based Affirmative Action,” by Matthew N. Gaertner; “Achieving Racial and Economic Diversity with Race-Blind Admissions Policy,” by Anthony P. Carnevale, Stephen J. Rose, and Jeff Strohl; “The Why, What, and How of Class-Based Admissions Policy,” by Dalton Conley; “A Collective Path Upward,” by Richard Sander; and “Increasing Socioeconomic Diversity in American Higher Education,” by Catharine Hill.

Executive Director (and primary author and editor), *Bridging the Higher Education Divide: Strengthening Community Colleges and Restoring the American Dream* (Century Foundation Press, 2013.) The task force on community colleges, cochaired by Anthony Marx and Eduardo Padron, included John Brittain, Walter Bumphus, Michele Cahill, Louis Caldera, Patrick Callan, Nancy Cantor, Samuel Cargile, Anthony Carnevale, Michelle Asha Cooper, Sara Goldrick-Rab, Jerome Karabel, Catherine Koshland, Felix Matos Rodriguez, Gail Mellow, Arthur Rothkopf, Sandra Schroeder, Louis Soares, Suzanne Walsh, Ronald Williams, and Joshua Wyner. In addition, the volume included background papers by Sandy Baum and Charles Kurose; Sara Goldrick-Rab and Peter Kinsley; and Tatiana Melguizo and Holly Kosiewicz.

Editor, *The Future of School Integration: Socioeconomic Diversity as an Education Reform Strategy* (Century Foundation Press, 2012). Chapters include, “Housing Policy is School Policy: Economically Integrative Housing Promotes Academic Success in Montgomery County, Maryland,” by Heather Schwartz; “Socioeconomic Diversity and Early Learning: The Missing Link in Policy for High-Quality Preschools,” by Jeanne L. Reid; “The Cost-Effectiveness of Socioeconomic School Integration,” by Marco Basile; “The Challenge of High-Poverty Schools: How Feasible is Socioeconomic School Integration?” by An Mantil, Anne G. Perkins, and Stephanie Aberger; “Can NCLB Choice Work? Modeling the Effects of Interdistrict Choice on Student Access to Higher-Performing Schools,” by Meredith P. Richards, Kori J. Stroub, and Jennifer Jellison Holme; “The Politics of Maintaining Balanced Schools: An Examination of Three Districts,” by Sheneka M. Williams; and “Turnaround and Charter Schools that Work: Moving Beyond Separate but Equal,” by Richard Kahlenberg.

Editor, *Affirmative Action for the Rich: Legacy Preferences in College Admissions* (Century Foundation Press, 2010). Chapters include “Legacy Preferences in a Democratic Republic,”

by Michael Lind; “A History of Legacy Preferences,” by Peter Schmidt; “An Analytical Survey of Legacy Preferences,” by Daniel Golden; “An Empirical Analysis of the Impact of Legacy Preferences on Alumni Giving at Top Universities,” by Chad Coffman, Tara O’Neil and Brian Starr; “Admitting the Truth: The Effect of Affirmative Action, Legacy Preferences, and the Meritocratic Ideal on Students of Color in College Admissions,” by John Brittain and Eric Bloom; “Legacy Preferences and the Constitutional Prohibition of Titles of Nobility,” by Carlton Larson; “Heirs of the American Experiment: A Legal Challenge to Preferences as a Violation of the Equal Protection Clause of the Constitution and the Civil Rights Act of 1866,” by Steve Shadowen and Sozi Tulante; “Privilege Paving the Way for Privilege: How Judges Will Confront the Legal Ramifications of Legacy Admissions to Public and Private Universities,” by Boyce F. Martin Jr. with Donya Khalili; and “The Political Economy of Legacy Admissions, Taxpayer Subsidies, and Excess ‘Profits’ in American Higher Education: Strategies for Reform,” by Peter Sacks.

Editor, *Rewarding Strivers: Helping Low-Income Students Succeed in College* (Century Foundation Press, 2010). Chapters include: “The Carolina Covenant,” by Edward B. Fiske, and “How Increasing College Access is Increasing Inequality and What to do About It,” by Anthony P. Carnevale and Jeff Strohl. William Fitzsimmons called the book part of Century’s “trailblazing mission to prevent the tragic waste of human talent that threatens America’s future,” while Anthony Marx declared, “Kahlenberg again gathers the best thinkers on how to challenge this status quo; what to do, what works, and what does not.”

Editor, *Improving on No Child Left Behind: Getting Education Reform Back on Track* (Century Foundation Press, 2008). Chapters include: an analysis of the under-funding of the No Child Left Behind Act, by William Duncombe, John Yinger and Anna Lukemeyer; a discussion of the rights of students in low performing schools to transfer to better performing public schools across district lines, by Amy Stuart Wells and Jennifer Holme; and an exploration of how to improve the accountability provisions of the act, by Lauren Resnick, Mary Kay Stein, and Sarah Coon. Diane Ravitch called *Improving on No Child Left Behind* “the best of the books on this topic.”

Editor, *America’s Untapped Resource: Low-Income Students in Higher Education* (Century Foundation Press, 2004). The chapters include: “Socioeconomic Status, Race/Ethnicity, and Selective College Admissions,” Anthony P. Carnevale and Stephen J. Rose; “Improving the Academic Preparation and Performance of Low-Income Students in American Higher Education,” by P. Michael Timpane and Arthur M. Hauptman; and “Low-Income Students and the Affordability of Higher Education,” by Lawrence E. Gladieux. Carnevale and Rose’s finding, that 74% of students at selective colleges come from the top socioeconomic quartile and 3% from the bottom quartile is widely cited.

Editor, *Public School Choice vs. Private School Vouchers* (Century Foundation Press, 2003). The volume consists of a compilation of new and previously published materials, including articles by Edward B. Fiske, Helen F. Ladd, Sean F. Reardon, John T. Yun, Amy Stuart Wells, Richard Just, Ruy Teixeira, Thad Hall, Gordon MacInnes, Richard C. Leone, and Bernard Wasow.

Executive Director (and primary author and editor), *Divided We Fail: Coming Together Through Public School Choice. The Report of The Century Foundation Task Force on the Common School*, (Century Foundation Press, 2002). The task force on school integration, chaired by Lowell Weicker, included Joseph Aguerrebere, Ramon Cortines, Robert Crain, John Degan, Peter Edelman, Christopher Edley, Kim Elliott, Jennifer Hochschild, Helen Ladd, Marianne Engelman Lado, Leonard Lieberman, Ann Majestic, Dennis Parker, Felipe Reinoso, Charles S. Robb, David Rusk, James Ryan, Judi Sikes, John Brooks Slaughter, Dick Swantz, William Trent, Adam Urbanski, Amy Stuart Wells, and Charles V. Willie. In addition, the volume included background papers by Duncan Chaplin, David Rusk, Edward B. Fiske, William H. Freivogel, Richard Mial, and Todd Silberman.

Editor, *A Notion at Risk: Preserving Public Education as an Engine for Social Mobility* (Century Foundation Press, 2000). The book identifies individual sources of inequality and proposes concrete public policy remedies. The chapters include: “Summer Learning and Home Environment” by Doris Entwisle, Karl Alexander and Linda Olson of Johns Hopkins; “Equalizing Education Resources for Advantaged and Disadvantaged Children” by Richard Rothstein of the Economic Policy Institute; “High Standards: A Strategy for Equalizing Opportunities to Learn?” by Adam Gamoran of the University of Wisconsin; “Inequality in Teaching and Schooling: Supporting High-Quality Teaching and Leadership in Low Income Schools” by Linda Darling-Hammond and Laura Post of Stanford; “Charter Schools and Racial and Social Class Segregation: Yet Another Sorting Machine?” by Amy Stuart Wells, Jennifer Jellison Holme, Alejandra Lopez, and Camille Wilson Cooper of UCLA; “Student Discipline and Academic Achievement” by Paul Barton of the Educational Testing Service; and “Critical Support: The Public View of Public Education,” by Ruy Teixeira of the Century Foundation

II. BOOK CHAPTERS

“The Bipartisan, and Unfounded, Assault on Teachers’ Unions,” in Michael B. Katz and Mike Rose (eds.), *Public Education Under Siege* (Philadelphia: University of Pennsylvania Press, 2013.)

“Socioeconomic Integration and Segregation,” in James A. Banks (ed.), *Encyclopedia of Diversity in Education* (Thousand Oaks, CA: Sage Publications, 2012).

“Socioeconomic School Integration: Preliminary Lessons from More than 80 Districts,” in Erica Frankenberg and Elizabeth DeBray-Pelot (eds.), *Integrating Schools in a Challenging Society: New Policy and Legal Options for a Multiracial Generation*, (Chapel Hill, N.C.: University of North Carolina Press, 2011)

“Combating School Segregation in the United States,” in Guido Walraven, Dorothee Peters, Eddie Denessen and Joep Bakker (eds.), *International Perspectives on Countering School Segregation* (Dutch National Knowledge Centre for Mixed Schools, 2010).

“Levelling the School Playing Field: A Critical Aim for New York’s Future,” in Jonathan P. Hicks and Dan Morris (eds.), *From Disaster to Diversity: What’s Next for New York City’s Economy?* (New York: Drum Major Institute, 2009).

“Higher Education Access,” in Robert McKinnon (ed), *Actions Speak Loudest* (Guilford, CT: Globe Pequot Press, 2009)

“Socioeconomic School Integration,” in Marybeth Shinn and Hirokazu Yoshikawa (eds), *Toward Positive Youth Development: Transforming Schools and Community Programs* (New York: Oxford University Press, 2008).

“The History of Collective Bargaining Among Teachers,” in Jane Hannaway and Andrew J. Rotherham (eds) *Collective Bargaining in Education: Negotiating Change in Today’s Schools* (Cambridge, MA: Harvard Education Press, 2006).

“Socioeconomic School Integration: A Symposium,” in Chester Hartman (ed), *Poverty and Race in America: The Emerging Agendas* (New York: Rowman and Littlefield, Publishers, 2006).

“The Return of ‘Separate but Equal,’” in James Lardner and David Smith (eds), *Inequality Matters: The Growing Divide in America and Its Poisonous Consequences* (New York: New Press, 2005).

“Economic School Integration,” in Stephen J. Caldas and Carl L. Bankston III (eds), *The End of Desegregation?* (New York: Nova Science Publishers Inc., 2003).

“President Clinton’s Race Initiative: Promise and Disappointment,” and “How to Achieve One America: Class, Race, and the Future of Politics,” in Stanley A. Renshon (ed), *One America? Political Leadership, National Identity and the Dilemmas of Diversity* (Washington DC: Georgetown University Press, 2001).

III. LAW REVIEW ARTICLES

“‘Architects of Democracy’: Labor Organizing as a Civil Right,” (with Moshe Marvit) 9 *Stanford Journal of Civil Rights & Civil Liberties* 213 (June 2013).

“Reflections on Richard Sander’s Class in American Legal Education,” 88 *Denver University Law Review* 719 (September 2011).

“Socioeconomic School Integration,” 85 *North Carolina Law Review* 1545 (June 2007).

“Remarks: Symposium – Brown v. Board of Education at Fifty: Have We Achieved Its Goals?” 78 *St. John’s Law Review* 295 (Spring 2004).

“Socioeconomic School Integration Through Public School Choice: A Progressive Alternative to Vouchers,” 45 *Howard Law Journal* 247 (Winter 2002).

"Class-Based Affirmative Action," 84 *California Law Review* 1037 (July 1996).

"Getting Beyond Racial Preferences: The Class-Based Compromise," 45 *American University Law Review* 721 (February 1996).

IV. PERIODICAL ARTICLES

Have written articles in the popular press for the American Educator, American Prospect, American School Board Journal, Atlantic Monthly, Baltimore Sun, Boston Globe, Boston Review, Chicago Sun Times, Christian Science Monitor, Chronicle of Higher Education, Civil Rights Journal, Education Next, Education Week, Educational Leadership, Forward, Inside Higher Education, Jurist, Journal of Blacks in Higher Education, Journal of Commerce, Legal Affairs, Legal Times, New Labor Forum, Nation, New Republic, New York Daily News, New York Times, Orlando Sentinel, Philadelphia Inquirer, Political Science Quarterly, Poverty and Race, Principal Magazine, Slate, Wall Street Journal, Washington Monthly, Washington Post and Wilson Quarterly.

Articles on Affirmative Action:

4/3/95 Author, "Class, Not Race: A Liberal Case for Junking Old-Style Affirmative Action in Favor of Something that Works," *The New Republic* (cover story).

7/17/95 Author, "Affirmative Action by Class," *Washington Post*, A19

7/17/95 Author, "Equal Opportunity Critics: Class vs. race, round 2," *New Republic*.

2/96 Author, "Getting Beyond Racial Preferences: The Class-Based Compromise," *American University Law Review*.

6/2/96 Author, "Bob Dole's Colorblind Injustice: On Affirmative Action, He Caves to Big Business," Outlook Section, *Washington Post*.

7/96 Author, "Class-Based Affirmative Action," *California Law Review*.

8/23/96 Author, "The Sound of Affirmative Action," *The Forward*.

9/13/96 Author, "Dishonest Defenders of Racial Preferences," *Wall Street Journal*.

10/7/96 Author, "Goal Line," (re Jack Kemp and affirmative action), *The New Republic*.

11/4/96 Author, "Need-based affirmative action," *Christian Science Monitor*.

12/96 Author, "Defend It, Don't Mend It: Clinton's affirmative action man has little bad to say about racial preferences," *The Washington Monthly*.

12/2/96 Author, "A Sensible Approach to Affirmative Action," *The Washington Post*. [

- 4/20/97 Author, "Need-based affirmative action in the spotlight," *Orlando Sentinel*.
- 1/19/98 Author, "Affirmative Action? Yes: But let's base it on need rather than on race," *Philadelphia Inquirer*.
- Spring '98 Author, "Class-Based Affirmative Action: A Natural for Labor," *New Labor Forum*.
- 6/98 Author, "In Search of Fairness: A Better Way," *The Washington Monthly*.
- 11/98 Author, "Style, not Substance," *The Washington Monthly*, pp. 45-48.
- 1/19/99 Author, "Class-based affirmative action," *The Boston Globe*.
- 9/21/99 Author, "The Colleges, the Poor, And the SATs" *Washington Post*, A19.
- 7-8/00 Author, "Class Action: The good and the bad alternatives to affirmative action," *The Washington Monthly*, 39-43.
- 9/15/01 Author, "President Clinton's Racial Initiative: Promise and Disappointment," (Chapter 4); and "How to Achieve One America: Class, Race, and the Future of Politics," (Chapter 11), in Stanley A. Renshon (ed) *One America? Political Leadership, National Identity, and the Dilemmas of Diversity* (Georgetown University Press)
- Spring/02 Author, Review of John David Skrentny "Color Lines," *Political Science Quarterly*, pp. 144-145.
- 9/9/03 Author, "The Conservative victory in Grutter and Gratz," *Jurist* (symposium with Derick Bell, Peter Schuck, Susan Low Bloch and others).
- 1/14/04 Author, "Q&A: Low-income college students are increasingly left behind," *USA Today*, p.7D.
- 3/19/04 Author, "Toward Affirmative Action for Economic Diversity," *Chronicle of Higher Education*.
- 5/05 Author, "Class Action: Why education needs quotas for poor kids," *Washington Monthly*
- 11/10/06 Author, "Time for a New Strategy," [re the Michigan affirmative action vote] *Inside Higher Education*.
- 3/07 Author, "Invisible Men: Race is no longer the unacknowledged dividing line in America. Class Is," *The Washington Monthly*.

- 2/4/08 Author, “Obama’s RFK Moment: How he could win over working class whites,” *Slate*.
- 5/12/08 Author, “Barack Obama and Affirmative Action,” *Inside Higher Education*.
- 5/23/08 Author, “A touch of class” (Obama and affirmative action), *Guardian America*.
- 11/6/08 Author, “What’s Next for Affirmative Action?” *The Atlantic*.
- 9/30/09 Author, “The Next Step in Affirmative Action: Class-based systems can skirt court and ballot defeats – and do a better job of addressing socioeconomic diversity” *Washington Monthly Online*.
- 12/16/09 Author (along with Julian Bond, Lee Bollinger, Jamie Merisotis and others), “Reactions: Is It Time for Class-Based Affirmative Action?” *The Chronicle of Higher Education*.
- 3/3/10 Author, “Disadvantages,” [review of Thomas Espenshade and Alexandria Walton Radford, *No Longer Separate, Not Yet Equal*], *New Republic*.
- 4/2/10 Author, “The Affirmative Action Trap,” *The American Prospect*
- 5/23/10 Author, “Five myths about college admissions,” Outlook Section, The *Washington Post*, p. B3 [
- 5/30/10 Author, “Toward a New Affirmative action,” *Chronicle of Higher Education Review*.
- 6/10/10 Author, “A Response to the Critics of Class-Based Affirmative Action,” Innovations Blog, *Chronicle of Higher Education*
- 6/18/10 Author, “Rewarding Strivers,” Innovations Blog, *Chronicle of Higher Education*.
- 7/7/10 Author, “The French Twist on Affirmative Action,” Innovations Blog, *Chronicle of Higher Education*.
- 7/20/10 Author, “Ross Douthat, White Anxiety and Diversity,” Innovations Blog, *Chronicle of Higher Education*.
- 7/28/10 Author, “Next Week’s Court Hearing on Affirmative Action,” Innovations Blog, *The Chronicle of Higher Education*.
- 9/17/10 Author, “Colorado’s Affirmative Action Experiment,” Innovations Blog, *Chronicle of Higher Education*.
- 9/22/10 Author, “10 Myths about Legacy Preferences in College Admissions,” *Chronicle of Higher Education*.

- 9/24/10 Author, "A Response to Supporters of Legacy Preferences," Innovations Blog, *Chronicle of Higher Education*.
- 11/3/10 Author, "Arizona's Affirmative Action Ban," Innovations Blog, *Chronicle of Higher Education*.
- 11/22/10 Author, "New Ways to Achieve Diversity in California," Innovations Blog, *Chronicle of Higher Education*.
- 11/24/10 Author, "South Africa's Affirmative Action Debate," Innovations Blog, *Chronicle of Higher Education*.
- 11/29/10 Author, "Does it Matter Where You Go to College? Numbers Favor Top Schools," Room for Debate, *The New York Times*.
- 12/10/10 Author, "Oxford's Research-Based Affirmative Action," Innovations Blog, *Chronicle of Higher Education*.
- 1/6/11 Author, "Do Legacy Preferences Count More than Race?" Innovations Blog, *Chronicle of Higher Education*.
- 1/27/11 Author, "The Next Big Affirmative-Action Case," Innovations Blog, *Chronicle of Higher Education*.
- 2/11/11 Author, "Nick Clegg's Attack on Social Segregation in Higher Education," Innovations Blog, *Chronicle of Higher Education*.
- 3/3/11 Author, "Are Legacy Preferences 'Defensible Corruption?'" Innovations Blog, *Chronicle of Higher Education*.
- 3/10/11 Author, "Who Benefits Most from Attending Top Colleges?" Innovations Blog, *Chronicle of Higher Education*.
- 4/5/11 Author, "The 'Reverse Discrimination Sentiment,'" Innovations Blog, *Chronicle of Higher Education*. [cited in "Attitudes Toward Access to Higher Education Affected by Race, Study Shows," *Huffington Post*, 4/6/11]
- 4/29/11 Author, "The Decline of Legacy Admissions at Yale," Innovations Blog, *Chronicle of Higher Education*.
- 5/11/11 Author, "Purchasing Seats at Top British Universities," Innovations Blog, *The Chronicle of Higher Education*.
- 5/26/11 Author, "Restoring LBJ's Original Vision of Affirmative Action," Innovations Blog, *The Chronicle of Higher Education*.

- 6/21/11 Author, "Is Affirmative Action Headed Back to the Supreme Court?" Innovations Blog, *Chronicle of Higher Education*.
- 7/5/11 Author, "Steps Forward and Back on Affirmative Action, Innovations Blog, *Chronicle of Higher Education*.
- 8/4/11 Author, "Achieving Racial Diversity Without Using Race," Innovations Blog, *Chronicle of Higher Education*.
- 8/17/11 Author, "Race, Class and the New ACT Results," Innovations Blog, *Chronicle of Higher Education*.
- 9/13/11 Author, "An Affirmative Action Success," Innovations Blog, *Chronicle of Higher Education*.
- 9/27/11 Author, "Reflections on Richard Sander's Class in American Legal Education," *Denver University Law Review*.
- 9/28/11 Author, "Economic Segregation in American Law Schools," Innovations Blog, *Chronicle of Higher Education*.
- 10/3/11 Author, "The First Monday in October," [re Fisher v. Texas], Innovations Blog, *Chronicle of Higher Education*.
- 10/17/11 Author, "A Third Path on Affirmative Action?" Innovations Blog, *Chronicle of Higher Education*.
- 11/2/11 Author, "The Amicus Briefs on Affirmative Action," Innovations Blog, *Chronicle of Higher Education* [re Sander and Taylor brief]
- 11/13/11 Author, "Affirmative Action for the Rich," (with Stephen Joel Trachtenberg, John Brittain, Peter Sacks, Michele Hernandez, Terry Shepard and Debra Thomas), "Why Do Top Schools Still Take Legacy Applicants?" Room for Debate Blog, *New York Times*.
- 11/17/11 Author, "Legacy Preferences at Private Universities," Innovations Blog, *Chronicle of Higher Education*.
- 11/21/11 Author, "What Should Obama Do on Affirmative Action?" Innovations Blog, *Chronicle of Higher Education*.
- 11/29/11 Author, "The Days of Legacy Admissions May Be Numbered," *Minding the Campus* Blog.
- 12/5/11 Author, "Obama's New Guidance on Diversity," Innovations Blog, *Chronicle of Higher Education*.
- 1/8/12 Author, "The Broader Significance of Fisher v. Texas," Innovations Blog, *Chronicle of Higher Education*.

- 2/9/12 Author, "Waiting on Fisher v. Texas," Innovations Blog, *Chronicle of Higher Education*.
- 2/21/12 Author, "Fisher v. Texas: How Obama Should Talk About Affirmative Action," *Slate*.
- 2/22/12 Author, "Will the Supreme Court Kill Diversity?" Innovations Blog, *Chronicle of Higher Education*.
- 3/29/12 Author, "Three Myths about Affirmative Action," Innovations Blog, *Chronicle of Higher Education*.
- 4/20/12 Author, "Does the Texas Top-10%-Plan Work?" Innovations Blog, *Chronicle of Higher Education*.
- 5/10/12 Author, "A Bad Week for Elizabeth Warren - and Affirmative Action," *Chronicle of Higher Education*.
- 5/29/12 Author, "Overturning or Modifying 'Grutter v. Bollinger?'" Innovations Blog, *Chronicle of Higher Education*.
- 6/1/12 Author, "Asian Americans and Affirmative Action," Innovations Blog, *Chronicle of Higher Education*. [cited in Asian American Educational Foundation, 6/4/12]
- 6/25/12 Author, "Should Colleges Consider Legacies in the Admissions Process? No: It Hurts the Deserving," (debate with Stephen Joel Trachtenberg), *Wall Street Journal*.
- 7/11/12 Author, "Transparency About Legacy Preferences," (re MIT), Innovations Blog, *Chronicle of Higher Education*.
- 8/8/12 Author, "The University of Texas's Weak Affirmative-Action Defense," Innovations Blog, *Chronicle of Higher Education*.
- 8/10/12 Author, "President Obama's Affirmative Action Problem and What He Should Do About It," *The New Republic*.
- 8/16/12 Author, "Obama's Affirmative-Action Brief," Innovations Blog, *Chronicle of Higher Education*.
- 9/4/12 Author, "Fisher Symposium: Race-neutral alternatives work," *SCOTUSblog*.
- 9/11/12 Author, "In defense of race-neutral alternative jurisprudence," Fisher Symposium, *SCOTUSblog*.
- 9/17/12 Author, "3 views on whether US still needs affirmative action: A middle way - Use affirmative action to help economically disadvantaged students of all races," *Christian Science Monitor*.

10/3/12 Author (with Halley Potter), "A Better Affirmative Action: State Universities that Created Alternatives to Racial Preferences," The Century Foundation.

10/3/12 Author, "A New Kind of Affirmative Action Can Ensure Diversity," *Chronicle of Higher Education*.

10/10/12 Author, "A Liberal Critique of Racial Preferences," *Wall Street Journal*, A17.

10/10/12 Author, "The Race to the Flop – The Problem with Affirmative Action," *The New Republic*.

10/11/12 Author, "The Achilles Heel of Affirmative Action," Conversation Blog, *Chronicle of Higher Education*.

10/22/12 Author, "Diversity or Discretion? Essay questions motives of U. Of Texas in affirmative action case," *Inside Higher Education*.

11/7/12 Author, "Another Nail in Affirmative Action's Coffin," The Conversation Blog, *Chronicle of Higher Education*.

11/9/12 Author, "Economic Affirmative Action," *The Washington Post*, A27. [

12/13/12 Author, "Supreme Court Double Header: The Arguments for Gay Marriage Undermine Affirmative Action," *Slate*.

12/19/12 Author (with John Brittain), "When Wealth Trumps Merit," in Room for Debate (along with Ron Unz, S.B. Woo and others), "Fears of an Asian Quota in the Ivy League," *New York Times*.

1/17/13 Author, "Where Sotomayor and Thomas Agree on Affirmative Action," Conversation Blog, *Chronicle of Higher Education*.

3/12/13 Author, "Presidents in denial on use of race-based admissions preferences," *Inside Higher Ed*.

3/19/13 Author, "The Untapped Pool of Low-Income Strivers," The Conversation Blog, *Chronicle of Higher Education*.

5/13/13 Author, "Addressing the Economic Divide," in "Diversity Without Affirmative Action?" Room for Debate (with Patricia Williams, Richard Vedder, Marta Tienda, and John Brittain), *New York Times*.

6/2/13 Author, "End race-based affirmative action? Yes: Class matters much more," *New York Daily News*.

- 6/24/13 Author, "The Next Affirmative Action? Universities Should Respond to the Supreme Court Ruling by Giving a Bigger Admissions Boost to Low-Income Students," *Slate*.
- 6/24/13 Author, "A new affirmative action based on class," *USA Today*.
- 6/25/13 Author, "The Class-Based Future of Affirmative Action," *The American Prospect*.
- 6/26/13 Author, "Why Everyone Is Wrong about *Fisher vs. University of Texas*," *Washington Monthly* 9/2/13 Author, "A Refreshingly Honest Book About Affirmative Action," *The New Republic*.
- 9/27/13 Author, "The Misleading Administrative Guidance on Affirmative Action," *Chronicle of Higher Education*. [
- 10/14/13 Author, "A Fresh Chance to Rein in Racial Preferences: The Supreme Court's *Fisher* decision last spring has been largely ignored. Now the justices can strengthen it." *Wall Street Journal*, A15.
- 11/21/13 Author, "In defense of proxies," (symposium with Sigal Alon, John Skrentny and others), *Contexts: American Sociological Association*, Fall 2013.
- 3/11/14 Author, "No Longer Black and White: Why Liberals Should Let California's Affirmative Action Ban Stand," *Slate*.
- 4/10/14 Author, "Good News for Low-Income Students: A campaign to challenge racial-preference policies at three universities should move higher education toward affirmative action based on class," Conversation Blog, *Chronicle of Higher Education*.
- 4/22/14 Author, "Did the Supreme Court Just Kill Affirmative Action? No. But it's clearly on its deathbed. That might not be such a bad thing," *Politico*.
- 4/27/14 Author, "Affirmative Action Fail: The Achievement Gap By Income is Twice the Gap by Race," *The New Republic*.
- 4/27/14 Coauthor (with Halley Potter), "Focus on Class Instead," in Room for Debate, "Should Affirmative Action Be Based on Income?" *New York Times*.
- 6/17/14 Author, "What Sotomayor Gets Wrong About Affirmative Action," *Chronicle of Higher Education*.
- 7/17/14 Author, "Affirmative-Action Ruling Could Be Pyrrhic Victory for UT-Austin," *Chronicle of Higher Education*.
- 9/12/14 Author (with Peter Dreier), "Making Top Colleges Less Aristocratic and More Meritocratic," The Upshot Section, *The New York Times*.

- 11/20/14 Author, "Achieving College Diversity Without Discriminating by Race," *Wall Street Journal*, p. A17.
- 12/2/14 Author, "Why Labor Should Support Class-Based Affirmative Action," New Labor Forum; and "Richard D. Kahlenberg Responds" (to Julie Park), New Labor Forum.
- 2/13/15 Author, "Affirmative Action for the Advantaged at UT-Austin," The Conversation Blog, *Chronicle of Higher Education*.
- 5/18/15 Author, "For the Sake of Working-Class Students, Give 'Fisher' Another Chance," *Chronicle of Higher Education*.
- 6/4/15 Author, "Race-Based Admissions: The Right Goal, but the Wrong Policy" (re LBJ 50th anniversary of affirmative action), *The Atlantic*.
- 7/23/15 Author, "How a New Report May Hasten the End of Racial Preferences in Admissions," *Chronicle of Higher Education*.
- 12/8/15 Author, "Texas' college admissions policies give the well-to-do a leg up," *Los Angeles Times*.
- 12/8/15 Author, "The Future of Affirmative Action: How a conservative decision at the Supreme Court could lead to a liberal outcome," *The Atlantic*.
- 12/11/15 Author, "Right-wing judge for working-class kids: In praise of Samuel Alito's stand on affirmative action in higher education," *New York Daily News*.
- 12/14/15 Author, "Scalia's Rant and Alito's Reasoning: What will influence Anthony Kennedy and determine the fate of affirmative action in Fisher?" *Slate*.
- 12/24/15 Author (with Anthony Carnevale and Jeff Strohl) "Should Race Be a Factor in College Admissions?" Letter to Editor (re Sigal Alon op-ed), *New York Times*, A18.
- 1/11/16 Coauthor (with Jennifer Giancola), "True Merit: Ensuring Our Brightest Students Have Access to Our Best Colleges and Universities, Jack Kent Cooke Foundation.
- 3/14/16 Author, "Racial Diversity Without Racial Preferences: The growing case for class-based affirmative action in college admissions," *Washington Monthly*.
- 6/23/16 Author, "A win for wealthy students," Fisher II Symposium, *Scotusblog*.
- 7/1/16 Author, "How the Legal Victory on Affirmative Action Undermines the Progressive Coalition: The University of Texas' policies make it harder to build an enduring cross-racial class-based coalition in American politics," *The Washington Monthly*.
- 1/4/17 Author, "How to Protect Diversity During Trump's Presidency: Liberals should expand the concept to include socioeconomic status," *The New Republic*.

4/14/17 Author, "Harvard's Class Gap: Can the academy understand Donald Trump's 'forgotten' Americans?" Harvard Magazine, May-June 2017, 35-39. [

8/3/17 Author, "The right fix to affirmative action: Progressives should answer the President's apparent plans with their own reforms" *New York Daily News*.

V. ACADEMIC/PUBLIC POLICY APPEARANCES

Have spoken before audiences in numerous settings: government (U.S. Commission on Civil Rights; U.S. Department of Education); academic associations (American Educational Research Association; Association for Public Policy Analysis and Management); colleges and universities (American, Amherst, Centre, Columbia, Flagler, George Washington, Georgetown, Harvard, Howard, Marymount, Middlebury, Missouri Western, National Defense University, New York University, Oberlin, Pitzer, Rutgers, St. Johns, St. Louis, Stanford, Stetson, Suffolk, University of Chicago, University of Maine, University of Maryland, University of North Carolina, University of Pennsylvania, University of Richmond, University of Southern California, University of Virginia, West Chester, William and Mary, Yale); and public policy forums (American Association of Community Colleges, American Enterprise Institute, Brookings Institution, Cato Institute, Center for American Progress, Chautauqua Institution, College Board, Committee for Economic Development, Council for Opportunity in Education, Economic Policy Institute, Demos, Education Law Association, Education Sector, Ethics and Public Policy Center, Fordham Institute, Hechinger Institute, KnowledgeWorks Foundation, National Academy of Sciences Board on Testing and Assessment, National Alliance for Public Charter Schools, National Council of Educational Opportunity, New America Foundation, New York Historical Society, New York Public Library, Pioneer Institute, Progressive Policy Institute, William T. Grant Foundation, and Woodrow Wilson Center).

VI. AWARDS

William A. Kaplin Award for Excellence in Higher Education Law and Policy Scholarship, Stetson Law School National Conference on Law & Higher Education (2013).

VII. EXPERIENCE CONSULTING WITH SCHOOL DISTRICTS

Chicago Public Schools (Illinois) (2008-2010). Helped school district create a socioeconomic school integration plan for magnet and selective enrollment schools.

Charlotte-Mecklenburg Schools (North Carolina) (2016). Helped school district create a socioeconomic school diversity plan.

New Haven Public Schools (2017). Helping school district implement a socioeconomic diversity plan for magnet schools.

Pasadena Educational Foundation (California). (2006 and 2016). Prepared reports for educational foundation associated with Pasadena Unified School District recommending adoption of socioeconomic diversity policies.

B.Ā Appendix B – Documents Relied Upon or Considered in Forming
Opinion

	UNC0080087	UNC0104929
Deposition transcripts (with	UNC0080178	UNC0104931
exhibits) of:	UNC0080179	UNC0104939
Jennifer Kretchmar	UNC0080316	UNC0106298
Abigail Panter	UNC0080443	UNC0108534
Barbara Polk	UNC0080715	UNC0115489
Jim Dean	UNC0081010	UNC0115492
Andrew Parrish	UNC0081017	UNC0116078
Lynn Williford	UNC0082906	UNC0116812
Stephen Farmer	UNC0082907	UNC0117476
A list of fields in UNC's	UNC0086357	UNC0118426
admissions database	UNC0086734	UNC0120997
	UNC0087025	UNC0145990
SFFA's Complaint	UNC0087661	UNC0145991
	UNC0087662	UNC0171639
UNC Answer to SFFA	UNC0087666	UNC0185910
Complaint	UNC0090683	UNC0192504
	UNC0091915	UNC0193166
8/16/13 Letter to Edward	UNC0091917	UNC0193169
Blum from Zach Orth NC	UNC0092133	UNC0193175
Public Records Act & 10%	UNC0092134	UNC0283495
simulation.	UNC0096472	UNC0283498
SFFA and UNC requests to	UNC0096542	UNC0283499
DOE	UNC0096543	UNC0283502
	UNC0097262	UNC0283507
SFFA and UNC requests to	UNC0097612	UNC0283517
NCERDC	UNC0097721	UNC0283520
	UNC0099539	UNC0283523
Other documents cited in	UNC0099540	UNC0283525
this report	UNC0099569	UNC0283527
UNC0079604	UNC0100111	UNC0283529
UNC0079613	UNC0100130	UNC0283530
UNC0079622	UNC0100622	UNC0283531
UNC0079624	UNC0101914	UNC0323474
UNC0079625	UNC0101915	UNC0323483
UNC0079650	UNC0103667	UNC0323484
UNC0079651	UNC0103669	UNC0323487
UNC0079680	UNC0104748	UNC0323543
UNC0079684	UNC0104749	UNC0323544
UNC0079713	UNC0104850	UNC0323611
UNC0079724	UNC0104851	UNC0323622
UNC0079951	UNC0104912	UNC0323651
UNC0080085	UNC0104913	UNC0323680

JA1355

UNC0323900	UNC0376504	UNC0380166
UNC0324038	UNC0377992	UNC0380208
UNC0324078	UNC0378072	UNC0380210
UNC0324080	UNC0378075	UNC0380212
UNC0324931	UNC0378117	UNC0380215
UNC0325546	UNC0379565	UNC0380217
UNC0325551	UNC0379839	UNC0380222
UNC0325560	UNC0379840	UNC0380241
UNC0325570	UNC0379973	UNC0380243
UNC0325572	UNC0380001	
UNC0326127	UNC0380039	
UNC0326346	UNC0380071	
UNC0376477	UNC0380131	

C.Ā Appendix C – Simulations

Table C.1a: UNC Race-Neutral Modeling Results for In-State Admissions

Status Quo	Number of admits						Total	Share of admits						Total
	2016	2017	2018	2019	2020	2021		2016	2017	2018	2019	2020	2021	
White	3,043	3,022	3,160	3,064	3,323	3,381	18,993	71.8%	68.6%	69.3%	69.2%	67.4%	66.8%	68.8%
Black	389	383	414	383	433	419	2,421	9.2%	8.7%	9.1%	8.7%	8.8%	8.3%	8.8%
Hispanic	196	229	251	241	261	300	1,478	4.6%	5.2%	5.5%	5.4%	5.3%	5.9%	5.4%
Asian	464	470	545	488	604	658	3,229	11.0%	10.7%	11.9%	11.0%	12.3%	13.0%	11.7%
Other/Not available	144	299	191	251	309	305	1,499	3.4%	6.8%	4.2%	5.7%	6.3%	6.0%	5.4%
Total	4,236	4,403	4,561	4,427	4,930	5,063	27,620							
Academic variables														
GPA (mean)	4.57	4.61	4.64	4.67	4.70	4.76								
SAT (mean)	1,302	1,308	1,321	1,309	1,317	1,316								
Top decile (%)	13.4%	16.2%	20.7%	19.1%	24.4%	28.5%								
Top two deciles (%)	30.9%	35.3%	40.3%	39.4%	43.8%	50.0%								
SES variables														
Family level (%)														
Advantaged	76.2%	76.5%	76.7%	75.2%	79.0%	79.4%								
Disadvantaged	23.8%	23.6%	23.3%	24.8%	21.0%	20.6%								
Neighborhood level (%)														
Advantaged	81.2%	79.9%	82.1%	80.3%	82.2%	83.2%								
Disadvantaged	18.8%	20.1%	17.9%	19.7%	17.8%	16.8%								
School level (%)														
Advantaged	84.1%	85.5%	85.3%	78.8%	-----	-----								
Disadvantaged	15.9%	14.5%	14.7%	21.2%	-----	-----								

Sources: MainDataA.csv, MainDataB.csv, MainDataC.csv, MainDataD.csv, UNC0379828.xlsx, UNC0379829.xlsx.

Table C.1a (continued): UNC Race-Neutral Modeling Results for In-State Admissions

	Number of admits						Share of admits						Total	
	2016	2017	2018	2019	2020	2021	2016	2017	2018	2019	2020	2021		
Simulation 1: No racial preferences, no SES preference, no legacy preference, no early decision preference, no female preference; includes athletic preference														
White	3,286	3,212	3,392	3,247	3,515	3,555	20,207	77.6%	73.0%	74.4%	73.3%	71.3%	70.2%	73.2%
Black	213	238	244	242	259	291	1,487	5.0%	5.4%	5.3%	5.5%	5.3%	5.7%	5.4%
Hispanic	152	167	185	193	220	242	1,159	3.6%	3.8%	4.1%	4.4%	4.5%	4.8%	4.2%
Asian	470	481	574	503	641	675	3,344	11.1%	10.9%	12.6%	11.4%	13.0%	13.3%	12.1%
Other/Not available	115	305	166	242	295	300	1,423	2.7%	6.9%	3.6%	5.5%	6.0%	5.9%	5.2%
Academic variables														
GPA (mean)	4.58	4.62	4.65	4.68	4.70	4.76								
SAT (mean)	1,309	1,314	1,328	1,315	1,323	1,321								
Top decile (%)	13.4%	16.3%	20.8%	19.3%	24.5%	28.7%								
Top two deciles (%)	31.2%	35.6%	40.7%	39.7%	44.1%	50.6%								
SES variables														
Family level (%)														
Advantaged	79.6%	80.1%	80.0%	78.4%	81.8%	82.3%								
Disadvantaged	20.4%	19.9%	20.0%	21.6%	18.2%	17.7%								
Neighborhood level (%)														
Advantaged	82.8%	81.9%	83.5%	81.7%	83.4%	84.5%								
Disadvantaged	17.2%	18.1%	16.5%	18.3%	16.6%	15.5%								
School level (%)														
Advantaged	90.2%	91.7%	91.8%	88.0%	-----	-----								
Disadvantaged	9.8%	8.3%	8.2%	12.0%	-----	-----								

Sources: MainDataA.csv, MainDataB.csv, MainDataC.csv, MainDataD.csv, UNC0379828.xlsx, UNC0379829.xlsx.

Table C.1a (continued): UNC Race-Neutral Modeling Results for In-State Admissions

	Number of admits						Share of admits						Total	
	2016	2017	2018	2019	2020	2021	2016	2017	2018	2019	2020	2021		
Simulation 2: No racial preferences, family SES preference, no legacy preference, no early decision preference, no female preference; includes athletic preference														
White	3,150	3,088	3,249	3,129	3,343	3,392	19,351	74.4%	70.1%	71.2%	70.7%	67.8%	67.0%	70.1%
Black	301	327	325	308	364	393	2,018	7.1%	7.4%	7.1%	7.0%	7.4%	7.8%	7.3%
Hispanic	180	201	225	225	280	319	1,430	4.2%	4.6%	4.9%	5.1%	5.7%	6.3%	5.2%
Asian	486	496	594	521	655	676	3,428	11.5%	11.3%	13.0%	11.8%	13.3%	13.4%	12.4%
Other/Not available	119	291	168	244	288	283	1,393	2.8%	6.6%	3.7%	5.5%	5.8%	5.6%	5.0%
Academic variables														
GPA (mean)	4.57	4.61	4.64	4.67	4.69	4.75								
SAT (mean)	1,297	1,303	1,318	1,305	1,311	1,309								
Top decile (%)	13.3%	16.2%	20.6%	19.1%	24.2%	28.1%								
Top two deciles (%)	30.6%	35.0%	40.0%	38.9%	42.7%	48.4%								
SES variables														
Family level (%)														
Advantaged	68.0%	69.2%	69.7%	68.1%	70.2%	70.5%								
Disadvantaged	32.0%	30.8%	30.3%	31.9%	29.8%	29.5%								
Neighborhood level (%)														
Advantaged	80.4%	80.0%	81.1%	79.3%	81.1%	81.8%								
Disadvantaged	19.6%	20.0%	18.9%	20.7%	18.9%	18.2%								
School level (%)														
Advantaged	89.2%	90.5%	90.6%	86.8%	-----	-----								
Disadvantaged	10.8%	9.5%	9.4%	13.2%	-----	-----								

Sources: MainDataA.csv, MainDataB.csv, MainDataC.csv, MainDataD.csv, UNC0379828.xlsx, UNC0379829.xlsx.

Table C.1a (continued): UNC Race-Neutral Modeling Results for In-State Admissions

	Number of admits						Share of admits						Total	
	2016	2017	2018	2019	2020	2021	2016	2017	2018	2019	2020	2021		
Simulation 3: No racial preferences, family and neighborhood SES preferences, no legacy preference, no early decision preference, no female preference; includes athletic preference														
White	3,110	3,066	3,211	3,093	3,304	3,360	19,144	73.4%	69.6%	70.4%	69.9%	67.0%	66.4%	69.3%
Black	348	376	377	355	415	431	2,302	8.2%	8.3%	8.3%	8.0%	8.4%	8.5%	8.3%
Hispanic	186	195	226	231	289	342	1,469	4.4%	4.4%	5.0%	5.2%	5.9%	6.8%	5.3%
Asian	468	478	576	507	631	654	3,314	11.0%	10.9%	12.6%	11.5%	12.8%	12.9%	12.0%
Other/Not available	124	288	171	241	291	276	1,391	2.9%	6.3%	3.7%	5.4%	5.9%	5.5%	5.0%
Academic variables														
GPA (mean)	4.55	4.60	4.63	4.66	4.68	4.73								
SAT (mean)	1,286	1,294	1,310	1,297	1,301	1,299								
Top decile (%)	13.2%	16.1%	20.5%	19.0%	23.8%	27.5%								
Top two deciles (%)	30.0%	34.3%	39.4%	38.1%	41.4%	46.6%								
SES variables														
Family level (%)														
Advantaged	65.8%	67.6%	67.7%	66.1%	67.9%	68.2%								
Disadvantaged	34.2%	32.4%	32.3%	33.9%	32.1%	31.8%								
Neighborhood level (%)														
Advantaged	71.7%	72.3%	73.9%	72.2%	72.1%	73.1%								
Disadvantaged	28.3%	27.7%	26.1%	27.8%	27.9%	26.9%								
School level (%)														
Advantaged	88.3%	89.8%	89.7%	85.8%	-----	-----								
Disadvantaged	11.7%	10.2%	10.3%	14.2%	-----	-----								

Sources: MainDataA.csv, MainDataB.csv, MainDataC.csv, MainDataD.csv, UNCO379828.xlsx, UNCO379829.xlsx.

Table C.1a (continued): UNC Race-Neutral Modeling Results for In-State Admissions

	Number of admits						Share of admits						Total	
	2016	2017	2018	2019	2020	2021	Total	2016	2017	2018	2019	2020		2021
Simulation 4: No racial preferences, family, neighborhood, and school SES preferences, no legacy preference, no early decision preference, no female preference; includes athletic preference														
White	3,088	3,039	3,189	3,063	-----	-----	12,379	72.9%	69.0%	69.9%	69.2%	-----	-----	70.2%
Black	380	413	400	385	-----	-----	1,578	9.0%	9.4%	8.8%	8.7%	-----	-----	9.0%
Hispanic	189	194	231	233	-----	-----	847	4.5%	4.4%	5.1%	5.3%	-----	-----	4.8%
Asian	458	473	573	506	-----	-----	2,010	10.8%	10.7%	12.6%	11.4%	-----	-----	11.4%
Other/Not available	121	284	168	240	-----	-----	813	2.9%	6.5%	3.7%	5.4%	-----	-----	4.6%
Academic variables														
GPA (mean)	4.55	4.59	4.63	4.66										
SAT (mean)	1,282	1,289	1,306	1,293										
Top decile (%)	13.1%	16.0%	20.4%	18.8%										
Top two deciles (%)	29.6%	33.9%	38.9%	37.5%										
SES variables														
Family level (%)														
Advantaged	64.9%	66.8%	66.8%	65.1%										
Disadvantaged	35.1%	33.2%	33.2%	34.9%										
Neighborhood level (%)														
Advantaged	71.2%	71.8%	73.4%	71.8%										
Disadvantaged	28.8%	28.2%	26.6%	28.2%										
School level (%)														
Advantaged	83.4%	85.9%	86.0%	81.2%										
Disadvantaged	16.6%	14.1%	14.0%	18.8%										

Sources: MainDataA.csv, MainDataB.csv, MainDataC.csv, MainDataD.csv, UNC0379828.xlsx, UNC0379829.xlsx.

Table C.1b: UNC Race-Neutral Modeling Results for Out-of-State Admissions

Status Quo	Number of admits					Share of admits					Total			
	2016	2017	2018	2019	2020	2021	Total	2016	2017	2018		2019	2020	2021
White	1,081	1,087	1,326	1,461	1,291	1,138	7,384	53.9%	51.5%	49.7%	48.4%	48.8%	45.7%	49.4%
Black	277	242	342	324	257	284	1,726	13.8%	11.5%	12.8%	10.7%	9.7%	11.4%	11.6%
Hispanic	246	247	321	368	345	336	1,863	12.3%	11.7%	12.0%	12.2%	13.0%	13.5%	12.5%
Asian	294	326	484	585	487	544	2,720	14.7%	15.5%	18.1%	19.4%	18.4%	21.9%	18.2%
Other/Not available	107	207	195	281	264	186	1,240	5.3%	9.8%	7.3%	9.3%	10.0%	7.5%	8.3%
Total	2,005	2,109	2,668	3,019	2,644	2,488	14,933							
Academic variables														
GPA (mean)	4.29	4.35	4.38	4.41	4.43	4.47								
SAT (mean)	1,409	1,417	1,419	1,419	1,427	1,421								
Top decile (%)	26.0%	31.2%	32.9%	33.8%	39.3%	38.4%								
Top two deciles (%)	46.7%	51.0%	54.1%	57.0%	59.5%	59.7%								
SES variables														
Family level (%)														
Advantaged	86.5%	87.0%	85.3%	85.0%	88.4%	85.1%								
Disadvantaged	13.5%	13.0%	14.7%	15.0%	11.6%	15.0%								
Neighborhood level (%)														
Advantaged	94.4%	94.1%	93.1%	94.3%	95.3%	94.3%								
Disadvantaged	5.6%	5.9%	6.9%	5.7%	4.7%	5.7%								

Sources: MainDataA.csv, MainDataB.csv, MainDataC.csv, MainDataD.csv, UNC0379828.xlsx, UNC0379829.xlsx.

Table C.1b (continued): UNC Race-Neutral Modeling Results for Out-of-State Admissions

	Number of admits					Share of admits					Total			
	2016	2017	2018	2019	2020	2021	2016	2017	2018	2019		2020	2021	
Simulation 1: No racial preferences, no SES preference, no legacy preference, no early decision preference, no female preference; includes athletic preference														
White	1,399	1,329	1,683	1,802	1,495	1,356	9,064	69.8%	63.0%	63.1%	59.7%	56.5%	54.5%	60.7%
Black	47	37	63	62	50	48	307	2.3%	1.8%	2.4%	2.1%	1.9%	1.9%	2.1%
Hispanic	65	110	135	144	141	163	758	3.2%	5.2%	5.1%	4.8%	5.3%	6.6%	5.1%
Asian	423	380	607	724	674	721	3,529	21.1%	18.0%	22.8%	24.0%	25.5%	29.0%	23.6%
Other/Not available	71	253	180	287	284	200	1,275	3.5%	12.0%	6.7%	9.5%	10.7%	8.0%	8.5%
Academic variables														
GPA (mean)	4.31	4.38	4.40	4.43	4.45	4.49								
SAT (mean)	1,438	1,440	1,442	1,440	1,452	1,446								
Top decile (%)	28.5%	34.5%	35.4%	35.9%	43.1%	43.0%								
Top two deciles (%)	51.3%	57.0%	59.0%	61.7%	66.7%	67.8%								
SES variables														
Family level (%)														
Advantaged	91.9%	93.7%	91.6%	91.9%	91.5%	92.3%								
Disadvantaged	8.1%	6.3%	8.4%	8.1%	8.5%	7.7%								
Neighborhood level (%)														
Advantaged	95.9%	95.6%	95.4%	96.2%	96.1%	95.7%								
Disadvantaged	4.1%	4.4%	4.6%	3.8%	3.9%	4.3%								

Sources: MainDataA.csv, MainDataB.csv, MainDataC.csv, MainDataD.csv, UNC0379828.xlsx, UNC0379829.xlsx.

Table C.1b (continued): UNC Race-Neutral Modeling Results for Out-of-State Admissions

	Number of admits					Share of admits					Total		
	2016	2017	2018	2019	2020	2021	2016	2017	2018	2019		2020	2021
Simulation 2: No racial preferences, family SES preference, no legacy preference, no early decision preference, no female preference; includes athletic preference													
White	1,321	1,247	1,561	1,695	1,394	1,268	8.486	65.9%	58.5%	56.1%	52.7%	51.0%	56.8%
Black	68	83	109	101	89	101	551	3.4%	4.1%	3.3%	3.4%	4.1%	3.7%
Hispanic	94	139	184	198	183	213	1,011	4.7%	6.9%	6.6%	6.9%	8.6%	6.8%
Asian	446	396	640	754	714	721	3,671	22.2%	18.8%	25.0%	27.0%	29.0%	24.6%
Other/Not available	76	244	174	271	264	185	1,214	3.8%	11.6%	9.0%	10.0%	7.4%	8.1%
Academic variables													
GPA (mean)	4.30	4.36	4.39	4.42	4.43	4.48							
SAT (mean)	1,421	1,422	1,425	1,425	1,434	1,429							
Top decile (%)	26.4%	30.7%	32.7%	34.2%	39.0%	39.3%							
Top two deciles (%)	47.3%	51.9%	53.9%	57.9%	61.1%	62.1%							
SES variables													
Family level (%)													
Advantaged	70.3%	71.3%	69.4%	74.0%	70.1%	68.1%							
Disadvantaged	29.7%	28.7%	30.6%	26.0%	29.9%	31.9%							
Neighborhood level (%)													
Advantaged	94.7%	94.0%	93.4%	94.8%	94.9%	93.7%							
Disadvantaged	5.3%	6.0%	6.6%	5.2%	5.1%	6.3%							

Sources: MainDataA.csv, MainDataB.csv, MainDataC.csv, UNC0379828.xlsx, UNC0379829.xlsx.

Table C.1b (continued): UNC Race-Neutral Modeling Results for Out-of-State Admissions

	Number of admits						Share of admits							
	2016	2017	2018	2019	2020	2021	Total	2016	2017	2018	2019	2020	2021	Total
Simulation 3: No racial preferences, family and neighborhood SES preferences, no legacy preference, no early decision preference, no female preference; includes athletic preference														
White	1,299	1,229	1,531	1,659	1,379	1,269	8,366	64.8%	58.3%	57.4%	55.0%	52.2%	51.0%	56.0%
Black	94	121	152	137	126	129	759	4.7%	5.7%	5.7%	4.5%	4.8%	5.2%	5.1%
Hispanic	109	149	205	225	206	235	1,129	5.4%	7.1%	7.7%	7.5%	7.8%	9.4%	7.6%
Asian	424	379	613	733	682	677	3,508	21.1%	18.0%	23.0%	24.3%	25.8%	27.2%	23.5%
Other/Not available	79	231	167	265	251	178	1,171	3.9%	11.0%	6.3%	8.8%	9.5%	7.2%	7.8%
Academic variables														
GPA (mean)	4.28	4.34	4.38	4.41	4.42	4.48								
SAT (mean)	1,408	1,409	1,413	1,415	1,421	1,418								
Top decile (%)	24.5%	28.8%	30.6%	32.5%	36.7%	37.3%								
Top two deciles (%)	43.6%	48.5%	50.6%	55.2%	56.9%	58.8%								
SES variables														
Family level (%)														
Advantaged	68.1%	69.0%	67.3%	72.0%	67.6%	65.7%								
Disadvantaged	31.9%	31.0%	32.7%	28.0%	32.4%	34.3%								
Neighborhood level (%)														
Advantaged	82.2%	81.4%	81.6%	86.0%	82.8%	80.1%								
Disadvantaged	17.8%	18.6%	18.4%	14.0%	17.2%	19.9%								

Sources: MainDataA.csv, MainDataB.csv, MainDataC.csv, MainDataD.csv, UNC0379828.xlsx, UNC0379829.xlsx.

Table C.2: UNC Race-Neutral Modeling Results for In-State and Out-of-State Admissions Combined (82% and 18%, respectively)

	Share of admits						Total
	2016	2017	2018	2019	2020	2021	
Status Quo							
White	68.6%	65.6%	65.8%	65.5%	64.1%	63.0%	65.3%
Black	10.0%	9.2%	9.8%	9.0%	9.0%	8.8%	9.3%
Hispanic	6.0%	6.4%	6.7%	6.7%	6.7%	7.3%	6.6%
Asian	11.6%	11.5%	13.1%	12.5%	13.4%	14.6%	12.9%
Other/Not available	3.7%	7.3%	4.7%	6.3%	6.9%	6.3%	5.9%
Academic variables							
GPA (mean)	4.52	4.56	4.60	4.63	4.65	4.71	
SAT (mean)	1,321	1,328	1,339	1,329	1,337	1,335	
Top decline (%)	15.6%	18.9%	22.9%	21.8%	27.1%	30.3%	
Top two deciles (%)	33.8%	38.1%	42.8%	42.6%	46.6%	51.8%	
SES variables							
Family level (%)							
Advantaged	78.0%	78.4%	78.2%	77.0%	80.7%	80.4%	
Disadvantaged	22.0%	21.6%	21.8%	23.0%	19.3%	19.6%	
Neighborhood level (%)							
Advantaged	83.6%	82.5%	84.1%	82.8%	84.5%	85.2%	
Disadvantaged	16.4%	17.5%	15.9%	17.2%	15.5%	14.8%	
Simulation 1: No racial preferences, no SES preference, no legacy preference, no early decision preference, no female preference; includes athletic preference							
White	76.2%	71.2%	72.3%	70.9%	68.6%	67.4%	70.9%
Black	4.5%	4.7%	4.8%	4.9%	4.6%	5.1%	4.8%
Hispanic	3.5%	4.0%	4.2%	4.4%	4.6%	5.1%	4.4%
Asian	12.9%	12.2%	14.4%	13.6%	15.3%	16.1%	14.2%
Other/Not available	2.9%	7.8%	4.2%	6.2%	6.8%	6.3%	5.8%
Academic variables							
GPA (mean)	4.53	4.58	4.61	4.63	4.66	4.71	
SAT (mean)	1,332	1,337	1,349	1,338	1,346	1,344	
Top decline (%)	16.1%	19.6%	23.4%	22.3%	27.8%	31.3%	
Top two deciles (%)	34.8%	39.5%	44.0%	43.7%	48.2%	53.7%	
SES variables							
Family level (%)							
Advantaged	81.8%	82.5%	82.1%	80.8%	83.6%	84.1%	
Disadvantaged	18.2%	17.5%	17.9%	19.2%	16.4%	15.9%	
Neighborhood level (%)							
Advantaged	85.2%	84.4%	85.6%	84.3%	85.7%	86.5%	
Disadvantaged	14.8%	15.6%	14.4%	15.7%	14.3%	13.5%	

Sources: MainDataA.csv, MainDataB.csv, MainDataC.csv, MainDataD.csv, UNC0379828.xlsx, UNC0379829.xlsx.

Table C.2 (continued): UNC Race-Neutral Modeling Results for In-State and Out-of-State Admissions Combined (82% and 18%, respectively)

	Share of admits						
	2016	2017	2018	2019	2020	2021	Total
Simulation 2: No racial preferences, family SES preference, no legacy preference, no early decision preference, no female preference; includes athletic preference							
White	72.8%	68.2%	68.9%	68.1%	65.1%	64.1%	67.7%
Black	6.4%	6.8%	6.6%	6.3%	6.7%	7.1%	6.7%
Hispanic	4.3%	4.9%	5.3%	5.3%	5.9%	6.7%	5.5%
Asian	13.4%	12.6%	15.0%	14.1%	15.8%	16.2%	14.6%
Other/Not available	3.0%	7.5%	4.2%	6.1%	6.6%	5.9%	5.6%
Academic variables							
GPA (mean)	4.52	4.57	4.60	4.63	4.64	4.70	
SAT (mean)	1,319	1,324	1,337	1,327	1,333	1,331	
Top declile (%)	15.7%	18.8%	22.8%	21.8%	26.9%	30.1%	
Top two deciles (%)	33.6%	38.0%	42.5%	42.3%	46.0%	50.9%	
SES variables							
Family level (%)							
Advantaged	68.4%	69.6%	69.6%	69.2%	70.2%	70.1%	
Disadvantaged	31.6%	30.4%	30.4%	30.8%	29.8%	29.9%	
Neighborhood level (%)							
Advantaged	83.0%	82.5%	83.3%	82.1%	83.6%	83.9%	
Disadvantaged	17.0%	17.5%	16.7%	17.9%	16.4%	16.1%	
Simulation 3: No racial preferences, family and neighborhood SES preferences, no legacy preference, no early decision preference, no female preference; includes athletic preference							
White	71.9%	67.6%	68.1%	67.2%	64.3%	63.6%	66.9%
Black	7.6%	8.0%	7.8%	7.4%	7.8%	7.9%	7.7%
Hispanic	4.6%	4.9%	5.4%	5.6%	6.2%	7.2%	5.7%
Asian	12.9%	12.1%	14.5%	13.8%	15.1%	15.5%	14.1%
Other/Not available	3.1%	7.3%	4.2%	6.0%	6.5%	5.8%	5.5%
Academic variables							
GPA (mean)	4.50	4.55	4.59	4.62	4.63	4.69	
SAT (mean)	1,308	1,315	1,329	1,318	1,323	1,320	
Top declile (%)	15.2%	18.4%	22.3%	21.4%	26.1%	29.3%	
Top two deciles (%)	32.4%	36.9%	41.4%	41.2%	44.2%	48.8%	
SES variables							
Family level (%)							
Advantaged	66.2%	67.9%	67.6%	67.2%	67.8%	67.8%	
Disadvantaged	33.8%	32.1%	32.4%	32.8%	32.2%	32.3%	
Neighborhood level (%)							
Advantaged	73.6%	73.9%	75.3%	74.7%	74.0%	74.4%	
Disadvantaged	26.4%	26.1%	24.7%	25.3%	26.0%	25.6%	

Sources: MainDataA.csv, MainDataB.csv, MainDataC.csv, MainDataD.csv, UNC0379828.xlsx, UNC0379829.xlsx.

Table C.3: UNC Race-Neutral Modeling Results for In-State Admissions (Status Quo and Simulation 5 (4.5% Model))

	Number of admits					Share of admits				
	2016	2017	2018	2019	Total	2016	2017	2018	2019	Total
Status Quo										
White	3,043	3,022	3,160	3,064	12,289	71.8%	68.6%	69.3%	69.2%	69.7%
Black	389	383	414	383	1,569	9.2%	8.7%	9.1%	8.7%	8.9%
Hispanic	196	229	251	241	917	4.6%	5.2%	5.5%	5.4%	5.2%
Asian	464	470	545	488	1,967	11.0%	10.7%	11.9%	11.0%	11.2%
Other/Not available	144	299	191	251	885	3.4%	6.8%	4.2%	5.7%	5.0%
Total	4,236	4,403	4,561	4,427	17,627					
Academic variables										
GPA (mean)	4.57	4.61	4.64	4.67						
SAT (mean)	1,302	1,308	1,321	1,309						
Top decile (%)	13.4%	16.2%	20.7%	19.1%						
Top two deciles (%)	30.9%	35.3%	40.3%	39.4%						
SES variables										
Family level (%)										
Advantaged	76.2%	76.5%	76.7%	75.2%						
Disadvantaged	23.8%	23.6%	23.3%	24.8%						
Neighborhood level (%)										
Advantaged	81.2%	79.9%	82.1%	80.3%						
Disadvantaged	18.8%	20.1%	17.9%	19.7%						
School level (%)										
Advantaged	84.1%	85.5%	85.3%	78.8%						
Disadvantaged	15.9%	14.5%	14.7%	21.2%						
Simulation 5 (4.5% Model)										
No racial preferences, no SES preference, no legacy preference, no early decision preference, no female preference; includes athletic preference										
White	2,462	2,475	2,383	2,419	9,739	71.2%	67.0%	65.1%	64.7%	66.9%
Black	411	468	479	491	1,849	11.9%	12.7%	13.1%	13.1%	12.7%
Hispanic	172	199	220	237	828	5.0%	5.4%	6.0%	6.3%	5.7%
Asian	324	352	449	423	1,548	9.4%	9.5%	12.3%	11.3%	10.6%
Other/Not available	91	199	127	171	588	2.6%	5.4%	3.5%	4.6%	4.0%
Total	3,460	3,693	3,658	3,741	14,552					
Academic variables										
GPA (mean)	4.68	4.70	4.74	4.77						
SAT (mean)	1,315	1,318	1,334	1,320						
Top decile (%)	18.1%	21.0%	27.1%	25.4%						
Top two deciles (%)	40.1%	43.9%	50.8%	49.3%						
SES variables										
Family level (%)										
Advantaged	76.7%	77.6%	76.8%	74.6%						
Disadvantaged	23.3%	22.4%	23.2%	25.4%						
Neighborhood level (%)										
Advantaged	80.2%	79.9%	82.4%	77.8%						
Disadvantaged	19.8%	20.1%	17.6%	22.2%						
School level (%)										
Advantaged	83.9%	86.5%	85.7%	79.0%						
Disadvantaged	16.1%	13.5%	14.3%	21.0%						

Note:

[1] The counts for Simulation 5 (4.5% Model) are based on applicants for whom NCERDC data is available.

Sources: MainDataA.csv, MainDataB.csv, MainDataC.csv, MainDataD.csv, UNC0379828.xlsx, UNC0379829.xlsx, UNC0379834.xlsx, UNC0379835.xlsx, UNC0379836.xlsx, UNC0379837.xlsx, ACS_16_5YR_B19013_with_ann.xlsx, mb_2008_pub.sas7bdat, mb_2009_pub.sas7bdat, mb_2010_pub.sas7bdat, mb_2011_pub.sas7bdat, mb_2012_pub.sas7bdat, pcaudit_pub2013.sas7bdat, pcaudit_pub2014.sas7bdat, pcaudit_pub2015.sas7bdat.

Table C.4: Percentage of Admits Economically Disadvantaged, by Race, Year, and Race-Neutral Simulation Model (In-State Applicants)

	Percentage Economically Disadvantaged						
	2016	2017	2018	2019	2020	2021	Total
Status Quo							
White	17.2%	17.8%	17.1%	18.4%	14.4%	14.3%	16.5%
Black	51.7%	53.3%	52.7%	54.8%	53.8%	54.9%	53.5%
Hispanic	45.9%	44.1%	41.0%	51.9%	47.9%	51.0%	47.2%
Asian	32.1%	30.0%	29.9%	29.1%	23.8%	20.4%	27.0%
Other/Not available	31.3%	17.7%	21.5%	22.3%	18.1%	13.8%	19.5%
Simulation 1: No racial preferences, no SES preference, no legacy preference, no early decision preference, no female preference; includes athletic preference							
White	17.3%	17.0%	17.0%	18.0%	14.5%	13.8%	16.2%
Black	26.7%	30.7%	29.9%	33.9%	30.6%	35.5%	31.2%
Hispanic	31.8%	29.2%	25.6%	36.6%	35.3%	37.9%	33.0%
Asian	31.0%	28.6%	29.8%	28.7%	23.6%	19.7%	26.4%
Other/Not available	19.8%	14.8%	12.9%	18.6%	15.4%	12.3%	15.3%
Simulation 2: No racial preferences, family SES preference, no legacy preference, no early decision preference, no female preference; includes athletic preference							
White	25.6%	25.0%	24.0%	25.5%	22.4%	22.0%	24.0%
Black	56.6%	61.2%	56.6%	58.5%	62.1%	68.2%	60.6%
Hispanic	56.5%	52.4%	48.6%	58.1%	67.4%	71.5%	59.7%
Asian	43.0%	40.0%	41.0%	40.5%	34.9%	28.8%	37.4%
Other/Not available	31.6%	20.5%	23.2%	28.5%	22.9%	19.5%	23.5%
Simulation 3: No racial preferences, family and neighborhood SES preferences, no legacy preference, no early decision preference, no female preference; includes athletic preference							
White	26.5%	25.7%	24.8%	26.2%	23.5%	23.1%	24.9%
Black	68.5%	71.9%	68.4%	70.7%	73.8%	77.8%	71.9%
Hispanic	61.8%	52.4%	52.3%	62.9%	73.1%	81.3%	64.9%
Asian	43.0%	39.8%	41.1%	41.1%	35.3%	29.4%	37.7%
Other/Not available	34.1%	22.5%	25.7%	29.9%	25.6%	21.2%	25.6%
Simulation 4: No racial preferences, family, neighborhood, and school SES preferences, no legacy preference, no early decision preference, no female preference; includes athletic preference							
White	26.9%	25.7%	25.2%	26.4%	-----	-----	26.0%
Black	75.3%	80.4%	73.1%	76.8%	-----	-----	76.3%
Hispanic	64.4%	53.2%	55.7%	65.2%	-----	-----	59.4%
Asian	42.9%	40.2%	42.2%	42.5%	-----	-----	42.0%
Other/Not available	34.6%	22.5%	25.5%	30.6%	-----	-----	27.4%

Sources: MainDataA.csv, MainDataB.csv, MainDataC.csv, MainDataD.csv, UNC0379828.xlsx, UNC0379829.xlsx, UNC0379834.xlsx, UNC0379835.xlsx, UNC0379836.xlsx, UNC0379837.xlsx, ACS_16_5YR_B19013_with_ann.xlsx, mb_2008_pub.sas7bdat, mb_2009_pub.sas7bdat, mb_2010_pub.sas7bdat, mb_2011_pub.sas7bdat, mb_2012_pub.sas7bdat, pcaudit_pub2013.sas7bdat, pcaudit_pub2014.sas7bdat, pcaudit_pub2015.sas7bdat.

Table C.4 (continued): Percentage of Admits Economically Disadvantaged, by Race, Year, and Race-Neutral Simulation Model (Out-of-State Applicants)

	Percentage Economically Disadvantaged						
	2016	2017	2018	2019	2020	2021	Total
Status Quo							
White	8.4%	8.2%	8.4%	9.3%	7.1%	10.6%	8.7%
Black	28.5%	35.1%	37.1%	34.9%	35.0%	34.2%	34.2%
Hispanic	19.1%	18.2%	24.0%	27.5%	13.9%	19.6%	20.6%
Asian	14.3%	11.0%	12.4%	14.0%	11.1%	11.6%	12.4%
Other/Not available	11.2%	9.2%	9.2%	7.8%	9.5%	13.4%	9.8%
Simulation 1: No racial preferences, no SES preference, no legacy preference, no early decision preference, no female preference; includes athletic preference							
White	7.4%	6.2%	8.4%	7.1%	7.1%	7.0%	7.2%
Black	5.6%	3.9%	5.1%	5.9%	9.4%	4.4%	5.7%
Hispanic	4.1%	5.7%	7.7%	8.9%	5.9%	7.6%	6.8%
Asian	16.9%	8.5%	12.5%	12.6%	13.6%	10.6%	12.3%
Other/Not available	6.4%	7.0%	5.4%	5.7%	8.6%	8.9%	7.0%
Simulation 2: No racial preferences, family SES preference, no legacy preference, no early decision preference, no female preference; includes athletic preference							
White	29.5%	27.1%	29.5%	23.9%	26.3%	30.7%	27.7%
Black	15.1%	25.1%	21.7%	20.4%	26.4%	27.1%	22.5%
Hispanic	22.5%	28.1%	32.3%	31.1%	27.6%	34.6%	29.8%
Asian	52.4%	37.7%	42.7%	35.6%	46.3%	37.4%	41.2%
Other/Not available	23.6%	27.5%	20.9%	16.2%	23.6%	25.6%	22.4%
Simulation 3: No racial preferences, family and neighborhood SES preferences, no legacy preference, no early decision preference, no female preference; includes athletic preference							
White	30.4%	27.1%	29.6%	24.3%	27.3%	31.1%	28.1%
Black	22.8%	40.3%	33.5%	30.1%	39.7%	36.4%	33.5%
Hispanic	27.0%	32.7%	37.5%	35.7%	32.7%	40.6%	34.8%
Asian	53.2%	37.5%	42.9%	36.4%	47.0%	39.0%	41.9%
Other/Not available	24.3%	28.3%	19.8%	17.0%	23.1%	24.7%	22.4%

Sources: MainDataA.csv, MainDataB.csv, MainDataC.csv, MainDataD.csv, UNC0379828.xlsx, UNC0379829.xlsx, UNC0379834.xlsx, UNC0379835.xlsx, UNC0379836.xlsx, UNC0379837.xlsx, ACS_16_5YR_B19013_with_ann.xlsx, mb_2008_pub.sas7bdat, mb_2009_pub.sas7bdat, mb_2010_pub.sas7bdat, mb_2011_pub.sas7bdat, mb_2012_pub.sas7bdat, pcaudit_pub2013.sas7bdat, pcaudit_pub2014.sas7bdat, pcaudit_pub2015.sas7bdat.

breaks. Tours begin at the Office of Undergraduate Admissions and are led by Carolina students. To make reservations, call (919) 966-3621, visit www.admissions.unc.edu, e-mail unchelp@admissions.unc.edu, or write Undergraduate Admissions, CB# 2200, Jackson Hall, Chapel Hill, NC 27599-2200.

Obtaining an *Undergraduate Bulletin*

Admitted first-year students will be given the opportunity to obtain a free printed *Undergraduate Bulletin* during their new student orientation visit to campus. Thereafter, students can refer to new printed editions of the *Bulletin* by purchasing one from Student Stores in person or via the Web. For information about purchasing the *Bulletin*, visit store.unc.edu and click on "Academics" and then "School Bulletins."

Printed reference copies of the *Bulletin* are available at campus libraries and with each student's faculty advisor. The *Bulletin* is also available on the Web at www.unc.edu/ugradbulletin.

Reaching the Office of Undergraduate Admissions

The starting point for most prospective students is the University's Office of Undergraduate Admissions. Knowledgeable staff members help prospective students understand the requirements and procedures of applying for admission to UNC–Chapel Hill. Admissions staff can be reached at Undergraduate Admissions, CB# 2200, Jackson Hall, The University of North Carolina at Chapel Hill, Chapel Hill, NC 27599-2200, by telephone at (919) 966-3621, or at www.admissions.unc.edu.

The Mission Statement of the University of North Carolina at Chapel Hill

The University of North Carolina at Chapel Hill, the nation's first public university, serves North Carolina, the United States, and the world through teaching, research, and public service. We embrace an unwavering commitment to excellence as one of the world's great research universities.

Our mission is to serve as a center for research, scholarship, and creativity and to teach a diverse community of undergraduate, graduate, and professional students to become the next generation of leaders. Through the efforts of our exceptional faculty and staff, and with generous support from North Carolina's citizens, we invest our knowledge and resources to enhance access to learning and to foster the success and prosperity of each rising generation. We also extend knowledge-based services and other resources of the University to the citizens of North Carolina and their institutions to enhance the quality of life for all people in the State.

With *lux, libertas*—light and liberty—as its founding principles, the University has charted a bold course of leading change to improve society and to help solve the world's greatest problems.

Approved by the UNC Board of Governors, November 2009 and February 2014

Resolution 2016-12. On Commitment to Diversity and Inclusion

The Faculty Council resolves:

The University has long recognized that diversity in the student body is a critical element of academic excellence and a deeply-held institutional value. It takes seriously the academic and civic contract with society and its core responsibilities to the citizens of the State of North Carolina to fulfill both its educational mission and the preparation of students as the next generation of leaders by a cadre of diverse faculty and staff.

Therefore, the Faculty Council reaffirms its commitment to the values of diversity and inclusion. We recognize that student body diversity is a vital and necessary component of academic excellence, and we believe that we can achieve our educational, research, and service missions only by creating and sustaining a diverse and inclusive environment.

We are committed to promoting the many educational benefits, generation of new ideas and the innovations that flow from a diverse student body. These benefits are a real and meaningful part of our pedagogy. It is our goal for our students to experience these benefits inside and outside the classroom as part of their educational experience by fostering the best conditions possible to maximize these results. We recognize that, among other benefits, student body diversity helps foster vibrant classroom and campus environments across all academic disciplines. Creating opportunities for dialogue and mutually beneficial interactions among members of the University community will aid in intellectual growth and the free exchange of ideas.

Consistent with the social science research in the area, we strongly believe that diversity improves learning outcomes for our students, enabling the pursuit of solutions from many different perspectives and grounded in many different life experiences. We will continue to strive for an inclusive environment that will allow students from all backgrounds to feel welcome, supported, and prepared for academic success.

Further, we recognize that a diverse campus implicitly and explicitly strives towards the minimization of bias and better prepares its students for participation in a multicultural society and a global economy. We are committed to preparing a diverse group of students to work together to meet the broad range of complex challenges facing North Carolina, the Nation, and the world. We believe that we can best do so by offering our students the opportunity to learn and live alongside individuals of different backgrounds, cultures and perspectives in an environment that is committed to diversity and inclusion.

**The Educational Benefits of Diversity and Inclusion
for
Undergraduate Students at the University of North Carolina at Chapel Hill**

Report Submitted

to

Chancellor Carol L. Folt

by

Executive Vice Chancellor and Provost James W. Dean, Jr.

May 26, 2017

Carolina's Commitment to Diversity and Inclusion

The University of North Carolina is committed to creating and sustaining a diverse and inclusive community of students, faculty, and staff. This commitment derives from our experience that our differences strengthen our educational programs, enhance the development of our students, and enable us to achieve our mission as a public university—one that strives for excellence in teaching, learning, creating, and discovering, and in serving all the people of North Carolina.

Diversity, Inclusion, and Excellence as Pillars of Our Mission

In the words of our current mission statement, adopted by the Board of Trustees and approved by the Board of Governors in 2009, UNC-Chapel Hill “embrace[s] an unwavering commitment to excellence as one of the world’s great research universities.” As “the nation’s first public university,” we exist to “teach a diverse community of undergraduate, graduate, and professional students to become the next generation of leaders,” even as we “invest knowledge and resources to enhance access to learning and to foster the success and prosperity of each rising generation.” We commit to these educational objectives in order “to enhance the quality of life for all people” in our state.

Inscribed within this mission is the conviction and proved experience that diversity, excellence, and service to the people of North Carolina are integrally and inextricably connected. The University puts into practice what a significant and growing body of educational and organizational research has established: that diversity enhances learning, fosters discovery, and strengthens service, especially in a community in which all individuals are valued for the unique combination of attributes that make them who they are. Of course, learning, discovery, and service require other resources, including intellect, integrity, and a capacity for hard work, especially if they are to be conducted at the highest possible level. But none would flourish without diversity and inclusion and the benefits that the two, taken together, provide.

This understanding—that diversity, inclusion, and excellence are mutually reinforcing pillars of our mission to achieve academic excellence and to prepare graduates to succeed and lead—has been embraced by our faculty for decades. As early as 1998, in its *Statement on Principles of Service, Diversity and Freedom of Inquiry*, the Faculty Council made explicit the connections among the three, affirming that the University had an obligation to “create and sustain an environment of educational excellence,” “promote intellectual growth through intense and rigorous educational dialogue,” and “foster mutually beneficial interactions among students, faculty, staff, and administrators who possess diverse backgrounds and wide varieties of perspectives and life experiences.” These connections were further explored and defined in the 2003 and 2011 academic plans, the former stating explicitly that “Diversity is critical to the University’s effectiveness in fully preparing students for the world,” and the latter affirming “how much Carolina’s learning environment is enhanced by students, faculty, and staff from multiple backgrounds and ethnicities interacting together.” These themes were in turn echoed by Faculty Council in its November 2016 resolution, *On Commitment to Diversity and Inclusion*, which reinforced that “student body diversity is a vital and necessary component of academic excellence,” and which enumerated several specific educational benefits conferred by such diversity. The 2016 resolution also noted the critical role that inclusion plays in securing the educational benefits of diversity, since “students from all backgrounds

[need] to feel welcome, supported, and prepared for academic success” if they are to thrive academically and personally and contribute to the education of their classmates.

We hope this document will contribute substantially to this lived experience and ongoing conversation about diversity and inclusion on our campus, and to our continued development as a public university whose high calling is to strive for excellence in teaching, learning, creating, and discovering, and in serving all the people of our state.

It is worth noting that our understanding of these issues has changed and deepened over time. Although the University enrolled its first student in 1795, it was another full century until we enrolled our first female student, and another thirty years until we enrolled our first American Indian student, and another twenty until we enrolled our first black student. The student body at the University has changed dramatically since then—partly because our state and nation have changed, but also because those who came before us on this campus came to realize that the differences we had resisted were in fact crucial to the excellence we sought. Without their vision and wisdom, and without their sacrifice, the contribution we now strive to make would not have been possible.

Our Broad Commitment to Diversity and Inclusion

The University seeks, welcomes, and benefits from diversity in all its forms. No list can fully express the rich variety of backgrounds, experiences, identities, and perspectives that comprise our community, much less our state, nation, and world. We may focus on certain elements of diversity for good reasons, including current conditions or a sense of where our state and world are heading. This focus often leads us to describe diversity in terms of background, belief, and experience; socioeconomic status; race and ethnicity; veteran or military status; physical ability; sexual orientation; or sex, gender, gender identity, or gender expression. But we recognize that human experience and identity cannot be fully captured in any of these ways, and we respect and welcome other differences that likewise strengthen our academic programs and campus by enhancing our individual and collective learning experiences.

We also seek, welcome, and benefit from diversity in all its combinations. Rather than think of people categorically, we recognize that no person is one-dimensional and no two people the same in every respect, even if they identify with one another along a particular dimension. Although the University is often required to report categorically about elements of diversity in our student body and faculty, and although such reporting can offer important perspectives about our campus, we owe all members of our community the opportunity to be recognized as the capable and complex individuals they are, rather than reduced to a single identity or interest.

If this respect for difference, and for difference within difference, is a crucial component of inclusion, then inclusion itself is crucial to our ability to extend the educational benefits of difference to every member of our community. When people feel welcome to bring their unique combinations of experiences and backgrounds into their interactions with their students, classmates, and professors, then discussions become richer, discoveries go deeper, and perspectives grow broader. This is the educational experience we strive to create, and it depends on both diversity and inclusion.

Our Commitment in Action

This commitment to diversity and inclusion—driven by our conviction that the two are integral to one another and to the excellence we seek as an institution—has most recently manifested itself in our recommendation regarding the new University Office of Diversity and Inclusion. This office will be charged to build understanding across differences, promote the free exchange of disparate ideas, and create conditions to ensure that the educational and social benefits of diversity are equitably realized. This office will also address the issues of our contemporary society and strive to position all students, faculty, and staff to reach their greatest potential. We believe that this vision is consistent with the University's experience and understanding of diversity and inclusion, and we are excited about the difference this office will make, over time, in the education of our faculty, staff, and students, and by extension in the life of our state.

But this is just one recent manifestation of the University's commitment to realize and secure the educational benefits of diversity and inclusion. This commitment has long been borne out in many other ways: in our work to attract and enroll outstanding students from widely diverse backgrounds, including, but not limited to, those from low-income households and those whose races and ethnicities are underrepresented on our campus; in our efforts, both in and out of the classroom, to foster debate, discussion, collaboration, and other engagement across differences; and finally, in our efforts to encourage success for students of all backgrounds, so that they will leave our campus prepared for the intellectual, civic, and personal challenges and opportunities they will face, and ready to make important contributions in every walk of life, both across North Carolina and beyond.

These actions belong to no one division, school, department, or individual. Rather, they depend on the involvement of our community as a whole. All of us are responsible for attracting, challenging, and supporting great students who will contribute to the education and experience of everyone on our campus; and for engaging in earnest and respectful debate and discussion; and for drawing on the strengths and differences of our classmates and colleagues as we develop new and creative solutions to the problems we face as a state and as a society. In these ways, our institutional commitment to diversity and inclusion reinforces our commitment to excellence and propels us forward in all that we do.

Such sustained action to secure the benefits of diversity and inclusion has long been recognized as crucial to our success as a public research university. In 2011, our academic plan, recognizing that a "community that welcomes difference as a vital ingredient of creative change will thrive in manifold ways," reiterated the call to action. The November 2016 Faculty Council resolution – the result of the Diversity Syllabus, a series of purposeful conversations at monthly Council meetings held over a period of two years – called on the University to continue "creating and sustaining a diverse and inclusive environment" and urged ongoing action to prepare "a diverse group of students to work together to meet the broad range of complex challenges facing North Carolina, the Nation, and the world." More recently, Chancellor Carol L. Folt, speaking at the University's March 2017 Diversity in STEM Conference, called on our community to continue to act to foster diversity and inclusion, reminding her audience that "it increases our educational impact to have a room full of people with different ideas" who "come from different backgrounds" and "walked a different path into that very moment of debate and learning."

The need for sustained and purposeful action to foster diversity and inclusion, and to secure their benefits for our community and especially our students, cannot now be overstated. We live in a time of extraordinary challenge and promise. All around us—across our campus, state, country, and world—are causes and controversies, opportunities and obstacles, and potential and predicaments that require creative thinking, different perspectives, and rigorous and respectful debate. Diversity and inclusion not only enable these practices; they help them lead to innovative answers and shared understanding.

The need for understanding, too, cannot be overstated. The last several years have revealed fundamental challenges in our civic life, in the form of real and urgent concerns about issues involving race, religion, identity, culture, and intellectual diversity. Events and circumstances arising across the country, including some in Chapel Hill, have sparked important discussions about discrimination, bias, and equity. On our own campus, students, faculty, and staff have expressed frustration with the prejudice they have experienced or witnessed on campus and across our state and nation. In the face of these controversies, which are both urgent and painful to many in our community, our success as an institution will depend on our ongoing actions to foster diversity and inclusion and secure their full benefits.

The Benefits of Diversity and Inclusion

The University's commitment to diversity and inclusion reflects our lived and learned experience that they yield lasting and transformational educational benefits—an understanding informed not only by a substantial and growing body of literature but also by feedback from our own students and faculty. These benefits are interrelated; each reinforces the others. Together, they strengthen the educational experience we provide to our students, and they enable our excellence in teaching, learning, creating, and discovering, and in serving all the people of North Carolina.

The 1998 and 2016 statements by Faculty Council, and the 2003 and 2011 academic plans, outlined several specific benefits deriving from diversity and inclusion. The following description is consistent with these statements, elaborating on some of the benefits as a means of providing a clear basis for action and assessment in the future. Just as this description builds upon the previous work of our colleagues, we expect future colleagues to build upon our own work, since our understanding of these benefits is dynamic and developing over time.

Promoting the robust exchange of ideas. Living and learning within an environment of diverse classmates, faculty, and staff encourage the vibrant exchange of ideas, perspectives, and visions, especially when all feel included and encouraged to share their points of view. Students, faculty, and staff need practice in articulating their perspectives to others, just as they need practice in hearing the perspectives of others. This practice of exchanging and engaging with ideas, including those we do not necessarily share, is essential to higher learning in general. It is also particularly important for the nation's first public university, for whom *lux* and *libertas*—light and liberty—are founding principles.

Broadening and refining understanding. In similar ways, discussion and dialogue with classmates, professors, and colleagues of different beliefs, backgrounds, preferences, cultures, races, ethnici-

ties, and the like—differences of every kind—inform, modify, and expand our own understandings, opinions, and visions. We often leave conversations on campus—whether they take place in classrooms, laboratories, or libraries, or during meals or workouts or walks—seeing things differently from the way we saw them before. Sometimes a problem, or its possible solution, has snapped into sharper focus; sometimes it has come to seem still more complicated, with many more shades of gray than we had previously recognized. Regardless, in being exposed to, and in trying to account for, the diverse perspectives of the other parties to our conversation, we have broadened and refined our own understanding. In a very real sense, this is the essence of the education we strive to provide to each student, and it is consistent with our mission to serve as “a center for research, scholarship, and creativity.”

Fostering innovation and problem-solving. The opportunity to study and learn within a diverse and inclusive environment serves as a catalyst for new insights and solutions. By hearing a different idea, merging elements of two separate ideas, or formulating an outside-the-box hypothesis, we shine light on the right answer, move closer to a potential solution, or see an entirely new dimension of a challenge we first thought was less complex. Moreover, diverse and inclusive teams bring different problem-solving approaches to bear on difficult challenges, pushing team members to dig deeper and achieve better results. In all these ways, diversity and inclusion foster innovation, fuel creativity, and drive development and advancement across all disciplines and courses of study—enabling the University to fulfill its mission of “leading change to improve society and to help solve the world’s greatest problems.”

Preparing engaged and productive citizens and leaders. Our students come from every corner of North Carolina, all fifty states, and countries around the world. To help them prepare to thrive as citizens and leaders, as well as employees and employers, in the increasingly diverse communities and workplaces that await them, the University strives to offer them the opportunity to live, learn, and work within a campus community that is itself diverse. When students collaborate effectively with classmates whose backgrounds, experiences, and perspectives differ from their own, they prepare themselves to serve and work with people of all backgrounds no matter where their personal and professional paths might lead them. The competence and confidence they gain in interacting with diverse constituents, and the legitimacy they earn as a result, position them for engaged and productive lives as citizens and leaders. This is a crucial opportunity that the University must provide to students, given that its mission is in part to teach them “to become the next generation of leaders.”

Enhancing appreciation, respect, and empathy. These same learning opportunities, within and beyond the classroom, offer the distinct but related benefit of deepening appreciation for others, awakening students to the ways in which differences of upbringing, culture, identity, and experience combine to contribute to our differences as individuals. Within a community that is both diverse and inclusive, this appreciation of difference leads to greater respect, both for the various groups with which students identify and for individual students themselves, who like all human beings are irreducible and unique. By allowing us to step regularly into someone else’s shoes, diversity and inclusion destroy stereotypes, bridge divisions, and promote empathy—experiences that enable our students to understand not only each other but also “all people in the State,” whom our mission obliges us to serve.

These educational benefits of diversity and inclusion are substantial, essential to our mission, and borne out daily through our common life together. But beyond our own conviction and experience, these benefits are well recognized in an expansive and growing body of scholarship, and they are shared, with mission-specific variations, by many other institutions of higher learning. They have also been validated by the Supreme Court of the United States, in its decisions affirming the limited and nuanced consideration of race and ethnicity as one factor among many in student admissions.

Realizing the Benefits of Diversity and Inclusion

The achievement of these crucial benefits requires sustained and purposeful action. From pipeline programs and recruitment initiatives that reach students as they consider whether to apply to the University, to admissions and student-aid practices that allow us to enroll an outstanding and diverse student body, to the many programs that encourage excellence once students arrive, to the ways in which teaching and learning are being reinvented to optimize outcomes—in all that we do, we seek to act out our commitment to diversity and inclusion.

These efforts combine to help us achieve our overarching goals for diversity and inclusion: attracting and enrolling a diverse student body and creating an inclusive environment in which students learn, live, interact, and thrive. And these goals in turn help us secure the educational benefits of diversity: promoting the robust exchange of ideas; broadening and refining understanding; fostering innovation and problem-solving; preparing engaged and productive citizens and leaders; and enhancing appreciation, respect, and empathy.

What follows are examples of some of the many specific programs and initiatives that the University has undertaken in order to achieve these goals and realize these benefits.

Attracting Students from Diverse Backgrounds

Building a community of students with rich and varied backgrounds begins long before students submit their applications. For this reason, the University takes deliberate steps to ensure that talented students from all walks of life are considering the opportunities we offer and preparing themselves to compete for admission.

Our 1st Look program, for example, introduces low-income middle-school students to the idea of college as a pathway to a successful career and a satisfying life. While most college outreach begins in high school, research has shown that students who experience a college atmosphere by middle school are more likely to enroll in postsecondary education and to prepare for college while in high school. To promote these outcomes, 1st Look welcomes low-income middle-school students to our campus and helps them envision the long-term reward for academic achievement, using UNC-Chapel Hill as a setting to illustrate the experience of college. Although 1st Look takes pains not to promote prematurely any specific university, aiming instead to help students believe that college is both possible and worth pursuing, one important benefit of the program is that it allows students from low-income households to experience our campus first-hand and talk with current University students.

A second outreach effort, Project Uplift, has for more than 40 years welcomed 1,000 rising high-school seniors to Chapel Hill each summer, offering them the opportunity to live and learn on our campus. Led by the University Office of Diversity and Inclusion, with support from the Office of Undergraduate Admissions and other campus departments, Project Uplift aims both to enhance the diversity of the University's applicant pool and to help students stay focused on postsecondary enrollment. The program works through a network of partner high schools to invite high-achieving low-income students, as well as African-American, Native-American, Latino/Latina, Asian-American, and rural students, to spend two days on campus experiencing the academic and social climate of the University. Staffed by current students, staff, and faculty, many of whom come from backgrounds similar to those of the students the program serves, Project Uplift helps students forge lasting relationships and gain confidence in their ability to navigate the University and other schools. Through a companion program, Uplift Plus, a smaller number of students receive scholarships for five weeks of summer-school study at the University.

A third outreach program, the Carolina College Advising Corps, places recent University graduates in partner low-income high schools, where they work closely with students to help them search for, enroll in, and succeed at colleges and universities that will serve them well, including, when appropriate, our own University. Housed since its inception in the Office of Undergraduate Admissions, the Carolina Corps has expanded dramatically in its ten-year history: from four advisers, eight partner high schools, and 1,400 graduating seniors in 2007, to 51 advisers, 71 partner high schools, and 14,000 graduating seniors in 2017. Our advisers—trained over the course of the summer by Corps leaders and staff members from the admissions and student-aid offices at the University—work intently on behalf of all students who seek their aid, helping them aim high in the search for schools and scholarships, complete admissions and financial-aid applications, and enroll in colleges and universities where they will thrive. The Carolina Corps continues to yield outstanding results: last year, new partner high schools experienced an average increase in the college-enrollment rates of their graduating seniors of 19 percentage points; longer-term partners, most of which have hosted advisers for four or more years, experienced continuing gains averaging 1.5 percentage points. The program represents a major commitment on the part of the University, and it operates at significant scale, serving approximately 23 percent of all low-income students enrolled in public high schools in North Carolina, as well as 45 percent of all American Indian, 22 percent of all African-American, and 17 percent of all Latino/Latina students. Although the program focuses on helping all its students find appropriate postsecondary enrollments, many of these students find their way to the University, with an estimated 1,000 enrolled as undergraduates during the current academic year.

A fourth outreach program, North Carolina Renaissance, reflects yet another collaboration between the University Office of Diversity and Inclusion and the Office of Undergraduate Admissions. The program brings 35-40 rising high-school juniors from rural communities to campus for a four-day enrichment program in which students participate in sessions on leadership, team-building, college admissions, financial aid, and community service.

A fifth program, the Chuck Stone Program for Diversity in Education and Media, sponsored by the School of Media and Journalism, is a week-long workshop for rising high-school seniors who are interested in careers in journalism. Named for Professor Chuck Stone, a champion of diversity in

journalism who died in 2014, the program introduces students of varying backgrounds to multi-platform storytelling and writing through classroom study, mentorships, and reporting practices.

A sixth program, the Pre-College Expo and Symposium, led by Carolina Higher Education Opportunity Programs (CHEOP), with support from the Office of Undergraduate Admissions and other departments, provides high-school students of varying backgrounds with opportunities to learn about college preparation and admission in workshops, panels, poster presentations, and a college fair. CHEOP also sponsors a longstanding seventh opportunity, a federally funded Upward Bound Program that annually helps 99 underrepresented, first-generation, and low-income high-school students build the skills and motivation needed to pursue and succeed in college.

An eighth program, sponsored by the American Indian Center, hosts 75 Native American high-school students each summer in a three-day crash course that prepares them for the college application process. This program is consistent with the Center's annual forum on the role of higher education in Native nation-building, which focuses on the partnership between the University and the state's tribal nations and ways that they can work together to support students' access to higher education and their development and educational attainment.

In addition to these exemplary programs, the Office of Undergraduate Admissions recruits extensively throughout North Carolina. Last year, for example, the office led or participated in 395 outreach events in 98 of the 100 counties in North Carolina. It also produced and distributed a publication about preparing and searching for colleges, featuring advisers from the Carolina College Advising Corps, to more than 10,000 low-income high-school seniors statewide.

Admitting and Enrolling a Diverse Student Body

The University seeks to admit and enroll entering classes of students that are diverse in every way. We achieve this objective through a carefully designed and implemented process that provides a comprehensive, holistic, and individualized evaluation of every application; by recruiting energetically to yield the students we have admitted; and by creating alternative pathways to enrollment for transfer students and members of the military.

The process of comprehensive, holistic, and individualized review affords each candidate a thorough and thoughtful evaluation, all undertaken to admit and enroll a diverse class of well-qualified students.

- This year the University received nearly 41,000 applications for roughly 4,200 places in the entering first-year class, as well as another 3,000 applications for approximately 800 places in the entering transfer class. The ratio of applications to places necessitates a highly selective admissions process. Eighty-two percent of each entering first-year class comes from within North Carolina, as does between 70 and 75 percent of each entering transfer class.
- The University has designed and implemented its admissions practices, including its careful and limited consideration of race and ethnicity, not only to advance our institutional commitment to securing the educational benefits of diversity and inclusion, but also to comply strictly with legal standards established by the Supreme Court of the United States.

- Every application is read in its entirety by at least one admissions officer, and applicants are evaluated along at least 40 criteria in eight categories. If an applicant chooses to provide information about race or ethnicity, the University may consider this information, but even then only as an additional factor among many others, applied in a non-numerical and non-rote way, and only as a part of the comprehensive, holistic, and individualized review afforded to every candidate. The University in no way establishes or observes quotas, but rather views race and ethnicity in the context of the entire application and against the backdrop of all contributions the student might make to the University community.
- The Faculty Advisory Committee on Undergraduate Admissions broadly oversees admissions practices, and its work includes examining whether race-neutral alternative practices could be adopted that would allow the University, without compromising other objectives, to achieve its goals for diversity and inclusion.
- The University practices need-blind admissions, in that we do not prefer students who can pay the cost of attendance over those who cannot. This approach to admissions, when combined with the University's scholarship and student-aid programs, furthers our ability to enroll a diverse and talented student body. Still, because we are a public university intent on improving lives, and because we value the ways in which high-achieving low-income students help us secure the educational benefits of diversity for everyone in our community, we take pains to evaluate candidates for admission in light of the whole of their socioeconomic circumstances. Rather than enforce rigid cutoffs for grade-point averages or test scores, we evaluate all our candidates individually, comprehensively, and holistically, and in light of the opportunities they enjoy and the challenges they face in their communities, schools, and families. In the words of our Statement on the Evaluation of Candidates for Admission, which the Faculty Advisory Committee on Undergraduate Admissions approved in September 2007, this practice requires "not only that we note the achievements and potential of each applicant but also that we understand the context within which achievements have been realized and potential forged." This method has borne fruit: between 2009-2010 and 2014-2015, the last year for which federal data are available, the number of Pell Grant recipients at the University rose by 23 percent—the third highest growth rate among the 76 leading colleges and universities that the Equality of Opportunity Project recently labeled "Ivy Plus" or "Elite."

After admissions decisions have been made, the admissions office works purposefully to recruit students who have been offered admission, with particular efforts for students who would contribute to the diversity of the student body and help the University secure the educational benefits of diversity and inclusion for all its students.

- Although approaches to increase yield vary from year to year, they typically involve print and email communications featuring current students; phone calls from current students, faculty members, administrators, and trustees; and special events, both on campus and in communities across North Carolina and the United States, that are designed to connect students with the University community.

- The University has worked intently over the last several years to recruit admitted first-generation-college students. Since 2009, the admissions office has offered an annual series of recruitment events for such students, welcoming students and their families and featuring first-generation administrators and faculty members at the University. Last year these efforts culminated in *firstwelcome.unc.edu*, an effort to connect first-generation students with members of the University community who are themselves first-generation, including dozens of faculty members, administrators, and staff members.
- The admissions office also offers travel grants for admitted low-income students who could not otherwise afford to visit our campus, on the principle that no student should be prevented from making an informed choice about his or her enrollment for want of financial resources.

In addition to these practices for first-year and transfer admission, the Carolina Student Transfer Excellence Program (C-STEP) provides a pathway for talented low- to moderate-income students to transfer to the University from partner community colleges across North Carolina.

- C-STEP guarantees admission to students who earn an associate's degree from a partner college with a cumulative grade-point average of at least 3.2 and whose household incomes are at or below 300 percent of the federal poverty guidelines.
- C-STEP partnerships at three community colleges—Fayetteville Tech, Carteret, and Craven—are particularly focused on veterans and other military-affiliated students.
- C-STEP also provides students with special events and support services before and after they transfer, so that the transition from the home college to the University will be as successful as possible, and in order to pave the way to graduation.
- More than 625 students have enrolled at the University through C-STEP since its inception in 2006, and the overall graduation rate of C-STEP students is 85 percent.

Removing Financial Barriers to Enrollment

Admission is just one step towards enrollment at the University; other steps are necessary in order to secure diversity, and the benefits of diversity and inclusion, for our student body. One fundamental step involves breaking down financial barriers, so that no admitted student is denied enrollment at the University because of socioeconomic circumstances. For this reason, we commit significant institutional resources to maintain highly equitable aid policies.

- Almost alone among public universities in the United States, the University continues to meet the full demonstrated need of every admitted student who qualifies for federal aid.
- More than 70 percent of aid to undergraduate students comes in the form of grants and scholarships, including \$83 million in need-based grants funded by the University. Another 26 percent of need-based aid comes in the form of loans, and another 2 percent is awarded as work-study.

- In response to national research that indicated even small levels of debt deter enrollment for low-income families, the University in 2004 launched the Carolina Covenant, a commitment to debt-free financial aid for our lowest-income students. For qualifying students—currently dependent undergraduates from families at or below 200 percent of the federal poverty level, indexed by family size—the Covenant offers a full-need aid package comprised entirely of scholarships and modest work-study.
- The Carolina Covenant is not just a financial-aid packaging policy; it also embodies a public promise, giving the University a concise message to assure low-income applicants that they will not have to worry about debt and loan repayment in order to attend and graduate. The Office of Scholarships and Student Aid maintains a separate website dedicated to the Covenant, *carolinacovenant.unc.edu*, and a description of the program is included in all outward-facing aid and admissions materials distributed by the University.
- The Covenant, in concert with other programs and initiatives, has proven effective in contributing to diversity and inclusion on our campus. Beginning with 224 students in the class that entered in 2004, the program now welcomes roughly 700 new students each year. For the past several years, more than 13 percent of all entering first-year students have entered as Covenant Scholars; the share among new transfer students, who also are fully eligible for the program, has been higher still—18 percent in the most recent entering class. In 2015, new first-year Covenant Scholars had a median parental income of \$25,960; 58 percent will be the first generation in their families to graduate from college.
- All of the programs described above are driven by our commitment to foster both excellence and equity, and in so doing, to secure the educational benefits of diversity and inclusion for all our students.

In addition to these need-based aid programs, the University sponsors the Chancellor's Science Scholars Program. Launched in 2011, this four-year scholarship program fosters diversity among future science and technology leaders by providing first-generation students, underrepresented-minority students, and other students committed to diversity in the sciences an annual merit-based scholarship, a six-week Summer EXCEerator program, intensive academic advising and mentoring, and research opportunities.

In 2016, the University also became a founding member of the American Talent Initiative, a national campaign launched by leading colleges and universities with the collective purpose of increasing enrollments and graduation rates among high-achieving, low- and moderate-income students. The goal of the initiative is to enroll and graduate an additional 50,000 such students at the nation's top 270 institutions of higher learning by 2025. Although member institutions set their own goals, focusing on recruitment, enrollment, and retention, they share a commitment to prioritizing need-based financial aid and reducing gaps in achievement among students of different socioeconomic backgrounds.

Learning, Living, and Thriving at the University

Diversity in enrollments alone is insufficient to realize fully the benefits of a diverse and inclusive community. In recognition of this reality, the University invests in a host of programs to provide opportunities—both in and out of the classroom—for students from different backgrounds to interact with one another and enjoy the benefits that diversity and inclusion can provide. We also operate a broad range of programs to ensure that all students have the support and encouragement they need to succeed at the University. We know that students must be welcomed, included, and supported to maximize their potential and their contributions to the campus community. As Stephen Farmer, Vice Provost for Enrollment and Undergraduate Admissions, said in his 2016 University Day address, “All of our students come from somewhere, and all of them travel their own paths to Chapel Hill. But they belong at the University, and the University belongs to them.”

Creating a learning environment that leverages diversity and inclusion to spur growth, fuel creativity, and spark intense dialogue. Everyday learning that takes place in lecture halls, seminar rooms, and laboratories across campus and in every area of study—from art history to business to physics to sociology—draws upon the diversity of our students’ backgrounds and perspectives to provoke better understanding and more innovative exploration.

- Class discussion is made more enlightening by the inclusion of diverse voices. The University embraces the freedoms of thought and expression as part of striving to provide classroom atmospheres where students feel comfortable bringing their unique perspectives to the table. Such perspectives benefit the entire classroom, allowing each student to gain new insights and fostering the dismantling of stereotypes.
- Collaboration in study groups, labs, and group projects provides students with the opportunity to gain valuable experience working in diverse teams—a skill that is essential for their futures in increasingly diverse workforces and communities. These collaborative experiences also demonstrate to students the important role that diversity plays in reaching creative and innovative solutions to pressing problems.
- Course offerings in many departments and curricula include classes that are focused on the topics of diversity and inclusion. These classes range from “Intersectionality: Race, Gender, Sexuality and Social Justice,” launched in Spring 2017 and co-taught by faculty members in English and Comparative Literature, Political Science, and American Studies, to “Diversity and Equality in Cities,” taught in the Department of City and Regional Planning.
- Faculty-led diversity initiatives also take place all over campus, sparked by professors who value and cultivate the educational benefits of diversity in their classrooms, discussion groups, and laboratories.
 - Professor Kelly Hogan in the Department of Biology modified her teaching methods in large introductory courses to focus on high-value activities instead of lengthy lectures, resulting in improved results for all students, including black and first-generation-college students. Professor Hogan and others are sharing this innovation in teaching through the Center for Faculty Excellence and other University structures, spurring the adoption of more interactive and effective teaching methods throughout introductory

science courses. To support these initiatives, the University is reconfiguring classrooms to make them more effective for interactive group learning.

- Professor Joseph DeSimone of the Department of Chemistry, winner of the 2008 Lemelson-MIT Prize, has publicly recognized diversity as a “fundamental tenet of innovation,” recruiting nearly 40 percent of the postdoctoral scholars in his research laboratory from underrepresented minority groups. Professor DeSimone has also given speeches and lectures on the importance and power of diversity in the advancement of science and society, and he has co-written an essay on the subject, “Driving Convergence with Human Diversity,” published in *Science Translational Medicine*.
- Faculty also lead and participate in other events and programs to reinforce the importance of diversity and inclusion, such as last year’s day-long THINKposium program, which included nearly 400 faculty and staff members. The University’s diversity-liaison program engages approximately 60 volunteers within schools, institutes, centers, and departments who work to advance efforts to foster diversity and inclusion.

Providing opportunities for students to experience the benefits of diversity and inclusion outside the classroom. The University launched Carolina Conversations to create a forum for students, faculty, and staff to engage in robust and honest discourse on topics related to race, intellectual diversity, religion, identity, and culture. The series, initiated by Vice Chancellor for Student Affairs Winston Crisp, fosters an inclusive environment that promotes productive dialogue across differences of opinion. For example, an event in March 2015 that focused on racial issues and current events was attended by more than 150 students, faculty, and staff, including Chancellor Folt and Vice Chancellor for Workforce Strategy, Equity, and Engagement Felicia Washington. Subsequent events have included student-only conversations, discussions about inclusive classrooms, a dialogue about the First Amendment and hate speech on campus, and a discussion about sexual assault. The series has also extended funding to students who wish to hold their own Carolina Conversations.

The University has hosted town hall meetings to allow students, faculty, and staff the opportunity to voice their opinions on campus issues. In November 2015, for example, a town hall allowed our community to come together in the wake of events across our country to discuss present challenges to our ongoing efforts to enhance inclusion. The town hall generated frank exchanges of views, expressions of urgency, and clear calls to renewed action. Chancellor Folt, who participated in the town hall discussion, responded by appointing a Special Assistant, Dr. Rumay Alexander, to convene a group of senior leaders to develop and implement further efforts to make the University more welcoming and inclusive, including an extension of the Carolina Conversations series into the following year.

The Division of Student Affairs provides programs and services for students that complement their academic pursuits, with the aim of enabling students to become responsible citizens in their communities, a goal furthered by the cultivation of a diverse and inclusive campus. Student Affairs advances inclusion through initiatives across its departments, including:

- Carolina Housing and Residential Education, which provides housing for more than 10,000 students and works to foster an inclusive and accessible residential environment through various programs;
- The Campus Y, a 150-year-old public-service student organization, jointly led by students and staff, that houses more than 30 student-initiated social-justice committees and supports roughly 2,000 student volunteers annually, with a particular focus on community inclusion, education and youth development, public health, global issues, and advocacy; and
- Carolina Union, which offers cultural, social, educational, and entertainment programs to the entire University, and which serves as a hub for student organizations such as Ahmadiyya Muslim Student Association, Asian Students Association, LGBTQ Center, and others.

The Minority Student Recruitment Committee, the student arm of the University Office of Diversity and Inclusion, is made up of students who coordinate academic, cultural, and social programming with the goal of cultivating an inclusive campus. The committee partners with other student organizations, including the Black Student Movement, the Carolina Indian Circle, and the Carolina Hispanic Association, to create workshops and seminars and to support student organizations on campus.

Ensuring all students have the support necessary to thrive at the University. As noted above, the newly reconstituted University Office of Diversity and Inclusion—housed within the Division of Workforce Strategy, Equity, and Engagement, but integrally connected to the Office of the Executive Vice Chancellor and Provost, the Division of Student Affairs, and other key elements of the University—is charged with positioning students to reach their full potential. In keeping with this mission, the office will continue to operate a range of programs to promote and maintain a diverse and inclusive environment on campus, including Achieving Carolina Excellence, a pre-orientation program that assists new undergraduate students from underrepresented populations in their transition to the University through sessions on academics, cultural activities, and service-learning projects, and Carolina Latinx Collaborative, which raises awareness of Latinx issues and cultures, in addition to supporting Latinx students through various services, including a mentoring program and bilingual support.

Thrive@Carolina is a University-wide initiative to strengthen success for all students, led by a working group convened by Provost James W. Dean, Jr., and drawing on the resources of offices and departments across campus. The initiative seeks to build support for all students, with the specific goals of helping the University achieve the highest overall graduation rates among public universities in the Association of American Universities and eliminating gaps in graduation rates between low-income, first-generation-college, and underrepresented students and the student body at large. As a result of this initiative, the University has funded and filled positions that support first-generation-college students, staff a tutoring hub for students enrolled in STEM courses, and make transition courses more widely available to all students. The initiative has also provided grants to faculty and staff members for collaborative projects that strengthen student success.

Carolina Firsts is an initiative in the College of Arts and Sciences, with support from schools and departments across the University, to encourage and support the nearly 20 percent of University

undergraduates who will be the first generation in their families to graduate with four-year degrees. The program helps students make the transition to University life by collaborating with the Office of Undergraduate Admissions in the recruitment of admitted students, connecting enrolling students with faculty and staff advocates, hosting events during orientation and at graduation, and providing awards and recognition. The program also includes a student organization of the same name that offers students a supportive network of peers.

Men of Color Engagement is another initiative in the College of Arts and Sciences that works to foster excellence among male students of color at the University. The program helps students secure research opportunities, facilitates introduction to graduate and professional programs, and provides a forum for discussion of race-related issues. One initiative of the program, Carolina MALES, hosts monthly networking gatherings with alumni and campus professionals, connects students with mentors, and organizes an annual summer immersion trip to a major city. Each of these initiatives complements the University's ongoing efforts to enhance the academic success of minority male students, as reflected in the *Provost's Minority Male Workgroup: Recommendation Report*.

CHEOP offers the NC Health Careers Access Program, which supports underrepresented and low-income undergraduate students who aspire to enter the health professions through an intensive, nine-week summer Science Enrichment Preparation Program, a health careers club, and information about careers in the health professions. The office also sponsors the Ronald E. McNair Scholars Program, a federally-funded TRiO program that provides programming and support for undergraduates who are either first-generation-college students from low-income backgrounds or members of an underrepresented group and who plan to pursue doctoral studies. Thirteen rising juniors are chosen each year to participate in the two-year program, which includes an intensive summer research experience, counseling and advising, faculty mentorship, graduate school tours, and other activities.

In addition to these programs and initiatives, several University centers sponsor programs that provide essential encouragement to, and raise awareness of, students who are diverse along many different dimensions; these centers include, for example, the LGBTQ Center, the American Indian Center, and the Sonya Haynes Stone Center for Black Culture and History. The University also provides dedicated support to student veterans through the Student Veterans Assistance Coordinator in the Office of the Dean of Students and through a Veterans Resources Team that includes specific points of contact in various departments, including academic advising, student wellness, accessibility resources and services, campus recreation, housing and residential education, and more.

Continuous Evaluation of Our Progress

While substantial work remains to be done, the undergraduate student body today is more diverse than ever before. The University enrolls students from all 100 counties in North Carolina, all 50 states across the nation, and more than 100 countries around the globe. The undergraduate student body is 58 percent female and identifies as 12 percent Asian or Asian American, 8 percent black or African-American, 8 percent Hispanic of any race, 4 percent two or more races, and 0.5 percent American Indian or Alaska Native. The University is also one of the most economically diverse

institutions among elite universities in the United States, with nearly 20 percent of all undergraduate students being first-generation-college students and more than 40 percent receiving need-based financial aid. Today the University has the most veterans on campus since World War II, and 7 percent of the student body identifies as military-affiliated. Taken together, these students bring to our campus varying perspectives, experiences, beliefs, and goals, and they come from households headed by immigrants, small-business owners, physicians, unskilled laborers, pastors, community activists, police officers, lawyers, homemakers, and teachers.

The range and diversity of interest in our student body, and the range and depth of talent, are substantial. Our students come to us aspiring to lives in public service, business, community development, health affairs, military service, research, teaching, the arts, and athletics. Last year alone, 3,000 undergraduate students produced original research in 140 courses in the humanities, natural sciences, and social sciences. Others studied around the world, with nearly a third overall participating in study abroad during their careers at the University. Our students also engaged deeply with communities across North Carolina, the nation, and the world, recording more than 500,000 hours of community service last year alone. By virtue of these and other educational experiences, our students are graduating fully equipped to make differences in the varying paths they will travel within and beyond North Carolina.

While these results are remarkable, our work is far from complete. Although our commitment to diversity and inclusion will remain unwavering, we recognize that our efforts to achieve these ends must be constantly reevaluated and improved, especially in the face of present challenges. Progress is an iterative process: it requires persistent effort and evaluation. Likewise, assessing the effectiveness of our efforts to secure the benefits of diversity and inclusion requires the active gathering of information from across our campus regarding how diverse the University is; how included our students, faculty, and staff are and feel; and how fully our students are experiencing the important benefits of diversity and inclusion both within and outside of the classroom. Collecting quantitative data is just one aspect of this assessment; a full picture of diversity and inclusion at the University will also require that we provide students with opportunities to tell us their stories and experiences, and for the University to then act upon this feedback.

Towards this end, the University will continue tracking the diversity of our student body, using measures such as the Carolina Metrics database and other efforts from the Office of Institutional Research and Assessment. But recognizing that diversity and inclusion cannot be captured in quantitative data alone, we also commit to hearing our students' experiences of diversity and inclusion through means such as senior surveys, Carolina Conversations, climate assessments, leadership surveys, and other instruments, including revised course evaluations that will invite feedback on matters of diversity and inclusion. Our various schools, divisions, departments, and groups across campus will continue their own efforts to assess, and they will communicate their results through reports and conversations with senior leaders.

We will also expand the ways in which we gather information about diversity and inclusion. Collecting broader data through additional surveys and climate studies, creating more opportunities for students to express themselves to campus leadership, and developing more refined assessment criteria for our diversity and inclusion programs are among the efforts in which we will invest. In-

deed, this need for expanded assessment is one of the reasons we have chosen to strengthen and refocus the University Office for Diversity and Inclusion.

Our work will not end with the launch of this office. We will search for new ways to measure and assess the progress and impact of diversity and inclusion at the University, and this search will require that we identify other areas in which we will need to collect information, as well as other opportunities for careful development and considered judgment of the many ways in which our students experience the educational benefits we must offer. Substantial input from students will be essential to these efforts, as will the broad engagement of faculty and staff.

Moving Forward, Achieving More, Always Improving

Now is the time for bold and renewed commitment. Diversity and inclusion are now as important as ever, and their benefits, as our experience continues to show, are real, transformative, and lasting. Our mission requires that we do all we can to provide these benefits to every student who chooses to enroll at the University.

Steady progress, while sometimes uneven, marks the success of all great institutions. This progress will never come easy or fast; history proves that reality, as do the challenges of recent years. Advancement along any dimension may be difficult, tedious, and exhausting, and often accompanied by passionate debate, frustrating confusion, and substantial trial and error. These dynamics, however messy they might feel in action, are the ingredients of long-term progress, especially when driven by commitment and the strength of resolve. Experience has shown that, in the pursuit of progress, a new idea, hypothesis, or insight emerges from diverse perspectives and robust discussion.

To further our mission, and especially our service to all the people of North Carolina, we will continue to invest substantially in ensuring broad access to the University for talented and hard-working students from diverse backgrounds. We will foster this access by maintaining and improving our outreach and recruitment efforts, our holistic admissions policies and practices, and our broad program of need-based financial aid. We will also continue to build and sustain an inclusive campus community through opportunities for robust dialogue and through programs that encourage excellence for all students.

In all instances, we will ensure strict compliance with our obligations under the law. Advised by the Office of University Counsel, and benefiting from the oversight of the Advisory Committee on Undergraduate Admissions and the advice of its Committee on Race-Neutral Strategies, we will continue to confirm that our admission practices adhere to the legal standards defined by the Supreme Court. We will also evaluate continuously whether any alternatives to present practices would allow us to achieve our diversity objectives, along with other mission-critical objectives, in new ways.

Through the creation of the University Office for Diversity and Inclusion, and in the naming of a new Associate Vice Chancellor for Diversity and Inclusion to lead this office, we will enhance the oversight, coordination, and assessment of the many efforts to foster diversity and inclusion on our

campus. All of this work will inform, and align fully with, the University's new strategic framework, which is currently in development.

In all of these ways, the University will continue to focus on diversity and inclusion as crucial components of the excellence that our mission requires us to pursue and to achieve. We must continue to strive to ensure that the University is a place where individuals from every background are welcomed, respected, and included. Our students expect no less of us, and our mission demands no less from us.

**The Educational Benefits of Diversity & Inclusion Working Group
University of North Carolina at Chapel Hill**

Status Report for December 2017 – June 2018

June 25, 2018

Overview

In December 2017, Provost Robert Blouin convened the Educational Benefits of Diversity and Inclusion Working Group (the EBD Working Group). The group's charge is to coordinate and enhance the assessment of the University's ongoing efforts to realize the educational benefits of diversity and inclusion for its undergraduate students.

This report summarizes the EBD Working Group's progress during the 2017-2018 academic year and forecasts some of its future activities.

Background and Purpose

The University of North Carolina at Chapel Hill long ago committed to providing the educational benefits of diversity and inclusion to our students. This commitment reflects the University's mission and is a fundamental part of its culture in the classroom and beyond. It is present in the University's academic plans, statements by its leaders, resolutions by its faculty, experiences of its students, and its holistic admissions policies and practices. As emphasized in the Provost's May 2017 Report to the Chancellor (**12-20-17 Addendum**), "The University's commitment to diversity reflects our lived and learned experience that they yield lasting and transformational educational benefits—an understanding informed not only by a substantial and growing body of literature but also by feedback from our own students and faculty."

Building on the University's academic plans and resolutions passed by its faculty, the Provost's May 2017 Report described the following interrelated, mutually reinforcing educational benefits of diversity:

1. Promoting the robust exchange of ideas
2. Broadening and refining understanding
3. Fostering innovation and problem-solving
4. Preparing engaged and productive citizens and leaders
5. Enhancing appreciation, respect, and empathy

The EBD Working Group oversees and coordinates assessment of the University's many efforts to realize these educational benefits of diversity for its students. This work entails, among other things, the broad collection of data about the University's progress toward achieving these benefits. The EBD Working Group strives to ensure the use of methodologically sound assessment tools to ensure that the University's efforts in this area are deliberate, continuous, ongoing, and aligned with the University's mission and strategy. We examine data regarding the educational benefits of diversity and inclusion; we use it to measure and assess the University's efforts to achieve the educational benefits of diversity; and we apply the resulting insights to improve continuously both the assessment and the provision of the educational benefits of diversity and inclusion.

Working Group Members

Members of the EBD Working Group were asked to serve based on the specific skills and expertise that each individual brings to bear, including educational research and assessment; expertise in the impact and implementation of organizational diversity, equity, and inclusion; admissions and enrollment management; student advising and support; strategy; and project management.

G. Rumay Alexander, Chief Diversity Officer and Associate Vice Chancellor

Robert Blouin, Executive Vice Chancellor and Provost (Chair)

Joseph Canady, Senior Advisor for University Initiatives

Deborah Clarke, Consultant to the Provost

Jean Elia, Associate Provost for Strategy and Special Projects

Stephen Farmer, Vice Provost for Enrollment and Undergraduate Admissions

Abigail Panter, Senior Associate Dean for Undergraduate Education, College of Arts and Sciences

Felicia Washington, Vice Chancellor for Workforce Strategy, Equity and Engagement

Lynn Williford, Assistant Provost for Institutional Research and Assessment

The EBD Working Group also receives legal advice from members of the Office of University Counsel.

Initial Progress

The EBD Working Group met six times between December 2017 and the end of the academic year in May 2018. The minutes of our meetings (**05-17-18 Addendum 1**) reflect our discussions and show the materials we reviewed together. A Data Inventory and Assessment Plan subcommittee met informally between full EBD Working Group meetings to plan and review progress on specific assessment projects and initiatives.

In our early meetings, we discussed the Provost's May 2017 Report to the Chancellor (**12-20-17 Addendum**). We determined that the educational benefits of diversity and inclusion as described in the May 2017 Report would be the focus of the group's work, and that undergraduate students would be our first priority.

Assessment Principles and Framework

We adopted assessment principles and a framework to guide our work. To measure the University's efforts, we concluded that it made sense to engage in assessment at each stage of an undergraduate student's engagement with the University. This framework begins before a student matriculates to UNC (perhaps as early as high school and middle school), when prospective applicants discover the University and later seek to enroll. It continues with the full range of students' experience on campus, in the classroom and beyond. It concludes with former students as they enter the broader world beyond Chapel Hill as alumni.

We also agreed upon several principles that would guide our work. First, our assessment efforts will rely on both quantitative metrics with sufficient validity and reliability, as well as sound qualitative data, which will provide rich, contextual data regarding the educational benefits of diversity and inclusion. Second, our assessment will be consistent, replicable, and methodologically sound. Third, we will be responsive and flexible in our assessment efforts, making adjustments and continuous improvements as necessary.

Collection of Existing Data

We recognize that our work builds upon previous work done by our colleagues for many years in many parts of our campus community. To build a comprehensive set of the University's existing assessments relevant to its delivery of the educational benefits of diversity and inclusion, we identified relevant data held centrally in the Office of Institutional Research and Assessment (<https://oir.unc.edu/institutional-effectiveness/surveys-and-other-assessment-data/>). We also leveraged the knowledge and expertise of Diversity Liaisons affiliated with the Office of Diversity and Inclusion, but located in academic departments and other University offices across campus. (See **04-30-18 Addenda 1 and 2**). This ongoing assessment inventory will provide comprehensive, rich and contextualized understanding of these campus efforts to assess the educational benefit of diversity. To date we have received responses from nearly 40 units across campus, including departments and programs within Student Affairs, the Center for Student Success and Academic Support, the College of Arts and Sciences, all professional schools that offer undergraduate programs, University Libraries, Scholarships and Student Aid, Undergraduate Admissions, and many others.

Though our collection of existing data continues, our initial review showed that the University has gathered significant data about its efforts to achieve the educational benefits of diversity and inclusion. Some of that information comes from survey instruments, such as the Cooperative Institutional Research Program (CIRP) and Student Experience in the Research University (SERU) surveys, that are administered at schools across the country, including UNC. Other data comes from questions the University asks its own students at various stages of their engagement with UNC: the Admitted Student Questionnaire, Sophomore Survey, Senior Exit Survey, course evaluations, and a variety of ad hoc surveys on specific topics along the way.

The Working Group discussed various instruments being used, including, but not limited to:

1. *2017 Admitted Student Questionnaire (01-26-18 Addendum)*. The Office of Undergraduate Admissions asked admitted students about their expectations for the education they hoped to receive at UNC.
2. *CIRP (Cooperative Institutional Research Program)* <https://heri.ucla.edu/cirp-freshman-survey/>, Higher Education Research Institute UCLA
3. *2016 HERI Climate Survey (03-07-18 Addendum)*. UCLA's Higher Education Research Institute administered a version of its widely used Diverse Learning Environments Survey at UNC in 2016.
4. *SERU (Student Experience in the Research University)* <https://cshe.berkeley.edu/SERU> Center for Studies in Higher Education, UC Berkeley

5. *2017-2018 College of Arts & Sciences Course Evaluations (04-30-18 Addendum 3)*. The Senior Associate Dean for Undergraduate Education coordinates an effort each term to examine items on course evaluations administered in the College of Arts and Sciences. Student Evaluations of Teaching are administered during a two-week period at the end of each term, and they include items related to the educational benefits of diversity and inclusion.
6. *2016 UNC System Sophomore and Senior Surveys* <https://oira.unc.edu/institutional-effectiveness/surveys-and-other-assessment-data/>
7. *2017 Senior Exit Survey (04-30-18 Addendum 4)*. The Office of Institutional Research and Assessment surveyed graduating seniors about a variety of topics, including their experience relevant to the educational benefits of diversity and inclusion.

Student Perspectives

Our initial consideration of existing data yielded some striking insights about undergraduate students and what they want from the University when it comes to the educational benefits of diversity and inclusion. Students newly admitted to UNC-Chapel Hill have expressed overwhelmingly their interest: (1) to engage with a broad range of ideas, perspectives, and visions that differ from their own; (2) to get better at leading, serving, and working with people with different backgrounds; and (3) to deepen their appreciation, respect, and empathy for other people. Our students want to study alongside students who differ from them, because they know that doing so will help them get ready for a complex world, and ready for the lives they want to lead.

Data from recent Senior Exit Surveys suggest that Carolina is meeting those student expectations. Our graduating seniors reported that they have experienced the educational benefits of diversity throughout their time at Carolina, both within the classroom and in extracurricular activities (**04-30-18 Addendum 4**).

Some data from the 2016 HERI Climate Survey (**03-07-18 Addendum**) suggested that the extent to which students reported they had benefited educationally from UNC's diversity varied depending on the number of years in school. The percentage of students who reported that they had been challenged to think differently about issues due to interactions with people whose race/ethnicity was different from their own was 6 to 10 percentage points higher for seniors compared to first-year students. The percentage of students who reported that exposure to diverse people and ideas at UNC improved their ability to understand people whose race/ethnicity was different from their own followed the same pattern. While these data were gathered from a cross-sectional as opposed to a longitudinal study, the trends are consistent with other research demonstrating that the benefits of diversity and inclusion increase with the quantity and quality of interactions students have with different people and perspectives.

Future Progress

The work of the EBD Working Group, like the University's efforts to realize the educational benefits of diversity and inclusion, is ongoing and deliberate. The Group will continue to meet during the summer and ongoing throughout the academic year.

Review of Existing Assessment Methods

Though we covered significant ground this academic year, important work lies ahead. We will continue to mine and assess both existing data and the instruments currently used to collect it.

We will continue our evaluation and analysis of the University's existing approach to assessment. We will benchmark our current methods against approaches used by other universities, then develop and adopt best practices to enhance and coordinate the University's assessment activity in this area.

Assessment Plan

Our data review, benchmarking, results from prior research, and best practices work will inform our development of a more formal assessment plan for the University's efforts to realize the educational benefits of diversity and inclusion on our campus.

The assessment plan will reflect our commitment to use assessment of institutional data as part of continuous efforts to improve as a University. It also will reflect our recognition that regular, intentional assessment of the University's efforts to realize the educational benefits of diversity and inclusion is an institutional best practice. Our object is to be a national leader in the field of providing, constantly assessing, and improving the delivery of the educational benefits of diversity.

We anticipate that the assessment plan will build on the foundations we established this year. Our assessments will interact with students at each stage of their engagement with the University, from pre-matriculation to post-graduation. We anticipate using both quantitative and qualitative methods, striving for reliability and validity in all of our assessment instruments. And we recognize the need to be flexible and responsive to what we learn, so we can refine and improve our methods as needed.

Enhanced Assessment Tools

As we develop the assessment plan, we will consider additional and alternative survey instruments, data sources, and assessment methods beyond those currently in use. We will explore ways to gather more precise data more efficiently, and to coordinate data collection and assessment across departments. We also will examine resource allocation, including whether the University has sufficient resources, efficiently deployed, to carry out the work we believe will produce effective assessment, data analysis, and actionable insights.

Reporting and Communication

The EBD Working Group will provide regular reports to the Chancellor and to the Diversity and Inclusion Executive Council, and will welcome response and suggestions, as well as the opportunity to meet and discuss assessment findings and recommendations.

Who Are Our Newest Undergraduates?

- **5,064** total
4,355 first-year, 709 transfer
- **82%** North Carolinian
- **13%** first or second in class
- **25%** earned 1470+
75% earned 1300+
- **20%** first-generation college
3% first-generation high school
- **47%** need-based aid
14% Carolina Covenant
- **7%** military-affiliated
2% receiving benefits
- **3%** global
- **2%** American Indian
16% Asian or Asian-American
10% Black or African-American
9% Hispanic or Latino/a



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What Do They Want from UNC?

To what extent do you agree or disagree with the following statements about the education you hope to receive?

- I want the experience of exchanging and engaging with a broad range of ideas, perspectives, and visions that differ from my own.
94% agreed (66% strongly) 1% disagreed
- I want my understanding to be broadened and refined through discussion and dialogue with classmates and professors who differ from me.
94% agreed (65% strongly) 1% disagreed
- In trying to come up with innovative solutions to difficult challenges, I want to work with classmates who have different perspectives and different approaches to solving problems.
93% agreed (61% strongly) 1% disagreed



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

What Do They Want from UNC?

To what extent do you agree or disagree with the following statements about the education you hope to receive?

- I want to get better at leading, serving, and working with people from different backgrounds.

95% *agreed* (72% *strongly*) **1% *disagreed***

- I want to deepen my appreciation, respect, and empathy for other people.

92% *agreed* (66% *strongly*) **1% *disagreed***



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of NORTH CAROLINA
at CHAPEL HILL

Potential Contextual Factors Affecting Ratings

To What Extent Are Educational Benefit Items Affected by These Factors?

- Examine “differential item functioning” or *dif*
- Ensure that the multilevel nature of the data are accounted for by the analysis
- Characteristics may operate alone or in interaction with one another

1
Student
Characteristics

2
Faculty
Characteristics

3
Course
Characteristics



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Items Under Study

- All items worded so that higher scores indicate a positive attitude towards educational benefits of diversity in the classroom
- Response scales use a 5-point scale from “strongly disagree” (1) to “strongly agree” (5)



Descriptive Analyses, Fall 2017 Administration

- N = 31,769 student evaluations with at least 1 educational benefit item completed
- N = 16,530 student evaluations with all 8 education benefit items completed
 - This represents **12,165 students and 1,630 courses**
- The mean item scores indicate students tend to “agree” with each of the educational benefit items
 - A summed variable across all 8 items had a mean of 3.97 and SD of 0.76 (N = 31,769)



Variable	Item Text	N	Item Mean	Item SD
Q372	The diversity of my classmates enriched my learning in this course.	28,407	3.75	0.94
Q373	I increased my ability to work on a team with students from different backgrounds and perspectives.	27,820	3.76	0.96
Q374	This course exposed me to points of view different from my own.	28,652	3.91	0.93
Q375	I became more aware of multiple perspectives on issues of diversity.	27,454	3.74	1.00
Q376	In-class activities were organized to value the diversity of life experiences among students.	26,842	3.68	1.00
Q377	The instructor, [C\$FN] [C\$LN], valued the diversity of life experiences among students.	28,226	4.18	0.82
Q378	The instructor, [C\$FN] [C\$LN], saw cultural and personal differences as assets.	27,654	4.14	0.84
Q15	The instructor treated all students with respect.	22,176	4.51	0.74

Fall 2017 Administration

UNC0380346

Entering First-Year Student and Graduating Senior Perceptions of the Educational Benefits of Diversity and Inclusion in Their Undergraduate Experience

The May 2017 report, *The Educational Benefits of Diversity and Inclusion for Undergraduate Students at the University of North Carolina at Chapel Hill*, outlined five interrelated benefits of diversity and inclusion that have been identified in an extensive body of research literature as well as reported by our own students and faculty. A diverse and inclusive educational environment promotes the robust exchange of ideas; broadens and refines understanding; fosters innovation and problem solving; prepares engaged and productive citizens and leaders; and enhances appreciation, respect, and empathy.

To learn the extent to which entering first-year students want to reap the benefits of living and learning in a diverse environment for their intellectual and person growth, the Office of Undergraduate Admissions added five items to the 2017 Admitted Student Questionnaire that each cohort takes prior to their orientation and matriculation at Carolina. These items were written to align with the five benefits of diversity and inclusion described above. A total of 4,355 (74%) entering first-year students responded. Between 91% and 95% somewhat or strongly agreed with each statement as shown below. These results reflected a very strong desire for opportunities to engage with classmates with diverse backgrounds and perspectives as a means to broadening their understanding of, improving their ability to work with, and increasing their empathy and respect for those who differ from themselves.

We were also interested in whether graduating seniors actually had meaningful discussions and interactions with classmates and faculty who had different perspectives and backgrounds while at Carolina, and whether they had benefited from these experiences. The Office of Institutional Research and Assessment added to the Graduating Senior Exit Survey the five items administered to first-year students but reworded in past tense as shown below. A total of 1,353 out of 4,376 (31%) December 2017 and May 2018 graduates responded. Over 92% somewhat or strongly agreed that they had exchanged and engaged with a broad range of ideas and perspectives that differed from their own; 88% had worked with classmates who had different perspectives and approaches to solving problems. Further, very high percentages of graduating seniors agreed that they broadened their understanding through discussions with diverse classmates and professors (91%); that they had improved their ability to lead, serve, and work with people from different backgrounds (91%); and that they had deepened their empathy and respect for others (90%).

It should be noted that the first-year students and the graduating seniors surveyed in 2017-18 represent different populations and their results cannot be used to measure changes in attitudes and behaviors while at Carolina. What is clear is that 90% or more of first-year students want opportunities to engage with diverse classmates and that nearly equal percentages of graduating seniors report that they had those experiences at Carolina and benefited from them.

Outcome	Level	Item	Agree (Strongly + Somewhat)	Disagree (Strongly + Somewhat)	Strongly Agree	Somewhat Agree	Neither agree nor disagree	Somewhat Disagree	Strongly Disagree
Exchanged and engaged with ideas different from my own	First Year	I want the experience of exchanging and engaging with a broad range of ideas, perspectives, and visions that differ from my own.	94.1%	0.9%	66.3%	27.8%	4.9%	0.5%	0.4%
	Graduating Senior	I had the experience of exchanging and engaging with a broad range of ideas, perspectives, and visions that differed from my own.	92.5%	4.1%	57.4%	35.1%	3.4%	2.3%	1.8%
		Difference	-1.6%	3.2%	-8.9%	7.3%	-1.5%	1.8%	1.4%
Solved problems with classmates with different perspectives and approaches	First Year	In trying to come up with innovative solutions to difficult challenges, I want to work with classmates who have different perspectives and different approaches to solving problems.	93.0%	1.1%	61.0%	32.0%	5.9%	0.7%	0.4%
	Graduating Senior	In trying to come up with innovative solutions to difficult challenges, I worked with classmates who have different perspectives and different approaches to solving problems.	88.4%	4.1%	46.3%	42.1%	7.5%	2.8%	1.3%
		Difference	-4.6%	3.0%	-14.7%	10.1%	1.6%	2.1%	0.9%
Broadened understanding through discussion	First Year	I want my understanding to be broadened and refined through discussion and dialogue with classmates and professors who differ from me.	93.7%	1.3%	64.8%	28.9%	5.0%	0.8%	0.5%
	Graduating Senior	My understanding was broadened and refined through discussion and dialogue with classmates and professors who differ from me.	91.3%	4.4%	53.6%	37.7%	4.4%	2.8%	1.6%
		Difference	-2.4%	3.1%	-11.2%	8.8%	-0.6%	2.0%	1.1%
Improved ability to lead, serve, and work	First Year	I want to get better at leading, serving, and working with people from different backgrounds.	95.1%	0.9%	71.8%	23.3%	4.0%	0.5%	0.4%
	Graduating Senior	I improved my ability to lead, serve, and work with people from different backgrounds.	91.1%	2.5%	60.7%	30.4%	6.3%	1.4%	1.1%
		Difference	-4.0%	1.6%	-11.1%	7.1%	2.3%	0.9%	0.7%
Deepened appreciation, respect, empathy	First Year	I want to deepen my appreciation, respect, and empathy for other people.	92.4%	1.2%	65.8%	26.6%	6.4%	0.6%	0.5%
	Graduating Senior	I deepened my appreciation, respect, and empathy for other people.	90.0%	3.0%	63.8%	26.2%	7.0%	1.8%	1.2%
		Difference	-2.4%	1.8%	-2.0%	-0.4%	0.6%	1.2%	0.7%

Prepared by the Office of Institutional Research & Assessment, May 2018

UNC-Chapel Hill Educational Benefits of Diversity Assessment Plan for FY 2017-18 and Beyond

DRAFT April 27, 2018 -- Does not yet include assessments reported by individual units

Based on research and models developed by Milem, Chang, Gurin, Hurtado, Antonio, Kuh, and others.

Student Life Cycle Phases	Assessment Strategy		Dimensions of Diversity that Influence Student Outcomes			Leadership, Policies, Practices	Perceptions of Climate and Fit	Student Outcomes	
	Assessment Methods, Measures, Data	Schedule	Compositional Diversity	Diversity-Related Initiatives (offered, participation)	Diverse Interactions (in and out of class, frequency, quality)			Cognitive	Behavioral
1. Outreach and recruitment programs (list individually)	Outcomes Assessment Report from each unit that offers initiatives and programs. Achievement of goals related to participation, outreach, process; participant evaluations, etc). See examples.	Annually, October	X	X					
2. Admissions Process	Documentation of process		X	X		X			
	Evaluations of pre-matriculation programs to encourage yield			X					
	Profile of Admitted/Enrolled	Annually, Sept	X			X (pre-college and desired)			
	Admitted Student Questionnaire	Annually, May		X (pre-college and desired)		X (pre-college and desired)	X		
3. Orientation	Analysis of materials, programming, presentations offered	Annually, fall		X		X			
	Evaluations of group activities that engage diverse groups of students	Annually	X	X		X	X		
	Evaluation of summer reading project	Annually		X		X			
	CIRP survey	Annually		X (pre-college and desired)		X (pre-college and desired)			
4. Matriculation and Student Life	Evaluations of satisfaction with out-of-class campus life -- examples include surveys from Housing & Residential Education	Annual and periodic		X		X	X	X	X
	Participation in Campus Y and other student groups	Annual		X		X	X	X	X

DX005

Reading Document for the 2016-2017 Application Year
 University of North Carolina at Chapel Hill
 Office of Undergraduate Admissions

Foundations and Practices Regarding the Evaluation and Admission of Candidates

The Mission of the University

The admissions policies and practices of the University of North Carolina at Chapel Hill derive from and are aligned with the mission of the University. The University's mission statement confirms that the University "embrace[s] an unwavering commitment to excellence as one of the world's great research universities." The statement also observes that Carolina exists to "serve as a center for research, scholarship, and creativity and to teach a diverse community of undergraduate, graduate, and professional students to become the next generation of leaders."

Trustee Policy on Undergraduate Admissions

The Board of Trustees' policy on admissions establishes a framework of competitive admissions and mandates that candidates be selected largely on the basis of the University's "special responsibility to residents of North Carolina" and its "judgment of the applicant's relative qualifications for satisfactory performance" in the program to which the applicant seeks admission. At the same time, this policy explicitly states that these two broad selection criteria

... shall not prevent the admission of selected applicants (a) who give evidence of possessing special talents for University programs requiring such special talents, (b) whose admission is designed to help achieve variety within the total number of students admitted and enrolled, or (c) who seek educational programs not readily available at other institutions.

The policy goes on to frame this interest in variety as an affirmation of the University's "commitment to achieve excellence, to provide for the leadership of the educational, governmental, scientific, business, humanistic, artistic, and professional institutions of the state and nation, and to enrich the lives of all the people of North Carolina."

For admission to the first-year or freshman class, the policy specifies several criteria—including "satisfactory evidence of scholastic promise" gleaned from the applicant's academic record, recommendations, test scores, and application. For admission to the transfer class, criteria include "a satisfactory academic record on work undertaken in all other institutions attended, satisfactory recommendations from institutions previously attended, and eligibility to return to all previously attended institutions of higher education." The policy further delegates to the Faculty Advisory Committee on Undergraduate Admissions the authority to approve policies and procedures regarding admissions that are "not inconsistent with policies adopted by the Board of Trustees."

The Academic Plan

Adopted in 2011, the University's current academic plan, *Reach Carolina*, articulates "six interlocking priorities," all of them designed to help faculty, students, and staff "attain levels of accomplishment and distinction befitting Carolina's mission as a leading public university." These priorities include "ensur[ing] that every student at Carolina ... will have a transformational academic experience." In keeping with this first priority, *Reach Carolina* calls upon the University to "continually re-invigorate the academic experience at Carolina and transform our students' intellectual skills, knowledge of the world, preparation for citizenship, and vision of our common future."

Critical to the provision of these transformational academic experiences, and a distinct priority in its own right, is a commitment to "[a]chieving equity and inclusion"—a commitment borne of our faculty's academic judgment that diversity is "a vital ingredient of creative change." *Reach Carolina* defines equity and inclusion as "an institutional educational priority that recognize[s] how much Carolina's learning environment is enhanced by students, faculty, and staff from multiple backgrounds and ethnicities interacting together."

Other Statements of Guidance Regarding Undergraduate Admissions

The principles inscribed in *Reach Carolina* have been anticipated or echoed in many other documents endorsed by the University's Board of Trustees, Chancellor, and Faculty Council. In 1995, the Chancellor's Task Force on the Recruitment and Retention of Minority Students and Faculty emphasized the fundamental educational value of diversity and called upon the University to continue its efforts to identify, recruit, and enroll talented students of every background. In 1998, the Faculty Council passed a resolution encouraging the University to continue its efforts to recruit and enroll students of diverse backgrounds, perspectives, and experiences, since interactions within such a student body constituted a necessary precondition for educational excellence. In 2000, the Chancellor's Minority Affairs Review Committee found diversity to be "a fundamental prerequisite to both educational excellence and to the University's ability to serve all the people of the state."

The University's first academic plan, adopted in 2003, defined six academic priorities, all grounded in the critical principle that the University must provide "the strongest possible academic experience for undergraduate, graduate and professional students." These priorities differed in focus but reflected shared judgments about the nature of Carolina academics: that diversity, broadly construed, is fundamental to student success; that different students may contribute to this success in different ways; and that Carolina, to fulfill its mission, must educate leaders who are prepared to engage deeply with and function effectively within an increasingly multicultural society. The 2003 plan observed that Carolina undergraduates "gain from a diverse residential environment that complements and enriches their academic work" and called for greater enrollment of students who would "add to the geographic, intellectual, artistic, and cultural diversity of the student population." The plan also called upon the University to "increase diversity among faculty, students and staff," because diversity is "critical to the University's effectiveness in fully preparing students for the world."

In 2005, after a formal, year-long assessment found “widespread agreement” among students, faculty, and staff that “they [had] learned and benefited” from their interactions with colleagues from different backgrounds, the University issued its first diversity plan. The plan found that Carolina could not “achieve its educational, research, and service mission”—including its mission to prepare students to “become leaders in [a] complex world”—without a University community diverse in “social backgrounds, economic circumstances, personal characteristics, philosophical outlooks, life experiences, perspectives, beliefs, expectations, and aspirations.” Calling for “the admission of students” who could contribute to such diversity, the plan also established, as an institutional goal, the “achieve[ment] of critical masses of underrepresented populations,” since the absence of such critical masses “impedes the educational process” and “can place undue pressure on underrepresented students and interfere with all students’ experiencing the educational benefits of a diverse learning environment.”

In 2014, the University published a new diversity plan report. This report reaffirmed as an ongoing institutional goal the necessity of “achiev[ing] the critical masses of underrepresented populations necessary to ensure the educational benefits of diversity in faculty, staff, students, and executive, administrative and managerial positions.” The report also reinforced that “attracting and retaining underrepresented minority students” enriches “the educational experience for all members of the University community.”

In 2016, in further recognition of the University’s commitment to diversity and the educational benefits it yields, Faculty Council passed a resolution reaffirming that student body diversity is “a vital and necessary component of academic excellence.” The resolution also underscored Faculty Council’s ongoing belief that “we believe we can achieve our educational, research, and service missions only by creating and sustaining a diverse and inclusive environment.”

Guidance of the Faculty Advisory Committee on Undergraduate Admissions

The Faculty Advisory Committee on Undergraduate Admissions is delegated authority by the Board of Trustees to establish policies and procedures regarding undergraduate admissions. The Committee has defined procedures designed to help the University achieve its mission by affording each candidate a series of comprehensive, holistic, and individualized evaluations. Since approving the addition of an essay to the first-year application in 1997, the Committee has acted consistently to maintain and strengthen the University’s commitment to such evaluations. The Committee added a required teacher recommendation to the application in 2001; affirmed the use of comprehensive review in 2002; and, in 2003, reviewed and affirmed the University’s admissions practices, including its flexible and nuanced use of race and ethnicity as one factor among many, in light of the *Gratz* and *Grutter* decisions. The Committee has regularly evaluated the University’s admissions practices, has considered race-neutral alternatives to existing practices, and has endorsed this same approach in subsequent years. Furthermore, these practices remain consistent with applicable Supreme Court decisions, including the Court’s 2016 decision in *Fisher II*.

In addition to taking these steps, the Advisory Committee has endorsed two general statements about the practices, procedures, and criteria applicable to the University’s undergraduate admissions process. Both statements ground admissions practices in the mission of the University, mandate comprehensive and individualized evaluations for all candidates, and articulate a broad range of criteria to be used in these evaluations.

In 1998, the Committee reviewed and endorsed the Faculty Statement on Principles of Service, Diversity and Freedom of Inquiry. Adopted by Faculty Council in April 1998, this statement confirmed that diversity “in its many manifestations” was essential to the fulfillment of the University’s educational and service missions, and that such an expansive notion of diversity required that admissions decisions include

... consideration of (1) quantifiable data and qualitative information regarding educational preparation (including, when relevant, class rank, courses, degree(s), educational program, employment, grades, major, standardized test scores, volunteer activities, and work experience); (2) life experiences (including their variety, type, uniqueness, duration, and intensity); (3) factors that may contribute to diversity of presence (including, without limitation, age, economic circumstances, ethnic identification, family educational attainment, disability, gender, geographic origin, maturity, race, religion, sexual orientation, social position, and veteran status); (4) demonstrated ability and motivation to overcome disadvantage or discrimination; (5) desire and ability to extend knowledge-based services to enhance the quality of life of all citizens; and (6) motivation and potential to make a positive contribution to the educational environment of the University and to the University’s fulfillment of its mission to serve all the people of the State, to enhance the quality of life for all people in the State, and to improve the conditions of human life.

In September 2007, the Committee unanimously approved a statement on the evaluation of candidates for admission. This statement endorses admissions practices that are designed to yield a “scholarly community” which in turn will help the University achieve its mission:

In evaluating candidates for admission, we do not seek to maximize the average SAT score or the average eventual GPA of the entering class. Rather, we seek to shape the class so that its collective strengths will foster excellence within the University community; enhance the education of everyone within it; provide for the leadership of the educational, governmental, scientific, business, humanistic, artistic, and professional institutions of the state and nation; and enrich the lives of all the people of North Carolina.

In so doing, we aim to help the University fulfill its mission to serve “the people of the state, and indeed the nation, as a center for scholarship and creative endeavor” and to be “a community engaged in original inquiry and creative expression, while committed to intellectual freedom, to personal integrity and justice, and to those values that foster enlightened leadership for the state and nation.

The qualities sought in each class are those that foster such a scholarly community: intellect, talent, curiosity, and creativity; leadership, kindness, and courage; honesty, perseverance, perspective, and diversity. While each successful candidate will demonstrate strengths in many of these areas, no individual candidate is expected to be equally strong in all of them. Just as there is no formula for admission, there is no list of qualities or characteristics that every applicant must present.

In shaping both the first-year class and transfer class, candidates are evaluated individually, rigorously, and sympathetically. Each candidate is assessed in ways in which he or she will likely contribute to the kind of campus community that will enable the University to fulfill

its mission. This assessment requires that not only the noted achievements and the potential of each applicant be considered but also that the context within which achievements have been realized and potential forged is clearly understood.

These comprehensive and individualized evaluations aim to draw together students who will enrich each other's education and strengthen the campus community. In so doing, they help the University achieve its broader mission.

In February 2016, the Committee received, discussed, and approved a report on possible race-neutral alternatives produced by a working group that had been convened by the Committee to study such alternatives. In approving this report, the Committee concurred with the working group that none of the methods that had been explored would be a satisfactory alternative to the current practice of holistic, comprehensive, and individualized review.

The Evaluation Process

In keeping with principles established by the Advisory Committee, the Office of Undergraduate Admissions assigns no fixed weights or points to any specific parts of the application for admission, and it uses no formula to assess the students who have applied. With the exception of the 18-percent limit on out-of-state enrollment in the first-year class, there are no quotas of any kind. Applications are read over a period of roughly six months by approximately thirty admissions officers, who collectively form the admissions committee.

Each application is assigned randomly to one of these committee members. The committee member reads the application, assesses the applicant across specified attributes, formulates an opinion about whether the student should be offered admission based on the totality of information in the applicant's record, and writes a comment defending his or her recommended decision. If the committee member determines that a second thorough review of the application is warranted, if the committee member determines that a decision of admit is appropriate for an applicant considered as a non-North Carolinian or if the initial review leads the committee member to determine that the final admissions decision should be deferred, the application will receive a second review by a senior member of the committee. When opinions differ on the recommended decision, the decision of the senior reviewer will be entered as the preliminary decision. Prior to the release of decisions, each decision receives a final review. Committee members are instructed to approach each case with an open mind, seek first to understand the individual student, and take into account the many qualities that we seek in each entering class.

Once all candidates have been reviewed and preliminary decisions entered, the admissions committee uses a statistical model to predict the number of spaces in the entering class that are likely to be filled by the students who have been earmarked provisionally for admission. After comparing this predicted enrollment to the total number of spaces available for the entering class, the committee may need to fine-tune the number of admitted students and then reevaluate applications. If applications need to be reevaluated, that reevaluation is conducted by one or more of the following: the director of admissions, the deputy director of admissions, the associate director of admissions, or one or more subcommittees of the larger admissions committee specifically constituted for this purpose.

Throughout these many evaluations, members of the admissions committee are expected to exercise their judgment as educators and to make cases for the admission of individual candidates who they believe will contribute substantially to the scholarly community at Carolina and to the achievement of the University's mission. As the Trustee policy stipulates, committee members are charged with assessing each candidate's "relative qualifications for satisfactory [academic] performance." In keeping with policies and procedures established by the Advisory Committee, they are also explicitly and repeatedly encouraged to base their recommendations on everything they know about candidates rather than on one or two criteria. They are also strongly encouraged to seek out students who would bring an interesting or unusual talent, perspective, or set of diverse experiences that might further foster the educational benefits of diversity among their classmates and instructors. The goal, again, is to create both a first-year and transfer class that, taken together, will help all of its students learn more than they might have learned separately and to provide these students with the kind of experiences that will allow them to prepare themselves effectively for their eventual lives as citizens and leaders.

Criteria for Admission

The goal of each evaluation is to understand the candidate individually, comprehensively, and holistically. Accordingly, the relative weight or credit assigned to any individual criterion may vary from candidate to candidate. Candidates for admissions are evaluated on everything the admissions process reveals about them and not on the basis of formulas or preset scoring requirements. Because individual students differ widely from one another, it is difficult, if not impossible, to list every criterion that might be used over the course of an admissions season in which more than 35,000 candidates are evaluated.

Typically, however, more than forty criteria, grouped roughly into eight categories, are used at every stage in the admissions process. Exceptional strength in one or more of these areas, or an exceptional combination of strengths, may make up for relative weaknesses in other areas, provided the candidate demonstrates the capacity to succeed academically at the University.

- **Academic program criteria:** rigor, breadth, and pattern of courses taken, all viewed within the context of the entire applicant pool, and the student's high school and any previously attended post-secondary institutions.
- **Academic performance criteria:** grade-point average, rank in class, individual grades, trends in grades, and patterns in grades, all viewed within the contexts of the entire applicant pool and the student's high school and any previously attended post-secondary institutions.
- **Standardized testing criteria:** results from the SAT or ACT, and available SAT Subject, Advanced Placement, and International Baccalaureate exams, as well as occasional results from state-mandated end-of-course exams, all viewed in light of the documented strengths and limitations of these tests, for all first-year and sophomore transfer candidates
- **Extracurricular activity criteria:** engagement outside the classroom; persistence of commitment; demonstrated capacity for leadership; contributions to family, school, and community; work history; unique or unusual interests.
- **Special talent criteria:** in music, drama, athletics, and in writing,

- **Essay criteria:** idea, organization, voice, vocabulary, sentence structure and grammar; evidence of self-knowledge and reflection; insightfulness; unique or unusual perspectives.
- **Background criteria:** relative advantage or disadvantage, as indicated by family income level, education history of family members, impact of parents/guardians in the home, or formal education environment; experience of growing up in rural or center-city locations; status as child or step-child of Carolina alumni.
- **Personal criteria:** curiosity; kindness; creativity; honesty and integrity; motivation; character; impact on community; exceptional achievement in-or-out of the classroom; history of overcoming obstacles or setbacks; openness to new cultures and new or opposing ideas; talent for building bridges across divisions in school or community or among individuals from different backgrounds.

Again, this is a list of typical criteria rather than a checklist that all candidates must satisfy or a limit on what any candidate may present. Because each student is unique, the admissions committee does not arbitrarily limit the range of individual qualities that may be considered. Nor does the committee limit the number of considerations, including background and personal considerations, which may benefit any individual candidate. Students who are first-generation college, for example, may on balance be stronger candidates for admission if they also come from single-parent households or demonstrate a history of building bridges or overcoming obstacles.

In addition to quantifiable data such as grade-point average and rank in class, admissions criteria include many indicators that cannot be easily quantified: individual course grades, as well as trends and patterns in grades; the rigor, breadth, and pattern of courses taken; the fluency, insightfulness, originality, and persuasiveness of the candidate's application essays; and the curiosity, motivation, persistence, and openness to new ideas that are revealed in the application, and especially in the recommendations and essays.

Race, Ethnicity, and National Origin

While race, ethnicity, or national origin may be used at any stage in the admissions process, it is never used as anything other than one part of the comprehensive, holistic, and individualized review afforded to each candidate. At no point in the process are candidates of different racial or ethnic backgrounds reviewed in separate groups. Nor does the University have explicit or implicit quotas for any particular racial or ethnic group, or for underrepresented students as a whole, or for students of color as a whole.

Within this flexible and non-numbers-based consideration of race, and in support of the cultivation of diversity broadly construed, the University also aims to enroll critical masses of students who identify themselves as members of groups the University deems underrepresented. In this context, the term "underrepresented" means those groups whose percentage enrollment within the undergraduate student body is lower than their percentage within the general population in North Carolina, a framework established in the 1981 consent decree between the University of North Carolina system and the United States Department of Health, Education, and Welfare. Given this definition, the University has for more than three decades considered as underrepresented those

students identifying themselves as African American or black; American Indian or Alaska Native; or Hispanic, Latino, or Latina.

Consistent with the Supreme Court's decision in *Grutter*, the race or ethnicity of any student may—or may not—receive a “plus” in the evaluation process depending on the individual circumstances revealed in the student's application. And, while a “plus” that is awarded may be significant in an individual case and tip the balance towards the admission of the student, it is not automatically awarded, and not considered in terms of numeric points or as the defining feature of an application. Even if awarded, a “plus” does not automatically result in an offer of admission. In alignment with the direction provided by the Supreme Court, including most recently in its decisions in *Fisher I* and *Fisher II*, the race and ethnicity of any applicant is always viewed in the context of everything else that the admissions committee knows about a candidate and in light of the range of contributions the candidate might make to the University community.

Socioeconomic Status

The University works strongly to attract and retain disadvantaged students regardless of race. This is a critical component of the institution's obligation to the State of North Carolina and indeed to the nation. As part of its broad effort to foster diversity within the scholarly community on campus, the University's admissions process takes into account the socioeconomic status of each candidate, with an eye towards increasing the number of disadvantaged students who are admitted and eventually enroll. As with other criteria considered by the admissions committee, relative disadvantage is assessed in ways that are both flexible and individualized—a continuum of consideration rather than a simple on-off switch. Assessment of disadvantage must also in turn inform the University's interpretation of the candidate's scores on standardized tests and other academic indicators.

Other Aspects of Diversity

Because the University construes diversity broadly rather than narrowly, members of the admissions committee seek to identify students who would offer their classmates and professors an unusual or unique perspective, aptitude, achievement, or experience. As a means to this end, and as part of the holistic and comprehensive review afforded to everyone, committee members evaluate each candidate on the basis of his or her potential contribution to the broad diversity of the student body and the University community. In this way, any student may receive a “plus” for diversity in the evaluation.

October 2016

**Advisory Committee on Undergraduate Admissions
2015-2016**

Faculty Appointees

Martha Alexander	A&S Humanities/Fine Arts Division	2015-2018
Paul Cuadros	School of Media and Journalism	2014-2017
Jon Engel	A&S Natural Sciences Division	2015-2018
Dan Gitterman	A&S Social Sciences Division	2013-2016
Thomas Otten	A&S Humanities/Fine Arts Division	2013-2016
Charlene Regester	A&S Social Sciences Division	2015-2018
Beverly Taylor	A&S Humanities/Fine Arts Division	2014-2017

Deans (non-Arts and Sciences)

Susan King	School of Media and Journalism	2014-2017
Douglas Shackelford	Kenan-Flagler Business School	2014-2017

Ex Officio (non-voting)

Christopher Derickson	University Registrar
Stephen Farmer	Vice Provost, Enrollment and Undergraduate Admissions
Lee May	Associate Dean, Academic Advising Program
Abigail Panter (Chair)	Senior Associate Dean, Arts and Sciences (designee of Karen Gil, Dean of the College of Arts and Sciences)
Bettina Shuford	Associate Vice Chancellor for Student Affairs (designee of Winston Crisp, Vice Chancellor for Student Affairs)

Consultants (non-voting)

Michelle Brown	Assistant Provost, Academic Support Program for Student Athletes
Taffye Benson Clayton	Associate Vice Chancellor for Diversity and Multicultural Affairs
Barbara Polk	Deputy Director, Undergraduate Admissions
Dan Thornton	Associate Director, Scholarships and Student Aid
Lynn Williford	Director, Institutional Research and Assessment
Marcus Collins	Interim Associate Dean, Center for Student Success and Academic Counseling

CC List

Marcus Donie	Academic Support Program for Student Athletes
Ashley Arthur	Office of Undergraduate Admissions
Cornelia Burch	Office of Student Affairs
Bruce Cairns	Chair of the Faculty, Office of Faculty Governance
Joseph Ferrell	Secretary of the Faculty, Office of Faculty Governance
Paula Goodman / Ben Haven	Office of Undergraduate Education
Garret Hirth	Office of Institutional Research and Assessment
Sherri Cloyd	Office of Diversity and Multicultural Affairs
Ann Oldham	Office of Academic Advising
Rachel Pittman	School of Journalism
Marnie Ross	Office of the Registrar
Dara Slivka	Center for Student Success and Academic Counseling
Amy Tufts	Kenan-Flagler Business School
Kathryn Turner	Office of Faculty Governance
Anne Whisnant	Office of Faculty Governance

Advisory Committee on Undergraduate Admissions

8/27/2015

2014-2015 Meetings (Location: Steele 3020)
Meeting #1: Tuesday, September 1, 2015, 3:30-5pm
Meeting #2: Tuesday, October 27, 2015, 3:30-5pm
Meeting #3: Tuesday, January 19, 2016, 3:30-5pm
Meeting #4: Tuesday, March 22, 2016, 3:30-5pm
Meeting #5: Tuesday, April 26, 2016, 3:30-5pm

Committee Charge:

From the Faculty Code (<http://www.unc.edu/faculty/faccoun/code/Code2005.htm>):

4-24. Advisory Committee on Undergraduate Admissions. (a) The Advisory Committee on Undergraduate Admissions consists of the dean of the College of Arts and Sciences or the dean's designee as chair; the associate dean for academic advising in the College of Arts and Sciences; and two other academic deans from outside the College of Arts and Sciences and seven faculty members engaged in undergraduate instruction, all appointed by the chancellor. At least five of these faculty members hold primary appointments in the College of Arts and Sciences. The university registrar, the director of undergraduate admissions, and the vice chancellor for student affairs are ex officio, non-voting members of the committee.

(b) The committee serves in an advisory capacity to the director of undergraduate admissions. In particular, it addresses the design and application of admissions policy, recommends guidelines for special talent and exceptional admissions, and monitors and responds to the national college admissions environment.

(c) The committee meets at least once each semester or more on call of the chair. The chair calls a meeting whenever requested by the director of undergraduate admissions.

Review of Admissions Decisions (School Group Review)

October 1, 2015

Purpose:

The Office of Undergraduate Admissions conducts a review of each provisional admissions decision before making and releasing final admissions decisions for each application deadline. This review is conducted through a process known as School Group Review (SGR). The School Group Review has two primary objectives. First, the SGR process allows the Office to consider its expected enrollment for the incoming class and then, as part of trying to avoid over- or under-enrollment, adjust the total number of applicants who will receive an offer of admission. Second, the SGR process serves as a quality control measure that allows senior members of the Office to review readers' provisional admission decisions not only for conformity with the University's admissions standards, but also to ensure that decisions concerning applicants from the same high school are reasonable in context.

Method:

The SGR process is conducted by a sub-committee comprised of experienced members of the Admissions Committee, with direction provided by the Vice Provost and Director of Undergraduate Admissions, the Deputy Director of Undergraduate Admissions, and the Associate Director for Evaluation. Decisions made during the SGR process are informed, in part, by the prediction of the number of spaces in the entering class that are likely to be filled by the students who have been selected provisionally for admission. Based on the predicted enrollment, the SGR committee may need to reevaluate applications as part of adjusting the total number of applicants who will receive an offer of admission.

During the SGR process, every provisional admission decision is reviewed and evaluated within the context of the applicant's high school to ensure reasonable decisions within each school community. To facilitate the process, a report is created for each high school from which an applicant applied to the University. The report displays the admission deadline under which the applicant applied, the provisional admission decision, and various factors that represent elements considered during the holistic review of an individual's application for admission. Such factors include the applicant's class rank, grade point average, test scores, subjective admissions ratings, residency status, legacy status, recruited student-athlete status, and applicable recruiting category. SGR reports do not contain information on an applicant's race or ethnicity.

If the provisional admission decision appears inconsistent with these factors when viewed in their totality, the SGR committee member will review the application in more detail to determine if the provisional decision is appropriate or should be reconsidered or changed. Consistent with the University's admission policy, the SGR committee members are mindful that admissions decisions are not based on any single criteria, formula, or scoring requirement. The evaluation of candidates during the SGR process retains the holistic, individual, and comprehensive review characteristics necessary to achieve the University's admissions goals.

Interim Report
Examining Potential Race-Neutral Strategies in Undergraduate Admissions at
University of North Carolina at Chapel Hill¹
 Spring 2018

In Spring 2016 a committee of faculty, professional staff, and administrators was convened and charged by Provost James Dean to examine workable race-neutral strategies and practices in undergraduate admissions at the University of North Carolina at Chapel Hill (“The Committee on Race-Neutral Strategies”). This Committee, a Subcommittee of the standing faculty governance Advisory Committee on Undergraduate Admissions (*Faculty Code of University Government*, Article § 4-24),² was charged to:

1. Consider whether there are workable race-neutral strategies and practices that the Office of Undergraduate Admissions could employ in evaluating applications for undergraduate admission;
2. Advise the Office of Undergraduate Admissions about these strategies and practices; and
3. Report to the Advisory Committee on the Committee’s consideration of specific race-neutral strategies approximately every two years. In addition, the Committee will, as appropriate, provide information regarding its assessments and recommendations to the Dean of the College of Arts and Sciences, the Executive Vice Chancellor and Provost, the Chancellor, and the Board of Trustees.

The full Committee charge is given in Appendix A. The Committee membership, including a short description of member areas of expertise, are given in Appendix B. The Committee was asked to evaluate what race-neutral alternatives, if any, would allow the University to achieve its joint objective and mission to achieve diversity in the incoming undergraduate student body while at the same time not sacrificing academic quality and/or requiring an untenable administrative expense. The work of this committee included considering the University’s existing diversity interests and objectives, whether existing admissions practices are needed to help the University meet those interests and objectives, and what, if any, adjustments to the current practices are warranted. The Committee approached the charge and the tasks before them

¹ Some portions of this report have been redacted before distributing or publishing.

² *Faculty Code of University Government*, § 4-24, pp.18-19: Advisory Committee on Undergraduate Admissions. (a) The Advisory Committee on Undergraduate Admissions consists of the dean of the College of Arts and Sciences or the dean’s designee as chair; the associate dean for academic advising in the College of Arts and Sciences, two other academic deans from outside the College of Arts and Sciences, and seven faculty members engaged in undergraduate instruction, all appointed by the chancellor. At least five of these faculty members hold primary appointments in the College of Arts and Sciences. The university registrar, the director of undergraduate admissions, and the vice chancellor for student affairs are ex officio, non-voting members of the committee. (b) The committee serves in an advisory capacity to the director of undergraduate admissions. In particular, it addresses the design and application of admissions policy, recommends guidelines for special talent and exceptional admissions, and monitors and responds to the national college admissions environment. (c) The committee meets at least once each semester or more on call of the chair. The chair calls a meeting whenever requested by the director of undergraduate admissions.

in a scholarly way, with good faith, with an open mind, and without preconceived notions about what the Committee might discover.

General Summary of Committee Activities

The Committee met regularly beginning in Spring 2016 with a total of 15 meetings as of April 9, 2018. Meeting dates and minutes are presented in Appendix C. Key meeting activities and discussions included several topics as outlined below.

University's Diversity Initiatives and Objectives. The Committee evaluated whether there are race-neutral alternatives that would allow the University to achieve these objectives without sacrificing the academic quality of the entering class or imposing intolerable administrative expense. Without clear operational definitions for potential intolerable cost, the Committee sought to understand and determine what intolerable administrative cost might be in the local context of the University. The Committee consideration included information gleaned from University leaders, faculty members, and students; whether existing admissions practices are necessary to help the University meet its diversity interests and objectives; and what, if any, adjustments to those practices are warranted.

Legal Standards and Guidance for Undergraduate Admissions. To assure that the Committee's evaluation was informed by existing legal standards and guidance, as well as the practices of the University's peer institutions, the Committee discussed legal developments as undergraduate admissions at comparable, highly selective institutions. The Committee received legal input and framing from University Counsel, as well as Professor Lau, at multiple points during its work. Examples of examined materials include reading documents from the Office of Admissions, briefs on admissions practices by the College Board, journal articles, and items from the media about undergraduate admissions practices around the country.

The University's Mission and Diversity Goals. The Committee engaged in a robust discussion of the University's mission and diversity goals, including the educational benefits of diversity, and the importance of a diverse student body to achieving those goals. The Committee invited Executive Vice Chancellor and Provost James Dean to lead a discussion about the important role of student body diversity specifically, and diversity in work settings. Many of the ideas that Provost Dean expressed during this meeting appeared in his May 2017 report (Appendix D), *The Educational Benefits of Diversity and Inclusion for Undergraduate Students at the University of North Carolina at Chapel Hill*, which the Committee also read and reviewed.

Current Undergraduate Admissions Policies and Practices. The Committee learned about the University's admissions policies and practices through a presentation and question-and-answer session from staff members of the Office of Undergraduate Admissions, review and discussion of the University's admissions Reading Document, and a mock evaluation of sample applications for admission. Additionally, because members of the Committee are also members of the professional staff for the Office of Undergraduate Admissions (e.g., Stephen Farmer, Barbara Polk, Jennifer Kretchmar), questions about admissions policies and practices that arose during Committee discussions and deliberations were addressed directly.

Development and Initial Activities of Working Subcommittees. The Committee reviewed an earlier report, *Exploring Race-Neutral Alternatives in Undergraduate Admissions* (Appendix E) prepared by the Working Group on Race-Neutral Alternatives. To understand that report's findings and conclusions, the Race-Neutral Strategies Committee met with members of the Working Group and then as a group, identified specific ways to extend and build upon the prior work. The Committee considered the prior work carefully yet felt free to explore new directions and were not bound by specific methodologies or approaches used previously. As a result, the Committee organized into three working Subcommittees.

Regular Reporting of Subcommittee Activities and Research Priorities. The Committee's structure allowed for different important directions to be examined concurrently, with regular sharing of progress from each Subcommittee. Subcommittee members discussed progress with the larger group and worked with the larger group to determine next steps for analyses. This iterative approach allowed for the members from different Subcommittees to benefit from each other's work and be responsive to analytic decisions and questions as new research, analyses, and discussion came to the forefront.

Three Working Subcommittees: Charges

The charge for each Subcommittee is given in Appendix F.

1. **The Literature Review Subcommittee**, chaired by Professor Holning Lau (School of Law), was charged to review the current social science and legal literature on race-neutral alternative admission practices and identify relevant practices of peer institutions. Professor Lau was assisted by two research assistants and law students (Kerry Dutra, Zachary Layne, Hillary Li).
2. **The Data Analytics Subcommittee**, co-chaired by Professor Patrick Curran (Department of Psychology and Neuroscience) and Professor Michael Kosorok (Department of Biostatistics; Department of Statistics and Operations Research), was charged to analyze whether race-neutral alternatives identified by the Literature Review Subcommittee are workable for the University. The leaders of this Subcommittee were assisted by a doctoral student and research assistant in biostatistics (Arkopal Choudhury). The Subcommittee identified data sources and analytical approaches to examine these race-neutral approaches and their ability to achieve the desired institutional outcomes for the incoming first-year class without sacrificing academic quality. The Subcommittee received regular input about data cleaning, variables, analyses, and next steps from the larger Committee.
3. **The Impact of Diversity on Student Experience Subcommittee**, chaired by Associate Vice Chancellor of Student Affairs Bettina Shuford, was charged with using existing survey findings from University assessments on student perspectives regarding the impact of diversity, inclusion, and campus climate on students' educational experiences at the University. Additionally, the Subcommittee on the Impact of Diversity on the Student Experience was tasked with conducting a review of the social science literature on the impact of diversity on the student experience. Dr. Shuford worked with a team from the Division of

Student Affairs to assess existing survey sources and with Professor Curran and Dr. Belinda Locke (Coordinator for Assessment and Strategic Planning, Student Affairs) to examine a specific survey instrument.

General Findings and Ongoing Work from the Subcommittees

Reports for each of the Subcommittees (Literature Review Report, Data Analytics Report, Impact of Diversity on Student Experience) are provided in Appendix G and have been reviewed by the larger Race-Neutral Strategies Committee.

- 1. The Literature Review Subcommittee.** This Subcommittee updated the literature review completed by the Working Group on Race-Neutral Alternatives. This updated literature review identified five major categories of race-neutral strategies discussed in the academic literature and explored the race-neutral practices at other institutions: Existing percent plans, plans based on socioeconomic status, eliminating legacy/development preferences and early admissions programs, race-neutral holistic reviews, and increased outreach for top performing students from underrepresented groups.

The Subcommittee reviewed literature about three race-neutral admission strategies: (1) percent plans; (2) socioeconomic affirmative action programs; and (3) race-neutral diversity essays. These strategies can be “race-conscious,” meaning that schools can adopt these strategies with the aim of securing a racially diverse student body. These strategies are, however, “race-neutral” in that they do not overtly differentiate applicants by race. The Subcommittee focused its literature review on publications that were not captured in the previous literature review that the Committee on Race-Neutral Strategies performed for its 2016 report. In addition, the literature review suggested that these three strategies were the most promising for potential empirical study and implementation.

Research generally suggests that percent plans are unlikely to be effective and efficient substitutes for admission strategies that overtly consider race. For example, research on the University of Texas at Austin’s percent plan is, at best, inconclusive regarding the program’s effectiveness. While Black and Latinx representation among admitted students increased after UT Austin adopted its percent plan, that increase may be attributable to demographic changes in Texas as opposed to the percent plan. Moreover, even if a percent plan produces a racially diverse class, it does so inefficiently: by admitting students based on class rank alone, universities must ignore other aspects of student quality that it might consider important (e.g., standardized test scores, extracurricular activities, leadership skills, resilience, etc.). Similarly, research generally suggests that socioeconomic affirmative action programs—which grant preferential treatment to applicants from disadvantaged socioeconomic backgrounds—are also unlikely to produce effectively desired levels of racial diversity. Meanwhile, the Subcommittee found that there is a dearth of literature on the effects of race-neutral diversity essays.

This literature review has cast doubt on the utility of race-neutral strategies as complete substitutes for overt considerations of race. Still, the literature suggests that the outcomes of race-neutral admission strategies vary depending on the circumstances surrounding the

particular universities at issue. Accordingly, the Committee on Race-Neutral Strategies should examine these strategies' appropriateness specifically for UNC-Chapel Hill. For its 2016 report, the Committee conducted simulation-based evaluations of implementing various percent plans at UNC-Chapel Hill. Those simulations can be updated and expanded. The Committee should also run simulations of socioeconomic affirmative action programs, perhaps drawing inspiration from the "Disadvantage Index" used by the University of Colorado at Boulder's admissions office. This examination of a version of the index is feasible because UNC-Chapel Hill can identify matches or close proxies for most variables comprising the Colorado index and can potentially supplement that index with additional variables. Finally, the Committee should consider having further discussions about the advantages and disadvantages of race-neutral diversity essays, but there is very little existing empirical research to inform such discussions.

Future Directions. The Subcommittee will continue to work with the broader Committee to determine which of the race-neutral alternatives it has identified warrant further consideration and empirical analysis. As necessary, this Subcommittee will continue to identify new research and potentially promising specific race-neutral alternatives to account for any new practices or reported outcomes from peer institutions.

2. **The Data Analytics Subcommittee.** This Subcommittee conducted an analysis designed to empirically examine the role of various undergraduate applicant factors (including race/ethnicity) that were considered as a part of the holistic admissions process during the 2016-2017 application cycle and presented its findings to the larger Committee. The Subcommittee also developed infrastructure for statistical and data analyses that ultimately can be used to evaluate potential race-neutral alternative strategies. After completing analyses, the Subcommittee examined its findings across five application cycles: the current year as well as the four prior years (2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017).

To model the University's current admissions process, a series of logistic regression models of varying complexity were estimated in which the full set of measured variables described in Appendix F (e.g., certain applicant factors captured in the admissions data) were used to predict admission status. Variables entered the model both linearly and nonlinearly with the inclusion of extensive interactions and polynomial terms. These models were then extended to use the model-building process of random forests. Numerical results were extensive. Key findings reflect that there are a large number of unique applicant variables that predict admissions status, including underrepresented minority status. Importantly, however, when the model was evaluated without information about applicants' racial/ethnic status, the model's accuracy in terms of the prediction of the applicants' admissions outcome was virtually unchanged. This finding reflects that underrepresented minority status does not meaningfully drive the prediction accuracy of the final multivariate model. Put differently, applicants' racial/ethnic status does not dominate the outcome decision within the current admissions process.

The Data Analytics Subcommittee also contributed to modeling efforts for the Student Experience Subcommittee. These efforts are briefly described in the next section.

Future Directions. There are four primary directions to which we next turn. First, these initial models were only fitted to available 2016 data; the models will be expanded to a simultaneous analysis of all five years of data to formally examine stability and change in trends over time. Second, efforts will be made to link the existing admissions data to extant family-level data to provide more comprehensive information about constructs such as socioeconomic status (SES); the currently available data only provide information about first generation status and fee waiver requests. Much more comprehensive information about family income, parent education, and parent occupation are needed to more fully assess SES. These data allow us to have a fuller understanding of a student's full record, continue to identify relevant and available indicators about family background and SES from the literature, and discuss how educational benefits flow from a diverse student body during college. Third, more advanced machine learning methods will be used to build optimal prediction models based on all available information within and across time. These models will provide an estimate of differential weights that can be applied to each variable domain in the prediction equation; once available, weights can then be fixed and adjusted to determine the subsequent impact on incoming class characteristics as a function of competing alternative selection weighting processes. Finally, the data analytic committee will carefully review expert reports prepared in the University's lawsuit to ensure that future analyses consider promising directions and approaches. Taken together, these results will provide a stronger understanding of the current applicant review and the admissions process.

3. **The Student Experience Subcommittee.** This Subcommittee analyzed existing university survey instruments that are regularly administered to undergraduate students at UNC-Chapel Hill and looked at evidence regarding campus climate, psychosocial development, student engagement, and learning outcomes. It also conducted a review of the higher education and social sciences literature on student engagement, perceptions of campus climate, sense of belonging, psychosocial development and learning outcomes.

Using student responses from the [Multi-Institutional Study of Leadership](#) (MSL), the Subcommittee collaborated with the Data Analytics Subcommittee to model educational outcomes with the 2015 UNC-Chapel Hill data set. The MSL data modeling included markers related to campus climate (sense of belonging and perceptions of discrimination) with student engagement (interaction with individuals who are culturally different and participation in co-curricular activities) on educational outcomes related resiliency. The Subcommittee also examined theory and research on these constructs in the literature.

One of the most promising avenues to emerge in the work to date has been the development, testing and refinement of a model identifying a set of pathways and mechanisms through which campus climate contributes to educational outcomes through the mediating influences of student engagement. The model was developed and tested using an institutional data set based on responses of a random sample of undergraduate students who participated in the 2015 Multi-Institutional Study of Leadership.

A series of competing models were fit to the sample data to examine potential relations among student characteristics, sense of belongingness, diverse interactions, and school

success. A diagram of one competing model (given in Appendix G) indicated that students who self-identify as URM have lower perceptions of sense of belongingness on campus and are less likely to endorse the perceptions that the campus climate is inclusive. Higher levels of belongingness and participation in activities are associated with greater diverse interactions on campus, and this in turn is related to higher levels of academic resiliency. Interestingly, URMs report higher levels of resiliency compared to non-URMs after controlling for all other influences in the model. These preliminary results indicate that higher numbers of diverse interactions are associated with higher levels of academic resiliency, but that URMs report feeling less belonging to the campus community and are less likely to view the community as inclusive. This is only one example of a number of competing models examining these complex multivariate relations.

The Subcommittee identified other institutional and national benchmarking surveys that included variables in the framework including the Educational Benchmarking Study/Skyfactor Benchwork Assessments for Carolina Housing, [Student Experience in the Research University](#) (SERU), the [Sophomore Survey](#), and the [Senior Survey](#). Key questions from each instrument were identified for future analysis. Unlike the MSL data set where the focus is on student leadership engagement, SERU includes a module on the academic experience that provides a broader array of outcomes and is particularly appropriate because it was designed for research universities.

Future Directions. The Subcommittee is pursuing multiple future directions in this work in collaboration with the Data Analytics Subcommittee. These directions will help provide more nuance to our existing findings related to perception of campus climate, sense of belonging, engagement in co-curricular and academic engagement, psychosocial development and resiliency by race.

First, members of the Subcommittee will seek to link the MSL data to the existing undergraduate admissions data so that the extensive information provided by the student when applying for admissions can be incorporated into the student experiences once on campus.

Second, Subcommittee members will extend these analyses to include prior panels of data (dating back to 2012) to examine stability and trends in these relations over time.

Third, Subcommittee members will expand the models to include data from other sister institutions, so we may compare and contrast the Carolina experience with that reported by other comparison universities. Specifically, the Subcommittee plans to work with organizations that administer national benchmarking surveys to explore the possibility of adding additional diversity-related survey items to these benchmarking surveys. If granted permission by the national study administrators for MSL and SERU, the benchmarking analysis will involve creating a diversity index measure to compare outcomes based on low, medium and high levels of diversity within- and across-campus participating in the national data collection. A diversity index, used in several research studies, represents the probability that any two people from a random sample will differ on the basis of race and ethnicity.

Interactional diversity is likely to increase as the structural diversity on campus increases (Chang, 1999).

Fourth, the Subcommittee members will conduct modeling using other national data sets, such as the Student Experience in the Research University (SERU) and the Skyfactor Benchmark survey for residential living.

Fifth, the Committee chair, along with colleagues with expertise in measurement and item response modeling, will examine the psychometric properties of student ratings of education benefits of diversity across multiple academic courses. Student characteristics (e.g., gender, need, first generation status, underrepresented status), faculty characteristics (e.g., gender, underrepresented status, rank), and course characteristics (e.g., size, gateway, division) will be assessed for differential item functioning and the multilevel nature of the ratings will be examined if possible.

Finally, the Subcommittee members will continue to be informed by the review of the academic literature on the theoretical models and research related to these concepts.

Conclusion

The work of the Committee is ongoing, and the Committee will continue to use multiple pathways of analyses to identify potential race-neutral alternatives for undergraduate admissions at UNC-Chapel Hill. The potential alternatives are examined while considering in light of the University's mission, current campus climate, and the academic needs of its student body. Key directions include: (a) ensuring that emergent potential options from national peers or demonstration projects are evaluated; (b) empirically assessing the relative weight of race/ethnicity as compared to other competing factors, particularly socioeconomic indicators, as alternatives when modeling admissions data over time using all potential variables that could be available during holistic review; (c) using the strength of student and academic data from existing undergraduate survey administrations – locally at UNC-Chapel Hill and nationally across institutions that vary on multiple dimensions -- to understand campus climate as a function of race/ethnicity; and (d) enhancing national data collection efforts, where possible, with supplemental relevant survey items, thereby contributing to the national dialogue about the role of race/ethnicity in the campus climate.

The Committee will document and present its ongoing efforts, findings, and conclusions. Consistent with the dissemination of the current report, subsequent reports about this Committee's work will be distributed to the Committee, the Admissions Advisory Committee, University leadership, as well as to the Chancellor, and the Provost. The report will also be disseminated to all faculty as part of the Admissions Advisory Committee annual report to Faculty Council. The Committee will also update the Advisory Committee on Undergraduate Admissions, University leadership, and the Office of Undergraduate Admissions regarding its ongoing work as appropriate. This report will be presented to the first Undergraduate Admissions Advisory Committee meeting of the fall semester (September 2018).

**ADVISORY COMMITTEE ON UNDERGRADUATE ADMISSIONS
COMMITTEE ON RACE-NEUTRAL STRATEGIES
CHARGE**

The Advisory Committee on Undergraduate Admissions (“Advisory Committee”), a standing committee of the faculty chartered under the *Faculty Code of University Government*, hereby establishes the Committee on Race-Neutral Strategies (“Committee”). The Committee is charged to:

- Consider whether there are workable race-neutral strategies and practices that the Office of Undergraduate Admissions could employ in evaluating applications for undergraduate admission;
- Advise the Office of Undergraduate Admissions about these strategies and practices; and
- Report to the Advisory Committee on the Committee’s consideration of specific race-neutral strategies approximately every two years. In addition, the Committee will, as appropriate, provide information regarding its assessments and recommendations to the Dean of the College of Arts and Sciences, the Executive Vice Chancellor and Provost, the Chancellor, and the Board of Trustees.

The Committee’s work is essential given the guidance the Supreme Court has offered regarding the consideration of race in admissions assessments. The adoption of race-conscious admissions practices requires adherence to standards of strict scrutiny and narrow tailoring. In its decision in *Grutter v. Bollinger*, the Supreme Court explained that those standards, among other things, require institutions to give “serious, good faith consideration [to] workable race-neutral alternatives that will achieve the diversity” sought by the University. The Court also made clear that universities are not required to adopt any alternative that “would require a dramatic sacrifice of diversity, the academic quality of all admitted students, or both.” In its decision in *Fisher v. University of Texas*, the Supreme Court reiterated that the University’s serious, good faith consideration of race-neutral alternatives is “necessary” and explained that “The reviewing court must ultimately be satisfied that no workable race-neutral alternatives would produce the educational benefits of diversity. If a nonracial approach . . . could promote the substantial interest about as well and at tolerable administrative expense, then the university may not consider race.”

The Committee will be briefed about the University’s diversity initiatives and objectives. With that context, the Committee will evaluate whether there are race-neutral alternatives that would allow the University to achieve these objectives without sacrificing the academic quality of the entering class or imposing intolerable administrative expense. This evaluation will include consideration of information gleaned from University leaders, faculty members, and students; whether existing admissions practices are necessary to help the University meet its diversity interests and objectives; and what, if any, adjustments to those practices are warranted.

In order to assure that the Committee’s evaluation is informed by existing legal standards and guidance and the practices of the University’s peer institutions, the Committee will stay abreast of legal developments as well as best practices in undergraduate admissions at comparable highly selective institutions.

Committee on Race-Neutral Strategies
Meeting of September 9, 2016
Minutes

Committee members present: Rumay Alexander, Clinical Professor, School of Nursing, and Special Assistant to the Chancellor; Patrick Curran, Professor, Psychology and Neuroscience, College of Arts and Sciences; Michael Kosorok, Kenan Distinguished Professor and Chair, Biostatistics, Gillings School of Global Public Health; Holning Lau, Professor, School of Law; Ming Lin, Parker Distinguished Professor, Computer Science, College of Arts and Sciences; Abigail Panter, Professor, Psychology and Neuroscience, and Senior Associate Dean for Undergraduate Education, College of Arts and Sciences; Bettina Shuford, Associate Vice Chancellor, Division of Student Affairs.

Committee members absent: Douglas Shackelford, Distinguished Professor and Dean, Kenan-Flagler Business School.

Guests present: James W. Dean, Jr., Executive Vice Chancellor and Provost.

Staff members present: Stephen Farmer, Vice Provost for Enrollment and Undergraduate Admissions; Jennifer Kretchmar, Senior Assistant Director of Undergraduate Admissions; Barbara Polk, Deputy Director of Undergraduate Admissions.

Dean Abigail Panter, chair of the committee, called the meeting to order at 10a. She asked Provost Jim Dean to share his thoughts about the work of the committee.

Provost Dean said that the University is obligated by law to consider alternatives to any use of race or ethnicity in its admissions policies and practices. He also said that the University is obligated, both legally and as a matter of sound practice, to assess, measure, and improve its delivery of educational benefits to its students, including the educational benefits of diversity.

He said that the University, broadly speaking, prepares students to succeed in their lives, and specifically in their economic, civic, and personal lives. The educational benefits of diversity are crucial in preparing students in all three of these spheres. Because students will be working in an increasingly complex and multicultural world, their success will depend on their ability to understand, learn from, and work with individuals from many different backgrounds, whether they end up leading companies, contributing to teams, or starting new businesses. Diversity in our classrooms, residence halls, and other learning environments helps students develop these skills.

In regard to success in civic life, the University is obligated to prepare students to contribute to society, and students with little or no experience of diversity are ill prepared to be informed voters and to participate meaningfully beyond voting in the political process. In regard to personal success, the University aims to help students prepare for lives as family members, neighbors, and friends, and the educational benefits of diversity help students fulfill these personal responsibilities.

The Committee then discussed the ways in which the experience of diversity contributes to critical thinking, and the ways in which critical thinking in turns contribute to success in all three of these spheres and to the development of cognitive skills more generally. One member observed that the third sphere is in effect a form of character development, and that research has demonstrated the importance of patience, persistence, and empathy in the formation of character. Another member noted that ample research in business has demonstrated the greater effectiveness of teams that are more diverse in comparison to teams that are less diverse. Another observed that there is empirical evidence that the experience of diversity helps erode implicit bias. Another explained that non-diverse teams have developed products that failed because they did not adequately account for the needs and preferences of their market, which was much more diverse.

Another noted that an investment in diversity, broadly construed, is an investment in human capital: not only in the identification of talent no matter where it may be found, but also in the development of talent once it has been found, by bringing people together whose varied backgrounds and perspectives help all members of the group learn more than they otherwise would learn.

In response, Provost Dean said that the University wants every member of the campus community to thrive, and the community as a whole to flourish. UNC, as the first public university in our country, has a responsibility to all. He also said that admission is just the beginning: the University strives to have all students learn from, work with, and benefit from each other.

A member asked whether it would be possible to think of a willingness to interact with others—to be a “boundary spanner,” in the words of a former faculty member—as a criterion in admissions. Stephen Farmer said he believed that admissions officers already look for such a quality in candidates and could emphasize the trait more heavily if the faculty wished for them to do so. Another member suggested that such students could help in the development of other students who have potential in this area but have not yet enjoyed the same opportunities to practice this skill.

Following the discussion with Provost Dean, the Committee approved the minutes of August 31, 2016.

Barbara Polk then invited questions about the 2015-2016 reading document, which the members had received in advance (and which follows these minutes as an attachment). In response to a question about how the admissions office reconciles the inherent subjectivity of admissions decisions with the need to be rigorous and fair, the committee discussed the ways in which members of the admissions committee exercise their judgment as individuals even as they learn from and calibrate with one another through committee discussions and other forms of feedback. The committee discussed how ratings are calibrated, with Ms. Polk observing that, while these ratings may describe various attributes of candidates, they do not define them or dictate their decisions.

Committee on Race-Neutral Strategies
Meeting of October 14, 2016
Minutes

Committee members present: Rumay Alexander, Clinical Professor, School of Nursing, and Special Assistant to the Chancellor; Patrick Curran, Professor, Psychology and Neuroscience, College of Arts and Sciences; Abigail Panter, Professor, Psychology and Neuroscience, and Senior Associate Dean for Undergraduate Education, College of Arts and Sciences; Bettina Shuford, Associate Vice Chancellor, Division of Student Affairs.

Committee members absent: Michael Kosorok, Kenan Distinguished Professor and Chair, Biostatistics, Gillings School of Global Public Health; Holning Lau, Professor, School of Law; Ming Lin, Parker Distinguished Professor, Computer Science, College of Arts and Sciences; Douglas Shackelford, Distinguished Professor and Dean, Kenan-Flagler Business School.

Staff members present: Stephen Farmer, Vice Provost for Enrollment and Undergraduate Admissions; Jennifer Kretchmar, Senior Assistant Director of Undergraduate Admissions; Barbara Polk, Deputy Director of Undergraduate Admissions.

Dean Abigail Panter, chair of the committee, called the meeting to order at 10:05a. She asked Dr. Jennifer Kretchmar to summarize for the committee the report of the group previously charged with assessing possible race-neutral alternatives in admissions, which the members had received in advance (and which follows these minutes as an attachment).

The committee discussed the literature review that comprised part of the report. Published studies about the elimination of race-conscious admissions practices and/or possible race-neutral alternatives to those practices have tended to fall into three broad categories: how changes would affect (a) applicant behavior, (b) student diversity, and (c) academic quality. Some of the studies have relied on actual results from states—for example, California or Texas—that have proscribed any use of race or ethnicity in admissions. Other studies have attempted to simulate or model the impact of possible changes.

Regarding impacts on applicant behavior, studies have generally suggested that schools which eliminate the use of race or ethnicity have tended to experience declines in applications from underrepresented students. The results regarding other behaviors that might be interpreted as signs of interest on the part of prospective students—for example, the sending of standardized test scores—have reportedly been mixed.

Regarding impacts on student diversity and/or academic quality, studies have generally found that, in states where the use of race has been proscribed, no satisfactory substitute has been found, with some studies suggesting that declines in the enrollment of underrepresented students following the elimination of limited race-conscious practices have been greater for public flagship universities than for other institutions. Most studies reviewed as part of the prior

literature review suggested that no simple substitute has yielded or would likely yield equivalent racial and ethnic diversity and equivalent academic quality.

Drawing upon the prior literature review, the committee discussed the data and techniques that have been used to simulate or model the effect of changes in admissions practices—for example, high-school grades; test scores; a lottery for students who meet threshold academic credentials; emphases on obstacles overcome or on attendance at low-performing high schools. Since the prior literature review was conducted, the University of Colorado at Boulder has established an academic index that includes some weighting for disadvantage and/or obstacles overcome.

The committee discussed the importance of building upon the previous literature review by exploring the results at Colorado-Boulder and other recent published findings regarding the impact of race-neutral alternatives that have either been adopted or studied elsewhere. The committee also briefly discussed results at the University of Florida, which has reportedly benefited from the Bright Futures Scholarship.

The committee questioned whether race-neutral strategies might be easier to implement and more effective in maintaining diversity and academic standards in schools that are not highly selective. In this discussion, however, the committee recognized the University's obligation to consider race-neutral strategies. The members agreed that the committee's exploration of possible alternatives would need to be grounded in the particulars of the University's mission and market for prospective students, as well as in the specific constraints within which the University must operate—for example, the limit on non-resident enrollment in the first-year class, or the state of P-12 education in North Carolina.

Regarding its own modeling of possible impacts in the admissions process at the University, the committee discussed the difficulty of inferring causality outside the limits of a true experiment with randomly assigned participation. The committee also discussed the importance of approaching its modeling as fundamentally an exploration of how the University's academic environment can be maintained or enhanced, given the importance to that environment of diversity of all kinds within the student body and of strong preparation and potential among students. The members again discussed the obstacles that the current limit on non-resident enrollment might present both to the modeling of admissions practices and to changes in those practices.

The committee then discussed the data elements that might be available for the modeling—for example, nine-digit zip codes, enrollment at high-need high schools, and other possible indicators of socioeconomic challenges. In response to a question about the descriptive ratings assigned to candidates by members of the admissions committee in the course of their comprehensive and individualized evaluations, Ms. Barbara Polk reminded the members that these ratings are intended to describe what an evaluator sees in an application, not to determine the admissions decision.

The committee discussed at length the difficulty of modeling possible impact of changes on applicant behavior. For example, the School of Nursing experienced increases in applications

from underrepresented students when it stopped requiring candidates to submit results from the Graduate Record Examination; how might the committee assess whether undergraduate candidates would behave similarly if the public university system permitted the University to eliminate the testing requirement for undergraduate admission?

Dean Panter suggested that the committee divide into smaller groups so that the committee as a whole could continue to make progress in its identification and evaluation of possible race-neutral strategies. Professor Patrick Curran agreed to collaborate with Professor Michael Kosorok to convene a group that will focus on quantitative tasks and modeling, with Dr. Kretchmar to serve as staff liaison. Dean Panter emphasized that the group's modeling should attempt to assess the impact on both the diversity and the academic quality of the entering class, given the significance of both characteristics on the academic environment at the University and the education provided to all students. The committee discussed whether the group might attempt to identify primary, secondary, and tertiary impacts of any change in practices.

Dean Panter suggested a second group to update the literature review and agreed to ask Professor Holning Lau to convene the group, with support from students in the School of Law and graduate students in the Department of Psychology and Neurosciences.

Dean Panter asked Dr. Bettina Shuford to convene a third group focused on gathering the perspectives of current students on their educational experiences at the University.

Dean Panter adjourned the meeting at 11:30a.

Committee on Race-Neutral Strategies
Meeting of November 30, 2016
Minutes

Committee members present: Patrick Curran, Professor, Psychology and Neuroscience, College of Arts and Sciences; Jonathan Engel, Professor, Physics and Astronomy, College of Arts and Sciences; Holning Lau, Professor, School of Law; Abigail Panter, Professor, Psychology and Neuroscience, and Senior Associate Dean for Undergraduate Education, College of Arts and Sciences; Douglas Shackelford, Distinguished Professor and Dean, Kenan-Flagler Business School; Bettina Shuford, Associate Vice Chancellor, Division of Student Affairs.

Committee members absent: Rumay Alexander, Clinical Professor, School of Nursing, and Special Assistant to the Chancellor; Michael Kosorok, Kenan Distinguished Professor and Chair, Biostatistics, Gillings School of Global Public Health; Ming Lin, Parker Distinguished Professor, Computer Science, College of Arts and Sciences.

Staff members present: Stephen Farmer, Vice Provost for Enrollment and Undergraduate Admissions; Jennifer Kretchmar, Senior Assistant Director of Undergraduate Admissions; Barbara Polk, Deputy Director of Undergraduate Admissions.

Dean Abigail Panter, chair of the committee, called the meeting to order at 3:34p. She welcomed Jonathan Engel, a member of the Advisory Committee on Undergraduate Admissions, as a new member of the committee.

The minutes of the meetings of September 9, 2016, and October 14, 2016, were approved with no corrections.

Dean Panter reminded the members that they had previously agreed to be divided into several subcommittees and asked Professor Patrick Curran to discuss the work to date of the subcommittee on data analytics. Professor Curran reported that he and co-chair Professor Michael Kosorok had discussed the draft charge of the subcommittee and the plan of work. Two approaches are under consideration: (a) computer-simulation methodology—for example, Monte Carlo designs; and (b) detailed modeling using existing data. Graduate students will be recruited who will both contribute to the studies and benefit from their participation. Specific goals, timelines, and deliverables need to be established.

The committee discussed theoretical constructs that might frame the work of the subcommittee. A true Monte Carlo simulation could allow the subcommittee to consider not only the students who actually applied for admission but also those who might apply if the University's admissions practices changed. A simpler simulation could model the impact of changed admissions criteria on the admissions decisions of students who in fact applied. The members agreed that it would be important that the diverse perspectives of the committee members help shape the work of the subcommittee, since the co-chairs represent two fields and two possible approaches and since other fields and approaches would help make the study more effective.

The committee agreed that the aim of the subcommittee will be to engage in a serious, good-faith effort to identify workable race-neutral alternatives that would maintain or enhance both the diversity and the quality of the undergraduate student body. One deliverable will be several detailed models that will help the committee assess the possible impact of different race-neutral practices. If possible, these models will assess the impact of each potential practice not only on the entering class as a whole but also on specific academic programs and classes.

Mr. Stephen Farmer stated that the admissions office will adopt any alternative or combination of alternatives that can be proven to be workable and effective in maintaining or enhancing both diversity and quality.

The members discussed again the final report of the campus-wide working group that previously explored possible alternatives to race-conscious practices, agreeing that the report was valuable and offered a strong base for the subcommittee on data analytics.

After Dean Panter asked Dr. Bettina Shuford to describe briefly the work of the subcommittee on the impact of diversity on the student experience, the committee discussed the connection between the educational benefits of diversity and possible changes in the undergraduate student population. The members agreed that existing survey responses and other evidence will help them better understand the extent to which the composition of the student body is helping the University deliver these educational benefits. They also agreed that it will be important for surveys to assess the extent to which students of different backgrounds, including different racial and ethnic backgrounds, are interacting with and learning from one another and thus realizing the educational benefits of diversity.

Professor Holning Lau then reviewed plans for the subcommittee that will focus on reviewing existing literature, whose purpose will be to identify published studies that can inform the work of the other subcommittees, and especially the subcommittee on data analytics. For example: What studies have been published since the report of the previous working group that considered alternatives to race-conscious practices, which itself included an extensive review of the literature extant at the time? What other recruitment and admissions policies have schools developed that might serve as workable and effective alternatives to current practices? Have any studies been published or briefs filed that discuss variables that should be considered in our modeling?

Dean Panter emphasized that the subcommittees should identify what resources they will need in order to do their work well. She said that the University will support these efforts because they are important.

Dean Panter adjourned the meeting at 5p.

Committee on Race-Neutral Strategies
Meeting of December 16, 2016
Minutes

Committee members present: Patrick Curran, Professor, Psychology and Neuroscience, College of Arts and Sciences; Michael Kosorok, Kenan Distinguished Professor and Chair, Biostatistics, Gillings School of Global Public Health; Holning Lau, Professor, School of Law; Abigail Panter, Professor, Psychology and Neuroscience, and Senior Associate Dean for Undergraduate Education, College of Arts and Sciences; Douglas Shackelford, Distinguished Professor and Dean, Kenan-Flagler Business School; Bettina Shuford, Associate Vice Chancellor, Division of Student Affairs.

Committee members absent: Rumay Alexander, Clinical Professor, School of Nursing, and Special Assistant to the Chancellor; Jonathan Engel, Professor, Physics and Astronomy, College of Arts and Sciences; Ming Lin, Parker Distinguished Professor, Computer Science, College of Arts and Sciences.

Staff members present: Stephen Farmer, Vice Provost for Enrollment and Undergraduate Admissions; Jennifer Kretchmar, Senior Assistant Director of Undergraduate Admissions; Barbara Polk, Deputy Director of Undergraduate Admissions.

Dean Abigail Panter, chair of the committee, called the meeting to order at 10:30a.

Dr. Bettina Shuford reported on of the efforts of the group focused on gathering the perspectives of students on their educational experiences at the University. The group is collecting information from previously conducted studies and surveys. The group also hopes to receive, at some point in the next few months, information from the campus-climate survey that was conducted last year by the Division of Workforce Strategy, Equity, and Engagement.

Professor Holning Lau led a discussion of a possible charge for the group focused on updating the extensive literature review that the Advisory Committee on Undergraduate Admissions received during the 2015-2016 academic year. The group will be hiring research assistants to help with the work. The committee discussed the importance to both Dr. Shuford's and Professor Lau's groups of exploring how other aspects of identity—for example, sex or gender—might intersect with race or ethnicity.

Professor Patrick Curran described the work to date of the group focused on modeling and other quantitative assessments and tasks. Since the last meeting on November 30, the group has secured useful data and data summaries from the Office of Undergraduate Admissions. The committee discussed the possible use of data available from other sources—for example, the National Student Clearinghouse—as well as other data, such as Advanced Placement results and parent occupation, that might be available from University sources. The committee also discussed the possible importance of assessing where denied students were admitted and chose to enroll—a step that might improve or at least inform the assessment of future candidates. Dean

Douglas Shackelford observed that similar analyses in the Kenan-Flagler Business School have suggested that some competitor institutions may be weighing some criteria—for example, standardized test scores—less heavily, raising the question of whether the competitor schools know something that UNC does not know.

The committee the discussed Dean Panter's previous study, with Professor Emeritus Charles Daye, of the educational benefits of diversity for law students. The long-term study found that a racially diverse law study body provides educational benefits for students, including the benefit of being exposed to a diversity of viewpoints, which enables students to become more effective lawyers.

Dean Panter adjourned the meeting at 11:20a.

might not think consciously of his or her race or ethnicity or socioeconomic status, for example, until the student goes to college.

There is no support in the literature to demonstrate that outreach alone will maintain or strengthen diversity.

Professor Patrick Curran talked about the work of the simulation/modeling group, reporting that Professor Michael Kosorok, with the help of a graduate student, continues the group's work with admissions data. Empirical results to date do not suggest that any of the race-neutral alternatives explored would be effective. Nor is there any evidence to date that race or ethnicity is currently being used as a unitary or dominant factor in admissions; rather, the evidence suggests that race is a minimal but unique factor. The analysis to date suggests the complexity of racial and ethnic identifications; it is hard, using admissions data about racial self-identification alone, to get at the diversity that can be seen in the whole of the application. All of the evidence suggests that the admissions office is doing what it says. Professor Curran emphasized that the group is not saying that a "race-blind" approach would yield the same racial and ethnic diversity; rather, it is saying that the current decisions of the admissions office are complex and hard to model based on any one criterion alone. The data suggest that race is playing a subtle role but always in conjunction with many other factors.

The committee discussed the difficulty of implementing a race-neutral practice that used legal "proxies" for race and ethnicity unless the practice was rigid and formulaic and not a product of individual reader judgment of individual human applicants. Although there is a disconnect between the deterministic nature of data-intensive simulations and the holistic nature of UNC's current process, and although there is some concern that a formula-based approach could be "gamed," it still might be helpful to try to simulate such an approach, as the previous committee on race-neutral alternatives did. Professor Curran observed that any simulation using current admissions data would not be able to take into account or predict the impact that a change in evaluation practices might have on the applicant pool.

Dr. Bettina Shuford reported for the group that is reviewing student perceptions of diversity. She and Dr. Belinda Locke in the Division of Student Affairs have reviewed previous surveys, pulled some of their data, and engaged with Professor Curran to model connections between perceptions and student outcomes. The general conclusion so far has been that race and ethnicity do have an impact on students' sense of belonging and on their leadership on campus. Professor Curran then discussed the "path model" and survey variables that lead to other variables; the results to date substantiate seem to substantiate the importance of diversity for our current students. Dean Panter observed that the law-school study she conducted demonstrated greater positive learning outcomes in institutions with greater diversity. Dr. Shuford observed that the literature on student thriving suggests that diverse interactions are crucial to thriving.

Dean Panter then asked the committee to review carefully the minutes of the previous meeting. The minutes were subsequently approved with one correction. Dean Panter adjourned the meeting at 5p.

**Exploring Race-Neutral Alternatives in Undergraduate Admissions
The University of North Carolina at Chapel Hill
Office of Undergraduate Admissions**

Introduction

In November 2013, the University of North Carolina at Chapel Hill convened a campus-wide working group to explore alternatives to race-conscious practices in admission. The members of the working group are named in Appendix A. The charge of the group was to identify reasonable alternatives to race-conscious practices in admissions; evaluate each alternative to determine whether it yields an entering class with equal or greater diversity and academic quality; and to present its findings to the Advisory Committee on Undergraduate Admissions.

This report summarizes the work of the committee. Because our efforts were informed by larger legal, institutional, and research contexts, we framed our findings within a brief discussion of the legal history of affirmative action in the United States, our institutional mission especially as it relates to diversity and academic quality, a description of our current admissions policies and practices, and our knowledge of other research being conducted on race-neutral alternatives. Each of these contexts influenced the race-neutral alternatives we chose to pursue, as well as the criteria used to evaluate them.

Legal History of Affirmative Action

The U.S. Supreme Court first ruled on the use of race in university admissions in 1978 in *Regents of the University of California v. Bakke*. In a split vote, the Court declared set-aside programs unconstitutional, but reserved the right of universities to use a student's race or ethnicity as one factor among many when making admissions decisions. The use of race, Justice Powell wrote, must be "precisely tailored to serve a compelling governmental interest" (*Bakke*, 438 U.S., at 299). Using this standard, Justice Powell approved the use of race to further one interest and one interest only – the attainment of a diverse student body – arguing that the "nation's future depends upon leaders trained through wide exposure to the ideas and mores of students as diverse as this Nation of many peoples" (*Id.*, at 313). Importantly, Justice Powell defined diversity broadly: "the diversity that furthers a compelling state interest encompasses a far broader array of qualifications and characteristics of which racial or ethnic origin is but a single though important element" (*Id.*, at 315).

The Court revisited affirmative action in higher education twenty-five years later in 2003, in *Gratz v. Bollinger* and *Grutter v. Bollinger*. Writing the majority opinion in both cases, Justice O'Connor affirmed student body diversity as a compelling government interest, explaining that the "educational judgment that...diversity is essential to [the institution's] educational mission is one to which we defer" (*Grutter*, 539 U.S., 16). Even when the use of race is permitted to further a compelling state interest, however, the government must show that the means to achieve that end are narrowly tailored. The Court concluded that the individualized, holistic review used by the University of Michigan Law School met the narrow tailoring

requirement, while the awarding of bonus points to students of particular races/ethnicities – a system used in undergraduate admissions at The University of Michigan – did not. The Court advised:

When using race as a ‘plus’ factor in university admissions, a university’s admissions program must remain flexible enough to ensure that each applicant is evaluated as an individual and not in a way that makes an applicant’s race or ethnicity the defining feature of his or her application. The importance of this individualized consideration in the context of a race-conscious admissions program is paramount (*Grutter*, 539 U.S., 24-25).

The Court also instructed universities to make “serious, good faith consideration of workable race-neutral alternatives,” though without requiring “exhaustion of every conceivable race-neutral alternative,” nor consideration of alternatives that would jeopardize other aspects of an institution’s mission (*Id.*, 27). In *Grutter v. Bollinger*, for example, the Court agreed with the Law School that race-neutral alternatives like lottery systems and the lowering of admissions criteria would jeopardize the school’s mission. “Because a lottery would make... nuanced judgment impossible, it would effectively sacrifice... every other kind diversity” (*Id.*, 28). And because lowering admissions standards would sacrifice academic quality, the Law School would become a different kind of institution altogether.

Although *Grutter v. Bollinger* upheld the use of race in admissions, the Court nonetheless stipulated that race-conscious admissions programs must have a logical end point. Justice O’Connor concluded by prophesying “that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today” (*Id.*, 31). Until that time, however, the Court advised universities to conduct periodic reviews to determine if race-conscious policies are still necessary to achieve student body diversity, and to pay attention to the results of race-neutral alternatives already implemented in states like California, Texas and Washington where racial preferences in admissions are prohibited by state law. “Universities in other States can and should draw on the most promising aspects of these race-neutral alternatives as they develop” (*Id.*, 30).

Most recently, in *Fisher v. Texas*, the Supreme Court remanded the case back to the Fifth Circuit court for failing to hold the university to the demanding burden of strict scrutiny, which requires the university to prove that the use of race serves a compelling government interest, and that it is narrowly tailored to achieve that end. The courts may grant deference to universities’ judgment that diversity is essential to its academic mission, but with respect to narrow tailoring, the university receives no deference. Justice Kennedy writes, “It is at all times the University’s obligation to demonstrate, and the Judiciary’s obligation to determine, that... it is ‘necessary’ for the university to use race to achieve the educational benefits of diversity. The reviewing court must ultimately be satisfied that no workable race-neutral alternatives” would achieve the same ends (*Fisher*, 570 U.S., 2).

Existing Research on Race-Neutral Alternatives

The Courts instructed universities across the nation to pay attention to the results of “natural experiments” being conducted in states like California, Texas, and Washington, all three of which banned affirmative action in the late 1990s. Although the impact of eliminating affirmative action varies across state – given the demographics of a particular state, for example, or the number of public institutions it houses – the research conducted on outcomes resulting from actual policy changes has obvious advantages over simulations and modeling (e.g. eliminating the need to make assumptions about student behavior, shedding light on unanticipated consequences, documenting change over time). Before investigating our own alternatives, the working group familiarized itself with alternatives being implemented in other states and existing research on current practices. The research falls under three broad (albeit somewhat arbitrary) categories: impact on minority representation, impact on applicant behavior, and impact on academic quality.

(1) Impact on Minority Representation

In an article titled “Affirmative Action and its Alternatives in Public Universities: What Do We Know?” Long (2007) investigates the impact of affirmative action bans in Texas, California, Washington, and Florida. Texas, California, and Florida all implemented some version of a top x% plan; Washington focused on increasing outreach and recruitment. Long (2007) concludes that “despite the many alternative strategies implemented at public universities in these states, schools have not been able to maintain minority enrollments absent affirmative action...they have discovered no true substitutes” (315). Furthermore, he argues, any rebounds in minority enrollment have resulted from the growing minority population in these states; in other words, the share of minorities in the population of students at select public universities has *declined* relative to their share in the population of high school graduates. At UC Berkeley, for example, minority student underrepresentation in the student body was minus 5 to minus 10 percent relative to their representation among high school graduates prior to the ban on affirmative action in 1997. After 1997, underrepresentation increased to minus 20 percentage points below, and has changed very little in the last seven years. Similar patterns were found across states with the exception of Florida, where the ban on affirmative action has had little impact on minority representation. Long (2007) attributes Florida’s success to efforts made by universities in the 1990s to increase applications from underrepresented minorities.

Research suggests that the impact of bans on minority representation plays out differently at different kinds of institutions. In examining the pool of students admitted to *all* public institutions in Texas between 1998 and 2004, Chapa and Horn (2007) found that the share of White students dropped from 66 to 58%, while Hispanic representation increased and African-American representation remained constant. When Long and Tienda (2008) investigated enrollment at the public flagships, however, a different picture emerged. At UT-Austin, for example, the share of Hispanic and African American students fell from 20% to 17.7%. Similarly, Hinrichs (2010) modeled the impact of a nation-wide ban on affirmative action, and concluded that public universities ranked in the top 50 according to US News and World Report would experience the greatest declines in minority enrollment and subsequent increases in white enrollment. He concludes that “affirmative action bans do not affect who goes to college, but they have some effect on where people go to college” (712). Howell (2010) also modeled a

disproportionate impact, estimate a 2% decline in African American and Hispanic representation at most four-year colleges as a result of a nation-wide ban, but as much as a 10% drop at the most selected institutions.

Koretz, et. al. (2002) used data from the California state system to model the impact of various admissions policies on the diversity of student bodies at selective, moderately selective, and less selective universities within the state. Using only HSGPA and SAT data (from 1995-1998), and categorizing matriculation as a series of steps – taking the SAT, establishing UC system eligibility, applying to specific UC system campus, and gaining admission to a UC system campus – Koretz, et. al (2002) were able to model the potential impact of each step on the diversity of the student body in the absence of affirmative action. At highly selective universities like UCLA and Berkeley, for example, diversity was impacted by each of the following: underrepresentation of Hispanic students in the SAT-test taking population; the disproportionate number of Black students impacted by UC eligibility criteria; and a race-neutral admissions policy that further reduced Black and Hispanic representation.

Koretz et. al. (2002) also modeled the impact of various X% plans on the diversity and academic qualifications of students admitted to the UC system. The four models considered were: 1) admitting the top 12.5% of all students statewide (the baseline condition); 2) admitting the top 12.5% of students at each school; 3) admitting the top 6% at each school, and the top 6.5% statewide; and 4) admitting the top 4% at each school, and the top 8.5% statewide. The third and fourth models, they concluded, had little impact on the average SAT score or the proportion of underrepresented students in the admitted pool. Admitting the top 12.5% at each school had the largest positive impact on diversity – nearly doubling the representation of both Black and Hispanic students – but also the largest negative impact on academic qualifications, with an average drop in SAT of over 100 points for underrepresented minorities. Admitting the top 12.5% at each school also increased representation of first-generation college students, students from urban schools, and bi-lingual students. Finally, the authors also modeled the impact of admissions policies that preference demographic factors other than race, such as school type, mother's education, income, etc. Ultimately, “none of the alternative admission models analyzed could replicate the composition of the student population that was in place before the termination of affirmative action in California” (p. 27).

Epensshade and Chung (2005) examined how preferences for different types of students – athletes, legacies, underrepresented minorities – impacted the composition of admitted students at three private, elite, research institutions. According to their model, eliminating affirmative action would reduce acceptance rates for African Americans from 33.7% to 12.2%, while the proportion of African American students in the admitted group would drop from 9.0 to 3.3%. The change in policy would impact Hispanic students similarly; their acceptance rate would be cut in half (from 26.8% to 12.9%), while their representation in the admitted pool would fall from 7.9% to 3.8%. The authors also looked at who would benefit most from the elimination of affirmative action, and concluded that 4 out of 5 spaces not taken by African American and Hispanic students would be filled by Asian students. By contrast, Epensshade and Chung (2005) found that athlete and legacy preferences have minimal impact on the diversity of the admitted pool: “preferences for athletes and legacies do little to displace minority applicants largely

because athletes and legacies make up a small share of all applicants to highly selective universities” (p. 304).

Although class-rank plans are by far the most widely used race-neutral alternative, some institutions have combined class-rank plans with consideration of other factors like geography. As Rendon, Novack, and Dowell (2005) report, The University of California-Long Beach was recently faced with competing objectives – to reduce enrollment while maintaining and/or increasing diversity using race-neutral admissions policies. In fall 2002, the university adopted a new admissions policy favoring students in the local service area who also met the statewide eligibility index for moderately selective state schools. The eligibility criteria were increased for students who lived farther away from the local service area. Because even the lesser stringent criteria were known to disproportionately impact African American and Latino students, university officials were not surprised when the diversity of the enrolling class was compromised. The school was able to shrink enrollment by 32.8%, but African American enrollment declined by 52.3%, while Latino representation fell 39.7%. The following year, the university altered its geographic boundaries, extending the local service area to include several more schools, thereby increasing the number of students eligible for admission under the less stringent standards. Because the new service areas were ethnically diverse, the university was able to meet its diversity goals. The authors noted that although geographic preference models worked in Southern California, they would not necessarily work for universities in less diverse parts of the country.

Although UC-Long Beach was able to use geographic preferences to create a diverse student body, socioeconomic preferences have received the most attention in the research literature as a viable race-neutral alternative. Kahlenberg (2003), writing on behalf of The Century Foundation and using data from 146 of the nation’s top colleges, concluded that economic affirmative action provides the best way to meet a number of different goals. Basing many of his conclusions on the work of Carnevale and Rose (2003), Kahlenberg (2003) argues that economic affirmative action is a better approximation of merit (e.g. the notion of academic achievement taken in context of obstacles overcome) than race-based affirmative action; achieves nearly as much racial diversity yet much greater economic diversity (e.g. students in the bottom half economically would comprise 38% of students at elite colleges, as opposed to 10% under current models); and results in the same graduation rates. Kahlenberg (2003) concludes that economic affirmative action, unlike racial affirmative action and percentage plans, is the only model that addresses “the fundamental root source of inequality: the division between the haves and the have nots” (p. 4).

More specifically, Carnevale and Rose’s (2003) study examines the impact of five different types of admissions models – a race-neutral model based on test scores and grades; a lottery system; class-rank preferences without a minimum test score; class-rank preferences with a minimum test score; and a model based on economic preferences – and places each in the context of the population currently attending elite institutions (of which the least-represented group, they argue, are low SES students). Using data from the top 146 colleges and universities, the authors find that a race-neutral model based on academic merit would reduce representation of underrepresented minorities (the only model of the five to do so), a class-rank model without a

minimum SAT score would increase racial and economic diversity, but puts some students at risk academically, a class-rank model with a minimum SAT would have a negative impact on racial and economic diversity but a positive impact on graduation rates, while a model based on economic status would compromise racial diversity only slight, improve economic diversity substantially, and maintain student performance. Carnevale and Rose's (2003) conclusion, however, differs slightly from Kahlenberg's (2003). Economic affirmative action, they recognize, is not a substitute for race-based affirmative action. "Income-based policies are not an effective substitute for conscious racial and ethnic enrollment targets, unless low-income African American and Hispanics can be chosen disproportionately from the qualified pool of low socioeconomic status students..." (p. 153).

St. John, Simmons, and Musoba (2002) build upon the publicly accepted notion of merit as academic achievement in the context of obstacles overcome. Merit, they argue, "is not simply where you wind up, but what you did with what you were given" (p. 37). Using this as their theoretical foundation, they built a merit index that accounts for the quality of school attended by each individual student. They calculate a simple index by subtracting the average SAT score of an applicant's high school from the applicant's own score, and a more complex index by assigning higher weights to schools with disproportionately poor performance. According to their analysis, using data from two universities, the simple merit index increased diversity in the applicant pool, while the more complex index predicted persistence as well as the SAT. They conclude that although "the merit-aware approach can provide a fair and just way to screen admissions applicants, it is not a substitute for affirmative action" (p. 44).

(2) Impact on Applicant Behavior

Harris and Tienda (2009) investigated an often overlooked component of race-neutral admission policies—their impact on the application rates of minority and non-minority high school graduates. "Despite their centrality in shaping the composition of entering classes, with few exceptions application rates have been relatively ignored as a focus of inquiry. Partly this reflects data constraints and partly the fact that litigation targets criteria used in institutional admissions decisions, not individual decision to apply...or enroll" (p. 2). Building on the findings of Koffman and Tienda (2008), who reported that the top 10% law did little to raise the application rates at public flagships of students from poor high schools, Harris and Tienda (2009) investigated application rates by ethnicity. Using ten years' worth of data (1993-2003) from public high schools in Texas, the authors found that Hispanic and black application rates to the Texas flagship universities fell after affirmative action was banned, and that there disadvantage has grown over time. "This result," they conclude, "has profound policy implications that transcend admission regimes because they redirect attention away from the seemingly irresolvable differences about race or class rank preferences to encouraging greater numbers of qualified applications to apply" (p. 20). They identify the cultivation of a college-going culture at under-resourced high schools, coupled with financial aid, as a short-term, low cost strategy for improving diversity.

Five years earlier, Long (2004) found a similar impact on the application behavior of underrepresented minorities in both Texas and California. The changes, he discovered, widened

an already existing gap between the number of SAT score reports sent to in-state public colleges, particularly in California, by minority and non-minority students. In addition, Long (2004) discovered that minority students began sending SAT scores to lower quality colleges post-affirmative action, while White and Asian American students began doing the opposite. This indirect effect of the elimination of race-based preferences, he argued, could be more detrimental than the direct impact caused by the policy change itself. Like Harris and Tienda (2009), Long (2004) argues that “college administrators and policymakers should focus their attention on efforts to boost minority applications. Such a strategy could ultimately be the most effective method to maintain minority enrollments after the elimination of affirmative action” (p. 341).

Similarly, Niu, Tienda, and Cortes (2006) document disparate educational aspirations of minority and non-minority students in Texas, within the context of the Top 10 percent law. Using data from 2002, they found that high school seniors from low-income schools, compared to their affluent counterparts, were less likely to choose selective institutions as their first choice school. In addition, Black and Hispanic students were less likely than white students to choose selective institutions, as either their first preference when planning for college, or when choosing to enroll. Within top decile students, however, minority group status and high school type did not impact enrollment; students from affluent and low-income schools, for example, were equally as likely to choose selective institutions. What these results concealed, however, were differences in application rates of students by high school type; even top-decile students from low-income schools and/or underrepresented minority groups were much less likely to actually seek admission than other top-decile students.

Like underrepresented minority students in Texas and California, underrepresented minority students in Washington reacted similarly to affirmative action bans in their state. Brown and Hirschman (2006) discovered that representation of minority students at the flagship university – University of Washington – fell from 8.2% of the first-year class to 5.7% of the first-year class following the passage of I-200 (the law banning affirmative action). While admission rates declined the first year of the ban – from 84 to 70% for African American students the authors concluded that the drop in applications explained the decline in minority student representation more than the change in admission rates due to the ban. By 2003, the application rates of minority students in Washington had largely rebounded to pre I-200 levels; nevertheless, the gap in application rates between minority and non-minority students persists, and the authors concluded that even a modest gain in the proportion of minority applicants who apply would have significant impact on the composition of the first-year class. They conclude that affirmative action policies signal an “institutional welcoming environment” that “serves as a counterweight to the normal reluctance of prospective students to apply to institutions that may be perceived as intimidating” (p. 106).

Others, however, have found little change in the application behavior of underrepresented minority students in the face of affirmative action bans. Card and Kreuger (2004) used SAT-sending patterns as a proxy for applying to an institution, and found little difference in the rates of application for Hispanic and Black students pre and post affirmative action in California or Texas. Their sample, however, was limited to highly-qualified underrepresented minority students. “A particular concern,” they write, “is that highly qualified minorities – who were not

directly affected by the policy change – would be dissuaded from applying to elite public schools, either because of the decline in campus diversity or because of uncertainty about their admission prospects” (abstract). They found no evidence to support the concern.

More conflicting evidence comes from Long, Saenz, and Tienda (2009), who like Koffman and Tienda (2008), investigated the application behavior of students in Texas by high school. Koffman and Tienda (2008) concluded that students from affluent high schools are more likely to seek admission to public flagships compared to graduates of schools serving students of low to moderate socioeconomic means, even after the implementation of the Top 10 percent law. In the end, they found that the admission guarantee did little to raise flagship application rates from poor high schools. Long, Saenz, and Tienda (2009), however, contend that the applicant pool at Texas flagships has become more geographically diverse in the post-Hopwood era; a smaller share of students come from traditional feeder schools, while applicants from students attending rural and high-poverty schools has increased. “After 1998, the overrepresentation of students from low-poverty high schools began a downward trend, as the share of UT enrollment from the highest poverty high schools inched upward. Most impressive is the growing representation of students from schools where 40 to 60% of students receive free or reduced lunches” (p. 15). Long, Saenz, and Tienda (2009) believe the transparency of new admissions policies – possibly even more than the “institutional welcoming environment” attributed to affirmative action – encourages traditionally underrepresented students to apply.

(3) Impact on Student Quality/Academic Performance

Chan and Eyster (2003) modeled the impact of race-neutral alternatives on student quality, recognizing that most universities value both academic preparedness as well as diversity. In both theory and practice, they argue, the elimination of affirmative action leads universities to adopt admissions policies that partially ignore student qualifications, resulting in a less academically able student body. “For any admissions rule that partially ignores qualifications, there exists an affirmative action rule that yields the same diversity and strictly higher student quality. In fact, affirmative action maximizes total student quality for any level of diversity” (p. 859). Furthermore, the authors argued that using socioeconomic status as a proxy for race would reduce quality and diversity; since class is negatively correlated with academic performance across all ethnic groups, a policy favoring all low-income students would reduce quality. Because very few academically qualified low-income students are minorities, a policy admitting only qualified low-income students would compromise diversity.

Furstenburg (2009) examined the academic performance of students admitted as a result of class-rank policies, who would not have been competitive otherwise. Whereas little evidence has been found to support the mismatch hypothesis – the notion that students admitted under affirmative action are academically unqualified – Furstenburg (2009) demonstrated that students admitted under race-neutral policies in Texas had lower first and sixth-semester GPAs, and lower probability of graduation. The effect was strongest for White and Hispanic students. He concluded, “To the extent that administrators at selective institutions want to maintain their academic standards, policy makers should reconsider policies such as Top Ten Percent Law. Admissions policies without guarantees and admissions decisions based on individual

evaluations of applicant's qualifications are likely to avoid this problem" (p. 17). [Note: Furstenburg's (2009) findings seem to contradict those of Chapa and Horn (2007), though he focused on a subpopulation of students – those not likely to be admitted otherwise – while Chapa and Horn (2007) included all students admitted under the Top 10 percent plan].

Fletcher and Tienda (2009) approach the question of academic performance and affirmative action from a different angle, investigating the relationship between the quality of the high school a student attends and his/her college success. The persistence of an achievement gap between minority and non-minority students has puzzled scholars for quite some time; "despite voluminous social science literatures that document and evaluate the dimensions and evolution of academic achievement gaps," the authors write, "they remain poorly understood" (p. 1). In this study, Fletcher and Tienda (2009) replicate previous research, reducing – but not eliminating – the achievement gap between minority and non-minority students by controlling for test scores and class rank. When they take into account differences across high schools, however, gaps between black-white and Hispanic-white students in several college outcomes are eliminated or reversed, regardless of institutional selectivity. The authors claim their study illustrates "how high school quality foments race and ethnic inequality in college performance" (p. 1).

The University's Philosophy, Policies, and Guiding Principles Regarding Diversity, Academic Excellence, and Undergraduate Admissions.

In a 2008 policy paper prepared by the College Board's Access and Diversity Collaborative, the Board advises universities seeking race-neutral alternatives to ask itself a series of questions, the first and most important of which is whether or not the institution's diversity-related goals are clearly defined and understood. "If goals are not clear, then the viability of race-neutral policies can't be evaluated with any precision. The determination of the viability of a policy designed to achieve some goal is dependent on the goal itself" (Coleman, Palmer, & Winnick 2008). Indeed, all institutional goals – not just goals related to diversity – must be clearly defined for the purpose of this project, since any race-neutral alternative is evaluated not only on the merits of its ability to create a diverse class, but also the degree to which it supports and/or conflicts with other institutional goals. The Supreme Court does not expect universities to pick and choose among its priorities. For this reason, the working group outlined the university's longstanding commitment to diversity, as defined and documented in various policy statements, with special attention to the ways in which this commitment informs current practices in undergraduate admissions.

(1) The Mission of the University.

The admissions policies and practices of The University of North Carolina at Chapel Hill derive from and are aligned with the mission of the University (Appendix C). Our mission statement confirms that Carolina exists "to serve all the people of the State, and indeed the nation, as a center for scholarship and creative endeavor." The University's mission statement explicitly recognizes Carolina's long history of preparing undergraduate students for leadership roles both within North Carolina and nationwide. We are charged to "provide high-quality

undergraduate instruction to students within a community engaged in original inquiry and creative expression, while committed to intellectual freedom, to personal integrity and justice, and to those values that foster enlightened leadership for the state and nation.”

(2) The Board of Trustees’ Policy on Undergraduate Admissions.

The Board of Trustees’ policy on admissions establishes a framework of competitive admissions and mandates that candidates be selected largely on the basis of the University’s “special responsibility to residents of North Carolina” and its “judgment of the applicant’s relative qualifications for satisfactory performance” in the program to which the applicant seeks admission. At the same time, this policy explicitly states that these two broad selection criteria ... shall not prevent the admission of selected applicants (a) who give evidence of possessing special talents for University programs requiring such special talents, (b) whose admission is designed to help achieve variety within the total number of students admitted and enrolled, or (c) who seek educational programs not readily available at other institutions.

The policy goes on to frame the interest in variety as an affirmation of the University’s “commitment to achieve excellence, to provide for the leadership of the educational, governmental, scientific, business, humanistic, artistic, and professional institutions of the state and nation, and to enrich the lives of all the people of North Carolina.”

For admission to the first-year or freshman class, the policy specifies several criteria—including “satisfactory evidence of scholastic promise” gleaned from the applicant’s academic record, recommendations, test scores, application, and predicted first-year performance—but delegates to the Faculty Advisory Committee on Undergraduate Admission the authority to approve procedures to assess this evidence.

(3) The Academic Plan.

The University’s Academic Plan, adopted in 2003 after more than a year of campus-wide deliberation, elaborates on our mission by articulating six overriding academic priorities, all grounded in the critical principle that the University must provide “the strongest possible academic experience for undergraduate, graduate and professional students.” These priorities differ in focus but reflect shared judgments about the nature of Carolina academics: that diversity, broadly construed, is fundamental to student success; that different students may contribute to this success in different ways; and that Carolina, to fulfill its mission, must educate leaders who are prepared to engage deeply with and function effectively within an increasingly multicultural society. The plan observes that Carolina undergraduates “gain from a diverse residential environment that complements and enriches their academic work,” and calls for greater enrollment of students who will “add to the geographic, intellectual, artistic, and cultural diversity of the student population.” The Plan also calls upon the University to “increase diversity among faculty, students and staff,” because diversity is “critical to the University’s effectiveness in fully preparing students for the world.”

(4) Other Statements of Guidance Regarding Undergraduate Admissions.

The principles inscribed in the Academic Plan are anticipated or echoed in many other documents endorsed by the University's Board of Trustees, Chancellor, and Faculty Council. In 1995, the Chancellor's Task Force on the Recruitment and Retention of Minority Students and Faculty emphasized the fundamental educational value of diversity and called upon the University to continue its efforts to identify, recruit, and enroll talented students of every background. In 1998, the Faculty Council passed a resolution encouraging the University to continue its efforts to recruit and enroll students of diverse backgrounds, perspectives, and experiences, since interactions within such a student body constituted a necessary precondition for educational excellence. In 200, the Chancellor's Minority Affairs Review Committee found diversity to be "a fundamental prerequisite to both educational excellence and to the University's ability to serve all the people of the state."

Finally, in 2005, after a formal, year-long assessment found "widespread agreement among students, faculty, and staff that "they [had] learned and benefited" from their interactions with colleagues from different backgrounds, the University issued its first diversity plan. The plan found that Carolina could not "achieve its educational, research, and service mission"—including its mission to prepare students to "become leaders in [a] complex world"—without a University community diverse in "social backgrounds, economic circumstances, personal characteristics, philosophical outlooks, life experiences, perspectives, beliefs, expectations, and aspirations." Calling for "the admission of students" who could contribute to such diversity, the plan also established, as an institutional goal, the "achieve[ment] of critical masses of underrepresented populations," since the absence of such critical masses "impedes the educational process" and "can place undue pressure on underrepresented students and interfere with all students' experiencing the educational benefits of a diverse learning environment."

(5) Guidelines and Procedures of the Faculty Advisory committee on Undergraduate Admissions.

The Faculty Advisory Committee on Undergraduate Admissions is delegated by the Trustees to set procedures for assessing undergraduate applications. The Committee has defined procedures designed to help the University achieve its mission by affording each candidate a series of comprehensive, holistic, and individualized evaluations. Since approving the addition of an essay to the first-year application in 1997, the Committee has acted consistently to maintain and strengthen the University's commitment to such evaluations. The Committee added a required teacher recommendation to the application in 2001; affirmed the use of comprehensive review in 2002; and, in 2003, reviewed and affirmed the University's admissions practices, including its flexible and nuanced use of race and ethnicity as one factor among many, in light of the *Gratz* and *Grutter* decisions.

In addition to taking these steps, the Advisory Committee has endorsed or drafted two general statements about the practices, procedures, and criteria applicable to the University's undergraduate admissions process. Both statements ground admissions practices in the mission

of the University, mandate comprehensive and individualized evaluations for all candidates, and articulate a broad range of criteria to be used in these evaluations.

In 1998, the Committee reviewed and endorsed the Faculty Statement on Principles of Service, Diversity and Freedom of Inquiry. Adopted by the full Faculty Council in April 1998, this statement confirmed that diversity “in its many manifestations” was essential to the fulfillment of the University’s educational and service missions, and that such an expansive notion of diversity required that admissions decisions include

...consideration of (1) quantifiable data and qualitative information regarding educational preparation (including, when relevant, class rank, courses, degree(s), educational program, employment, grades, major, standardized test scores, volunteer activities, and work experience); (2) life experiences (including their variety, type, uniqueness, duration, and intensity); (3) factors that may contribute to diversity of presence (including, without limitation, age, economic circumstances, ethnic identification, family educational attainment, disability, gender, geographic origin, maturity, race, religion, sexual orientation, social position, and veteran status); (4) demonstrated ability and motivation to overcome disadvantage or discrimination; (5) desire and ability to extend knowledge-based services to enhance the quality of life of all citizens; and (6) motivation and potential to make a positive contribution to the educational environment of the University and to the University’s fulfillment of its mission to serve all the people of the State, to enhance the quality of life for all people in the State, and to improve conditions of human life.

In April 2007, the Committee discussed and approved a statement on the evaluation of candidates for admission. The statement endorses admissions practices that are designed to yield a “scholarly community” which in turn will help the University achieve its mission:

In evaluating candidates for undergraduate admission, the University of North Carolina at Chapel Hill seeks to shape the entering class so that its collective strengths will foster excellence within the University community; enhance the education of everyone within it; provide for the leadership of the educational, governmental, scientific, business, humanistic, artistic, and professional institutions of the state, nation and world; and enrich the lives of all the people of North Carolina.

In doing so, we aim to help the University fulfill its stated mission: to serve “the people of the state, indeed the nation, as a center for scholarship and creative endeavor,” and to be “a community engaged in original inquiry and creative expression, while committed to intellectual freedom, to personal integrity, and justice, and to those values that foster enlightened leadership for the state and nation,” and indeed the world.

The qualities we seek in each class are those that foster such a community, including intellect, talent, curiosity, and creativity; leadership, kindness, and courage; honesty, perseverance, perspective, and diversity. Although we expect each successful candidate to demonstrate strength in many of these areas, we do not expect every candidate to be equally strong in all of them. Just as there is no formula for admission, there is no list of qualities or characteristics that every applicant must present.

In shaping the class, we evaluate individual candidates rigorously, holistically, and sympathetically. We seek to assess the ways in which each candidate will likely contribute to the kind of campus community that will enable the University to fulfill its mission. This assessment requires not only that we note the achievements and potential of each applicant but also that we understand the context within which achievements have been realized and potential forged.

These comprehensive and individualized evaluations, taken together, do not aim to maximize any single, narrow outcome—for example, the average SAT score or the average eventual GPA of the entering class. Rather, they aim to draw together students who will enrich each other's education, strengthen the campus community, contribute to the betterment of society, and help the University achieve its broader mission.

Race-Neutral Alternatives at UNC-Chapel Hill

Prior to the convening of the working group, The Office of Undergraduate Admissions (UADM) conducted preliminary analyses of the viability of race-neutral alternatives. Using data from the fall 2012 applicant pool, UADM modeled the impact of a top 10% plan on the academic quality and diversity of the enrolling class of North Carolinians (Appendix B). According to the model, granting automatic admission to *all* North Carolina applicants with an official class rank in the top 10% of their graduating class would have led to a decline in the average SAT and predicted first-year GPA of the enrolling class, and a one percentage point gain in underrepresented minority students. The admission rate for North Carolinians who did not officially rank in the top 10% of their graduating class would have dropped from 31 to 10 percent. In the context of the applicant pool, a top 10% plan would yield a less academically qualified class, even if a slightly more diverse one.

Because the preliminary model does not account for changes in applicant behavior that might result from changes in admissions policies (i.e., students who had not previously applied under comprehensive, holistic review might apply under a top 10% plan), the working group wanted to model the impact of race-neutral alternatives on the entire population of North Carolina public high school graduates rather than those already in the applicant pool. In addition, while North Carolinians comprise 82% of the enrolling class each year – of which over 80% graduate from North Carolina Public High Schools – the preliminary analyses did not attempt to model the impact of a top 10% plan on out-of-state students or North Carolina students attending private, parochial, or independent schools. By examining the impact of race-neutral alternatives

on each sub-group of the class, we aimed to achieve a clearer understanding of the impact on the whole. Finally, although top x percent plans are frequently the most common alternatives explored, we wanted to explore other admission criteria like strength of the high school curriculum, test scores, and type of high school attended, in addition to class rank.

The working group received IRB approval (study #: 14-0605) from the University of North Carolina at Chapel Hill on May 1, 2014 to conduct an exploratory study of race-neutral alternatives in admissions using data for North Carolina Public High School graduates. We then submitted a proposal to the North Carolina Department of Public Instruction (DPI) via the North Carolina Education Research Data Center (NCERDC) on June 4, 2014 requesting data for all spring 2012 graduates of North Carolina public high schools, the most recent year for which data was available. The NCERDC approved our request on June 16, 2014 granting us access to seventeen student, teacher, school, and district level files for spring 2012 graduates. The files include data points that describe students academically (e.g. rank, test scores, number of Advanced Placement courses taken, etc) and demographically (e.g. gender, ethnicity), as well as data points that describe the socio-economic environment in which schools reside (e.g. % of students receiving free and reduced price lunch, expenditures per student, teacher turnover, etc). We paid \$2,210 dollars to NCERDC for access to the data.

Because we receive applications from students in nearly all fifty states as well as many foreign countries, it was not feasible to obtain a data set for the entire population of spring 2012 high school graduates for out-of-state students. For these groups we had to follow the methodology established by UADM in the preliminary analyses, attempting to model the impact of race-neutral alternatives using the applicant pool. Similarly, data for high school graduates of North Carolina private and parochial schools is not housed in a single location as is data for graduates of North Carolina public schools, nor do these students often have an official class rank. For this segment of the population, we obtained aggregate data from the College Board Enrollment Planning Service (EPS) for UNC's top 20 private feeder high schools; these top 20 feeder high schools account for nearly 60% of all admitted students attending NC private high schools.

Because admissions yield models are based on data available to the university only after students apply, and because we are relying on non-applicant data for NC public and private high school graduates, we cannot predict the probability of enrollment for any individual student in this study; unlike the preliminary analyses that relied on data from the applicant pool, and modeled the impact on the *enrolling* class, this analysis will rely on data from the pool of high school graduates, but model the impact of race-neutral alternatives on the *admitted* class. By modeling the impact of race-neutral alternatives on the admitted class, we are making two necessary assumptions: that the students we identify would, in fact, apply; and that their enrollment patterns would be similar to the enrollment patterns of the actual admitted class, yielding an enrolling class of comparable size.

The admitted classes that resulted from the various race-neutral alternatives explore were evaluated on two grounds – the extent to which they resulted in an admitted class of equal or greater academic quality, and the extent to which they resulted in an admitted class of equal or

greater diversity. As is outlined in our institutional mission and guiding principles, the University defines diversity broadly; in addition to race and ethnicity, diversity includes differences in social background, economic circumstance, age, philosophical outlooks, family educational attainment, sexual orientation, religion, disability, veteran status, and life experiences, among other characteristics. Because diversity manifests itself in ways that are not easily quantified, the goal of admitting and enrolling a diverse class can only be accomplished using a holistic, comprehensive, individualistic review, as is current practice. In assessing the diversity of classes admitted using race-neutral alternatives, we are necessarily focusing on diversity narrowly, in terms of race/ethnicity, and to some extent, socio-economic background. As such, this exercise cannot capture the loss of diversity, as it is more broadly defined, that might result from top x % plans, and other race-neutral alternatives.

When conducting holistic, comprehensive, and individualized review of applicants, academic potential is similarly assessed in multiple ways. Traditional, quantifiable measures like standardized test scores, GPA, and class rank are considered. But applicant essays, letters of recommendation, and extracurricular activities are taken into account as well, all of which give a more nuanced understanding of the academic achievement and potential of each student. Again, this analysis reduces academic quality to the quantifiable. Academic indicators available across data sets included class rank, percent of students taking Advanced Placement course average number of Advanced Placement courses taken, and average and middle 50% test scores.

Definitions of the variables used in the study to measure diversity and academic quality are included in appendix D. When necessary, lengthier explanations/definitions are provided to alert the reader to the ways in which the data source from which the variable was derived impacted its meaning. Finally, a note on two other important terms that merit definition: race-neutral and race-conscious. The working group referenced guidelines provided by the College Board in determining which alternatives might meet the standard of ‘race-neutral’ (Coleman, Palmer, & Winnick 2008). The two terms are defined as:

- 1) Race-conscious policies include two types of policies: a) those that involve explicit racial classifications; and b) those that are neutral on their face but that are motivated by a racially discriminatory purpose, resulting in racially discriminatory effects.
- 2) Race-neutral policies include two types of policies: a) those that, with respect to both operation and intent, are neutral; and b) those ‘inclusive’ outreach and recruitment policies that expand efforts to generate additional applicant interest, which may be facially race-conscious and/or race-conscious in intent, but which do not confer material benefits to the exclusion of non-targeted students

Thus, as the College Board points out, “facially neutral policies may in some cases actually qualify as race-conscious, given the underlying motivation” (4). Which creates the somewhat paradoxical effect, the working group notes, that any race-neutral alternative sought to achieve the same end (e.g. diversity), is not, by definition, a race-neutral alternative. As Long (2014) writes: “It would therefore seem that any policy that attempted to give weight in admissions

decisions to any other factors aside from race with the goal of boosting minority admissions would be deemed to be not 'race-neutral' and would instead be deemed 'race-conscious' and face the strict scrutiny test.' (5). Or, as Justice Ginsberg notes in her dissenting opinion in *Fisher*, "only an ostrich could regard the supposedly neutral alternatives as race unconscious. As Justice Souter observed, the vaunted alternatives suffer from 'the disadvantage of deliberate obfuscation.'"

Despite this inherent tension between race-neutral and race-conscious, the working group selected alternatives in the context of the following: 1) by taking note of alternatives implemented by peer institutions in other states; 2) by paying attention to the research literature, which documents actual and simulated results of race-neutral alternatives; 3) by drawing on our own knowledge/research about which factors predict academic success at UNC-Chapel Hill; 4) by considering which alternatives would be practicable/feasible in their implementation; and 5) by choosing those alternatives most likely to bear results in line with other institutional goals.

(1) Preliminary Results NC Public

A. Top 10% Plan

The first race-neutral alternative the working group explored was a top 10% plan, granting automatic admission to all NC public high school graduates ranked in the top 10% of their high school class. This yielded an admitted class nearly double the size of the actual admitted class, making it an unviable alternative. Given the popularity of top 10% plans, however, we decided to compare the demographic and academic characteristics of this population to the actual admitted class as an exploratory and information gathering exercise. By all available indicators, the ethnic/racial diversity of the top 10% pool is equal to that of the admitted class – 16.7% underrepresented minority compared to 16.4%, and 30.4% non-white compared to 30.6%. In terms of geographic diversity, all 100 NC counties are represented by the top 10% plan, only 98 in the actual admitted class. A larger share of the top 10% are attending schools with more than 50% of students on free-and-reduced-price lunch – 38.4% compared to 20.2% suggesting greater socio-economic diversity. The academic quality of the top 10%, however, falls short relative to the actual admitted class. A smaller proportion of students are pursuing Advanced Placement courses – 71.8% of the top 10% are taking at least one, compared to 99.0% of the actual admitted class – and they're taking fewer overall - five on average, compared to nearly eight in the admitted class. The average SAT (CR+M) of the top 10% class is 130 points lower than the actual admitted class as well.

B. Top 4.5% Plan

We continued to explore top x % plans; for our second attempt, we determined that granting automatic admission to the top 4.5% of all NC public high school graduates yielded an admitted class of 4,040 students, compared to the actual admitted class of 4,097. Although nearly equal in size, the top 4.5% admitted class is both less diverse and less academically qualified than the actual admitted class. The average SAT (CR+M) of the top 4.5% is 75 points lower than the actual admitted class, and less than half of those ranked in the top 4.5% are taking

5 or more AP courses, compared to 92% of students in the admitted group. Only 24% of students identify as non-white, compared to 30.6% in the admitted class; the proportion of underrepresented minorities dropped more than two percentage points as well.

C. Top x % & Socioeconomic Diversity Plan

In our third and final top x % plan, we incorporated socioeconomic diversity as part of the admissions criteria, granting automatic admission to the top 7.5% of students attending high-poverty schools, and the top 3% attending low poverty schools. Although this increased the representation of underrepresented minority students from 16.4 to 17.8%, and increased socioeconomic diversity as measured by the proportion of students attending high poverty schools, the academic quality of this group suffered. The average SAT (CR+M) dropped over 100 points relative to the actual admitted class, and only 40% of these students pursued a curriculum of 5 or more AP courses.

D. Strength of Curriculum Plan

Previous research conducted by UADM suggests that students who take five college level courses throughout their high school career perform just as well as their peers who pursue more extreme programs (Kretchmar & Farmer 2013). Students who don't pursue any college-level work, however, don't perform as well as those who take five or more. On the basis of this finding, we used strength of high school curriculum rather than class rank as the criterion for admission; in order to admit a class equal in size to the actual admitted class, a testing threshold of 1150 SAT or higher was added as well. Granting automatic admission to all NC public HS graduates pursuing 5 or more AP courses who have also met the testing criterion yielded an admitted class of 4,108 students. This group of students earned an average SAT just 4 points lower than the actual admitted class, and pursued an equally rigorous curriculum. Although a smaller proportion are ranked in the top 10% of the class, they come closest to mirroring the overall academic quality of the actual admitted class. The diversity of the group, however, declined significantly. Only 6.4% of the class identified as underrepresented minority, and only 12.7% attended a high school with more than 50% of students qualifying for free-and-reduced-price lunch. In addition, these students represented just 81 of the 100 North Carolina counties.

E. Testing Plan.

Lastly, we examined the academic qualifications and diversity of a class admitted on the basis of test scores alone, granting automatic admission to all students earning a combined score of 1280 or higher on the Critical Reading and Math portions of the SAT. The resulting class would outpace the actual admitted class in terms of testing (by 60 points, on average), but would fall short on class rank and strength of the curriculum. Diversity would be significantly compromised, with declines in geographic, socioeconomic, and racial/ethnic diversity. Only 4.8% of this group identified as underrepresented minority, only 11.8% attended a high-poverty school, and only 91 North Carolina counties would be represented.

(2) Preliminary Results – Out-of-state Students

A. Top 10% Plan

Admitting all students in the out-of-state applicant pool with an official class rank of top 10% or higher yielded an admitted class two-thousand students larger than the actual out-of-state admitted class. Even so, only 43% of the out-of-state applicant pool reported an official class rank, which means many viable candidates were excluded from consideration altogether. Thus, although not likely a viable alternative, we approached this model as an exploratory and information gathering exercise.

Although less racially/ethnically diverse – the percent of underrepresented minorities drops from 27.1% to 14.7% – a larger proportion of the top 10% requested fee waivers and were first-generation-college. Academically they pursued nearly as rigorous a curriculum as the actual admitted class, but a smaller proportion were ranked in the top 5 and 3% of their class, and their average SAT was 100 points lower.

B. Top 5% and Testing Threshold

In order to achieve a class size similar to the size of the actual admitted class, we combined a testing and class rank threshold, granting automatic admission to anyone ranked in the top 5% of their class with a combined score on the Critical Reading and Math portion of the SAT of 1230 or higher; this yielded 2,880 students, just five more than the actual admitted group. Although comparable in size and academic quality, only 5.4% of this group identified as underrepresented minority, compared to 27.1% of the actual admitted class.

C. High School Grades (Performance = 10) and Testing Threshold

In order to include students not reporting official ranks, we developed a threshold based on test scores and high school grades, granting automatic admission to all applicants with straight A's in their four years of high school who also earned a combined score on the Critical Reading and Math portion of the SAT of 1220 or higher. Again, this yielded a class similar in academic quality, with nearly equal test scores and strength of curriculum. Of those reporting an official rank, a higher proportion were ranked in the top 5 and 3%, relative to the actual admitted class. But again, diversity was compromised. A higher proportion were non-resident alien – 16.3 percent compared to 10.6 percent – but only 7.2 percent identified as underrepresented minority and 33.2 percent as non-white, compared to 27.1 and 51.1 percent in the actual admitted class, respectively.

(3) Preliminary Results – NC Private

Because so few students attending North Carolina private and parochial high schools report official class ranks, modeling a top x % plan with this segment of our population was not feasible. Instead, we pulled aggregate academic and demographic data from the College Board for each of our top 20 NC private feeder high schools; these 20 schools accounted for 60% of all admitted students from NC private high schools. For each school, we calculated the percent non-

white, percent underrepresented minority, the average SAT (Note: the average SAT for each school was approximated based on number of graduating students in each SAT band), percent first-generation college, percent taking at least 1 AP course, and average number of AP courses taken for the graduating class. In order to model a hypothetical admitted class on the basis of our top 20 feeder schools, we then weighted these indicators by the number of students graduating from each high school. In essence, the resulting profile is an estimate of the profile of all NC private high school graduates, as reasonably as it can be approximated.

The hypothetical class was similar to our actual NC private admits in terms of diversity – 9.0% underrepresented minority compared to 9.8% in the actual class and 17.5% non-white compared to 19.8%. And a larger proportion were first-generation college. Academic quality, however, declined – with an estimated 200 point drop in SAT, and a 25 percentage point drop in the number of students taking at least 1 AP. Strength of curriculum, in general, declined with students from the top 20 feeder schools pursuing, on average, 3 college level courses, compared to students in our actual admitted class, who pursued 6, on average.

In sum, no single model, applied to any three of the segments of our population, would produce an admitted class that is equal to or stronger than our actual admitted class in terms of *both* diversity and academic quality. Some of the alternatives mirror or exceed the actual admitted class in terms of diversity, but not academics, or vice versa, but no alternative allows us to achieve the same level of excellence *and* diversity as our current practice of holistic review.

(4) Applications Quest

Two members of the working group – Barbara Polk (chair) and Jennifer Kretchmar – attended a webinar on October 23, 2014 hosted by Dr. Juan Gilbert of the University of Florida, developer of a patented software program called Applications Quest. Applications Quest is described as a holistic review software program designed to maximize diversity without giving preferential treatment to applicants on the basis of race. After speaking with Dr. Gilbert, Ms. Polk and Ms. Kretchmar shared the information they learned with other members of the working group for the purpose of deciding whether to conduct a pilot study.

In general terms, Applications Quest works by creating clusters of students from the available applicant pool; similarities among applicants are maximized *within* clusters, thereby maximizing differences *between* clusters. The number of clusters created corresponds to the number of offers of admission being made; the member of the cluster who is “most different” from the other members is identified for admission. Differences and similarities are determined using any nominal or numeric variables identified as relevant and/or important by the admissions staff (e.g. race, nationality, major, family income, etc). Significantly, no single factor is weighted more heavily than another, so that no applicant receives *preferential* treatment on the basis of any single characteristic.

The software gives admissions staff the capability of entering minimum admissions standards using one or more variables. If no standards are used, the average academic

qualifications of the selected group will generally mirror the average academic qualifications of the applicant pool. When using more than one minimum standard, standards can be set using 'and' or 'or' statements (e.g. GPA \geq 3.0 and SAT \geq 1200, GPA \geq 3.0 or SAT \geq 1200). Students who do not meet the minimum standards are dropped from the applicant pool. Any students who are admitted despite not having met the minimum standards, referred to here as 'exceptions,' are also removed from the applicant pool.

The working group foresaw a number of significant obstacles to adapting Applications Quest to our needs. First, the software would require the use of predefined, minimum standards in order to select an admitted class with comparable academic quality to the one selected using individualized, holistic review. The standards are rigid and mechanistic, such that anyone who falls below them is automatically disqualified from further consideration. Pre-defined cut-offs are antithetical to our guiding principles and mission. Just as individualized, holistic review protects students from race or ethnicity becoming the defining feature of his/her application, individualized, holistic review protects students from *any* single variable – such as a test score or GPA - becoming the defining feature of his/her application. As stated in our guidelines for evaluating candidates, “there is no list of qualities or characteristics that *every* student must present.”

Second, the implementation of Applications Quest would essentially result in a tri-partite admissions model, such that different groups of students would be subjected to different processes and/or standards – the group falling below the minimum standards evaluated in a formulaic, mechanistic way; the second group evaluated using Applications Quest; and the third, the 'exceptions,' according to other standards/processes altogether. This too, is at cross-purposes with our current practices, in which every candidate receives the same individualized, holistic review and is evaluated according to the same standards.

Appendix B. Preliminary Analysis of Race-Neutral Alternatives

Our goal for the fall 2012 first-year class was 3,960 students, including 3,247 from North Carolina. More than 10,000 North Carolinians applied. Fifty percent of those who applied were offered admission; 65 percent of those admitted will enroll.

The applicants from North Carolina included 4,179 whose high schools reported official class rank and who ranked within the top 10 percent of their graduating class.

Through the practice of comprehensive review described in our reading document, 3,194 of these students, or 76 percent, were offered admission. Of these students, 2,117, or 66 percent of those admitted, have accepted our offer of admission and will enroll next fall. These enrolling students will comprise 65 percent of the 3,247 North Carolinians in the entering first-year class.

If we had offered admission to all 4,179 of the top-10-percent North Carolinians who applied, our yield model projects that we would have enrolled an additional 751 students, increasing the number of top-10-percent students in the entering class to 2,868, or 88 percent of all North Carolinians enrolling.

A total of 379 spaces would have remained for the more than 5,800 other North Carolinians applied. Assuming that 65 percent of the students admitted from this group would have enrolled, we would have needed to offer admission to 583 students. The resulting admission rate for North Carolinians who did not officially rank in the top 10 percent of their graduating class would have been 10 percent, as opposed to a rate of 31 percent under comprehensive review. The students denied would have included hundreds of non-underrepresented minority students attending independent high schools and public magnet and suburban high schools—students who were admitted under comprehensive review.

A top-10-percent policy would have yielded a first-year class with a higher percentage of underrepresented students: 16 percent vs. 15 percent under comprehensive and holistic review. In effect, more non-underrepresented students would have been denied admission under a top-10-percent policy than under comprehensive and holistic review.

Under a top-10-percent policy, every academic indicator other than the share of the class ranking in the top 10 percent of the high-school class would have declined. For example, the average SAT (Critical Reading and Math combined) would have been 1262, as opposed to 1317 under comprehensive and holistic review.

The predicted GPA of the class after the first year at UNC would also have declined to 3.16 from 3.26 under comprehensive review.

CHARGE FOR THE LITERATURE REVIEW SUBCOMMITTEE

December 16, 2016 (updated January 13, 2017)

This Subcommittee shall perform a literature review to provide the Committee with a better understanding of the research that the University should undertake to continually assess its need for race-conscious admissions strategies. The literature review shall address questions such as the following:

- The previous UNC-Chapel Hill working group on race-neutral strategies wrote a report that included a literature review of studies on universities' need for race-conscious admissions programs. What studies have been published since that working group's previous literature review?
- What are race-neutral admissions strategies that have been adopted by other schools, especially peer schools and aspirational target schools? Should UNC-Chapel Hill study the potential effects of adopting of these practices?
- What has been said in academic literature and public policy reports about the types of studies a university should conduct to assess its need for race-conscious admissions?
- Has there been any discussion in court documents (e.g., briefs and judicial opinions) about the types of studies a university should conduct to assess its need for raceconscious admissions?

Proposed next steps

- Hire a research assistant from the School of Law by early February. This assistant can work up to 20 hours per week.
- Hire another research assistant with expertise in quantitative methods by late early March.

Subcommittee Members

Professor Holning Lau (School of Law), chair
Research Assistants from the School of Law

CHARGE FOR THE DATA ANALYTICS SUBCOMMITTEE

The Data Analytics Subcommittee of the Race-Neutral Strategies Task Force is charged to:

1. Identify available data sources and different, feasible analytic approaches that could support the careful consideration of race-neutral approaches in undergraduate admissions at the University of North Carolina at Chapel Hill.
2. Empirically evaluate these analytic approaches and their ability to achieve important institutional outcomes for incoming undergraduate classes.
3. Provide regular updates and data reports to the larger Race-Neutral Strategies Committee so that broad input may be provided about the different analytic approaches, legal context, direction, and findings.

Subcommittee Members

Professor Michael Kosorok (Biostatistics and Statistics and Operations Research) and Patrick Curran (Psychology and Neuroscience), co-chairs

CHARGE FOR THE IMPACT OF DIVERSITY ON THE STUDENT EXPERIENCE SUBCOMMITTEE

The subcommittee is charged with gathering the perspectives of current students on their educational experiences at the University, particularly as it relates to how diversity has contributed to their overall experience at UNC. Student perspectives will be pulled from a variety of sources, including institutional and departmental surveys related to student engagement, student responses from the campus climate survey, along with institutional demographic information by College, School, department and major. A review of the literature on the impact of diversity on the student experience will also be conducted.

Action Items

Aggregate and synthesize responses to diversity related questions related to student engagement from the following institutional and departmental assessments.

- Cooperative Institutional Research Program (CIRP) – first-year survey
- Student Experience in the Research University (SERU) – student engagement
- Multi-Institutional Study of Leadership (MSL)
- Campus Climate Survey for UNC Undergraduate Students
- Arts and Sciences Foundation – Alumni Survey
- Departmental assessments with diversity specific questions
- Disaggregate data by race and gender
 - Department/School/College
- Retention by department by race and gender
- Racial make-up by major
- Common themes across instruments
- What questions have not been asked?

Note: Undergraduate Education has the data on retention and racial make-up by department

Subcommittee Members

Hazael Andrew, Assistant Director of Carolina Housing

Belinda Locke, Ph.D., Coordinator of Assessment and Strategic Planning for Student Affairs

Bettina Shuford, Ph.D., Associate Vice Chancellor for Student Affairs, Chair

Jared Ward, Coordinator of Co-curricular Learning & Assessment, Carolina Union

Ada Wilson, former Director of Inclusive Student Excellence, Office of Diversity and Inclusion

INTERIM REPORT FOR THE LITERATURE REVIEW SUBCOMMITTEE³

I. Executive Summary

My research assistants⁴ and I reviewed literature about three race-neutral admission strategies: (1) percent plans, (2) socioeconomic affirmative action programs, and (3) race-neutral diversity essays. These strategies can be “race-conscious,” meaning that schools can adopt these strategies with the aim of securing a racially diverse student body. These strategies are, however, “race-neutral” in that they do not overtly differentiate applicants by race. This literature review focuses on publications that were not captured in the previous review that the Committee on Race-Neutral Strategies performed for its 2016 report.

The research we reviewed suggests that percent plans are unlikely to be effective and efficient substitutes for admission strategies that overtly consider race. For example, research on the University of Texas at Austin’s percent plan is, at best, inconclusive regarding the program’s effectiveness. While Black and Latino representation among admitted students increased after the University of Texas adopted its percent plan, that increase may be attributable to demographic changes in Texas as opposed to the percent plan. Moreover, even if a percent plan produces a racially diverse class, it does so inefficiently: by admitting students based on class rank alone, universities must ignore other aspects of student quality that it might consider important (e.g., standardized test scores, extracurricular activities, leadership skills, resilience, etc.). Similarly, research generally suggests that socioeconomic affirmative action programs—which grant preferential treatment to applicants from disadvantaged socioeconomic backgrounds—are also unlikely to produce desired levels of racial diversity effectively and efficiently. Meanwhile, there is a dearth of literature on the effects of race-neutral diversity essays.

Although research casts doubt on the utility of these race-neutral strategies as complete substitutes for overt considerations of race, the Committee on Race-Neutral Strategies should still examine their appropriateness specifically for UNC-Chapel Hill. For its 2016 report, the Committee conducted simulation-based evaluations of implementing various percent plans at UNC-Chapel Hill. Those simulations can be updated and expanded. The Committee should also run simulations of socioeconomic affirmative action programs, perhaps drawing inspiration from the “Disadvantage Index” used by the University of Colorado at Boulder’s admissions office. Finally, the Committee should consider having further discussions about the advantages and disadvantages of race-neutral diversity essays, but there is very little existing empirical research to inform such discussions.

This memo describes the three categories of race-neutral strategies that we studied. It provides background information on how universities can operationalize these strategies. It also summarizes the literature that we reviewed concerning each strategy’s pros and cons.

II. Percent Plans

³ This section was written by Professor Holning Lau (School of Law) with input from the Committee.

⁴ Thank you to research assistants Hillary Li, Zachary Layne, and Kerry Dutra. All three were students at UNC School of Law when they provided assistance on this report.

Percent plans are perhaps the most well-known form of race-neutral strategy because of the recent Supreme Court case of *Fisher v. University of Texas*,⁵ as well as media coverage of that case. This litigation drew attention to the University of Texas at Austin's percent plan. Percent plans are admissions practices in which a certain percentage of students in every high school in the state are automatically admitted to the state university system. Because high schools tend to be de facto segregated by race, percent plans indirectly produce some degree of racial diversity among admitted students. Flores and Horn have written a helpful literature review on percent plans.⁶ The following summary of research draws extensively from their review.

A. *Existing Percent Plans*

California, Florida, and Texas have adopted percent plans for their public university systems. California and Florida guarantee that the top-9 and top-20 percent of high school students in their states, respectively, will be admitted into their state's university system. These students are not, however, guaranteed admission to any particular campus within their statewide university systems. Public universities in these two states fill the remainder of their student bodies based on a range of other characteristics, but they do not overtly consider race.

Unlike California and Florida, Texas maintains a system in which the top-10 percent of high school students are admitted into the University of Texas campus *of their choice*. Until 1996, UT Austin gave preferential treatment to racial minorities when making admissions decisions. That year, in *Hopwood v. Texas*, the Court of Appeals for the Fifth Circuit invalidated this racial affirmative action program.⁷ In response, UT Austin eventually began accepting most of its students through Texas's Top Ten Percent Plan, while filling the remainder of its class through a race-neutral holistic review. It later made a change, accepting most of its class through the Top Ten Percent Place, while filling the remainder of its class through a holistic review that overtly considers race. This overt consideration of race was challenged in *Fisher v. University of Texas at Austin*. The Supreme Court ultimately held that UT Austin was constitutionally permitted to consider race in its holistic review of applicants who were not admitted via the Top Ten Percent Plan.⁸

B. *Evaluating Percent Plans*

After the percent plans in California and Florida went into effect, enrollment of Blacks and Latinos in both states' public university systems grew in absolute numbers; this increase in enrolled minority students also outpaced the increase in enrollment of White students.⁹ The increased enrollments of minority students may, however, be a result of demographic changes

⁵ See *Fisher v. University of Texas at Austin* (Fisher II), 136 S. Ct. 2198 (2016); *Fisher v. University of Texas at Austin* (Fisher I), 133 S. Ct. 2411 (2013).

⁶ Stella M. Flores & Catherine L. Horn, "Texas Top Ten Percent Plan: How It Works, What Are Its Limits, and Recommendations to Consider," Education Testing Service, 2015.

⁷ See *Hopwood v. Texas*, 78 F.3d 932, 934–935, 948.

⁸ *Fisher II*, 136 S. Ct. at 2214.

⁹ Eang L. Ngov, "Following *Fisher*: Narrowly Tailoring Affirmative Action," 64 *Catholic University Law Review* 1, 13-15 (2014).

and other factors exogenous to the percent plans.¹⁰ Notably, the percent plans in California and Florida only guarantee students admission to the public university system, but not the campus of their choosing within the university system. Research suggests that these states' percent plans have had little effect on diversity at the states' flagship campuses.¹¹

UT Austin presents a particularly noteworthy case study because it has been the focus of litigation and a great deal of research. When UT Austin used its Top Ten Percent Plan in conjunction with race-neutral holistic review, the percentage of Blacks and Latinos in the student body increased to the levels that had existed when UT Austin used overt racial preferences in the pre-*Hopwood* era.¹² Research suggests, however, that this increase can be attributed to demographic changes in Texas.¹³ As Flores and Hornes, explained: "ignoring the dramatic changes in the high school graduate population gives the appearance of substantially restoring access for students of color to levels before the percent plan [in the pre-*Hopwood* era; however] . . . in reality, for a much larger population and share of students of color, it has actually declined."¹⁴

Even though UT Austin was able to attain pre-*Hopwood* levels of diversity by coupling its Top Ten Percent Plan with race-neutral holistic review, the Supreme Court in *Fisher v. Texas* accepted that this level of diversity did not necessarily constitute a "critical mass" of minority students.¹⁵ The Court did not clearly define "critical mass." It did, however, note two factors that can be taken into consideration in evaluating whether a critical mass exists: (1) whether minority students continue to experience "feelings of loneliness and isolation,"¹⁶ and (2) the level of diversity within university subpopulations (e.g., schools, departments, and classes).¹⁷ Even if percent plans are effective in generating racial diversity, there are tradeoffs that policymakers ought to consider. First, if a university were to fill too many of its seats through a

¹⁰ See *id.* at 14 (acknowledging that "it is difficult to determine whether the increase in minority enrollment is due to population growth in California . . ."); Richard D. Kahlenberg & Halley Potter, "A Better Affirmative Action: State Universities that Created Alternatives to Racial Preferences," Century Foundation (2012), at 45 (reviewing studies suggesting that there are only a small number of students who are admitted to Florida's university system and also would not have been admitted based on grades and standardized test scores alone). It is also difficult to isolate the effects of California's and Florida's percent plans because both states take into consideration socioeconomic factors when admitting students who are not accepted based on the percent plans; this consideration of socioeconomic factors may also influence the diversity of enrolled students. For background on reforms to California's and Florida's admissions strategies over the years, see *id.* at 33-35, 44-46.

¹¹ See Richard D. Kahlenberg, "Achieve Better Diversity: Reforming Affirmative Action in Higher Education," Century Foundation (2015), at 12 (noting that UC Berkeley and UCLA "were not able to sustain prior levels of racial and ethnic diversity using race-neutral alternatives . . ."); Patricia Marin & Edgar K. Lee, "Appearance and Reality in the Sunshine State: The Talented 20 Program in Florida," Civil Rights Project at Harvard University (2003), at 29-37 (questioning whether Florida's percent plan had any effect on minority enrollment at the University of Florida and Florida State University). See also Catherine L. Horn & Stella M. Flores, "Percent Plans in College Admissions: A Comparative Analysis of Three States' Experiences," Harvard Civil Rights Project (2003), at 50 ("data, albeit scarce in the case of California and Florida, suggest that percent plans have fallen well short of creating diverse flagship campuses . . .").

¹² *Fisher I*, 133 S.Ct. at 2416.

¹³ Flores & Hornes, note 6, at 11.

¹⁴ *Id.*

¹⁵ *Fisher II*, 136 S. Ct at 2211-2212.

¹⁶ *Id.* at 2212.

¹⁷ See *id.*

percent plan, that university will need to sacrifice aspects of diversity that percent plans fail to produce.¹⁸ If a school were to fill its entire class through a mechanistic percent plan, it would lose the ability to admit students who are just shy of the class-rank cutoff, but would otherwise contribute to diversity in meaningful ways. For example, someone who misses the class-rank cutoff might be a violin virtuoso who would contribute the university's diversity of talents; or she might be a someone whose race, religion and sexual orientation intersect in ways that would contribute to diversity of life experiences; or she might be an individual who overcame a life-threatening illness and now holds a perspective that is rare among her peers.

Another potential tradeoff of percent plans is the degradation of the student body's academic preparedness.¹⁹ By requiring schools to admit some students from underperforming high schools, schools may be forced to compromise the academic quality of their entering classes.

III. Socioeconomic Status Affirmative Action

In socioeconomic affirmative action, applicants from disadvantaged socioeconomic backgrounds are given some preferential treatment. Socioeconomic affirmative action contributes not only to a student body's socioeconomic diversity, but also potentially to racial diversity because class correlates with race.

The literature on socioeconomic affirmative action suggests that a socioeconomic affirmative action program's effectiveness and efficiency in generating racial diversity hinge on two factors: (1) the way in which the program defines socioeconomic status, and (2) the weight of the preference given to students based on socioeconomic status. Most research suggests that socioeconomic affirmative action programs do not generate racial diversity as effectively and efficiently as affirmative action programs that overtly consider applicants' race.

A. *Designing Socioeconomic Affirmative Action*

When designing a socioeconomic affirmative action program, the first decision to consider is how to define socioeconomic status (SES). Defining SES by income alone is unlikely to create an affirmative action program that greatly enhances racial diversity because racial minority families constitute only a small percentage of the country's low-income families.²⁰ Beyond income, there are many variables—indeed a seemingly endless number of SES variables—that correlate with race. Commentators have suggested that socioeconomic affirmative action programs are more likely to produce racial diversity if the programs account for a range of SES factors at the family and structural levels.²¹ Family-level SES factors include not only parental income, but also factors that correlate more closely with race, such as family wealth and net

¹⁸ See *id.* at 2213.

¹⁹ For discussions about how race-neutral admission strategies may compromise the academic quality of the enrolled study body, see Flores & Horne, note 6, at 12-13; Mark C. Long, "Is There a 'Workable' Race-Neutral Alternative to Affirmative Action in College Admissions?," 34 *Journal of Policy Analysis & Management* 162 (2015).

²⁰ See Brian T. Fitzpatrick, "Is the Future of Affirmative Action Race-Neutral?," in Samuel Bagenstos & Ellen Katz, eds., *Nation of Widening Opportunities: The Civil Rights Act at Fifty* (University of Michigan Press 2015), at 150-151.

²¹ See, e.g., Kahlenberg & Potter, note 10, at 15-18.

worth. Structural-level factors include high school-based and neighborhood-based measures of poverty.

While most universities have not developed very sophisticated socioeconomic affirmative action programs, researchers point to the University of Colorado at Boulder (“CU”) as an outlier.²² CU’s program is an example of how universities can methodically account for a variety of SES factors. CU rates each applicant on a Disadvantage Index that includes four “Student Level SES Factors” and four “High School Level SES Factors.” The Student Level factors are (1) whether the applicant’s native language is English, (2) parents’ highest education level, (3) family income level, and (4) the number of dependents in the family. The High School Level factors are (1) whether the applicant attended a rural high school, (2) the school-wide percentage of students eligible for free or reduced-price lunch, (3) the school-wide student-to-teacher ratio, and (4) the size of the 12th-grade class.

Beyond the question of how to define socioeconomic status, there is the question of how much weight to give socioeconomic status when reviewing applicants. In other words, in designing an admissions program that gives some applicants preferential treatment based on SES, a school needs to decide how much of a boost those applicants will receive. As Gaertner and Hart have explained: “the effectiveness of class-based affirmative action with respect to maintaining racial diversity hinges upon the sizes of the boosts class-based systems confer. Poverty and minority status are not perfectly correlated, so if class is intended to replace race in college admissions, the boost attached to an identification of disadvantage or overachievement must substantially outdo the boost attached to minority status.”²³

B. *Evaluating Socioeconomic Affirmative Action*

Researchers have found it difficult to study empirically the effectiveness of socioeconomic affirmative action programs because very few universities have adopted formal socioeconomic affirmative action programs such as the University of Colorado’s.²⁴ When a school does not have a formal method for assigning and tracking admissions preferences based on SES, it is difficult to study the effects of SES-based preferences. Most studies are, therefore, based on simulations of hypothetical SES-based admission policies. Most simulation studies have found that socioeconomic affirmative action is not an effective and efficient replacement for racial affirmative action because class and race are not correlated strongly enough.²⁵ There have been a few studies that do suggest class can be an effective substitute for race in affirmative action, but these studies have notable limitations. For example, Carnavale et al.’s

²² See Matthew N. Gaertner & Melissa Hart, “Considering Class: College Access and Diversity,” 7 *Harvard Law & Policy Review* 367 (2013).

²³ *Id.* at 400.

²⁴ “It is difficult to evaluate the effects of SES-based affirmative action in practice . . . because such plans are not widely used.” Sean F. Reardon et al., “Can Socioeconomic Status Substitute for Race in Affirmative Action College Admissions Policies? Evidence from a Simulation Model,” Educational Testing Service, 2015, at p. 3.

²⁵ See Gaertner & Hart, note 22, at 377-378 (“up to now, the research on class-based policies has shown these policies to be poor substitutes for race-conscious admissions in maintaining racial diversity.”).

simulation yielded promising results.²⁶ They built a simulation model for the nation's 193 most selective universities.²⁷ They found that the combined enrollment of African American and Hispanic students would rise from 11 to 13 percent of total enrollment if schools were to adopt their hypothetical SES-based affirmative action policy.²⁸ Moreover, they found that the combined enrollment of African American and Hispanic students would rise to 17 percent if schools were to adopt a top-ten percent plan in addition to their hypothetical SES-based affirmative action policy.²⁹ Carnevale et al.'s simulation is, however, based on certain assumptions that may result in overstating the effectiveness of socioeconomic affirmative action. For example, Reardon et al. note that Carnevale et al.'s simulation uses socioeconomic information that is typically not available to admissions offices.³⁰ Reardon et al. also contend that Carnevale et al.'s simulation makes certain assumptions about applicant behavior that are not realistic.³¹

Gaertner and Hart's study suggested that the acceptance rate for underrepresented minorities at the University of Colorado, Boulder (CU) increased when the school moved from racial affirmative action to socioeconomic affirmative action.³² The authors noted that their research results were "a marked contrast to previous simulations and empirical studies."³³ They believe that that their findings can be explained by the fact that CU now gives a large boost to applicants based on SES status, whereas the boost that CU previously gave based on race was quite small. "Where the race-related boost is relatively small, a significant class-related boost can make a considerable difference."³⁴ Gaertner and Hart caution that socioeconomic considerations are unlikely to maintain the racial diversity produced by racial affirmative action programs if race-based considerations were assigned very strong weight to begin with.³⁵

When evaluating the effectiveness of socioeconomic affirmative action, one should be mindful of the complicating factors that were discussed above in relation to percent plans.³⁶ The first consideration is the idea of critical mass. Even if a university implements a new socioeconomic affirmative action program that successfully maintains the level of racial diversity that was previously attained through race-based admissions, that level of diversity does not necessarily qualify as a critical mass. The race-based admissions program may have been ineffective at yielding a critical mass of minority students because the race-based preferences were too weak or poorly designed. Another consideration is the tradeoffs of assigning preference based on SES. By placing a great deal of emphasis on class, a university may end up diminishing aspects of diversity that are not correlated with class.

²⁶ Anthony P. Carnevale, Stephen J. Rose & Jeff Strohl, "Achieving Racial and Economic Diversity with Race-Blind Admission Policy," in Richard D. Kahlenberg, ed., *The Future of Affirmative Action: New Paths to Higher Education Diversity after Fisher v. University of Texas* (Century Foundation Press 2014).

²⁷ *Id.* at 187-188.

²⁸ See Carnevale et al., note 26; Kahlenberg, note 11, at 13 (summarizing the research of Carnevale et al.)

²⁹ See Carnevale et al., note 26; Kahlenberg, note 11, at 13 (summarizing the research of Carnevale et al.)

³⁰ Reardon et al., note 24, at 5.

³¹ *Id.*

³² Gaertner & Hart, note 22.

³³ *Id.* at 369-370.

³⁴ *Id.* at 400.

³⁵ *Id.* at 399-400.

³⁶ See footnotes 18-19 and accompanying text.

IV. Race-Neutral Diversity Essays

Universities have increasingly required applicants to submit a “diversity essay” as part of the undergraduate admissions process. These schools prompt applicants to write an essay regarding how that student will contribute to the university’s community and/or its diversity. For example, the University of Washington requires its first-year applicants to answer the following short essay question:

Our families and communities often define us and our individual worlds. Community might refer to your cultural group, extended family, religious group, neighborhood or school, sports team or club, co-workers, etc. Describe the world you come from and how you, as a product of it, might add to the diversity of the University of Washington.³⁷

Such prompts are race-neutral in that they do not define diversity and, therefore, do not require applicants to address race or any other specific demographic characteristic. Applicants might, however, choose to write about experiences related to race. For example, an applicant of color might write about her experiences overcoming discrimination in her predominantly white hometown; she might contend that these life experience give her a perspective that would contribute to the university’s diversity. An admissions office might indeed view this perspective to be a valuable contribution to diversity. Note that, by giving favorable treatment to the hypothetical applicant who overcame discrimination, the admissions office is not giving preferential treatment based on race *per se* but is rewarding the applicant for her experience overcoming adversity. The admissions office is not simply using the diversity essay to elicit information to fulfill a racial quota, which would run afoul of constitutional law.

To the extent that diversity essays elicit information that strengthens applications from racial minorities, diversity essays help to increase racial minorities’ representation among admitted students. To the best of my knowledge, however, there have been no empirical studies on diversity essays’ impact on the racial composition of admitted students. This lack of research likely stems from universities’ reluctance to share proprietary information about their scoring of application essays.³⁸

Some scholars doubt whether admissions essays help to increase racial diversity, especially at public universities in states where race-based affirmative action has spurred legal controversy. Carbado and Harris contend that university applicants in California may feel pressured to conceal or downplay their race when writing admission essays.³⁹ The California state constitution, as amended by Proposition 209, bans racial affirmative action in public schools. Accordingly, applicants might mistakenly believe this ban dictates that they should not discuss their race at all in their application materials. Applicants of color may be reticent to write about life experiences that would demonstrate their strengths (leadership skills, overcoming adversity,

³⁷ “2018 Freshman Writing Section,” *University of Washington*, available at <https://admit.washington.edu/apply/freshman/writing-section> (last visited Oct. 27, 2017).

³⁸ Cf. Anna Kirkland & Ben B. Hansen, “‘How Do I Bring Diversity?’: Race and Class in the College Admissions Essay,” 45 *Law & Society Review* 103, 108 (2011) (noting that “Previous work attempting to ‘get inside’ the admissions process notes that many institutions are quite reluctant to grant access to admissions processes . . .”).

³⁹ Devon W. Carbado & Cheryl I. Harris, “The New Racial Preferences,” 96 *California Law Review* 1139, 1148 (2008).

etc.), because those experiences relate to their racial identity, and they worry that their applications will be compromised by discussing race.

Kirkland and Hansen's research, however, suggests that the concerns of Carbado and Harris might be overstated.⁴⁰ In Kirkland and Hansen's focus group, respondents said that they were aware that the University of Michigan welcomed applicants to discuss race and ethnicity despite Michigan's ban on racial affirmative action. Kirkland and Hansen's analysis of a sample of application materials submitted to the University of Michigan supports this view.

One potential factor worth noting is that diversity essays, like the more general personal statement in applications, might disadvantage lower-SES applicants. Applicants from higher SES groups tend to have access to better resources that enable them to write stronger essays. These resources range from privately hired application coaches to stronger writing instruction at their local public schools.

IV. Next Steps

This literature review has cast doubt on the utility of race-neutral strategies as complete substitutes for overt considerations of race. Still, the literature suggests that the outcomes of race-neutral admission strategies vary depending on the circumstances surrounding the particular universities at issue. Accordingly, the Committee on Race-Neutral Strategies should examine these strategies' appropriateness specifically for UNC-Chapel Hill. For its 2016 report, the Committee conducted simulation-based evaluations of implementing various percent plans at UNC-Chapel Hill. Those simulations can be updated and expanded. The Committee should also run simulations of socioeconomic affirmative action programs, perhaps drawing inspiration from the "Disadvantage Index" used by the University of Colorado at Boulder's admissions office. This examination of a version of the index is a promising approach because UNC-Chapel Hill can identify matches or close proxies for most variables comprising the Colorado index and can potentially supplement that index with additional variables. Finally, the Committee should consider having further discussions about the advantages and disadvantages of race-neutral diversity essays, but there is very little existing empirical research to inform such discussions.

⁴⁰ Kirkland & Hansen, note 38, at 126-127. **Error! Bookmark not defined.**

INTERIM REPORT FOR THE DATA ANALYTICS SUBCOMMITTEE⁴¹

The Data Analytics Subcommittee of the Race-Neutral Strategies Task Force focused work efforts on two inter-related projects. First, a variety of statistical models were fit to data drawn from the application pool for UNC undergraduate admission from years 2012 through 2016 with the goal of examining the viability of race-neutral alternatives in the application review process. Second, simultaneous equation models (also called path analysis) were fit to the 2015 UNC panel of the Multi-Institution Study of Leadership with the goal of estimating the potential positive student benefits of being embedded within a diverse intellectual community. Each project is briefly summarized, preliminary results are described, and future directions are delineated.

Committee Charge

The Data Analytics Subcommittee of the Race-Neutral Strategies Task Force is charged to:

1. Identify available data sources and different, feasible analytic approaches that could support the careful consideration of race-neutral approaches in undergraduate admissions at the University of North Carolina at Chapel Hill.
2. Empirically evaluate these analytic approaches and their ability to achieve important institutional outcomes for incoming undergraduate classes.
3. Provide regular updates and data reports to the larger Race-Neutral Strategies Committee so that broad input may be provided about the different analytic approaches, legal context, direction, and findings.

UNC Admissions Data

Initial data analytic efforts focused on the 2016 applicant pool that consisted of 33,950 completed applications. Preliminary variables of interest included biological sex, self-identified racial group membership, whether the applicant received a fee waiver, state residency, whether the applicant self-identified as a first-generation college student, six separate measures of academic readiness (e.g., test scores, GPA, quality of written essay, etc.), whether the student was admitted, and whether the student ultimately enrolled. Of the total pool, 5.7% did not endorse any racial category. Of the remaining 31,984, 89.5% reported membership in a single racial category and 10.5% reported belonging to two or more racial categories. A total of 19.9% of all applicants self-identified as an under-represented minority (URM: African American, Latino/Hispanic, Native American/Hawaiian Pacific Islander). Of the 33,950 applicants, 11% requested a fee waiver, 15.5% reported being a first-generation college student, and 59% were female. Finally, 28% of applicants were admitted and 12.4% enrolled.

To model the University's current admissions process, a series of logistic regression models of varying complexity were estimated in which the full set of measured variables described in Appendix F (e.g., certain applicant factors captured in the admissions data) were used to predict admission status. Variables entered the model both linearly and nonlinearly with the inclusion of extensive interactions and polynomial terms. These models were then extended to use the model-

⁴¹ This section was written by Professor Patrick Curran with input from Professor Michael Kosorok and the Committee.

building process of random forests. Numerical results were extensive. Key findings reflect that there are a large number of unique applicant variables that predict admissions status, including underrepresented minority status. Importantly, however, when the model was evaluated without information about applicants' racial/ethnic status, the model's accuracy in terms of the prediction of the applicants' admissions outcome was virtually unchanged. This finding reflects that underrepresented minority status does not meaningfully drive the prediction accuracy of the final multivariate model. Put differently, applicants' racial/ethnic status does not dominate the outcome decision within the current admissions process.

There are four primary directions to which we next turn. First, these initial models were only fitted to available 2016 data; the models will be expanded to a simultaneous analysis of all five years of data to formally examine stability and change in trends over time. Second, efforts will be made to link the existing admissions data to extant family-level data to provide more comprehensive information about constructs such socioeconomic status (SES); the currently available data only provide information about first generation status and fee waiver requests. Much more comprehensive information about family income, parent education, and parent occupation are needed to more fully assess SES. These data allow us to have a fuller understanding of a student's full record, continue to identify relevant and available indicators about family background and SES from the literature, and discuss how educational benefits flow from a diverse student body during college. Third, more advanced machine learning methods will be used to build optimal prediction models based on all available information within and across time. These models will provide an estimate of differential weights that can be applied to each variable domain in the prediction equation; once available, weights can then be fixed and adjusted to determine the subsequent impact on incoming class characteristics as a function of competing alternative selection weighting processes. Finally, the data analytic committee will carefully review expert reports prepared in the University's lawsuit to ensure that future analyses consider promising directions and approaches. Taken together, these results will provide a stronger understanding of the current applicant review and the admissions process.

Multi-Institution Study of Leadership

The second focus of the Data Analytics Subcommittee was on the analysis of data drawn from the 2015 panel of the UNC implementation of the Multi-Institution Leaders Study (MSL). The MSL is a national study examining predictors of student leadership in over 250 academic institutions. UNC has participated in the MSL since 2012. Complete survey responses were obtained from 832 UNC undergraduate students. Extensive measures were obtained from each subject covering a broad range of activities related to the undergraduate experience. Key initial variables included the following:

Construct	Original Variable Name	Recoded Variable Name
Biological Sex	DEM7	FEMALE
Year of Enrollment	DEM3.1	YEAR
Under-Represented Minority Status	DEM10a.1- DEM10a.8	URM
Belonging (sense of belonging climate)	BCLIM	BELONG

Report of the Chancellor's Task Force on Diversity



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

April 26, 2005

Executive Summary

The University of North Carolina at Chapel Hill aims for excellence: in the education it imparts to students; in the research and outreach it undertakes for the greater good; and in the environment it creates for the thousands of people who work, learn, and visit here. It should do no less.

A critical element of excellence for a 21st century educational institution is a diverse and inclusive community. Over the past several months, the Chancellor's Task Force on Diversity has conducted an assessment of diversity on the University campus, examining it from a broad range of perspectives. The Task Force took into account the experiences of students, staff, and faculty as they relate to race, gender, class, sexuality, culture, religion, and region. It also collected information on policies and procedures from nearly all schools and selected administrative units on the campus.

The Task Force reached five general conclusions:

- Diversity clearly resonates as an important issue for faculty, staff, and students. They support diversity themselves and see the University's public commitment as supportive. Opinions are more divided on whether the University's deeds live up to its ideals. Perhaps compounding the questions, members of the community lack a common understanding of the meaning of diversity.
- The undergraduate student body is generally seen as diverse, and the University is credited with doing a good job of recruiting a diverse undergraduate population. Concerns are widely expressed about other segments of the Carolina community, however.
- Members of the University community showed widespread agreement that they have learned and benefited from experiences in a diverse community, but that the mere presence of diversity is insufficient to achieve the maximum educational benefits diversity can offer. Interaction across diverse groups also must occur.
- Although most members of the University community say they feel comfortable in discussions, dialogue about diversity issues appears to be limited. Particular problems with promoting respectful discussion exist in the classroom.
- The majority of faculty, staff, and students feel the University offers a warm, welcoming, and supportive environment. Hate speech is not tolerated. Nonetheless, the welcome extended to some groups appears uncertain.

While these findings say many good things about the state of diversity on campus, they also indicate room for improvement. The Task Force has outlined eight recommendations that it believes will move the University closer toward the excellence a diverse and inclusive community can offer. The University must:

1. **Clearly define and publicize its commitment to diversity.**

Just as the University must be clear and direct in its commitment to educational excellence, so must it be clear and direct in its commitment to diversity as a contributor to that excellence.

Introduction

Diversity matters.

It matters to the world, and it matters to UNC.

In a perfect world, no one would need to think about diversity, at least not in terms of nourishing and protecting it. Diversity would simply exist and be celebrated. Every individual—whatever skin color, whatever religion or political persuasion, whatever disability or inherent distinction—would feel free to participate, to share ideas and learn from others. People would *want* to understand the differences that distinguish us and ensure that they never divide us.

We do not live in a perfect world.

Little more than half a century ago, the University of North Carolina at Chapel Hill was a segregated institution. Blacks could work here, as janitors and maids. They could not study here. It took a court order in 1951 to open Carolina's doors to African American students.

For many years women were relegated to second-class status. Until the mid 1960s, women were admitted with residency restrictions and as junior transfers or for graduate or professional programs.

Vestiges of the old discrimination, by Carolina and society at large, remain today. For example, African Americans fill most of UNC's lower-paying jobs. Though no longer restricted to being secretarial aides, janitors and groundskeepers, they continue to work those jobs in disproportionate numbers. Black men holding full professorships are scarce; Native Americans scarcer still. As our population grows into a truly a multicultural society, the old patterns may present stumbling blocks to what we can become as a university, a state, and a nation.

That's one reason diversity matters.

It matters, too, because the world is a diverse place, and we must all learn to live and work in it. Trade, travel, and the threat of international terrorism show what puny things borders can be. Carolina's students will become leaders in this complex world. Here on campus, we must help them prepare by presenting that world in all its rich diversity of cultures, ideas, and perspectives. We must show them the way, through their studies and through our actions. Like other institutions of higher learning, the University of North Carolina at Chapel Hill holds huge responsibility for preparing students and for establishing an example that demonstrates the world as it can be at its best.

In many ways, Carolina has been doing just that. Despite its history as a segregated campus and the lingering effects of that history, Carolina has experienced immense change and been recognized as a transformative agent in the American South. The University leads the nation in the number of African Americans who hold endowed chairs. *Black Enterprise* magazine ranks UNC 14th among the 50 top colleges and universities for African Americans nationwide, 2nd among public universities. While African Americans comprise the largest identifiable ethnic minority group on campus, a growing numbers of Hispanics, Latinos, Asian Americans, and American Indians study and work here. Furthermore, Carolina leads its peers in the number of students who engage in international study.

But change has not come easily. The University has learned that it is not enough to open doors and say all are welcome. We must ensure that subtle barriers as well as legal and physical ones have been removed; that we truly learn to communicate across our differences; that we learn to value what distinguishes us without allowing it to overshadow what unites us as human beings; that ideas may be expressed *and challenged* in a free and open debate without fear of retribution. In short, we must work, and work hard, to uphold the fundamental values of a democracy. The Chancellor's Task Force on Diversity was created to help guide the University toward this goal.

The Carolina Mission Statement

The mission of the University is to serve all the people of the state, and indeed the nation, as a center for scholarship and creative endeavor. The University exists to teach students at all levels in an environment of research, free inquiry, and personal responsibility; to expand the body of knowledge; to improve the condition of human life through service and publication; and to enrich our culture. (*Excerpt from the mission statement adopted by the UNC Board of Trustees on April 25, 1986.*)

The Task Force

The need for a structured way to monitor and assess the University's vision for a diverse and inclusive community has been expressed in numerous ways. The Faculty Council in 1998 adopted a resolution calling on the University to seek and assure diversity among students, staff, and faculty. Along with educational excellence and intellectual growth, the resolution said the University's obligations include fostering "mutually beneficial interactions among students, faculty, staff, and administrators who possess diverse backgrounds, and wide varieties of perspectives and life experiences." Two years later, the Chancellor's Minority Review Committee called for a systematic, university-wide assessment and action plan. The Carolina Academic Plan, the Enrollment Policy Advisory Committee, and the Chancellor's Task Force on Workplace Quality also have clearly stated the need for attention to diversity.

In the spring of 2004, Chancellor James Moeser charged the Office for Minority Affairs to plan and conduct a University-wide diversity assessment. The assessment will be used to formulate a plan to guide Carolina's vision for diversity in the future.

With 36 members representing students, staff, and faculty, the Chancellor's Task Force on Diversity has led this effort. It first met September 15, 2004, with a goal of presenting its findings and a set to recommendations to the chancellor by the end of spring semester 2005.

Toward this end, the Task Force divided into three subcommittees, one each focusing on students, staff, and faculty, to study the experiences of the University community as they relate to race, gender, class, sexuality, culture, religion, and region. Research tools included surveys, focus groups, ethnographic interviews, and reports from nearly all schools and selected administrative units. An Executive Steering Committee helped coordinate and guide the work. (See Appendix A for a full list of Task Force and Executive Steering Committee members.) This report presents the findings and recommendations of the Task Force. As the University's first attempt to assess diversity on campus, the process was not perfect; therefore, neither is this document. Both, however, are important steps toward what the Task Force envisions will become an ongoing assessment process.

Diversity: Toward A Common Understanding

It was clear that the Task Force faced an immense challenge. As a starting place, members considered the meaning of diversity as it has been used in other University documents and settings. For its own work the Task Force elected not to apply a narrow definition of the term, one that could become limiting or outdated, but to adopt a framework for understanding the concept of diversity relative to the work of the University. It then went further, to outline five core values that underlie the importance of diversity to the mission of the University and the University's responsibility in creating a diverse environment. These core values became the foundation for research questions the Task Force developed.

Our Framework for Understanding Diversity at UNC

The University of North Carolina in the 21st century functions in a global context. The historical, political, economic, and educational contexts of the University, the state, and the nation shape our present circumstances and inform the measures we must take to accomplish our highest aspirations of excellence. We acknowledge that we face an ongoing challenge to overcome the effects of the continuing influences of adverse historical, social, political, and economic factors. The University engages in teaching, research, and service to expand and discover knowledge, promote educational enlightenment, inculcate intellectual rigor, and improve understanding with the ultimate end of uplifting humankind. Education takes place most productively among persons with differing social backgrounds, economic circumstances, personal characteristics, philosophical outlooks, life experiences, perspectives, beliefs, expectations, and aspirations, to mention some salient factors. The University works to assure that we have a complement of students, faculty, and staff that broadly reflects the ways in which people differ. We speak of these differences as representing “diversity.”

Core Values With Respect to Diversity

The University of North Carolina at Chapel Hill, as an educational institution, must be committed to the following core values with respect to diversity:

- The University supports intellectual freedom, promotes personal integrity and justice, and pursues values that foster enlightened leadership devoted to improving the conditions of human life in the state, the nation, and the world.
- The University believes that it can achieve its educational, research, and service mission only by creating and sustaining an environment in which students, faculty, and staff represent diversity, for example, of social backgrounds, economic circumstances, personal characteristics, philosophical outlooks, life experiences, perspectives, beliefs, expectations, and aspirations, to mention some salient factors.
- The University will achieve and maintain diversity on the campus through the admission of students and employment of faculty and staff who broadly reflect the ways in which we differ.

- The University promotes intellectual growth and derives the educational benefits of diversity by creating opportunities for intense dialogue and rigorous analysis and by fostering mutually beneficial interactions among members of the community.
- The University provides an environment that values and respects civility and cordiality of discourse in order that all members of a diverse community feel welcomed and feel free to express their ideas without fear of reprisal.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

STUDENTS FOR FAIR ADMISSIONS, INC.,	:	Case 1:14-cv-00954-LCB-JLW
Plaintiff,	:	
v.	:	
	:	
UNIVERSITY OF NORTH CAROLINA, et al.,	:	
Defendants.	:	

EXPERT REPORT OF MITCHELL J. CHANG, PH.D.

JANUARY 12, 2018

CONTAINS CONFIDENTIAL INFORMATION SUBJECT TO PROTECTIVE ORDER

I. Expert Witness Background

I was retained in this matter by The University of North Carolina at Chapel Hill (“UNC-Chapel Hill,” “UNC-CH,” or the “University”) to explain the well-documented educational benefits that flow from a diverse and inclusive academic environment and opine on the academic interests that higher education institutions have in promoting a diverse campus environment. I was also asked to evaluate existing University policies, programs, and survey data, as well as testimony and documents related to this case to assess whether UNC-Chapel Hill has developed and supported diversity policies and practices in ways that improve institutional capacity to realize those educational benefits.

A. Statement of Qualifications

I am a Professor of Education at the Graduate School of Education & Information Studies at the University of California, Los Angeles (“UCLA”). I have roughly thirty years of experience in higher education research and teaching regarding issues of racial diversity in colleges and universities. I obtained a B.A. from the University of California, Santa Barbara in 1987. I thereafter obtained an Ed.M. from Harvard University in 1990, and a Ph.D. from UCLA in 1996. I have published more than ninety peer-reviewed articles and excerpts that have explored issues relating to the benefits of diversity in higher education, race relations on college campuses, and the campus climate for diversity. My research has also focused on the educational efficacy of diversity-related initiatives on college campuses and how to apply those best practices toward advancing student learning. Courts have cited some of my articles and excerpts in previous cases, including the United States Supreme Court in *Grutter v. Bollinger*.¹ I am the Chief Editor of The Journal of Higher Education, the leading and oldest research journal of the study of higher education in the United States. I also serve on UCLA’s Council on Academic Personnel, which oversees promotion and tenure cases across the University. Members of the council are selected based on having established an excellent scholarly record and renown reputation in their field.

During the past ten years, I have been elected a Fellow of the American Educational Research Association (“AERA”); received the Association for the Student of Higher Education (“ASHE”) Council on Ethnic Participation (“CEP”) Founder’s Service Award in 2014; received the Citation for Outstanding

¹ See 539 U.S. 306, 330 (2003) (citing *Compelling Interest: Examining the Evidence on Racial Dynamics in Colleges and Universities* (M. Chang, D. Witt, J. Jones, & K. Hakuta eds. 2003)).

Leadership from AERA Council in 2014; received the Outstanding Reviewer award from AERA publications in 2013 and 2014; and been appointed a Fellow of the Asian American and Pacific Islander Research Coalition (“ARC”) and the National Education Policy Center (“NEPC”).

My scholarly research and broad experience in education and the social and behavioral sciences have given me a theoretical and empirical foundation for considering the impact of diversity on students from various social backgrounds and the institutions in which they are enrolled. My teaching has provided me with firsthand knowledge of the ways in which diversity can enrich the learning environment, enhance the intellectual and personal development of all students and prepare them to function as engaged members of an increasingly diverse society. I used this expertise to evaluate UNC-Chapel Hill’s efforts at diversity and inclusion, as demonstrated through its mission statements, policies and programs and the efficacy of these items as demonstrated by evidence found in survey data and witness testimony.

For more information about my experience and background, please see my complete *curriculum vitae*, which is attached to this report as Appendix A. A list of all of the publications I have authored in the last ten years is attached as Appendix B.

B. Information Considered in Forming Opinions

In writing this report, I considered a wide range of bibliographical materials, including existing scholarship and research data on the educational benefits of diversity. Moreover, I relied on my prior research and on work summarizing existing scholarship from my colleague, Dr. Jeffrey Milem, Dean of Gevirtz Graduate School of Education at the University of California, Santa Barbara. The empirical research detailed below is based on surveys, testimony, and data collected by UNC-Chapel Hill; publicly available information regarding diversity-related initiatives and programs at the University; and materials exchanged by the parties in this matter. The scholarship, survey data, declarations, documents, and deposition transcripts I utilized are cited and detailed in later sections of this report.

A complete list of the materials I considered in drafting this report is listed in Appendix C.

C. Other Expert Testimony; Compensation

I have not testified as an expert at trial or deposition within the preceding five years. I am being compensated for my work in connection with this matter at a rate of \$400 per hour. My rate for work involving travel to North Carolina for

deposition or other litigation-related work is \$4000 per day. My compensation is not dependent in any way on the nature of my findings or the outcome of this case.

II. Summary of Opinions

Experts in the fields of education, education policy, and sociology have long recognized that racially and ethnically diverse student bodies provide opportunities for teaching and learning that are not available in more racially homogeneous environments. As a result, racially and ethnically diverse learning environments enhance learning and developmental outcomes for the students who are educated within them. The educational benefits of diversity in higher education accrue to all students (minority and non-minority) who are educated at more racially and ethnically diverse campuses (“individual benefits”), to the institutions in which they are educated (“institutional benefits”), to the economy and private sector (“economic and private sector benefits”), and to the society as a whole (“societal benefits”).

Examples of individual and institutional benefits demonstrated in social science research include enhanced student development of academic skills; mastery of subject matter; exposure to different ideas and perspectives; reduced tokenism and isolation for minority students; creative problem solving; greater agency and self-concept (the belief in one’s ability to contribute to society); and enhanced professional and career readiness. Examples of economic and private sector benefits and societal benefits include reduced prejudice; decreased stereotype threat; increased preparation for leadership in a diverse, global economy; and increased civic and social engagement. A robust body of research findings from a variety of disciplines—economics, education, health policy, law, medicine, organizational behavior, organizational effectiveness, psychology, social psychology, and sociology—demonstrates these enhanced individual, institutional, economic and private sector, and societal benefits.

As reflected in my scholarship, it is my opinion that educational institutions must strive toward racial and ethnic diversity on campus in an intentional, systematic, and sustained manner, through policies and programmatic efforts, in order to fully realize the educational benefits that flow from a diverse student body. I define this as “engagement with diversity” — purposeful actions that provide diverse stakeholders meaningful opportunities to come together to explore diverse information, ideas, and experiences across communities of difference. Diversity engagement should be viewed as a multi-faceted endeavor, and a deliberate process that responds to the particular history and circumstances of each

institution. To that end, diversity engagement should entail a number of components, including:

- Outreach, pipeline and recruiting programs, and a holistic admissions process meant to achieve racial and ethnic diversity on campus;
- Policies and mission statements meant to convey and guide an institution's commitment to diversity and inclusion;
- Curricula and pedagogy designed to promote cross-cultural exposure, collaborative learning and creative problem solving;
- Affinity groups, student organizations, and cultural spaces designed to prevent isolation and foster cross-racial interaction;
- Opportunities for cross racial dialogue and social contact; and
- Investment of resources (financial, leadership, staffing, space, etc.) to support and sustain effort over a long period of time.

Moreover, institutions should engage in periodic and ongoing campus climate assessment to understand the ways in which diversity engagement is working or can be refined and improved.

After review and evaluation of the materials made available to me, and conducting the empirical analysis detailed below, it is my opinion that UNC-Chapel Hill is genuinely and decidedly committed to diversity and inclusion and “engages diversity” in meaningful and impactful ways.

As an initial matter, the University makes a deliberate and sustained effort to achieve diversity through various means, starting with recruiting and outreach efforts designed to attract diverse applicants to the University. The University thereafter employs a holistic admissions process that includes individualized evaluation of every application, with limited and careful consideration of race to admit a diverse class of students each year. (*See* 2013-2014 Foundations and Practices Regarding the Evaluation of Candidates (UNC0000010); and Reading Document for the 2016-2017 Application Year (UNC0323603).) The University has a need-blind admissions policy and provides financial aid in an effort to enroll talented diverse students without regard to their ability to pay tuition.

Moreover, UNC-Chapel Hill also understands that achieving the educational benefits of diversity does not begin and end with its recruiting and admissions process. It also constantly strives to create and improve upon a campus environment that can realize those benefits. In the report entitled “The Educational Benefits of Diversity and Inclusion for Undergraduate Students at the University of North Carolina, Chapel Hill” by former Executive Vice Chancellor and Provost,

James W. Dean Jr. (“Diversity Report”), the University defines this as part of its mission, and states:

Inscribed within this mission is the conviction and proved experience that diversity, excellence, and service to the people of North Carolina are integrally and inextricably connected. The University puts into practice what a significant and growing body of educational and organizational research has established: that diversity enhances learning, fosters discovery, and strengthens service, especially in a community in which all individuals are valued for the unique combination of attributes that make them who they are. (Dean, 2017, 1.)

The Diversity Report details the University’s long-standing commitment to diversity and inclusion, and thereafter specifies the key resolutions, strategic framework, plan of action, and campus programming necessary to fully capture the benefits diversity provides. (Dean, 2017.) These statements of policy provide an important foundation for my review and evaluation of the University’s efforts.

As described more fully herein, I conducted an empirical study of UNC-Chapel Hill based on available qualitative and quantitative data provided to me, as well as the factual record developed in this case. The information and data that I analyzed clearly show that UNC-Chapel Hill has developed meaningful ongoing actions toward building the conditions, which over time have increased its capacity to realize the educational benefits associated with a diverse student body. UNC-Chapel Hill’s long-standing engagement with diversity includes a variety of programmatic efforts and policies of the type I consider critical to achieving the educational benefits of diversity, including a holistic admissions process; diverse recruiting and outreach programs; affinity groups; student housing initiatives; campus discussion forums; academic preparedness and mentoring programs; discipline-specific initiatives, including STEM programs; and course offerings, classroom assignments, and dialogue. A description and analysis of these programmatic efforts are contained in Section V.A. of this report.

UNC-Chapel Hill has also engaged in ongoing campus climate assessment, including the collection of survey data at numerous intervals for nearly twenty years. Individual departments have also contributed to the University’s understanding of the effectiveness of its programmatic efforts through assessment work. In addition, UNC-Chapel Hill has recently taken steps to centralize and better focus its assessment efforts on fully realizing the educational benefits of diversity. UNC-Chapel Hill is already demonstrating positive educational impact

on undergraduate students as measured by these climate survey results and the factual record and testimony provided in this litigation.

The empirical research described below generally shows a consistency of perceptions, experiences, attitudes, and beliefs concerning diversity across multiple cohorts of undergraduates at UNC-Chapel Hill. Overall, the data suggest that a majority of students experienced diversity in positive ways, pointing to contributions made by peers and faculty specifically and the University generally. UNC-Chapel Hill students' self-reported gains related to racial diversity have been consistently strong, with little change across different cohorts of students. For many students, University life exposes them to a context that is compositionally much different from that of their pre-college environment and provides them with unique educational opportunities to engage with racial diversity. This conclusion is bolstered by the numerous declarations and depositions from current students, alumni, faculty, and administrators.

Likewise, the cross-sectional comparisons suggest that attending UNC-Chapel Hill made a difference in developing students' preparation and interest in engaging with racial diversity. For example, students' self-comparisons of when they "started" and "now" across two different years of the Student Experience in the Research University ("SERU") Survey show that they perceive having made significant gains in the development of their ability to appreciate diversity and their awareness/understanding of related issues. Senior students were also more likely than freshmen students to report having engaged with diversity while at UNC-Chapel Hill through either courses or interactions with others.

In short, the results from both the trends and comparative analyses, supported by the qualitative data from witness declarations and depositions, demonstrate that for a majority of undergraduate students, attending UNC-Chapel Hill made a positive difference in developing their capacity to appreciate, address, and engage with racial diversity. The results also show that UNC-Chapel Hill's commitment toward this endeavor has not been short-term, but rather, students tend to report consistently similar positive experiences and impact across multiple cohorts over time. While the educational application of diversity is an ongoing long-term institutional project at UNC-Chapel Hill and not every UNC-Chapel Hill student is necessarily changed directly by those efforts, the positive impact of diversity on students is for the most part trending upwards. This type of impact is consistent with UNC-Chapel Hill's goal to achieve educational benefits by applying the diversity of its student body as an educational resource.

As stated in the Diversity Report, a more comprehensive diversity effort linked to enhancing the excellence of UNC-Chapel Hill is an institutional undertaking that still has room for refinement and improvement. (Dean, 2017.) As all campuses with such commitments have discovered, the work associated with diversity and inclusion is complicated and challenging, and is an ongoing iterative process. As UNC-Chapel Hill further develops and deepens its commitment to diversity and inclusion and assessment strategies over time, future benefits stand to be even stronger and richer for a larger proportion of students.

A more detailed discussion of my opinions, and the information and methodology upon which they are based, can be found below.

III. Definitions and Background

A. Dimensions of Diversity

Before discussing the ways in which racial and ethnic diversity benefits individual students, it is important to define *diversity* as discussed in this report. Building upon the work of Gurin (1999) and myself (Chang, 1999), Milem (2003) described three dimensions of diversity that research shows can influence student outcomes. The first, *compositional diversity*,² refers to the numerical and proportional representation of students from different racial/ethnic groups in the student body (Hurtado et al., 1998, 1999). A second dimension of diversity is *diversity-related initiatives*, which occur on college and university campuses. These include cultural awareness workshops, affinity groups, ethnic studies courses, core diversity requirements, etc. The final dimension, *diverse interactions*, encompasses students' exchanges with racially and ethnically diverse people as well as diverse ideas, information, and experiences.

These three dimensions of diversity are interrelated and not mutually exclusive. Students are most frequently exposed to diverse information and ideas through their interactions with diverse people. Moreover, although diversity-related initiatives benefit students who are exposed to them—even on campuses that are almost exclusively white—their impact on students is much more powerful on campuses that have greater compositional diversity (Chang, 1999). In sum,

² In his chapter in *Compelling Interest: Examining the Evidence on Racial Dynamics in College and Universities*, Milem (2003) originally described this as structural diversity to be consistent with earlier scholarship on campus climate that described this dimension this way. However, subsequent revisions of the climate framework (e.g., Milem, Chang, & Antonio, 2005 and Hurtado, Alvarez, Guillermo-Wann, Cuellar, & Arellano, 2012) have renamed this compositional diversity to more accurately reflect its nature.

although each dimension of diversity can confer significant positive effects on educational outcomes, the impact of each is enhanced by the presence of the other dimensions of diversity (Chang, 1999; Gurin, 1999; Gurin et al., 2002; Hurtado et al., 1998, 1999; Milem, 2003). Conversely, the impact of each dimension of diversity is diminished in environments where the other dimensions are absent.

B. Theoretical Background on the Link Between Diversity and Learning

Social scientists have developed a persuasive theory regarding higher education's unique opportunity to enhance the cognitive and psychosocial development of college students. Gurin and colleagues argued that undergraduates are at a critical stage in human growth and development where diversity, broadly defined, can facilitate greater awareness of the learning process, better critical thinking skills, and better preparation for the many challenges they will face as involved citizens in a democratic, multiracial society. Gurin asserted that "universities are ideal institutions to foster such development." (1999, 103.)

Erikson's (1946, 1956, cited in Gurin, 1999; Gurin et al., 2002) work on psychosocial development indicated that individuals' social and personal identity is formed during late adolescence and early adulthood—the time when many attend college. Accordingly, environments such as higher education facilitate the development of identity. For example, among the conditions in college that facilitate the development of identity is the opportunity to be exposed to people, experiences, and ideas that differ from one's past environment. Moreover, the college environment can accentuate the normative influence of peer groups. Diversity and complexity in the college environment "encourage intellectual experimentation and recognition of varied future possibilities" (Gurin, 1999, 103). These conditions are critical to the successful development of identity.

Gurin and colleagues drew on the work of Piaget (1971, 1985) as a conceptual and theoretical rationale for how diversity facilitates students' cognitive development. Piaget argued that cognitive growth is facilitated by disequilibrium, or periods of incongruity and dissonance. He also argued that for adolescents to develop the ability to understand and appreciate the perspectives and feelings of others, they must interact with diverse individuals in equal status, or peer group, situations. This facilitates the process of "perspective taking" and allows students to progress in intellectual and moral development. Gurin (1999) describes the resulting effect of diversity and learning in higher education as follows:

Complex thinking occurs when people encounter a novel situation for which, by definition, they have no script, or when the

environment demands more than their current scripts provide. Racial diversity in a college or university student body provides the very features that research has determined are central to producing the conscious mode of thought educators demand from their students. (Expert Report of Patricia Gurin, *Grutter v. Bollinger*, No. 97-75928 (E.D. Mich.).)

Thus, a university with a racially and ethnically diverse student body and opportunities for interaction with diverse peers produces a learning environment that fosters conscious, effortful thinking and more complex modes of thought.

C. The Importance of Compositional Diversity and Diverse Interactions

Compositional diversity is an important first step in realizing the benefits of diversity in higher education, and as such universities have a vested interest in seeking to admit a racially and ethnically diverse class of students each year.³ As the student body of an institution becomes more diverse, and the representation of students of color rises on a campus, opportunities for White students to interact with people from different racial/ethnic groups increase (Hurtado, Milem, Clayton-Pedersen, & Allen, 1998, 1999). However, when students of color are not widely represented on campus, it is rather easy for White students to avoid interaction with students from other racial/ethnic groups. Conversely, as the representation of students of color increases on a campus, it becomes easier for these students to find

³ Though members of the legal community have relied on the term “critical mass” to describe student diversity on campuses, educational and social science researchers typically rely on the term “compositional diversity,” which describes the institutional and proportional representation of different racial and ethnic groups on campus.

Studies have recommended that institutions include the composition of their student bodies as part of defining their mission and practices to ensure greater levels of engagement in diversity-related activities. (Coleman & Palmer, 2006.) This recommendation aligns with the U.S. Supreme Court’s instruction that an institution be able to describe what “critical mass” means in its unique context “by reference to the educational benefits that diversity is designed to produce.” *Grutter v. Bollinger*, 539 U.S. 306, 330 (2003). Compositional diversity should not be seen as a specific number or percentage, but as a flexible range that constitutes sufficient diversity to achieve an institution’s mission-driven diversity goals (Coleman & Palmer, 2006). It represents a “contextual benchmark” at which point the marginalization and isolation of minority groups decrease, full participation by all students is supported, and sufficient opportunities exist for all students to engage with those different than themselves (Brief of the American Educational Research Ass’n et al. as Amici Curiae in Support of Respondents at 25, *Grutter v. Bollinger*, 539 U.S. 309 (2003) (No. 02-241)). In other words, sufficient compositional diversity on a campus is necessary for the educational benefits of diversity to start to flow.

peers from their own racial/ethnic group enrolled at the institution, thereby making it easier for them to interact within their own racial/ethnic group. That is, greater compositional diversity provides students of color with a wider range of social options at their institution that may help “to create more ‘comfortable’ institutional spaces for their students.” (Chang, 1996, 171.)

The cross-racial interaction fostered by compositional diversity has profound implication for learning. Building upon the work described above that demonstrates why compositional diversity helps develop deeper, more critical thinking, Antonio, Chang, Hakuta, Kenny, Levin, and Miley (2004) tested psychological explanations of the impact of racial diversity in student academic working groups by drawing upon theories of minority influence. Minority influence theories contend that when minority opinions are present in groups, cognitive complexity is stimulated among majority opinion members (Gruenfeld, Thomas-Hunt, & Kim, 1998). Antonio et al. (2004) extended the theory to test whether the presence of diversity in groups also enhances complex thinking. Their findings suggest that diversity has a positive effect on cognitive complexity, particularly when group discussions include an issue or topic with generally different racial viewpoints. Their experiments also showed that, in these group discussions, minority students caused others to think about the issue in different ways, introduced novel perspectives to the discussion, and were influential in the group.

In one illustrative study, I examined how changes in the racial composition of the undergraduate population affected variance in student opinions at the campus level (Chang (2002a) and Chang, Seltzer, & Kim (2001)). These studies showed that there are consistent links between the compositional diversity of campuses and several educationally relevant domains of opinions. Examples include the extent to which a student feels that racial inequity is a prevalent issue in society, and the degree to which a student endorses more lenient treatment and punishment of criminals in our society. These studies showed that the divergence of opinions in these domains increased as the proportion of students of color in an entering class increased. The effects were significant in both public and private educational sectors, even after controlling for other factors that could confound the effects of underrepresented student enrollment or that are considered for admitting students (institutional selectivity and size, students’ parental educational level, hours worked for pay, level of participation in high school clubs and sports, geographic diversity, etc.). Thus the compositional diversity of a particular classroom or institution can impact the range of opinions and perspectives expressed on educational and social issues. A greater divergence of opinions

impacts all students' ability to think critically about those opinions, and articulate and refine their viewpoints, regardless of what those viewpoints may be.

Moreover, numerous studies have shown that interaction with close friends of a different race or ethnicity is a powerful way students accrue educational benefits of diversity, such as enhanced self-confidence, motivation, educational aspirations, greater cultural awareness, and commitment to racial equity (Gurin, 1999; antonio 2001a, 2001b, 2004). antonio's (2001a) study of friendships on a racially diverse campus indicates that outcomes associated with diversity are realized from and mediated by friendships with students from different racial and ethnic backgrounds. In his longitudinal study of UCLA students, antonio found that students with more diverse sets of close friends were more likely to interact across race, outside of the comfort zone provided by their closest friends. When they did interact with students other than their closest friends, these students were more likely to engage in conversations on topics concerned with diversity and difference, political and social views, and social policy. Since interracial interaction and discussions of difference were directly related to gains in cultural awareness and commitment to racial understanding, antonio concluded that interracial friendships serve a critical function in defining norms of behavior for engagement with diversity. Greater levels of compositional diversity on campus increase the odds of cross-racial friendships and diverse social interactions, and therefore increase the educational gains that can be achieved.

D. The Importance of Diversity Engagement Initiatives

While the dimension of compositional diversity is significant, research consistently shows that educational benefits do not automatically accrue to students who attend institutions that are racially and ethnically diverse in terms of student or faculty composition. Rather, if the benefits of diversity in higher education are to be realized, close attention must be paid to the institutional context in which that diversity is present (Hurtado, Milem, Clayton-Pedersen, & Allen, 1998, 1999; Milem, Chang, & antonio, 2005). In other words, it is not enough to simply bring together a diverse group of students—although this is an important first step in creating opportunities for students to learn from diversity. Diverse college campuses provide unique challenges and opportunities that must be considered if the learning opportunities they present are to be maximized (Milem, Chang, & antonio, 2005).

As stated above, I define this process as “diversity engagement”:

Since our primary concerns here are to discuss ways of maximizing the educational benefits of diversity in college

learning environments and to underscore the need for certain race-conscious admissions practices, we will define diversity with a focus on race and ethnicity and with an eye toward campus process and practice Given our focus on process, we define diversity as engagement across racial and ethnic lines comprised of a broad and varied set of activities and initiatives. This definition is not only consistent with our own research about effective institutional practices and change processes; it also suggests that institutions must think beyond mission and value statements in developing and implementing a plan that will make an appreciable difference (Milem, Chang, & Antonio, 2005, 3-4).

In planning activities designed to enhance diversity outcomes, it is important for universities to focus on both the quantity and quality of student engagement with difference. For example, Denson and Chang (2015) found that the *quality* of students' interactions across communities of difference were at least as important as the quantity of interactions in terms of enhancing students' academic self-concept and sense of social agency. In other words, *positive* cross-racial interactions are significant in realizing the educational benefits that flow from diversity. Engberg (2007) found that greater compositional diversity increased the likelihood that students would engage in positive interactions across race, which in turn had positive indirect effects on students' intergroup learning and pluralistic orientation (ability to see multiple perspectives; ability to work cooperatively with diverse people; ability to discuss and negotiate controversial issues; openness to having one's views challenged; tolerance of others with different beliefs). Engberg's findings highlight that interactions across communities of difference had to be positive to enhance the outcomes in his study.

Denson's (2009) meta-analysis of the impact of curricular and co-curricular diversity activities on a variety of learning and developmental outcomes and racial bias demonstrated that campus diversity-related initiatives reduce racial bias, and the effectiveness of these activities depends on the characteristics of the program as well as the students. Specifically, the magnitude of the effectiveness of these interventions depends on certain factors within the control of institutional leaders, including level of institutional support, comprehensiveness of approach, a diverse racial composition, and most important, whether or not intergroup contact is a major component of the intervention. Research clearly shows that the benefits associated with students' encounters with diversity are moderated by the quality of the interactions and the quality of the educational context in which those interactions occur. (Denson & Chang, 2009; Denson & Chang, 2015.)

This research demonstrates the importance of diversity engagement initiatives by universities that seek to not only to promote cross-racial interaction, but to do so in a way viewed as positive by students.

IV. Research Demonstrating The Educational Benefits of Diversity

With that definitional and theoretical background, I will now discuss key research that documents the myriad ways diverse and inclusive campus environments have positive and beneficial impact. A substantial body of research demonstrates that racial and ethnic diversity on campus can enhance learning outcomes, promote democratic values and civic engagement, and provide preparation for a diverse society and workforce—goals that fall squarely within the educational mission of UNC-Chapel Hill. More specifically, several studies show that student body diversity broadens the range of intellectual discourse on university campuses and improves classroom learning environments and that cross-racial interaction has positive effects on retention, college satisfaction, self-confidence, interpersonal skills, and preparation for leadership. Diverse learning environments challenge students to consider alternative viewpoints and to develop tolerance for differences, and can promote participation in civic activities. Studies further show that student diversity better prepares students for an increasingly diverse workforce and society and produces economic gains and material benefits.

A. Enhanced Learning Outcomes

Diversity can enhance *learning outcomes*—the active learning processes in which students become involved while in college, the engagement and motivation that students exhibit, the learning and refinement of intellectual and academic skills, and the value students place on these skills after they leave college (Gurin, 1999). In addition to the studies on minority influence and diverse interactions discussed above in Section III C, findings of research on the outcomes of diversity clearly demonstrate that more heterogeneous learning environments provide more opportunities for teaching and learning than do more homogeneous environments. (See, for example, Gurin, 1999; Gurin, Dey, Hurtado, & Gurin, 2002; Hurtado, Dey, Gurin, & Gurin, 2003; Milem, 2003; Milem, Chang, & Antonio, 2005.) Moreover, this research indicates that students' engagement with diverse information and ideas, both in and out of the classroom, enhances learning in various ways.

Utilizing data collected as part of an evaluation of the National Science Foundation-funded Engineering Coalition of Schools for Excellence in Education and Leadership (ECSEL), Terenzini, Cabrera, Colbeck, Bjorklund, and Parente (2001) analyzed the relationship between classroom diversity and students' self-

reported development of problem-solving and group skills. Terenzini et al. found that low levels of classroom diversity were negatively related to students' development of both problem-solving and group skills at statistically significant levels. While findings of this study indicated that what happens in a classroom (e.g., the degree to which students engage in active and collaborative learning activities, students' interactions with instructors and peers, the level of clarity and organization in the classroom) was a more powerful influence on students' reported learning gains, the level of the classroom's compositional diversity still had a significant role in predicting growth in these outcomes.

The educational gains noted above are particularly advanced when students are encouraged by faculty members to come together to work cooperatively on course content and they have the opportunity to learn more about each other and about the specific content areas of the course (e.g., see Johnson & Johnson, 1999; Slavin, 1980). Early research confirmed that cooperative learning activities applied inside and outside the classroom had consistent positive effects on intergroup relations, as well as on the achievement of minority and majority students (Slavin, 1985). Slavin indicated that in order for these positive effects to occur, this collaborative learning had to occur in ethnically mixed learning groups that studied material presented by the teacher and were rewarded based on the learning of the group as a whole. These results indicate the impact of compositional diversity on the presentation of varied perceptions and ideas in the classroom, which in turn increases the opportunities for students to be engaged with and think critically about course content.

There is compelling evidence that enrolling in diversity-related courses while in college has a positive impact on student learning and developmental outcomes. Enrollment in an ethnic or women's studies course was positively associated with gains in learning outcomes such as complex and sociohistorical thinking (Gurin, 1999), developing critical perspectives (Musil, 1992), foreign language skills (Astin, 1993b), and critical thinking (Gurin, 1999; Hurtado, 2001a; Tsui, 1999). Enrollment in these courses was also shown to predict positive changes in democratic outcomes, including promoting racial understanding (Astin, 1993a; Gurin, 1999; Milem, 1994), interpersonal skills (Hurtado, 2001a), and participation in a community action program (Gurin, 1999).

I found that students who had nearly completed a required diversity-related course made significantly more favorable judgments of African Americans than those who had just started the requirement (Chang, 2002b). The effect occurred even though the content of the courses that were randomly selected for the study varied, and many of them did not specifically focus on African American issues.

This study's findings suggest that general education curricula, specifically diversity course requirements, can play a meaningful role in diminishing divisive racial prejudices and may subsequently improve race relations.

Laird, Engberg, and Hurtado (2005) analyzed data from the Student Thinking and Interaction Survey (STIS) of college students, which was developed as part of a larger national research project titled Preparing College Students for a Diverse Democracy to assess the relative impact of two types of courses (diversity-related courses versus an introductory management course) on students' cognitive and social development in the classroom over one term, with an emphasis on the mediating effect of students' interactions with diverse peers. The results demonstrated that previous enrollment in diversity courses and enrollment in one of the diversity courses in this study (compared to enrollment in the management course) were positive, significant determinants of the quality, or positive nature, of students' interactions with diverse peers. As such, Laird et al. concluded that diversity courses in general and the particular diversity courses in this study prepared students for the inherent challenges that await them as they enter an increasingly diverse workforce.

In a related study using data from the same research project, Laird's (2005) analyses revealed a strong connection between engaging diversity and students' confidence in their academic abilities, the importance they placed on taking action in society, and whether they viewed themselves as critical thinkers. Specifically, students who reported more experiences with diversity, especially through enrollment in diversity courses (ethnic or women's studies, multicultural education, core diversity requirements), tended to score higher on their assessments of academic self-confidence, social agency, and critical thinking disposition.

Apart from students, faculty members may be the campus constituency best positioned to assess the ways in which diversity affects the opportunities that students have to learn and develop while in college. The vast majority of faculty view diversity as an important part of the educational mission of colleges and universities. Data from a national survey of college and university faculty conducted by the Higher Education Research Institute ("HERI") at UCLA offer a vivid and informative picture of how faculty view racial/ethnic diversity in higher education. Approximately 55,000 faculty nationwide, drawn from all institutional types in the higher education system, completed the survey (*see* Sax et al., 1999, for more information about this survey). Three of the survey items are particularly helpful in determining how faculty value racial and ethnic diversity in higher education.

Faculty overwhelmingly believe that a diverse student body enhances all students' educational experience. More than 90 percent of the faculty surveyed agreed with the statement that "A racially/ethnically diverse student body enhances the educational experience of all students."

One cluster of items from the survey assessed the importance faculty place on items that represent different goals of undergraduate education. One item asked faculty to indicate how important they felt it was for undergraduate education to "Enhance students' knowledge of and appreciation for other racial/ethnic groups." Nearly 60 percent of faculty nationwide responded that this goal was either very important or essential.

When viewed together, these findings suggest that faculty members—those primarily responsible for the teaching and learning that occur in the classroom—believe that racial and ethnic diversity is an essential component of the teaching and learning missions of our higher education institutions.

B. Preparation for Participation in a Pluralistic, Democratic Society

Engagement with diversity in college helps to enhance important outcomes required of citizens in an increasingly diverse democracy. Gurin (1999) suggested that three major categories characterize democracy outcomes—citizenship engagement, racial/cultural engagement, and compatibility of differences. *Citizenship engagement* referred to students' interest in and motivation to influence society and the political structure, as well as to students' participation in community and volunteer service. *Racial/cultural engagement* referred to students' levels of cultural awareness and appreciation and their commitment to participating in activities that promote racial understanding. *Compatibility of differences* referred to students' understanding of common values across racial/ethnic groups, that group conflict can be constructive when handled appropriately, and that differences do not have to be a divisive force in society. Another type of democracy outcome discussed by Gurin (1999) relates to students' ability to live and work effectively in a diverse society. Specifically, this referred to the extent to which college prepares students to succeed after college and the extent to which students' college experience breaks a pattern of continuing segregation in society.

The extent to which students interact cross-racially has been shown to be influential in determining the amount of acceptance students report for people from other cultures, the rate at which they participate in community service programs, and the amount of growth they exhibit in other areas of civic responsibility (Bowen & Bok, 1998). Similarly, engagement in more racially diverse environments and activities leads to higher levels of cultural awareness and acceptance, and increased

commitment to the goal of improving racial understanding (Milem, 1992, 1994; Sax & Astin, 1997). Conversely, the absence of interracial contact adversely influences students' views toward others, students' support for campus initiatives, and educational outcomes. White students who had the least social interaction with individuals of a different background were shown to be less likely to express positive attitudes about multiculturalism on campus (Globetti et al., 1993).

More recent empirical evidence has shown that more racially and ethnically diverse campuses tend to provide more richly varied educational experiences that enhance students' learning and better prepare them for participation in a democratic society. In part, this is because individuals from different racial and ethnic groups often have differing opinions and viewpoints about a wide range of issues (Chang, 2002a, 2003; Chang, Seltzer, & Kim, 2001; Pike & Kuh, 2006). For example, I confirmed that there are significant differences in viewpoints between racial groups at the point of college entry on a variety of pressing contemporary issues (Chang, 2003). Although individuals of any given race hold a range of opinions, the average viewpoints of each group differ. My study established that statistically significant differences of opinion exist between racial groups on important social and political issues such as consumer protection, health care, drug testing, taxation, the death penalty, free speech, criminal rights, and the prevalence of discrimination. Saenz, Ngai, and Hurtado (2007) found that fostering positive intergroup relations on campus was key to enhancing students' democracy outcomes and helping them develop skills that allow them to negotiate differences in a diverse society. Positive growth in these outcomes was facilitated by the presence of diverse peers *combined* with opportunities for facilitated interactions that expand student knowledge about diverse others, perspectives, and backgrounds.

C. Reduction of Prejudice

Our society benefits in other important ways from student engagement with diversity while in college. Consistent with summaries of earlier scholarship regarding the effects of school and campus desegregation (See e.g., Hurtado, Milem, Clayton-Pedersen, & Allen, 1998, 1999), Gurin (1999) and Gurin et al. (2002) found that enhanced compositional diversity on campus had dramatic long-term effects on the likelihood that White students who had grown up in predominantly White neighborhoods would live and work in diverse settings after college. White students who attended colleges with 25 percent or more minority enrollment, as contrasted to White students who attended colleges with very low minority enrollment, were much more likely to have diverse friendships after

leaving college and to live in diverse neighborhoods and work in settings where co-workers were diverse.

Moreover, these experiences help students to develop the insights, skills, and commitments essential to becoming a productive member of a society that is becoming increasingly diverse and complex (Milem, 2003; Milem, Chang, & Antonio, 2005; Hurtado, Alvarez, Guillermo-Wann, Cuellar, & Arellano, 2012). This is evident when the relationship between campus diversity and civic outcomes is examined (Milem, 2003). Research findings support the view that students' interactions with diverse people and ideas while in college have positive impacts on the students. The extent to which students interacted cross-racially was influential in determining the amount of acceptance students report for people from other cultures, the rate at which they participate in community service programs, and the amount of growth they exhibit in other areas of civic responsibility (Bowen & Bok, 1998).

D. Satisfaction with the College Experience

Astin (1993) found that faculty members' emphasis on diversity in their courses had positive effects on students' overall satisfaction with college. Villalpando (1994) reported similar findings regarding the relationship between satisfaction and the extent to which faculty included racially/ethnically diverse materials in their courses. This finding was as true for White students as for students of color. Tanaka (1996, cited in Smith et al., 1997) found that a more supportive campus climate, as evidenced by campus efforts to create a multicultural environment and to include racial/ethnic material in the curriculum, had positive effects on students' sense of community and overall satisfaction with college.

Similarly, a study of students attending Harvard University Law School and University of Michigan Law School offers helpful information about the process outcomes of diversity, especially as they pertain to legal education (Orfield & Whitley, 1999). A survey conducted by the Gallup Organization was administered by telephone to 1,800 law students attending these two schools. Results indicated that these law students believed their interactions with diverse people and ideas while in law school enhanced their learning and thinking in fundamental ways. Specifically, the overwhelming majority of students (90 percent) indicated that their exposure to racial and ethnic diversity while in law school had a positive impact on their educational experience. Students also reported that being in a racially diverse environment enabled them to engage in discussions with others that enhanced their learning. Nearly two-thirds of the students indicated that

diversity improved in-class discussions. More than six-in-ten (62 percent) students indicated that diversity improved their ability to work and to get along with others. Approximately eight-in-ten students (78 percent for Harvard students and 84 percent for Michigan students) reported that discussions with students from different racial and ethnic backgrounds significantly affected their views of the U.S. criminal justice system. The majority of students reported that their discussions with students from different racial and ethnic backgrounds significantly influenced their views about civil rights and conditions in various social and economic institutions. In sum, students who attended two of the most highly selective law schools in the country indicated that diversity was an essential aspect of their legal education.

Whitla, Orfield, Silen, Teperow, Howard, and Reede (2003) studied medical students' views regarding diversity in medical school among students enrolled at the University of California, San Francisco and Harvard University. More than nine-in-ten (94 percent) students reported that their contacts with diverse peers greatly enhanced their educational experiences. More than eight-in-ten (84 percent) students indicated diversity in their classrooms enriched discussions by causing them to consider alternative viewpoints, thereby enhancing their understanding of medical conditions and treatments. Moreover, by engaging with diverse peers, they were able to develop a more robust understanding of others, and their similarities and differences. Finally, more than eight-in-ten students reported that their discussions with diverse peers in medical school enhanced their commitment to working for greater equity in the health delivery system and better access to medical care for those in our society who are medically underserved.

E. Persistence to Graduation

The institutional context/campus climate has been shown to have an important role in predicting persistence to graduation. Museus, Nichols, and Lambert (2008) used data from the Beginning Postsecondary Study ("BPS") to study direct and indirect effects of campus climate on the persistence of Asian, Black, Latina/o and White students. They found that climate affects college student persistence and that these effects are primarily indirect and conditional on the race of the student. These findings support Hurtado et al. (1998, 1999) who argued that students from different racial/ethnic groups perceive and experience the institution in different ways. For example, Museus et al. (2008) found climate was more likely to affect the academic experiences of Asian and Black students, as reflected in the lower GPAs for these students at the end of their first year of college. For Latina/o students, campus climate had an indirect effect on degree completion through social involvement. Museus et al. (2008) also demonstrated that campus

racial climates affect experiences and outcomes of various racial minority groups in disparate ways, accentuating the importance of analyzing multiple minority groups and racial differences in studies of college student experiences and outcomes.

F. Combatting Tokenism/Racial Isolation

A compositionally diverse campus provides students who have been historically underrepresented with support that combats their feelings of racial isolation. The absence of compositional diversity on campus can produce many negative consequences, especially for students of color underrepresented on the campus. On college campuses that lack a diverse population of students, underrepresented groups have an increased chance of being viewed as tokens. (Hurtado et al., 1998, 1999; Milem, Chang, & Antonio, 2005.) Tokenism contributes to the enhanced visibility of underrepresented groups, the exaggeration of group differences, and the alteration of images to fit existing stereotypes. (Kanter, 1977.)

Recent empirical research (both quantitative and qualitative) indicates that the underrepresentation or racial isolation of a particular group in an educational setting can have a negative impact on students' ability to feel connected to others and to be successful in that setting. Specifically, empirical evidence documents an increase in the likelihood that students who are underrepresented or feel that they are racially isolated will experience social identity threat and/or stereotype threat. This can have a significant negative effect on very highly motivated, high-achieving students from the targeted group. *Social identity threat* represents "a threat that occurs when people recognize they may be devalued in a setting because of one of their social identities." (Murphy, Steele, & Gross, 2007, 879.) "When a negative stereotype about a group that one is part of becomes personally relevant, usually as an interpretation of one's behavior or an experience one is having, *stereotype threat* is the resulting sense that one can then be judged or treated in terms of the stereotype or that one might do something that would inadvertently confirm it." (Steele, Spencer, & Aronson, 2002, 389 (emphasis added).)

Walton and Cohen (2007) argue that having to contend with negative stereotypes in a particular environment causes people to feel uncertain about the extent to which they belong in that environment. In a recent synthesis of the research that explores the relationship between negative intellectual stereotypes and sense of social belonging, Walton and Carr (2012) assert that "as a consequence of numeric underrepresentation and negative stereotypes, members of marginalized groups may chronically wonder whether they belong in certain

groups.” (24.) Hence, on predominantly White higher education campuses, the fact that students of color are underrepresented can produce both negative social stigma (e.g., see Steele, 1992, 1997, 1998; Steele & Aronson, 1995) and “minority status” stressors (Prillerman, Myers, & Smedley, 1989; Smedley, Myers, & Harrell, 1993) that can adversely affect student achievement.

Findings from two qualitative studies that explored the experiences of high achieving Black students illustrate these phenomena. In a comparative study of successful Black collegians on a predominantly White campus and a historically Black campus, Fries-Britt and Turner (2002) described the high frequency with which Black students enrolled at the White campus reported that they were exposed to comments from White peers that were rooted in stereotypical images of Blacks. In response to these comments, the high-achieving Black students indicated that they felt they had to constantly engage in what they described as a “proving process,” whereby they sought to establish themselves as academically worthy and able. A study by Fries-Britt and Griffin (2007) built upon these earlier findings, and racial isolation emerged as a common theme in interviews with the high-achieving Black students. Students reported that they were frequently the only Black student in their classes and few of their professors were faculty of color. These students reported a heightened sense of being stereotyped by peers and professors, which they said put pressure on them “to behave in ways that are considered ‘non-Black’ ... and prove that they were smart” (p. 514). The authors identified several factors that students reported helped them to deal with the stresses and pressures they felt related to underrepresentation and stereotypes. Key among these was having the ability to connect with stimuli or cultural connections related to their own identity as African Americans. The authors note that this is more likely to happen when there are greater numbers of diverse students and faculty at the institution. A disturbing finding was the pressure that many of these students felt that they had to “give up part of what it means to be Black” (p. 516) in order to reject the stereotypes being placed upon them by White peers and professors.

G. Material Benefits/Outcomes

A body of evidence documents the material benefits that accrue to students who attend selective colleges and universities, including White students. In their study of the outcomes of racial diversity in selective colleges and universities, Bowen and Bok (1998) reported that Black students who attended selective institutions were five times as likely as all Black students nationwide to earn advanced degrees (professional degrees or Ph.D.’s). Black men in the cohort of 1976 reported average postgraduate annual incomes of \$82,000—twice the average

earnings of Black college graduates nationally. Black women graduates of selective institutions earned an average of \$58,500 annually—80 percent more than Black women graduates nationwide (Bowen & Bok, 1998). Daniel, Black, and Smith (1997) examined the relationship between college quality and wages of young men. Not surprisingly, the authors found that young men who attended a higher-quality college earned higher wages. These “returns” were significantly higher for Black than White men. The study also found that both Black and White men who attended selective colleges with more diverse student bodies had higher earnings (although the returns were somewhat higher for White than Black men).

V. Analyses of UNC-Chapel Hill’s Efforts to Realize the Educational Benefits of Diversity

The foregoing academic background and framework inform how I assessed the success of UNC-Chapel Hill in promoting and realizing the educational benefits of diversity. In practice, we have learned that realizing the added educational benefits associated with being in a diverse environment depends on the robustness of the educational context for supporting those student experiences that lead to benefits (*see*, for example, Denson & Chang, 2009, 2015). Therefore, if an institution seeks to actualize related educational benefits, the research suggests that it must address their educational context in ways that improve both the quantity and quality of students’ engagement with diversity. In considering an institution’s capacity to actualize the added benefits, I applied an ecological perspective. Decades of research concerning how college affects students (*see* Astin, 1993b; Dey, 1997; Pascarella & Terenzini, 1991) have conclusively shown that the relationship between students and the college environment is both reciprocal and dynamic. In other words, one of the fundamental principles in higher education research is what is referred to as an ecological perspective, which posits that there are tight interconnections between individual change, institutional change, and social change. Thus, in order to achieve those benefits associated with diversity, a campus must account for many different but interrelated moving parts, shaped by multiple external and internal forces that can affect whether or not being a member of a diverse student body will have added value to a student’s learning and educational experience. Accordingly, achieving high quantity and quality undergraduate engagement with diversity is an ongoing dynamic institutional process that is constantly evolving to account for many shifting parts both within and outside the university.

A. UNC-Chapel Hill's Efforts to Promote Diversity and Inclusion

I first examined several different initiatives, programs, and efforts undertaken by UNC-Chapel Hill to promote, foster, and utilize diversity and inclusion for the associated educational benefits. As noted in my prior research, it is not enough for higher education institutions to expect the educational benefits of diversity to accrue without some effort by those institutions to realize such benefits. More specifically, in "Making Diversity Work on Campus: A Research-Based Perspective," Jeffrey Milem, Anthony Lising antonio and I made several recommendations for engaging diversity on campus through "an intentional and coherent process of planning, developing, and implementing institutional policies and practices explicitly designed to help students attain the benefits that can be gained from attending a racially and ethnically diverse college or university." (19.) These recommendations were derived by a review of the research since *Grutter* and *Gratz*, and built upon the foundational work of Patricia Gurin, which she submitted in her expert reports. Drawing upon this research, as well as our own experiences and prior publications, we sought to synthesize the best practices and guidance for universities in maximizing the benefits derived from diversity and inclusion. Our proposals were not exhaustive, but included several components for meaningful diversity engagement in a multi-dimensional approach, meant to engage all students in an ongoing dynamic process. (*Id.*) These diversity engagement components included, *inter alia*:

- [1] Developing and maintaining a diverse student body through a race-conscious holistic admissions process;
- [2] Outreach, enrichment and recruitment programs;
- [3] Retention and academic success efforts;
- [4] Developing positive perceptions of campus racial climate;
- [5] Developing diversity as a policy through campus statements, faculty diversity policies, and sustained institutional support;
- [6] Development of cultural spaces;
- [7] Addressing classroom environment, curriculum, and pedagogy;
- [8] Encouraging inter-group dialogues, interracial contact, and diverse residential housing; and
- [9] Supporting affinity groups, fraternities, and sororities.

To evaluate UNC-Chapel Hill's diversity engagement, I reviewed its recent reports and policies on diversity and inclusion and examined testimony and

documents regarding some of its diversity initiatives that fall within the components listed above. Based on this review and assessment, it is my opinion that UNC-Chapel Hill provides, manages, and promotes a wide range of many different initiatives that, taken together, is an intentional and effective plan for actualizing the associated benefits from the diversity of its student body. Clearly, the University has not acted as a passive participant, but is making conscientious and deliberate efforts on all fronts to foster diversity through interactions between individuals and group, diversity-related events, and creating a welcoming and inclusive campus environment. Those efforts have ramped up over time and have improved the institution's overall capacity to maximize the educational benefits from diversity, enriching learning experiences for students at UNC-Chapel Hill.

Each of these initiatives and programmatic efforts, as well as the benefits from diversity in classrooms and beyond UNC-Chapel Hill, is discussed more fully below:

1. Developing and Maintaining a Diverse Student Body

UNC-Chapel Hill engages in the use of holistic admissions practices with careful considerations of race as a “plus factor” to evaluate applicants and to admit a diverse group of students. Witnesses are clear that the admissions process holistically considers all aspects of an applicant's experiences. Stephen Farmer, the Vice Provost for Enrollment and Undergraduate Admissions, for example, described how applicants are considered in a “nonformulaic way ... that's respectful of them as persons.” (**Stephen Farmer Deposition (“Depo.”)** 17:6-14.) Witnesses also testified that everything in an application can be considered when deciding whether to admit the applicant to the University. (**Jared Rosenberg Depo.** 155:13-19 (“The holistic review process is that if we take into consideration the whole person, so it's everything – anything and everything in a student's application can be considered. It's not strictly based on a GPA or a test score, but it's based on a whole host of factors, and experiences that the student brings.”); **Ni-Eric Perkins Depo.** 35:8-25.) UNC-Chapel Hill strives to develop and maintain a diverse student body, as the University believes “there is a[n] educational benefit to having students from all backgrounds,” and that “one of the backgrounds that one should consider would be race.” (**Damon Toone Depo.** 158:19-23.)

2. Outreach, Enrichment and Recruitment Programs

Even before individuals matriculate to UNC-Chapel Hill as students, UNC-Chapel Hill undertakes a variety of programmatic efforts focusing on increasing the diversity in the potential applicant pool. Below are just a sampling of some of

the programs mentioned in the documents and testimony. Many of the individual witnesses recognize that pipeline programs and UNC-Chapel Hill outreach and recruitment initiatives are essential to reaping the benefits of diversity.

(a) *High School Honors Day and Decision Day*

“High School Honors Day” and “Decision Day” are on-campus events that are aimed at potential and admitted applicants to UNC-Chapel Hill. (**Rumay Alexander Depo.** 44:11-46:7; **Michael Davis Depo.** 76:6-20.) During these programs, UNC-Chapel Hill officials present information about University resources, including educational majors, academic programming, and campus life. (**Rumay Alexander Depo.** 44:11-46:7.) By design, these programs target any applicant who may be thinking of matriculating to UNC-Chapel Hill. (*Id.*) Decision Day has been run by the Office of Diversity and Multicultural Affairs (“DMA”) as part of an effort to engage diversity or engage diverse populations with UNC-Chapel Hill. (**Michael Davis Depo.** 76:6-20.)

(b) *Expanding the Circle, Many Nations One Carolina, and Carolina Horizons*

DMA and the American Indian Center jointly coordinated several pipeline programs aimed at Native American applicants and their parents. (**Rumay Alexander Depo.** 44:11-48:6; **Michael Davis Depo.** 74:17-75:11, 77:20-78:3.) These programs, “Expanding the Circle,” “Many Nations One Carolina,” and “Carolina Horizons,” are on-campus events that provide information about resources available to Native American students. (*Id.*; **Rumay Alexander Depo.** 44:11-48:6.)

(c) *Nuestra Carolina and Dia de Bienvenida*

“Nuestra Carolina” and “Dia de Bienvenida” are on-campus events that provide information for prospective Latinx students and their parents. (**Rumay Alexander Depo.** 44:11-48:6.) The events also give prospective students the opportunity to ask questions that Latinx students and their families may have about attending UNC-Chapel Hill. (*Id.*)

(d) *Summer Institutes*

UNC-Chapel Hill hosts three Summer Institutes – “Carolina Renaissance,” “Project Uplift,” and “Uplift Plus.” (**Rumay Alexander Depo.** 46:25-48:6.) All three programs host pre-college students and expose them to campus life, activities, and resources. (*Id.*) Students may visit different schools or programs on campus, ask questions, and engage with academic materials that they may not be familiar with. (*Id.*) Relatedly, “Uplift Plus,” a secondary program to Project Uplift

for a smaller number of students, is responsible for organizing and managing other pipeline and outreach programs. (**Michael Davis Depo.** 63:19-24.) A former student and alumna remarked that Project Uplift “was a wonderful opportunity for me, particularly because I was the first person in my family to go to college,” and that it “gave me a chance to see that there were a few people like me at UNC-[CH] and people would care about me once I got to the University.” (**Ashley McMillan Declaration**⁵ ¶¶ 6-7; *see also* **Camille Wilson** ¶¶ 3-4 (describing how Project Uplift similarly impacted her decision to attend UNC-Chapel Hill).)

(e) *UNC-Chapel Hill Scholars’ Latino Initiative*

The “UNC-CH Scholars’ Latino Initiative” is “a three-year mentoring and college preparatory program between UNC-Chapel Hill students and Latin[x] high school students at six area high schools.” (**Paul Cuadros** ¶ 11.) The program has more than one hundred and fifty students, and is housed and operated by the UNC-Chapel Hill Center for Global Initiatives. (*Id.*) Paul Cuadros, the chair and executive director of the program, has noted that it is “critical [to] help[] students from [the Latinx] communities see themselves as college-bound [which] provides them with hope about their own futures and, in some cases, may help them see college as a possibility.” (*Id.* ¶¶ 34-35.) From the personal experiences of some individuals, the group has been described as one “big family setting,” where mentors and mentees meet “once or twice a month to talk about college goals and how [their] lives were going.” (**Teodoro (“Teddy”) Gonzalez** ¶¶ 11-12.)

(f) *Carolina College Advising Corps*

The “Carolina College Advising Corps” is a branch of the National College Advising Corps that is coordinated by the Office of Undergraduate Admissions. (**Barbara Polk Depo.** 52:3-8; **Damon Toone Depo.** 101:18-102:8; **Camille Wilson** ¶¶ 14-15; **Michael Davis Depo.** 148:20-149:9.) The Carolina College Advising Corps hires recent UNC-Chapel Hill graduates to serve as college advisors in high schools throughout the state, typically in more historically underserved areas. (*Id.*) These students partner with the school’s guidance or college office. (*Id.*) In addition to college counseling, the advisors also provide resources and guidance on available financial aid opportunities. (**Jared Rosenberg Depo.** 63:13-17.) Unlike other programs and initiatives undertaken by UNC-Chapel Hill, the Advising Corps does not specifically direct high school students to

⁵ This report cites to statements in declarations filed in this case by the individual’s full name. Later citations to statements omit the “Declaration” portion of the citation.

UNC-Chapel Hill; instead, “[t]heir job is to help young people find their way to places where they’ll thrive.” (**Stephen Farmer Depo.** 265:12-25; *see also* **Donovan Livingston ¶ 2.**) Currently, the Advising Corps has roughly 50 advisors that will serve 78 schools in North Carolina in the following academic year. (**Stephen Farmer Depo.** 265:12-25.)

(g) *Carolina Student Transfer Excellence Program (C-STEP)*

The Office of Undergraduate Admissions initiated the “Carolina Student Transfer Excellence Program” or “C-STEP” in 2006 to foster a pathway to UNC-Chapel Hill for low to moderate income community college transfer students who were not necessarily thinking of themselves as transfer candidates or were not necessarily thinking of UNC-Chapel Hill as their destination. (**Stephen Farmer Depo.** 273:1-7; **Damon Toone Depo.** 120:24-121:12.) The C-STEP program confers upon some transfer students at one of ten partner schools guaranteed admission to UNC-Chapel Hill, so long as the students achieve certain minimum academic requirements. (**Ni-Eric Perkins Depo.** 147:4-148:23.) The University conceived the C-STEP program to enhance diversity – not only on the basis of race, but also on the basis of socioeconomic status. (*Id.*) C-STEP is one program that remains available to students once they are already on campus. (**Taffye Benson Clayton Depo.** 103:1-19.) C-STEP provides special events, advising services, and transition and support services. (*See* C-STEP website.) The overall graduation rate for C-STEP students who matriculate to UNC-Chapel Hill is 85%, and the program is considered a success for the University. (**Jim Dean Depo.** 175:5-9.)

3. Retention and Academic Success Efforts

UNC-Chapel Hill has several academic and financial assistance programs that are geared toward promoting diversity and assisting historically underrepresented populations at the University. These programs also positively impact graduation rates among underrepresented populations at the University.

(a) *Carolina Covenant*

The “Carolina Covenant” is a program that provides low-income students with grants, scholarships, and work study opportunities so that they can graduate from UNC-Chapel Hill debt-free. (**Damon Toone Depo.** 108:22-109:5; **Ronald F. Bilbao ¶ 4.**) As one UNC-Chapel Hill alumnus noted, “[b]efore the Covenant, low-income minorities mostly just had the option to go to community college if they could not afford the cost of college.” (*Id.*) The same student has noted that “[t]he Carolina Covenant changed the course of my life and my career.” (*Id.*) In addition to financial support, the Carolina Covenant also provides mentoring and support

programs to help ensure successful academic careers and to increase the likelihood of graduation. (**Mary Cooper** ¶ 18 (mentioning a discussion of how Carolina Covenant “increase[s] graduation rates for African-American students”).) Stephen Farmer, Vice Provost for Enrollment and Undergraduate Admissions, has remarked that Carolina Covenant is a “race-neutral alternative to improve financial aid” pursuant to Department of Education recommendations. (**Stephen Farmer Depo.** 204:23-205:1.) The program has personally helped several former students and alumni of UNC-Chapel Hill by facilitating a debt-free education. (**Laura Gamo** ¶¶ 3-4.)

(b) Chancellor’s Science Scholar’s Program

The “Chancellor’s Science Scholar’s Program” is a partnership with the University of Maryland Baltimore County (“UMBC”) and is modeled after UMBC’s nationally recognized Meyerhoff Scholars program. (**Michael T. Crimmins** ¶¶ 27-30; **J. Christopher Clemens** ¶¶ 27-29.) The purpose of the program is to diversify and provide access to jobs in the fields of STEM, to bring awareness to the issues of diversity as well as to provide a space where students, regardless of background, can be supported in their pursuit of careers in STEM. (*Id.*) The program seeks to maximize student success by building a community of learners who work collaboratively to succeed academically and in research and provides a space where these students can challenge each other to think differently and ask questions that foster intellectual growth. (*Id.*) Moreover, the program brings in students with high capacity and interest in aspects of diversity who wish to be future science and technology leaders. (**Carol Lynn Folt Depo.** 105:24-106:10.) One of the goals of the program is to help underrepresented minority students become Doctor of Philosophy students in STEM fields, where visibility still remains low. (**Viji Sathy** ¶¶ 14-16; **Andrew Parrish Depo.** 152:15-19; **Yolanda Coleman Depo.** 65:11-17.)

(c) Latinx Peer Mentoring Program

The Latinx Peer Mentoring Program, sponsored by DMA, pairs first-year students with older students to serve as mentors. (**Laura Gamo** ¶ 6.) First-year students are also paired with faculty and staff. (*Id.*) The program includes social events, personal and professional development, and monthly mentor talks. (*Id.*)

(d) Carolina Millennial Scholars Program

The Carolina Millennial Scholars Program is “a two-year program that provides a community and networking experience for males from diverse backgrounds.” (**Teddy Gonzalez** ¶ 8.) As one former student in the program

attested, “it was interesting learning about different minorities from different kinds of life.” (*Id.*)

(e) *Carolina First Program*

The Carolina First Program is a comprehensive program for first generation students who are the first in their family to attend college. The program provides academic, networking, and other resources to first generation students in order to help them succeed both at UNC-Chapel Hill and beyond their time at the University.

(f) *Diversity and Inclusiveness in Collegiate Environments*

Diversity & Inclusiveness in Collegiate Environments (“DICE”) is a campus organization that aims to change the campus climate through innovative initiatives that promote diversity awareness. (**Merrick Osborne ¶ 6.**) DICE is a student-led organization operated from the Campus Health and Wellness center, and it aims to promote holistic student wellness, and it seeks to create greater diversity awareness and program inclusiveness. (*See* DICE website.)

(g) *Men of Color Engagement*

DMA formed the Men of Color Engagement following a retention study that analyzed the retention and graduation rates of men of color. (**Christopher Faison Depo.** 30:1-17.) The organization has several different coordinators, including a transfer coordinator, a first generation coordinator, and a veterans’ coordinator. (*Id.*) One current student stated that he was “exposed to people with different religions and ethnicities,” and while he “did not always agree with their viewpoints,” he “had the opportunity to sit down and talk with them to understand where they were coming from.” (**Kendall Luton ¶ 7.**) The group was also involved in assisting the Center for Student Success & Academic Counseling by examining retention and graduation rates for men of color. (*Id.* ¶ 13.)

(h) *Thrive@Carolina*

Thrive@Carolina is a program that originated in July 2013 from a recommendation from the 21st Century Vision Committee on Access and Completion, which had recommended that the UNC-Chapel Hill coordinate and enhance support services to eliminate disparities in retention and graduation rates for students of all races, ethnicities, incomes, abilities, and educational backgrounds. (*See* Resolution 2015-15. Statement on Thrive@Carolina (UNC0283484); Thrive@Carolina Background and Origins (UNC0283488).)

Thrive@Carolina promotes and encourages student success through fostering individual competency development and academic achievement. (*Id.*)

4. Developing Positive Perceptions of Campus Racial Climate

UNC-Chapel Hill's diversity initiatives and programming are positively impacting the campus climate. Many of these programs foster affinity groups and diverse communities within the larger academic community. Other programs harness the diversity on campus to promote greater benefits to the University. However, a review of all of these efforts—discussed throughout this section reviewing UNC-Chapel Hill's efforts—reveals that these diversity initiatives and programming are improving and benefitting the campus climate.

For instance, several witnesses discussed how UNC-Chapel Hill's efforts have affected the community. Apparent from the depositions and declarations in the record is that many staff, faculty, administrators, and students strive to better the campus climate at UNC-Chapel Hill and appreciate the diverse campus climate. (*See* **Ezra Baeli-Wang** ¶¶ 12-15 (discussing impact of being in racially diverse environment); **Melody Barnes** ¶ 15 (“[I] had a much richer experience because of the diversity of people I met at UNC-CH.”); **Chelsea Barnes** ¶ 23 (“Having other students of color, and native students specifically, to support me made a big difference in how comfortable I was on campus and how willing I was to put myself out there and meet new people. Having students from different backgrounds and having other students who shared aspects of my race and ethnicity helped me to learn and thrive at UNC[-CH].”); **Ronald F. Bilbao** ¶¶ 16-17 (“[D]iversity is so beneficial, not in terms of whether you pass a test, but how you grow as a person -- which is really the purpose of going to college. Not everything you learn is in the classroom. The people you build relationships with and the chance to learn from different people is what helps you build a career, launch a business, or become an entrepreneur. It is a no-brainer that people benefit from learning from other people's experiences.”); **Mary Cooper** ¶¶ 7-19 (describing how diversity on campus affected her as a former student body president at UNC-Chapel Hill); **Neils Ribeiro-Yemofio** ¶ 9 (“UNC-[CH], through its diverse student organizations, makes students feel like members of a community, provides opportunities for students to feel like they are not alone, and helps them find people who will support them.”); **Damon Toone Depo.** 70:10-15 (“[W]e care deeply about the students that we admit and enroll to UNC[-CH] and we do not want students to feel as though they have to be the singular voice for their group, their culture, their first generation college status, their religion, their

orientation.”); **Anan Zhou ¶ 12** (“[W]ithout the richness of our UNC community in experience, background, religion, and race, I do not believe I would have gained the knowledge nor education I bear now.”).)

5. Developing Diversity as a Policy through Campus Statements, Faculty Diversity Policies, and Sustained Institutional Support

UNC-Chapel Hill has developed numerous policies and has provided sustained institutional support for diversity initiatives and programming. Its sustained institutional support has taken many forms, including establishing an institutional office with dedicated resources to promote diversity and inclusion on campus. The University also works closely with students through the Carolina Union. Both of these initiatives are discussed in detail below. Other initiatives demonstrating the University’s sustained institutional support include the annual diversity plans, the recent Diversity Report, and several administrative committees focusing on promoting diversity and inclusion on campus.

Moreover, its faculty have also taken an active role in promoting diversity-related policies. For example, the Faculty Council recently affirmed their commitment to diversity and inclusion. (*See UNC Faculty Council Resolution 2016-12 On Commitment to Diversity and Inclusion* (“We are committed to promoting the many educational benefits, generation of new ideas and the innovations that flow from a diverse student body Consistent with the social science research in the area, we strongly believe that diversity improves learning outcomes for our students”).) The faculty are also engaged—through regular presentations—in learning more about how to better incorporate and promote diversity and inclusion at UNC-Chapel Hill. (*See April 15, 2016 Presentation, “Educational Benefits of Diversity,” by Professor Rumay Alexander.*)

(a) *Office of Diversity and Inclusion (formerly, the Office of Diversity and Multicultural Affairs)*

The former Office of Diversity and Multicultural Affairs (“DMA”) was one of the main offices and administrative units at UNC-Chapel Hill that managed and monitored the campus climate until 2017.⁶ (**Taffye Benson Clayton Depo. 19:3-**

⁶ The DMA was recently reorganized into the Office of Diversity and Inclusion (“ODI”). The Chancellor named Rumay Alexander, who previously served as Special Assistant to the Chancellor since January 2016 and as Interim Chief Diversity Officer since July 2016, to the vacant position of Associate Vice Chancellor for Diversity and Inclusion (Chief Diversity Officer). Rumay Alexander reorganized DMA into ODI while serving as interim Chief Diversity Officer.

24.) The DMA “help[ed] facilitate the University’s progress regarding diversity and inclusion and to help the institution leverage that diversity as an institutional strength reaping the educational benefits.” (*Id.*) The DMA received information about the campus climate through formal ways, including surveys, and informal ways, including feedback from individual students and student groups. (*Id.* at 27:20-28:24.) UNC-Chapel Hill administers climate surveys that ask students questions about whether the students believe they have received the educational benefits of diversity and whether they feel as though they are free to be individuals. (**Stephen Farmer Depo.** 67:16-22; **Carol Lynn Folt Depo.** 168:6-15.) These campus climate surveys are administered and compiled by the Office of Institutional Research at UNC-Chapel Hill. (**Lynn Williford Depo.** 203:18-219:1.) In addition to working with student groups, the DMA also hired several students as volunteers or coordinators. (**Camille Wilson ¶ 6** (“I grew the most from my DMA experiences.”).) The new Office of Diversity and Inclusion website publicly maintains and provides access to the former DMA annual reports among other former DMA information.

(b) Carolina Union and Carolina Union Activities Board

The Carolina Union is the student union at UNC-Chapel Hill, and it focuses on creating safe, inclusive, and educational experiences for students. It is the “nerve center” for the campus where students “can gather for debate, discussion, information exchange, association with other students and faculty, relaxation and quiet contemplation.” (**Crystal King ¶ 5.**) Carolina Union offers academic or educational, cultural, social, and recreational programs and services. (*Id.*)

Several sub-committees of the Carolina Union, including the Carolina Union Activities Board (“CUAB”), addressed issues relating to diversity and increased the number of diversity lectures and programs during recent years. (**Merrick Osborne ¶¶ 29-30** (“CUAB became a safe space because we could critically challenge each other and, thus, the status quo.”).) CUAB is the largest student volunteer programming organization at UNC-Chapel Hill, hosting several highly regarded scholars and leaders, collaborating with affinity groups on campus for programming, and with other student groups, including sororities and fraternities. (**Crystal King ¶¶ 25-31.**)

6. Development of Cultural Spaces

- (a) *Cultural Centers: Latina/o Collaborative (Latinx Center); American Indian Center; Sonya Hayes Stone Center for Black Culture and History; and Carolina Asia Center*

UNC-Chapel Hill is home to several cultural centers, including the Latina/o Collaborative (Latinx Center), the American Indian Center, the Sonya Hayes Stone Center for Black Culture and History, and the Carolina Asia Center. (**Ronald F. Bilbao ¶¶ 6-7.**)

The Latina/o Collaborative is an organization that provides cultural programs and showcases Latinx artists. (*Id.*) Students, faculty, and staff formed the Latinx Center to create a Latino/a center on campus and to offer a mentoring program specifically to Latinx students on campus. (**Paul Cuadros ¶ 30.**)

The American Indian Center has been described by students as “an incredibly supportive community.” (**Brittany Hunt ¶ 11; see also Chelsea Barnes ¶ 13** (discussing the American Indian Center).) The American Indian Center connects faculty, students and staff to Native Nations and communities in North Carolina and abroad, and provides assistance in research, class projects, and student support and programming. (*See American Indian Center website.*)

The Sonya Hayes Stone Center for Black Culture and History provides intellectual and cultural programming that aims to be informative about and relevant to issues affecting Black or African-American students. (*See Sonya Hayes Stone Center website.*)

The Carolina Asia Center promotes engagement with Asia-related topics through seminars, language study, outreach, cultural competency, study abroad, and visiting scholars programs, and is the flagship organization for Asia-related activities at UNC-Chapel Hill. (*See Carolina Asia Center website.*) All four centers promote campus dialogue, discussion and debate through hosted activities and events.

7. Addressing Classroom Environment, Curriculum, and Pedagogy

In addition to pipeline programs, and initiatives relating to campus climate, UNC-Chapel Hill also places an emphasis on diversity-related academic programming, including diversity courses, seminars, and projects. UNC-Chapel Hill’s commitment to diversity also flows through the faculty and staff: and their commitment to diversity is readily apparent through the testimony and declarations submitted. Moreover, it is clear from this evidence that diversity in classrooms has

Science Scholars Program, I believe we can make real progress in reaching our students and diversifying the pipeline for careers in the sciences.”.)

8. Encouraging Inter-Group Dialogues, Interracial Contact, and Diverse Residential Housing

UNC-Chapel Hill has several programs and initiatives which promote opportunities for students to engage in cross-cultural interactions, and which encourage inter-group dialogue and interracial contact. (See **Crystal King** Ex. 5 (providing a comprehensive list of all student organizations and programs at UNC-Chapel Hill).) Several of these key programs are summarized and discussed below.

(a) *Carolina Conversations*

Carolina Conversations is a program that promotes cross-racial interactions on campus, and is intended to both assess and stimulate cross-racial conversations. (**Jim Dean Depo.** 117:15-24.) The program is a series of interactive events, including one on the “Inclusive Classrooms” advocated by Professor Kelly Hogan,⁷ which focuses on the multiple identities of individuals and their interplay in inclusive classrooms. (**Kelly Hogan** ¶ 35; **Viji Sathay** ¶ 17.) Such forums allow students, staff, and faculty to have conversations about how to make the University a more welcoming place that continues to value inclusion and diversity. (**Kelly Hogan** ¶ 35; **Jordan Peterkin** ¶ 9; **Viji Sathay** ¶ 17.)

(b) *Carolina United*

Carolina United is a program sponsored by the Carolina Union that brings student leaders together to explore issues relating to diversity and inclusion. (**Donovan Livingston** ¶ 13.) The program hosts more than ninety students with different identities who participate in a week-long retreat to discuss various issues regarding race, ethnicity, religious diversity, and sexual orientation, including affirmative action, interfaith dialogue and conflict resolution. (*Id.*) One student that participated in the program noted that his “grades began improving and [he] gained more confidence ... through [] connections to the diverse community at UNC-CH.” (*Id.* ¶¶ 14-15.) Some topics of sessions include Interfaith Dialogue, Dimensions of Power and Privilege, and Conflict Resolution. (**Crystal King** ¶ 21.)

⁷ See *supra* Section V.A.7.

(c) *Dialogue Organizations: Carolina Black Caucus (Black Caucus); UNC-Chapel Hill Latina/o Faculty and Staff Caucus (Latino Caucus); the LGBTQ Caucus; the Native Caucus*

UNC-Chapel Hill has several organizations that are committed to bringing individuals together to promote dialogue and communication within their communities. The Carolina Black Caucus is a group that brings black faculty, staff, and students together for regularly occurring meetings. (**Rumay Alexander Depo.** 20:7-14.) These meetings facilitate conversation, mentoring and a place for the discussion of issues that are of particular interest to the community. (*Id.*) The UNC-Chapel Hill Latina/o Faculty and Staff Caucus is a strategic, collaborative alliance composed of Latina/o alumni, faculty, staff, and postdoctoral fellows working to assure constructive institutional change, as well as promoting opportunities for enhancing the quality of education. (**Maribel Carrion ¶ 4; Paul Cuadros ¶¶ 12-13.**) UNC-Chapel Hill also has two other caucuses, the LGBTQ Caucus, and the Native Caucus, both of which operate similarly as the Latino and Black Caucuses. (**Taffye Benson Clayton Depo.** 27:20-28:24.)

(d) *Residence Hall Association Events*

The Residence Hall Association (“RHA”) at UNC-Chapel Hill hosts varying events which foster an understanding of diverse points of view outside the classroom. (**Taylor Bates ¶¶ 7-8.**) One past event has included the Tunnels of Oppression Program, which helps students explore different identities and understand different perspectives. (*Id.*) Other programs that promote understanding of diversity include the RHA Social Justice Advocate Program, through which student advocates learn about topics like privilege and help incorporate those lessons into engaging and fun programs for students who live in UNC-Chapel Hill residence halls. (*Id.*)

(e) *Residential Housing*

Student housing provides other opportunities for students to have significant cross-cultural interactions. Allan Blattner, the Director of the Department of Housing and Residential Education (“DHRE”) at UNC-Chapel Hill, describes how DHRE “aids the University in achieving this mission by fostering inclusive and accessible residential environments that promote student success and learning.” (**Allan Blattner ¶ 23.**) DHRE’s efforts include a four-pronged approach, including (1) “seek[ing] to develop and encourage opportunities for all staff ... to gain cultural awareness, enhance skills, and increase investment in each other and in the University;” (2) “maintain[ing] residential facilities that support each and every student by offering inclusive, accessible, and welcoming environments;” (3)

those declarations to provide insights into the survey findings and UNC-Chapel Hill's overall commitment to diversity and inclusion.

A complete list of all of the materials I relied upon in forming this expert report can be found in Appendix C.

2. Analytical Foundation

Due to privacy concerns with student data, raw survey data were not provided, but I did have access to publicly available survey reports that are available to anyone. I reviewed and reference information from those reports posted on the UNC-Chapel Hill website.⁸ Thus, the conclusions and assessments within this expert report can be confirmed and utilized by anyone, as the reports are publicly available on the Internet.

Within the survey reports, I identified relevant survey items concerning UNC-Chapel Hill students' general perceptions, experiences, attitudes, and beliefs about racial diversity across available years for each of the five survey programs. Those items included in surveys that addressed race and consistently appeared across all years of a survey program were preferred because they provide a better longitudinal picture of racial diversity at UNC-Chapel Hill than do those items that appeared on only a few survey years. Corresponding reported statistics for identified survey items were entered into *Excel* spreadsheets and then compiled for cross-sectional descriptive analyses.

The descriptive analyses conducted for this report revealed some noteworthy trends concerning racial diversity at UNC-Chapel Hill. A later section of this report identifies those trends and is organized to emphasize change over time and differences between students at various time points in their undergraduate studies. To further illuminate those findings, I point to relevant quotes from the witness declarations and the Diversity Report.

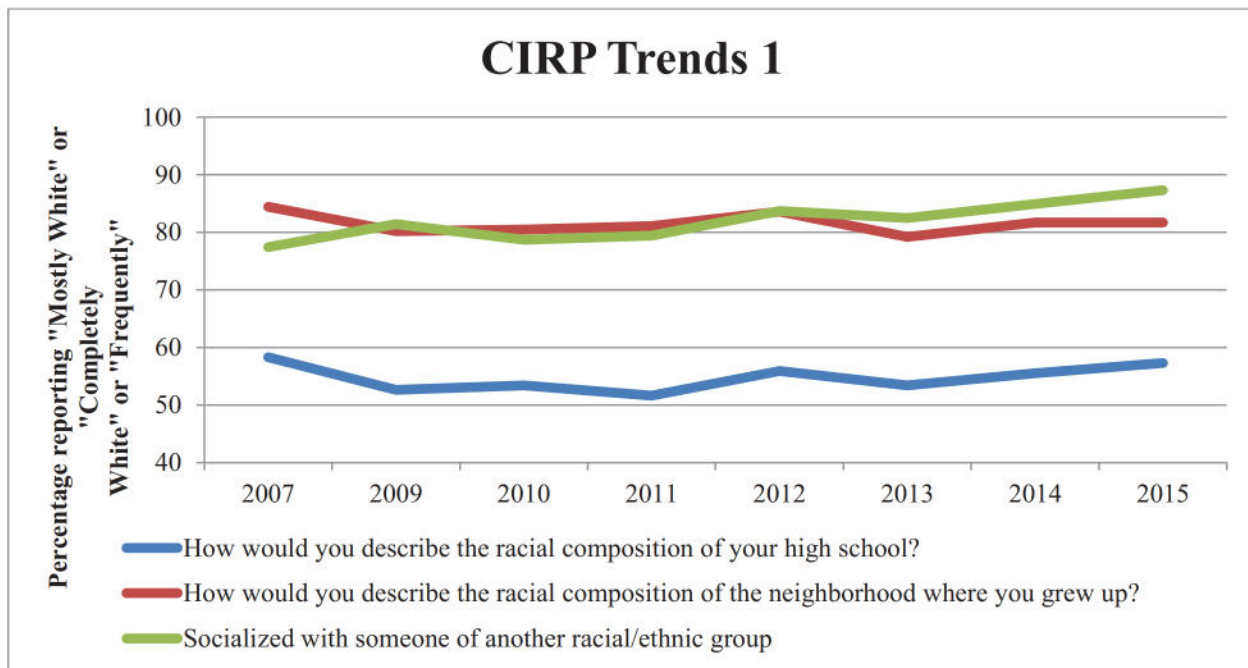
3. Trends

Figure 1 shows trends for different cohorts of entering freshman students and their responses to three questions from the CIRP survey concerning their precollege exposure to diversity. The figure shows that students' responses to each question across eight consecutive time points from 2007 to 2015 are fairly stable,

⁸ While the 2016 Climate Survey results have not been made public as of this writing, those results were utilized to gain an understanding of the current status of trends revealed by the publicly available survey data. Conclusions based on the 2016 data are specifically identified herein.

with less than a 10 percentage point difference between years. The trends show that between 2007-2015, most respondents (>79.2%) reported on a five-point scale from “completely White” to “completely non-White” that the racial composition of the neighborhood where they grew up was either mostly or completely White. By comparison, entering freshman students across every survey year consistently regarded their high schools to be more diverse than their neighborhood, with fewer than 60% of respondents reporting that the racial composition of their high school was either mostly or completely White. Lastly, the proportion of entering freshman reporting on a three-point scale from “frequently” to “not at all” that they “frequently” socialized with someone of another racial/ethnic group has increased over time from a low of 77.4% in 2007 to a high of 87.3% in 2015, even though there was not much change reported over the same time regarding the racial composition of students’ neighborhoods and high schools.

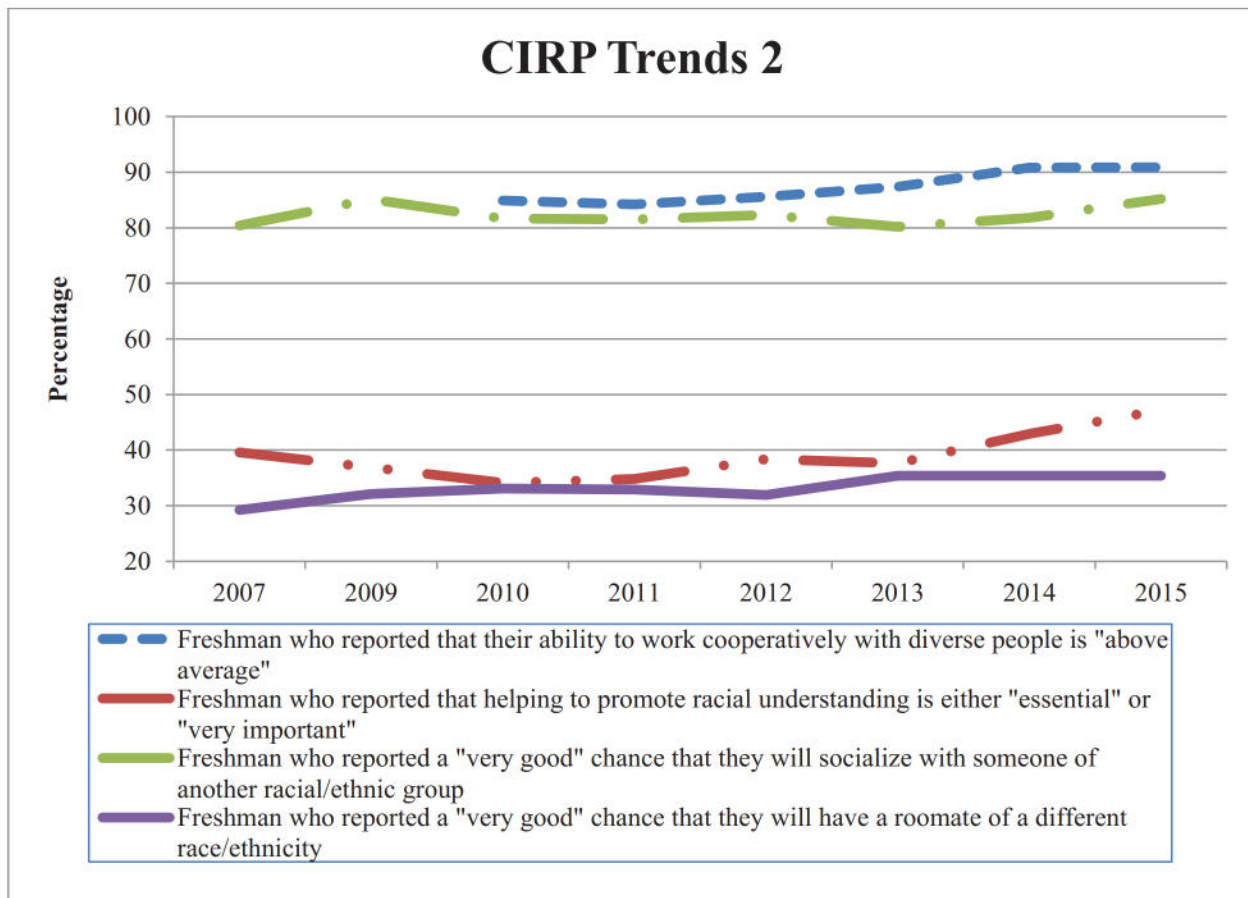
Figure 1



Similarly, Figure 2 shows consistency within the same time frame regarding different cohorts of entering freshman students and their responses to four diversity-related CIRP survey questions. Across all survey years, a consistently large proportion (>80%) of entering students also reported that there was a “very

good chance” on a four-point scale from “very good chance” to “no chance” that they will socialize with someone of another racial/ethnic group and that their ability to work cooperatively with diverse people was “above average” on a five-point scale from “highest 10%” to “lowest 10%.” Whereas a consistently small proportion (<36%) of entering students reported a “very good chance” that they will have a roommate of a different race/ethnicity. Finally, the proportion of freshman who reported that helping to promote racial understanding is either “essential” or “very important” to them on a four-point scale from “essential” to “not important” has shown the largest fluctuation across survey years, increasing steadily over time from a low of 34.1% in 2010 to a high of 47.2% in 2015.

Figure 2



Together, Figure 1 and Figure 2 demonstrate that students are moving from homogenous environments, into a more diverse and inclusive environment at the University. Moreover, these entering students have increasing expectations of interacting with other students who are diverse, and engaging with racial issues. Preliminary results from the 2016 Undergraduate Diversity and Inclusion Campus Climate Survey (Climate Survey) further confirm that these trends have remained relatively stable. Whereas 65.3% of the overall students surveyed in 2016 reported that the racial and ethnic composition of the neighborhood where they grew up was either nearly all or mostly of their same race or ethnicity, this proportion varied by race. White students were most likely to report that they grew up in largely same-race communities (87.1%), compared to 40.4% of African American, 30.3%

Latino, and only 12.1% of Asian American students. Relatedly, most students (52.8%) either strongly agreed or agreed with the statement that the expectation to encounter students, faculty and staff from diverse background factored into their decision to attend UNC-Chapel Hill, with only slight differences across race groups (57.7% for Asians, 59.1% for African Americans, 52.9% for Latinos, and 50.1% for Whites). Witness declarations further illuminate the relative difference of students' precollege environment to UNC-Chapel Hill, and the relevance of this divergence for increasing understanding and learning.

[1] **Regan Buchanan**, a White female recent UNC-Chapel Hill graduate: "I went to high school with people who looked just like me and had the same experiences I had. I knew racism existed, but I never knew the extent to which racism impacts people's day to day lives currently." (see statement ¶ 11)

[2] **Lauren Eaves**, a White female UNC-Chapel Hill senior from England: "I had a predominantly White upbringing and went to a predominantly White high school I did not have the chance to appreciate how someone's life experience could be radically different based on their race." (¶ 5)

[3] **Michael T. Crimmins**, a White male and Mary Ann Smith Distinguished Professor of Chemistry: "Many students come from non-diverse communities but will ultimately function at a higher level at the University and beyond because of the diverse community they experience here." (¶ 11)

[4] **Joseph DeSimone**, a White male and former Chancellor's Eminent Professor of Chemistry: "The level of diversity among students at UNC-CH plays a powerful role in preparing UNC-CH students for their professional endeavors. This is especially important for students who have not had much exposure to diverse points of view prior to college." (¶ 37)

[5] **Emil Kang**, an Asian male and Executive Director for the Arts and Professor of the Practice in the Department of Music at UNC-Chapel Hill: "Diversity is more important now than ever. This is, in part, because of the changing landscapes of civic dialogue, which are becoming more binary and polarized." (¶ 8) "In my view, there is no such thing as a binary approach to life. We need to preserve the multiplicity and plurality of opinions and viewpoints so we can ensure that civic discourse is continued." (¶ 9) "Without diversity, it becomes nearly impossible to preserve the importance of discourse in our society." (¶ 10)

Figure 3

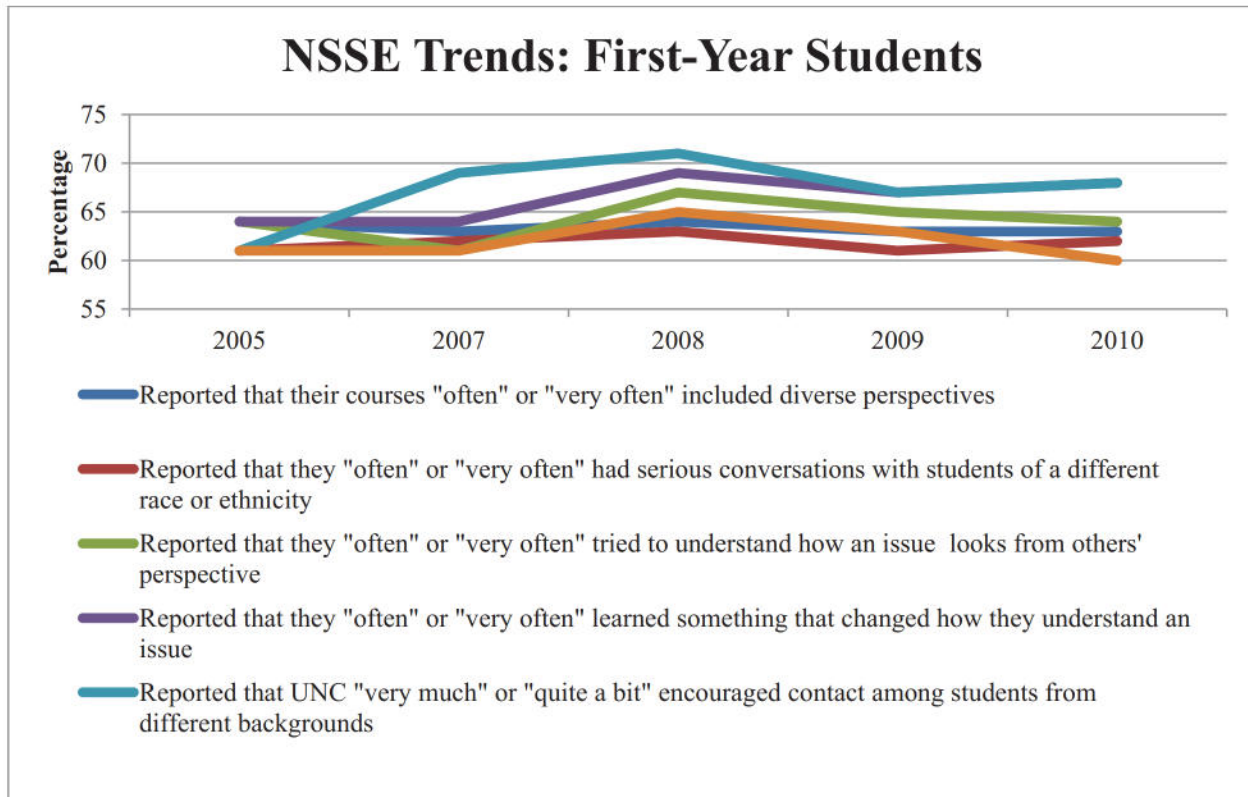
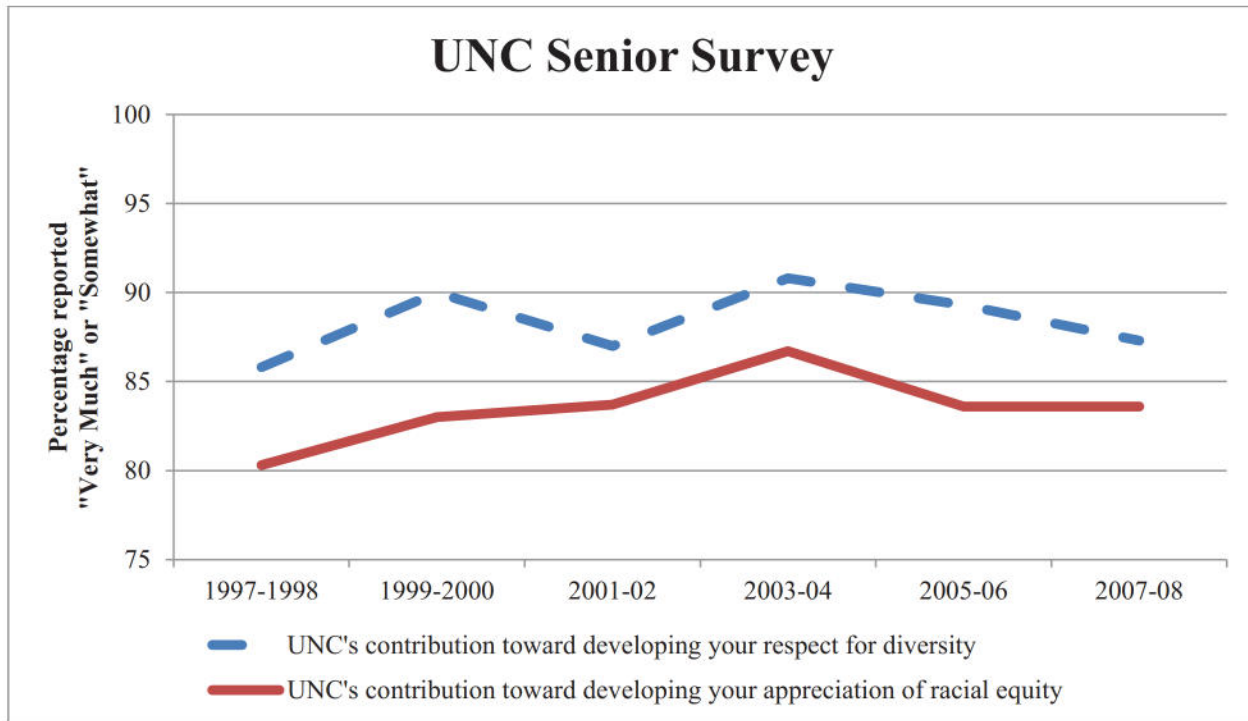


Figure 3 demonstrates that UNC-Chapel Hill's programmatic efforts at fostering diversity, inclusion, and dialogue are recognized and appreciated by students. The impact of those efforts is further substantiated by the preliminary results from the 2016 Climate Survey. A majority of the students reported that they either very often or often reconsidered the way they thought about an issue after hearing the perspectives of other students at UNC-Chapel Hill whose race or ethnicity is different from their own (60.3%) and have learned from perspectives offered by other students whose race or ethnicity is different from their own (70%). Moreover, the data reflect the positive impact that such efforts are having on students. Witness declarations provide additional insights into how exposure to diversity contributes to undergraduate students' education.

Figure 5

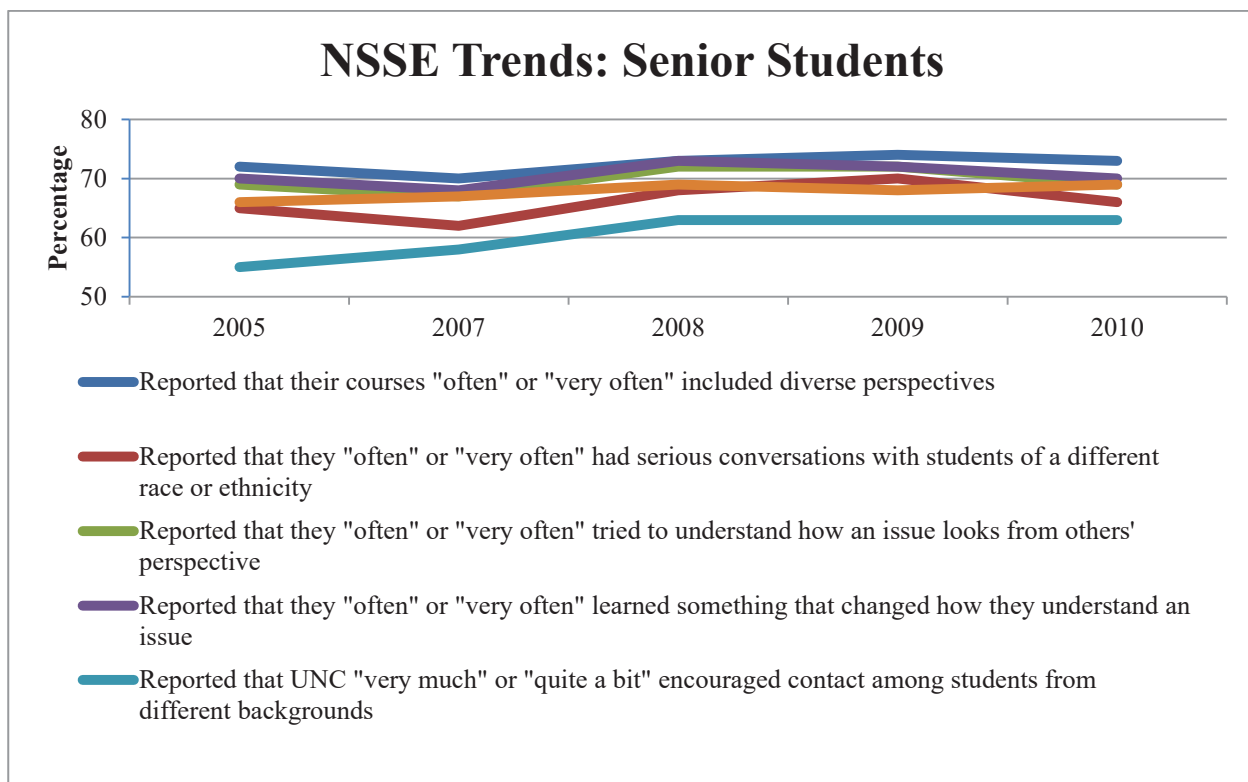


The data support the claim that UNC-Chapel Hill's efforts are contributing to enhancing students' respect and appreciation for diversity and racial equity. Preliminary results from the 2016 Climate Survey also show that a majority of the students reported that during the past year at UNC-Chapel Hill, they either very frequently or occasionally made an effort to get to know people from diverse backgrounds (92.1%), recognized the biases that affected their own thinking (95.9%), and either very often or often avoided using language that reinforces negative stereotypes (74.3%) and encouraged behaviors that support diversity (57.9%). Witness declarations by UNC-Chapel Hill alumni add to the understanding of how sustained exposure to diversity makes a difference in one's life after graduation:

[1] **Ronald F. Bilbao**, a Latino male, 2010 UNC-Chapel Hill graduate and legislative specialist at the Florida Education Association: "Cross-cultural understanding is hugely important Every roommate I had was conservative, and we had conversations about issues, including immigration. Learning about my brother changed their perspectives, and understanding their backgrounds helped

proportion of seniors, 70% or greater across the five survey years, reporting on a four-point scale from “never” to “very often” that this either “often” or “very often” occurred in their courses. A large proportion of seniors also consistently reported that they learned something that changed how they understood an issue and that they also tried to understand how an issue looked from another perspective. There was also very little fluctuation across years (<3 percentage points) regarding senior student responses on a four-point scale from “very little” to “very much” to whether UNC-Chapel Hill enhanced their understanding of people of other racial and ethnic backgrounds, with consistently over 66% reporting either “very much” or “quite a bit.”

Figure 6



By contrast, Figure 6 also shows that there was relatively more fluctuation across years in terms of how senior students responded to whether UNC-Chapel Hill encouraged contact among students from different backgrounds, with a low of 55% of seniors reporting either “very much” or “quite a bit” in 2005 to a high of

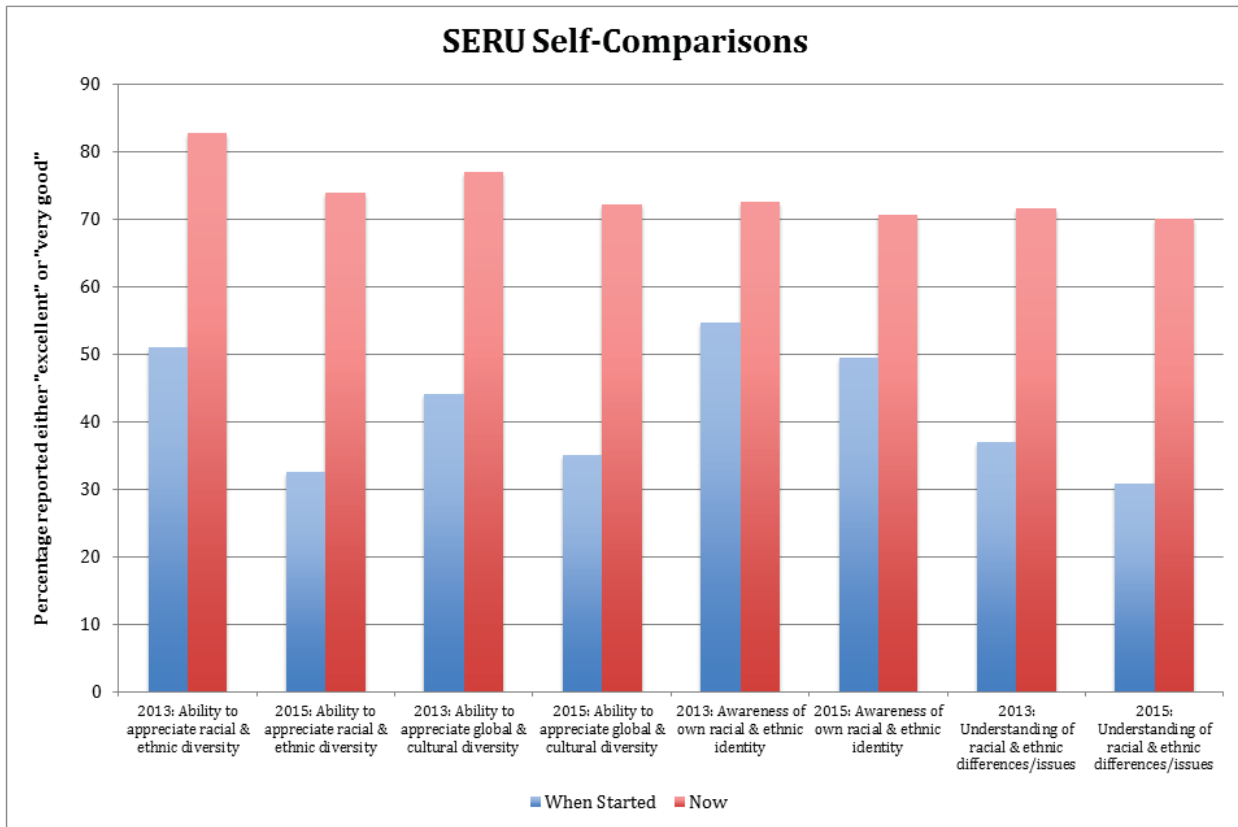
63% across 2008-10. Likewise, seniors varied across different cohort years in their response to having had serious conversations with students of a different race or ethnicity, with a low of 62% of them reporting either “often” or “very often” in 2007 and a high of 70% reporting the same thing in 2009. Still, by 2010 over 60% of UNC-Chapel Hill seniors reported experiencing a wide range of diversity-related activities at a consistently high rate. This rate suggests that UNC-Chapel Hill’s diversity initiatives and efforts are positively reaching and impacting its students.

Preliminary results from the 2016 Climate Survey further support the positive impact on students. A majority of the students either strongly agreed or agreed with the statement that (1) they have been challenged at UNC-Chapel Hill to think differently about an issue due to their interactions with people whose race or ethnicity is different from their own (78.6%), (2) being exposed to diverse people and diverse ideas at UNC-Chapel Hill has improved their ability to understand people from racial or ethnic backgrounds different from their own (79.7%), and (3) they have benefited from being exposed to diverse people and diverse ideas at UNC-Chapel Hill (82.1%).

4. Comparisons

Figure 7 draws from the SERU Survey and shows students’ self-comparisons of when they “started” at UNC-Chapel Hill vs. “now” on the development of four diversity-related competencies: ability to appreciate racial and ethnic diversity, ability to appreciate global and cultural diversity, awareness of their own racial and ethnic identity, and understanding of racial and ethnic differences/issues. The figure reports the percentage of those who reported to be either “excellent” or “very good” in those competencies when they “started” compared to “now” on a six-point scale from “very poor” to “excellent” across the two different survey years, 2013 and 2015.

Figure 7



Regardless of year surveyed, students were significantly more likely to report that they were either “excellent” or “very good” in a particular competency now compared to when they had started at UNC-Chapel Hill. The self-comparison difference is particularly large in response to “understanding of racial and ethnic differences/issues.” Whereas in 2013 and 2015, only 37% and 30.9%, respectively, reported that they had either “excellent” or “very good” understanding when they started compared to twice that proportion (71.7% and 70%, respectively) for now.

Another trend to note, which demonstrates the fluid nature of diversity work on campus, is that compared to those who were surveyed in 2013, a slightly smaller proportion of those surveyed in 2015 reported to be “excellent” or “very good” on those diversity-related competencies. This is especially the case for self-rating of when they started. For example, looking at the far left side of the figure, 51% of those surveyed in 2013 reported that their ability to appreciate racial and

ethnic diversity when they started college was either “excellent” or “very good” compared to only 32.6% in 2015.

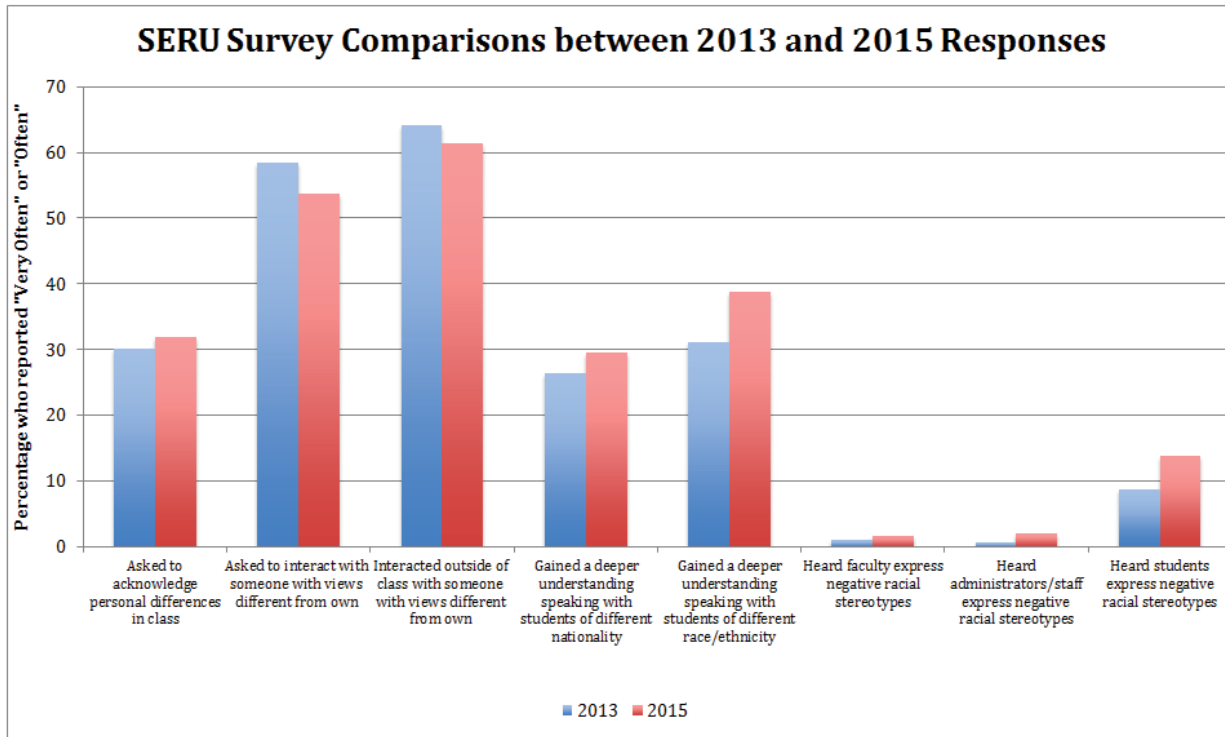
Likewise, the preliminary results from the 2016 Climate Survey also show that a majority of students rated themselves as having a major strength or being somewhat strong in the following abilities: to discuss and negotiate controversial issues (66%), to see the world from someone else’s perspective (79.5%), and to work cooperatively with diverse people (85.2%). Across all three abilities, a larger proportion of students who were fourth-year and beyond than first-year students rated themselves as having a major strength or being somewhat strong. The difference was largest concerning the ability to see from someone else’s perspective, with 83% of fourth-year and beyond students rating themselves in that way compared to 77.4% of first-year students. Witness declarations point to the long-term significance of individual gains made in those areas of competency, demonstrating their importance beyond UNC-Chapel Hill.

[1] **Jonathan Reckford**, a White male graduate of UNC-Chapel Hill and Chief Executive Officer for Habitat for Humanity International: “When I look at the competencies we hire for Habitat, you almost cannot succeed in this environment if you can not work cross-culturally, cross-functionally, and cross-geographically ... working with people from different cultures, races, and genders better prepares students to be citizens and to be professionally successful.” (§ 15)

[2] **Jennifer Ho**, an Asian American Professor in the English Department: “UNC-CH educates students to live and work in a global network. When students graduate, they need to be able to interact with and be comfortable with people from a variety of social groups. To cope in a global environment, students need to have racial and social literacy. Part of that is being able to understand and interact with people from different racial and ethnic groups. These experiences at UNC-CH help prepare students for life after graduation.” (§ 12)

[3] **Peter Henry**, an African American male graduate of UNC-Chapel Hill and Dean of the Leonard N. Stern School of Business at NYU: “Diversity of perspective is not just a nice thing for companies. Diversity of perspective is a critical competitive consideration in the business world.” (§ 11) “Exposure to diversity in an educational environment provides the perspective that produces business school graduates who are going to be effective business professionals.” (§ 12) “Students need to be challenged with diverse perspectives, and that comes from their educational environment. Building a diverse classroom experience is how to turn out the most informed critical thinkers. Classroom diversity is crucial to producing employable, productive, and value-adding citizens in business.” (§ 16) “Having a diverse student body, including a racially-diverse student body, helps

Figure 8



Declarations from students corroborate these survey results, demonstrating that students have gained a deeper understanding speaking with other students of a different race or ethnicity.

[1] **Ezra Baeli-Wang**, an Asian American male, 2017 UNC-Chapel Hill graduate: “At UNC-CH, I actively sought out opportunities to interact with people who are different from me.” (§ 12)

[2] **Taylor Bates**, a White male recent UNC-Chapel Hill graduate: “Interacting with students who are different from me has greatly impacted my educational experience.” (§ 6)

[3] **Rachel Gogal**, a White female, 2016 UNC-Chapel Hill graduate: “I benefitted from hearing the perspectives of others.” (§ 9)

[4] **Teddy Gonzalez**, a Hispanic male, 2016 UNC-Chapel Hill graduate: discussing interaction with friend about differences and similarities in cultures. (§ 15)

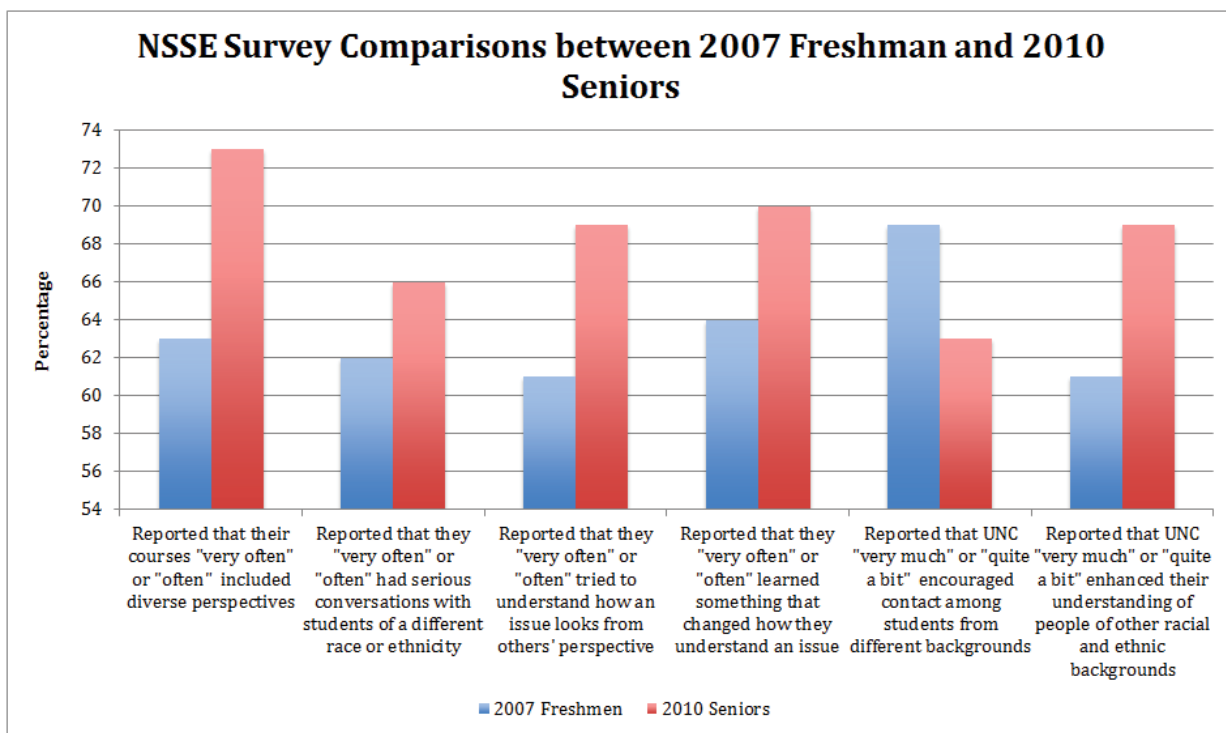
[7] **Chelsea Barnes**, an American Indian female, 2015 UNC-Chapel Hill graduate and current UNC-Chapel Hill law student: “Becoming involved with the American Indian Center (“AI Center”) was a turning point for me. The AI Center was the first organization on campus to reach out to me.” (§ 13) “In the spring of my sophomore year, I joined the Native American interest sorority. It was not a traditional social sorority.” (§ 14) “The support of my sorority sisters was a catalyst for many other positive experiences at UNC-CH. I picked up a lot of good leadership experiences both within the sorority and beyond. As an example, my sisters encouraged me to become president of the Carolina Indian Circle (“CIC”). I never would have fathomed I could do that.” (§ 15) “My junior year, I was a scholar with the Cultural Competence Leadership Institute (“CCLI”), a leadership development program As a CCLI scholar, I was able to be a part of the small community of people who took the time to attempt to work and mediate the issues that still exist help[ing] us to develop the skills needed to promote a diverse, yet inclusive, environment.” (§ 16) “While UNC-CH is by no means perfect and has a long way to go (along with the rest of the world), UNC-CH made many efforts to be inclusive and I was proud to be part of these efforts.” (*Id.*)

The preliminary results from the 2016 Climate Survey also show that a sizeable portion of African American (62.5%), Asian American (48.6%), and Latino (39.7%) students joined a racial or ethnic student organization reflecting their own background and took an ethnic studies course (75.9% of African Americans, 47% of Asian Americans, and 50.8% of Latinos). Also 51% of African American and 26.6% of Latino students reported to have utilized services provided by Diversity and Multicultural Affairs.

Figure 10 compares NSSE Survey responses between those surveyed in their freshman year in 2007 and in their senior year in 2010. Presumably, many of those who were surveyed as freshman in 2007 would be seniors in 2010. Although this is not a perfect matched sample, there should be significant overlap in respondents across those two groups, thus providing a sense of gains made by a single cohort of students during their studies at UNC-Chapel Hill. There is remarkable consistency across those six NSSE diversity-related questions. For five of the six questions, students were more likely as seniors compared to when they were freshmen to report having experienced higher frequencies of key diversity-related outcomes. Those outcomes include (1) having had serious conversations with students of a different race or ethnicity, (2) trying to understand how an issue looks from others’ perspectives, (3) learning something that changed how they understand an issue, (4) observing inclusion of diverse perspectives in their courses, and (5) recognizing UNC-Chapel Hill’s contribution toward enhancing their understanding of people of

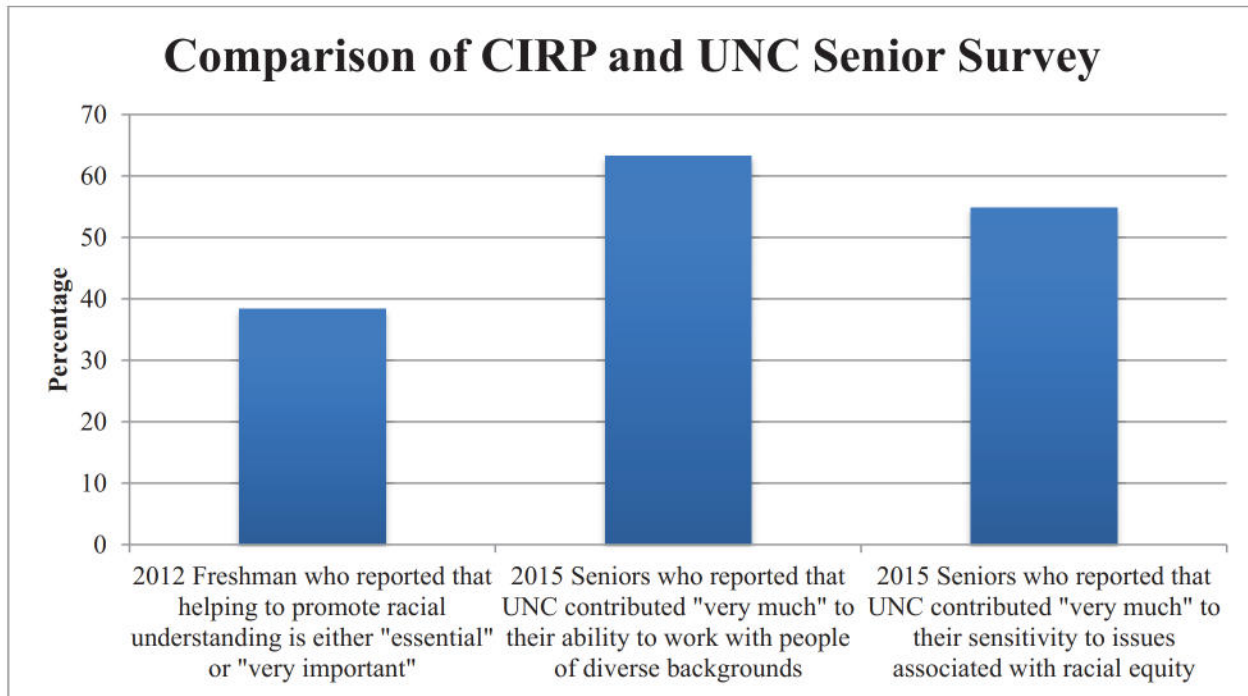
other racial and ethnic backgrounds. The most significant difference in response between when students were seniors compared to when they were freshmen concerned the inclusion of diversity in their courses, with 73% of 2010 seniors reporting on a four-point scale from “never” to “very often” that this happened either “very often” or “often,” compared to 63% of 2007 freshmen. Conversely, students were more likely as freshmen (69%) than as seniors (63%) to report on a four-point scale from “very little” to “very much” that UNC-Chapel Hill encouraged contact among students from different backgrounds either “very much” or “quite a bit.” Overall, these trends suggest that by the time UNC-Chapel Hill students were seniors compared to when they were freshmen, they were more likely to have experienced higher frequencies of diversity-related activities on campus.

Figure 10



Some witness declarations from students and alumni evidence the increasing trend of students to have experienced higher frequencies of diversity-related activities on campus.

Figure 11



The gains made by students reported in Figures 10 and 11 are further supported by the results of the 2016 Climate Survey. For example, compared to first-year students, a larger proportion of students who were fourth-year and beyond reported that they either strongly agree or agree with the following statements: Being exposed to diverse people and diverse ideas at UNC-Chapel Hill has improved my ability to understand people from racial or ethnic backgrounds different from my own (83.2% vs. 75.3%), I have benefited from being exposed to diverse people and diverse ideas at UNC-Chapel Hill (86% vs. 80.4%). Similarly, compared to first-year students, a larger proportion of students who were fourth-year and beyond reported that they either very often or often reconsidered the way they thought about an issue after hearing the perspectives of other students at UNC-Chapel Hill whose race or ethnicity is different from their own (63.7% vs. 54.3%) and have learned from perspectives offered by other students whose race or ethnicity is different from their own (71% vs. 67.4%).

[4] **Laura Gamo**, a Latina, 2016 UNC-Chapel Hill graduate: “I sometimes felt like I was asked to be a spokesperson, but when people are willing to listen and understand, I do not mind at all.” (¶ 11)

[5] **Kendall Luton**, an African American male, current UNC-Chapel Hill student, class of 2018: “[T]here were several times when I was the only one of two or three Black students in class [T]hey would look to me to represent the entire Black community.” (¶ 9)

[6] **Ashley McMillan**, an American Indian female, 2009 UNC-Chapel Hill graduate: “When I first arrived at UNC-Chapel Hill, I realized that I was often the only person of color in the classroom. I felt like I had to be the spokesperson for all American-Indian people.” (¶ 9)

[7] **Merrick Osborne**, an African American male, 2016 UNC-Chapel Hill graduate: “Sometimes, in classes of 200 or more, I would be the only person of color or the only Black male. In fact, I dropped my business major because I felt ostracized I wish I had had more minority peers who could walk through the experience with me.” (¶¶ 15, 17)

[8] **Jordan Peterkin**, an African American male, 2017 UNC-Chapel Hill graduate: “At the business school, there were only a few Black students and regularly I was the only Black student in classes. In addition to having only a small number of Black students in these classes, there were only a few Black faculty members. I felt as though I did not have class members to rely on or faculty members who understood my background.” (¶ 4)

[9] **Anan Zhou**, an Asian American female, 2016 UNC-Chapel Hill graduate: “In my English courses, I was usually the only person of color.” (¶ 4)

2. Faculty and Administration Perspectives

Faculty and staff are unanimous that there are great benefits that flow from diversity in classrooms and education.

[1] **Nilay Tanik Argon**, a White female Associate Professor from Turkey in the Department of Statistics and Operations Research: “[C]ross-cultural learning is important.” (¶ 11)

[2] **Frank Baumgartner**, a White male and Distinguished Professor of Political Science: “Diversity provides substantial and real educational benefits and is critical to our students’ learning at UNC-CH. I have personally observed these benefits over my many years of teaching.” (¶ 19)

[3] **W. Fitzhugh Brundage**, a White male and Distinguished Professor and Department Chair in the Department of History at UNC-Chapel Hill: “I believe it is critical from a pedagogic standpoint to have a diverse student body. The education in my courses is greatly enriched when we have students from different racial and ethnic backgrounds, because students have the opportunity to hear from classmates with different experiences and perspectives.” (¶ 6)

[4] **Maribel Carrion**, a Puerto Rican female graduate of UNC-Chapel Hill (undergraduate and MBA) and UNC-Chapel Hill administrator: “Diverse students stand up and stand out and help create understanding about people from different backgrounds.” (§ 13)

[5] **Michael T. Crimmins**, a White male and Mary Ann Smith Distinguished Professor of Chemistry: “Students who are part of a diverse classroom setting receive many important benefits.” (§ 12)

[6] **Paul Cuadros**, a Latino male and Associate Professor of Journalism and Mass Communications at UNC-Chapel Hill: “I believe there are significant educational benefits that derive from having diversity at UNC-Chapel Hill, both in the classroom and on the campus at large. Those benefits include developing a better understanding of different people and cultures, learning to get along with others, and gaining better, broader perspectives.” (§ 16)

[7] **Joseph DeSimone**, a White male and former Chancellor’s Eminent Professor of Chemistry: “Fostering innovation—the development of new ideas and solutions—is central to the UNC-CH mission. Education must not be a stagnant enterprise. Rather, the classroom can and must become richer year after year as ideas build upon one another. Homogeneity inhibits innovative thinking in the classroom just as it inhibits innovative thinking in the workplace. The last thing you want as a scientist and an educator is a classroom lacking viewpoint diversity.” (§§ 35-36)

[8] **Carol Lynn Folt Depo.**, Chancellor of the UNC-Chapel Hill: “[T]he benefits of diversity happen very clearly in the classroom role [including] working across difference, achieving the benefits of having different opinion, coming from different backgrounds, approaching problems from very different perspectives.” (173:9-173:22)

[9] **Emil Kang**, an Asian male and Executive Director for the Arts and Professor of the Practice in the Department of Music at UNC-Chapel Hill: “Diversity of the students contributes significantly to their experience in the classroom The more diverse our community, the more our students learn.” (§§ 15-16)

[10] **Richard H. Kohn**, a White male and retired Professor in the History Department at UNC-Chapel Hill: “Having students from diverse backgrounds deepens and broadens their education, expanding their perspectives and understanding, and leading them to question their own assumptions and to develop critical thinking and writing skills that better prepare them for success.” (§ 11)

[11] **Abigail Panter Depo.**, Professor of Psychology and Neuroscience, and Senior Associate Dean for Undergraduate Education in the College of Arts and Sciences: “[S]tudent body diversity is critical to our mission for the University as I’ve mentioned before, since we’re a center for scholarship and research and creativity and we teach undergraduates, graduate students, and professional students. Having a diverse student body allows us to have discussions of students together talking about issues, thinking about different perspectives and -- and improves our learning outcomes.” (106:15-25)

[12] **Louise Toppin**, an African American female and former Professor and Chair of the Department of Music at UNC-Chapel Hill, currently at the University of Michigan: “Having diverse students in the classroom enhances learning for all.” (§§ 14-17)

Indeed, some faculty and staff have noted that it is only with diversity in educational settings at UNC-Chapel Hill that certain difficult conversations and learning can occur.

[1] **Frank Baumgartner**, a White male and Distinguished Professor of Political Science: “When [diverse] students share their personal experiences with their classmates, this provides a powerful and impactful learning moment It is extremely helpful to hear about people’s own family experiences and hear from people who are touched personally by the subject matter. It creates interesting, difficult, and fulfilling conversations and enhances learning, bringing the points home to those students who are able to see that another student whom they know and respect has had such experiences.” (§§ 30-31)

[2] **W. Fitzhugh Brundage**, a White male and Distinguished Professor and Department Chair in the Department of History at UNC-Chapel Hill: “I am very keen to have minority students in my Southern history class because of the historical perspective they bring it is essential to have a diverse student body so that students have a robust and fully inclusive conversation about the history of the South.” (§ 9)

[3] **Jennifer Ho**, an Asian American Professor in the English Department: “If UNC-CH’s racial diversity were diminished or compromised, I fear that it would have a very detrimental impact on the effectiveness of my courses on race and ethnicity, as well as on the overall academic quality of the institution.” (§ 23)

[4] **Sherick Hughes**, an African American male and Professor of Education at UNC-Chapel Hill: discussing how class exercise would be “impossible to do if our students have not had any cross-cultural interaction.” (§§ 18-26)

[5] **Crystal King**, an African American female, Director of the Carolina Union at UNC-Chapel Hill: “We know from the literature that it is erroneous to assume that students will naturally learn about their peers. Rather, it is up to educators to facilitate structured opportunities for dialogue to transpire.” (§ 13)

[6] **Patricia McAnany**, a White female and Professor in the Department of Anthropology at UNC-Chapel Hill: discussing conversations in class made possible due to diversity at UNC-Chapel Hill. (§§ 9-13)

[7] **Louise Toppin**, an African American female and former Professor and Chair of the Department of Music at UNC-Chapel Hill, currently at the University of Michigan: “Our discussions are much livelier and more current with diverse students present and participating.

When we lack African-American students in the room, who come from different traditions, the conversation gets very flat as I try to tell the students about those traditions.” (§§ 14-17)

[8] *See also* UNC Faculty Council Resolution 2016-12 On Commitment to Diversity and Inclusion (“We are committed to promoting the many educational benefits, generation of new ideas and the innovations that flow from a diverse student body Consistent with the social science research in the area, we strongly believe that diversity improves learning outcomes for our students”); April 15, 2016 Presentation, “Educational Benefits of Diversity,” by Professor Rumay Alexander.

Some faculty and staff have remarked that they want *more* diversity to unlock greater benefits from diversity in the educational setting.

[1] **Nilay Tanik Argon**, a White female Associate Professor from Turkey in the Department of Statistics and Operations Research: “We need more diversity at UNC-CH and more diversity in my field. Greater diversity would improve the learning experience for all students Underrepresentation of minorities is a major issue in statistics and operations research at the undergraduate and graduate levels.” (§§ 7-8, 13)

[2] **W. Fitzhugh Brundage**, a White male and Distinguished Professor and Department Chair in the Department of History at UNC-Chapel Hill: “Greater diversity would enhance the class even more.” (§ 18)

[3] **Paul Cuadros**, a Latino male and Associate Professor of Journalism and Mass Communications at UNC-Chapel Hill: “The lack of diversity is a real problem for the UNC-[CH] School of Media and Journalism We cannot effectively teach our students these key skills they will need to achieve in the workplace without greater diversity.” (§ 23)

Many department leaders, professors, and staff are committed to increasing diversity in the classroom and their academic field.

[1] **Nilay Tanik Argon**, a White female Associate Professor from Turkey in the Department of Statistics and Operations Research: “I am committed to increasing diversity in our department and in statistics and operations research generally. I am a diversity liaison, and I represent my department at diversity meetings. I also arrange events for female graduate students and attend diversity-related workshops and seminars.” (§ 15)

[2] **Michael T. Crimmins**, a White male and Mary Ann Smith Distinguished Professor of Chemistry: discussing steps to increase diversity in entry-level science courses among minority students. (§§ 19-25)

who understand the challenges they face This environment can be intimidating for students who feel like ‘outsiders.’ I have observed women, for example, who have felt sidelined by the culture in the laboratory and the classroom.” (§§ 15, 20-21)

[2] **Richard H. Kohn**, a White male and retired Professor in the History Department at UNC-Chapel Hill: “Minority faculty are especially helpful; not only can they provide other perspectives, but they offer young people mentorship and role models that can encourage minority students to expand their career ambitions.” (§ 11)

3. Beyond UNC-Chapel Hill

UNC-Chapel Hill faculty, staff, administrators, students, and alumni identified how diversity impacts student preparedness beyond UNC-Chapel Hill. For instance, many overwhelmingly identified how diversity better prepared individuals as “world leaders” in an increasingly globalized and diverse society.

[1] **Rumay Alexander Depo.**, Professor and Director of the Office of Inclusive Excellence in the School of Nursing, special assistant to the Chancellor, and interim Chief Diversity Officer for UNC-Chapel Hill: discussing how a diverse student body yields educational benefits and prepares world leaders. (24:9-25:10)

[2] **Rye Barcott**, White male veteran, 2001 UNC-Chapel Hill graduate and co-founder of the Carolina for Kibera organization: “Promoting the development of cross-cultural skills is important in the college experience to prepare students for lives and careers beyond UNC. We live in a global world with a global economy. Cross cultural skills are also important from a military perspective, especially since the types of conflicts we face are increasingly counterinsurgency. The ability to understand how people think is the key to success in a military situation.” (§ 18)

[3] **Melody Barnes**, an African American female, 1986 UNC-Chapel Hill graduate and former Director of the White House Domestic Policy Council: “Our world is becoming more diverse, and if we want UNC-CH graduates to be successful individuals and leaders, UNC-CH must continue to expose its students to classmates from different backgrounds who have different experiences than their own.” (§ 19)

[4] **J. Christopher Clemens**, a White male Professor in the Department of Physics and Astronomy and Senior Associate Dean for Natural Sciences at UNC-Chapel Hill: “We know the talent for science exists in diverse groups of students, and we need to do a better job of bringing that talent into our programs Having a good pipeline of diverse undergraduates from top programs will be essential to increasing the number of diverse scientists in graduate school and in the field.” (§§ 23-24)

[5] **Mary Cooper**, a White female, 2012 UNC-Chapel Hill graduate: “UNC-CH has a long history of producing leaders. If you are going to be a leader in the world today, you have to have

had diverse experiences or have supported the diversity of others. We do not operate in silos anymore. It is critical that leaders have the ability to engage and speak about issues.” (§ 20)

[6] **Christopher Faison Depo.**, Coordinator for Men of Color Engagement at UNC-Chapel Hill: “And then all that basically provides, in my eyes, a nice preview for students to understand what the world will be like once they graduate.” (28:7-10)

[7] **Carol Lynn Folt Depo.**, Chancellor of the UNC-Chapel Hill: “I think it is suggesting that diversity in its forms, including racial, are mutually reinforcing pillars of our mission to achieve academic excellence and preparing graduates to succeed and lead.” (75:14-18)

[8] **Jennifer Ho**, an Asian American Professor in the English Department: “UNC-CH educates students to live and work in a global network. When students graduate, they need to be able to interact with and be comfortable with people from a variety of social groups.” (§ 12)

[9] **Sherick Hughes**, an African American male and Professor of Education at UNC-Chapel Hill: “In addition, we expect that Carolina students will become leaders. Diversity is essential to preparing our students for leadership as teachers, as principals, and in other roles and occupations. In the field of education, in particular, it is essential that we train future K-12 teachers and administrators from diverse backgrounds as leaders and that all of our future leaders understand how to lead and work with diverse populations.” (§ 13)

[10] **Emil Kang**, an Asian male and Executive Director for the Arts and Professor of the Practice in the Department of Music at UNC-Chapel Hill: “The University is the most important place for discourse and diversity to thrive. It is critical for a university to protect the ability of disagreements to exist. It is human nature to try to avoid controversy and conflict. But the University should fight against that and do the opposite. Otherwise we will be graduating students with limited world views and life experiences.” (§ 11)

[11] **Jennifer Kretchmar Depo.**, Senior Assistant Director of Research at UNC-Chapel Hill: “Preparing students to work in a -- the global workplace; exposing students to different cultures and breaking down stereotypes; allowing students who might be a member of a minority group, however you define that minority group to feel as if they are a spokesperson for that minority group when they’re here on campus; enhancing the sense of belonging for all students on campus; exposing people to different perspectives and beliefs that are -- and experiences that are different than your own.” (131:2-12)

[12] **Richard H. Kohn**, a White male and retired Professor in the History Department at UNC-Chapel Hill: “Graduates must be agile, and open-minded, prepared to meet people of different races, cultures, attitudes and values. If UNC-Chapel Hill does not expose its students to different modes of thought, differing beliefs, and interactions with diverse groups of people, the University will be derelict in its duty and its promise to educate its students.” (§ 17)

[13] **Patricia McAnany**, a White female and Professor in the Department of Anthropology at UNC-Chapel Hill: “Our responsibility at UNC-Chapel Hill is to train future leaders who hail from North Carolina.” (§ 16)

[14] **Barbara Polk Depo.**, Senior Associate Director at UNC-Chapel Hill: “The value of the educational diversity that part of the University’s mission is to educate future leaders of the state, country, and beyond. The society in which we live is diverse. We need to educate students and future leaders who understand that diversity, plus students just for the sake of education in and of itself, will learn more if they are talking with and interacting with students who have different thoughts, different approaches, different opinions than they do.” (339:8-17)

[15] **Micah Poulson**, a Black male, 2014 UNC-Chapel Hill graduate: “I cannot emphasize enough how important I think diversity is to educate people and to help people understand each other and grow together. We need those different voices in the room. Diversity was important not only to my educational experience but in helping me develop skills for the military as well.” (¶ 15)

[16] **Vishal Reddy**, an Indian male, 2016 UNC-Chapel Hill graduate: “[I]f you have a diverse student body, it likely results in diverse student interests. Having diverse interests at the University is very powerful and can incubate passions that lead to progressive thinking. If we are attempting to raise a new generation of leaders, it is critical to facilitate that kind of thinking.” (¶ 4)

[17] **Damon Toone Depo.**, Associate Director for Professional Development and Diversity at UNC-Chapel Hill: “[R]ight down to our mission statement we are trying to prepare leaders who have gone out into the world and be successful in business and in law and everything else. And we certainly want to give our students a reflection of all students, all people.” (60:1-6)

[18] **Stick Williams**, a Black male, 1975 UNC-Chapel Hill graduate and former Vice President of Corporate Community Affairs, Vice President of Diversity, Ethics, and Compliance, and President of the Duke Energy Foundation: “Diversity is essential from a business perspective, as well as an educational one. In order to optimize the quality of a project and products we produce, we must have people who come from different perspectives.” (¶ 17)

Moreover, a substantial number of individuals cited an increase in skills that were directly relevant for future business leaders or were relevant for their ultimately chosen profession.

[1] **Melody Barnes**, an African American female, 1986 UNC-Chapel Hill graduate and former Director of the White House Domestic Policy Council: “My education at UNC-CH, and in particular my exposure to other students and faculty [was] essential preparation for my role as a policy advisor.” (¶ 18)

[2] **Mary Cooper**, a White female, 2012 UNC-Chapel Hill graduate: “My experiences with diversity at UNC-CH and beyond have made me confident in my ability to work with, coach, and teach others who do not look like me or who have not had the same experiences.” (¶ 21)

VI. Opinions Derived from Empirical Analyses

UNC-Chapel Hill has undertaken significant diversity initiatives and promoted meaningful diversity interactions on campus. UNC-Chapel Hill is making conscientious and deliberate efforts on a number of fronts to foster diversity through interactions between individuals and group, diversity-related events, and creating a welcoming and inclusive campus environment. These efforts include recruitment and pipeline activities, cultivating diversity initiatives at the institution level and among students, promoting diversity initiatives in the classroom and in academics, and fostering cross-cultural interactions. Based on these efforts, as well as my empirical analysis of the survey data from UNC-Chapel Hill, it is my opinion that, while additional improvement can be accomplished, UNC-Chapel Hill is realizing and achieving identifiable and significant educational benefits from diversity.

UNC-Chapel Hill regularly conducts a variety of ongoing strategic survey programs to understand better the general perceptions, experiences, attitudes, and beliefs of its undergraduate students. Information obtained through reports from five of those survey programs was compiled for cross-sectional analyses to capture broadly a longitudinal overview of racial diversity at UNC-Chapel Hill.

The results from the analyses of the surveys are further illuminated by the witness declarations, which consistently point to a deep appreciation for the ongoing work associated with diversity and inclusion at UNC-Chapel Hill.

[1] **Nilay Tanik Argon**, a White female Associate Professor from Turkey in the Department of Statistics and Operations Research: “Greater diversity would improve the learning experience for all students and would make sure that our field [statistics] has the best minds available.” (§ 7)

[2] **Frank Baumgartner**, a White male Distinguished Professor of Political Science: “Diversity provides substantial and real educational benefits and is critical to our students learning at UNC-CH. I have personally observed these benefits over my many years of teaching.” (§ 19) “For example, classroom discussion and learning in my courses is richer and deeper when we have a diverse group of students in the classroom [D]iversity ... helps our students develop awareness and an understanding of different perspectives and experiences in a more meaningful way. Learning about race and diversity-related issues with diverse classmates is particularly important in promoting cross-cultural understanding and helping break down stereotypes and prejudice. It would be extremely difficult, and ineffective, to teach about diversity issues without diversity among students.” (§ 20)

[4] **Merrick Osborne**, an African American male, 2016 UNC-CH graduate: “I do not feel like I would have had an adequate liberal arts education without having the opportunity to interact with people who are not like me. For me, it taught me to be resilient and a better global citizen But at the end of the day, the absence of like individuals certainly was a challenge.” (§ 18) “I have struggled with feeling valued by the University.” (§ 19)

[5] **Neils Ribeiro-Yemofio**, an African American male, 2008 UNC-Chapel Hill graduate: “... I know other minority students who struggled more at UNC-[CH]. If UNC-[CH]’s enrollment of minorities were to drop, I would be very concerned about minority students being able to find community on campus.” (§ 13)

[6] **Cedric Bright**, an African American male and Assistant Dean of Medical Education and Admission and Associate Professor of Internal Medicine at UNC-Chapel Hill: “There are changing demographics in North Carolina, and North Carolina is growing at a faster rate than forty-six other states. Because of these demographic changes, it is imperative that there also is diversity in the healthcare system to effectively meet the needs of diverse patients in the future Our health care providers must be able to serve people with different values, health beliefs, and perspectives.” (§ 11) “With a homogenous student body, there would be no growth in students’ understanding of those of diverse culture or heritage Exposure to diversity makes our students better doctors who are better prepared to serve increasingly diverse populations.” (§ 14)

[7] **Jennifer Ho**, an Asian American Professor in the English Department: “As an Asian-American professor who studies race and identity, UNC-CH’s ability to continue to enroll a diverse student population that includes many students from different racial and ethnic backgrounds is essential to the work that I do and to the educational experience I want my students to have. If UNC-CH’s racial diversity were diminished or compromised, I fear that it would have a very detrimental impact on the effectiveness of my courses on race and ethnicity, as well as on the overall academic quality of the institution.” (§ 23)

[8] **Peter Henry**, an African American male graduate of UNC-Chapel Hill and Dean of the Leonard N. Stern School of Business at NYU: “If our students are only around other students with similar backgrounds, they might as well be with only one other student.” (§ 16)

[9] **Richard H. Kohn**, a White male and retired Professor in the History Department at UNC-Chapel Hill: “If UNC-Chapel Hill does not expose its students to different modes of thought,

differing beliefs, and interactions with diverse groups of people, the University will be derelict in its duty and its promise to educate its students And our society will be the lesser for this failure.” (§ 17)

[10] **Sherick Hughes**, an African American male and Professor of Education at UNC-Chapel Hill: “Our research concluded that affirmative action has very little effect on the rates at which White and Asian students are admitted to top universities in the United States, including UNC-Chapel Hill. In particular, we determined that the relevant data indicate that there are too few applicants of color admitted to the top universities to have any meaningful impact on the likelihood of a White or Asian student’s admission.” (§ 10)

[11] **Paul Cuadros**, a Latino male and Associate Professor of Journalism and Mass Communications at UNC-Chapel Hill: “The demographics of society are changing rapidly. The inability to have a diverse or plural society reflected in classrooms lessens discussion of coverage of news and topics we are interested in as a people. It does not provide the depth of experience and knowledge we need to understand what is truly happening in society.” (§ 25)

[12] **J. Christopher Clemens**, a White male Professor in the Department of Physics and Astronomy and Senior Associate Dean for Natural Sciences at UNC-Chapel Hill: “We know the talent for science exists in diverse groups of students, and we need to do a better job of bringing that talent into our programs. If we do not do that, we will deprive the world, our field, UNC-Chapel Hill and UNC-Chapel Hill’s students of a large talent pool. We will never hear the ideas and new ways of thinking these students have to offer.” (§ 23)

[13] **Stick Williams**, a Black male, 1975 UNC-Chapel Hill graduate and former Vice President of Corporate Community Affairs, Vice President of Diversity, Ethics, and Compliance, and President of the Duke Energy Foundation: “...the purpose of a public university is to prepare the common man for service. Diversity, including racial diversity, is essential to that preparation. UNC-Chapel Hill simply cannot afford to leave its students’ talent on the table.” (§ 20)

Indeed, it would be very difficult to imagine how UNC-Chapel Hill can achieve the educational benefits documented in this report without having developed a strong commitment from a significant proportion of the campus community that cuts across traditional professional and disciplinary boundaries, which collectively translated into sustained and purposeful action to foster diversity and inclusion. Despite showing measureable gains associated with building the necessary conditions to foster those benefits, the Diversity Report also acknowledged that:

[O]ur work is far from complete. Although our commitment to diversity and inclusion will remain unwavering, we recognize that our efforts to achieve these ends must be constantly reevaluated and improved, especially in the face of present challenges. Progress is an iterative process: it requires persistent effort and evaluation. (Dean, 2017, 16)

Toward that end, the Diversity Report also announced that UNC-Chapel Hill is ramping up its efforts:

This commitment to diversity and inclusion—driven by our conviction that the two are integral to one another and to the excellence we seek as an institution—has most recently manifested itself in our recommendation regarding the new University Office of Diversity and Inclusion. This office will be charged to build understanding across differences, promote the free exchange of disparate ideas, and create conditions to ensure that the educational and social benefits of diversity are equitably realized. This office will also address the issues of our contemporary society and strive to position all students, faculty, and staff to reach their greatest potential. (Dean, 2017, 3)

Recognizing the need to ramp up rather than scale back effort is especially important given that UNC-Chapel Hill has committed to pursuing diversity and inclusion as a broader and more comprehensive institutional project that responds to ongoing changes within and outside the University. As noted in the Diversity Report:

It is worth noting that our understanding of these issues has changed and deepened over time. Although the University enrolled its first student in 1795, it was another full century until we enrolled our first female student, and another thirty years until we enrolled our first American Indian student, and another twenty until we enrolled our first black student. The student body at the University has changed dramatically since then—partly because our state and nation have changed, but also because those who came before us on this campus came to realize that the differences we had resisted were in fact crucial to the excellence we sought. (Dean, 2017, 2)

Based on the survey data, the declarations, deposition transcripts, and other resources, it is clear that UNC-Chapel Hill is realizing educational benefits that flow from diversity and inclusion and is committed to doing more to further realize the educational benefits of diversity. The findings from my analyses reinforce the following points:

[1] The relative difference of students' precollege environment elevates the importance of exposing students to diversity toward preparing them to live and work in more diverse and complex environments after graduation.

[2] Exposure to diversity both in and outside of the classroom contributes to undergraduate students' education in a variety of ways that are consistent with the empirical literature.

[3] Faculty members actively create conditions in the classroom to realize the educational and social benefits of diversity.

[4] Sustained exposure to diversity has made a significant difference in the lives of alumni after graduation.

[5] The intellectual and social gains associated with diversity through undergraduate education have both short- and long-term significance for students' preparation for life beyond college.

[6] The University has responded to challenges associated with diversity by addressing those challenges in ways that improve its overall institutional capacity to actualize the benefits for all students.

[7] The University has become even more committed over time toward engaging in a long-term process of building the necessary conditions to improve diversity and inclusion.

[8] The University's commitment is reflected in its investment of resources toward building and sustaining an inclusive community by undertaking a wide range of campus programs and initiatives.

[9] By offering key programs and personnel, UNC-Chapel Hill's efforts have engaged and empowered students on campus, which have especially helped those who had to overcome their initial academic, cultural, and social challenges.

[10] There exists a deep appreciation among administrators, faculty, staff, and students for the ongoing work associated with diversity and inclusion at UNC-Chapel Hill.

[11] The elimination of any ongoing efforts to achieve diversity and inclusion, especially regarding the enrollment of a diverse student body, would severely diminish UNC-Chapel Hill's capacity to secure educational benefits.

[12] Scaling back efforts will be especially detrimental for those students from groups who feel most isolated in class, least supported by faculty, and most alienated on campus due largely to their race and ethnicity.

Overall, UNC-Chapel Hill is on a solid upward trajectory toward further securing and fostering educational benefits through its leadership, programmatic efforts, and targeted initiatives, which taken together is in accordance with the plan articulated in the Diversity Report:

The achievement of these crucial benefits requires sustained and purposeful action. From pipeline programs and recruitment initiatives that reach students as they consider whether to apply to the University, to admissions and student-aid practices that allow us to enroll an outstanding and diverse student body, to the many programs that encourage excellence once students arrive, to the ways in which teaching and learning are being reinvented to optimize outcomes—in all that we do, we seek to act out our commitment to diversity and inclusion. (Dean, 2017, 6)

In closing, I have found that UNC-Chapel Hill has invested meaningfully in a purposeful and systematic approach concerning diversity, which begins but does not end with recruiting and admitting a diverse student body. A major part of this approach is to intentionally enrich the educational context in ways that improve both the quantity and quality of undergraduate students' engagement with diversity. The University's overall approach is responsive, ongoing, and multifaceted, accounting for many stakeholders and parts of university life. Taken together, its efforts have both secured significant benefits for undergraduate students and enhanced the capacity of the University to prepare those students to reason, communicate, and engage in an increasingly more diverse and complex world. Accordingly, the University's purposeful and systematic approach to diversity sustains and expands upon a wide range of deliberate actions both in and outside of the classroom, toward fulfilling the University's mission to serve better the people of North Carolina.

Figure 3

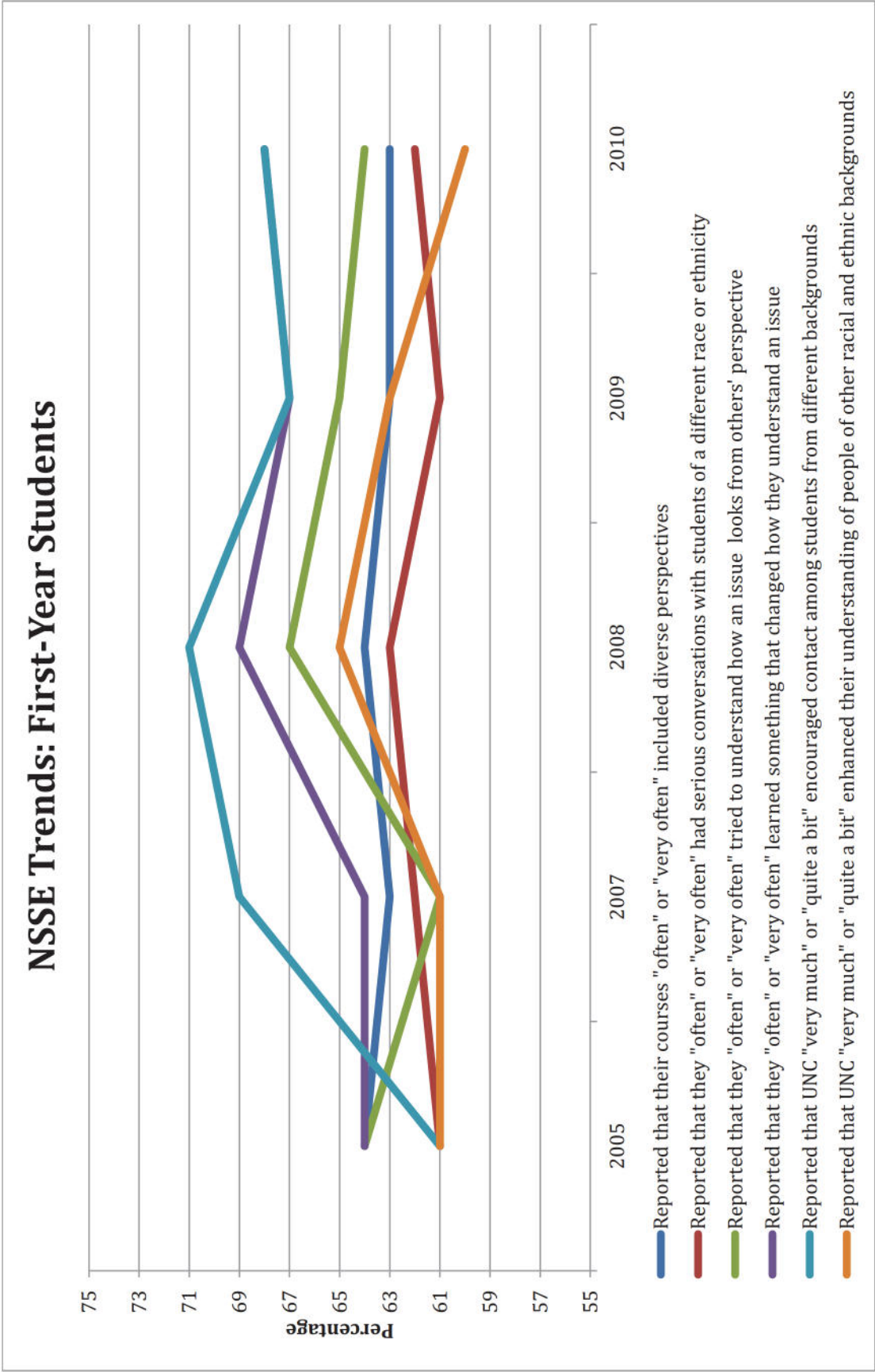
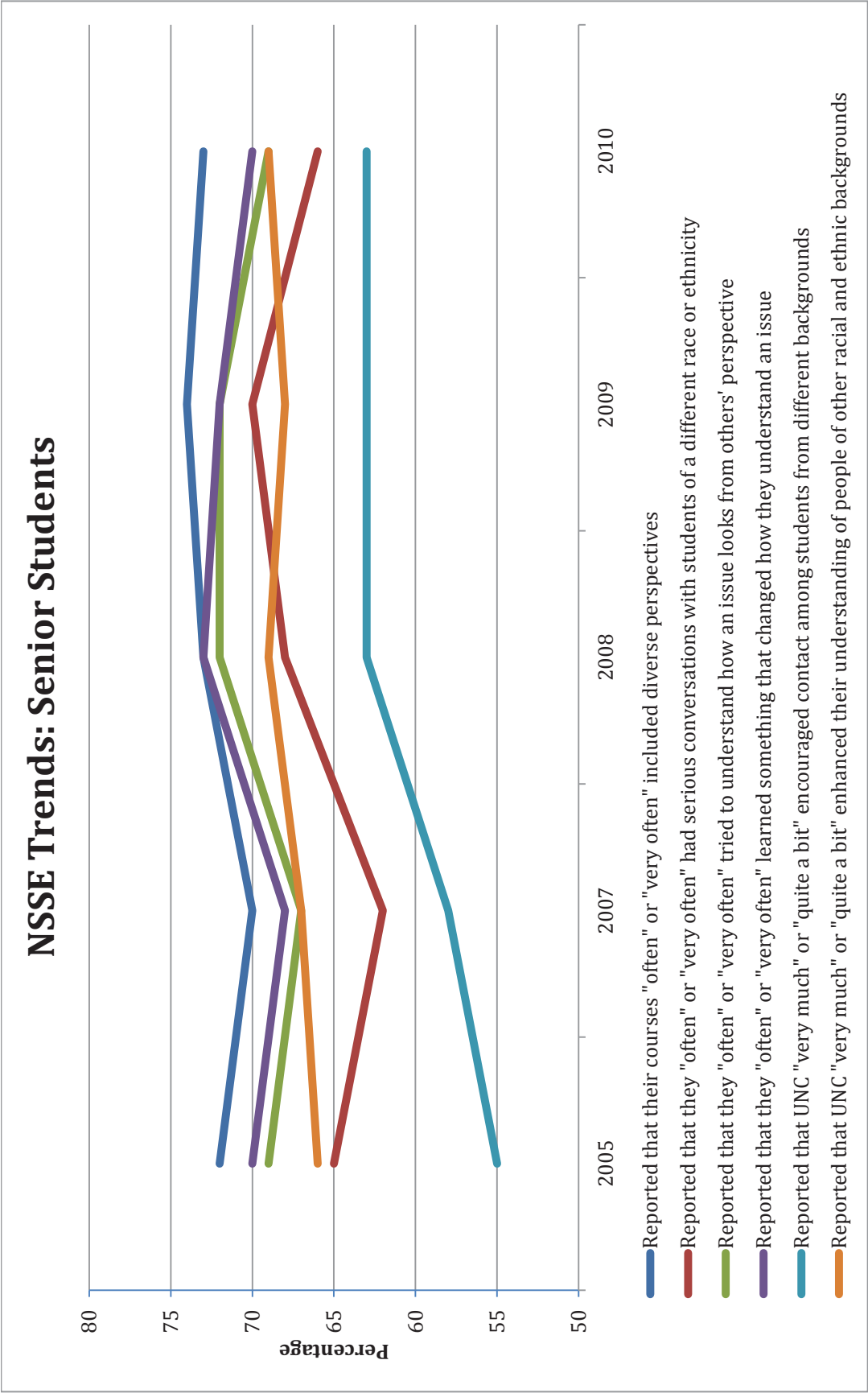


Figure 6



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

STUDENTS FOR FAIR ADMISSIONS, INC.,	:	Case 1:14-cv-00954-LCB-JLW
Plaintiff,	:	
v.	:	
	:	
UNIVERSITY OF NORTH CAROLINA, et al.,	:	
Defendants.	:	

RESPONSE TO THE EXPERT REPORT OF RICHARD D. KAHLENBERG

BY MITCHELL J. CHANG, PH.D.
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APRIL 6, 2018

CONTAINS CONFIDENTIAL INFORMATION SUBJECT TO PROTECTIVE ORDER

Report, “is a program that provides low-income students with grants, scholarships, and work study opportunities so that they can graduate from UNC-Chapel Hill debt-free” (pp. 29-30). I additionally pointed to several other programs that support low income students at UNC-Chapel Hill, including the Carolina First Program (p. 31), and Thrive@Carolina (pp. 31-32). Taken together, these four programs, along with UNC-Chapel Hill’s overarching efforts, are specifically cultivating, fostering, and promoting SES diversity on campus as part of the University’s broader diversity approach. Mr. Kahlenberg’s failure to fully investigate, evaluate and consider the full range of UNC-Chapel Hill’s diversity efforts undermines his claim that the University ignores SES diversity and approaches diversity with a sole focus on race.

III. Kahlenberg Overstates the Relationship Between Race and SES

Mr. Kahlenberg claims that “... when socioeconomic affirmative action programs are constructed using a wide variety of variables ... they can produce substantial racial and ethnic diversity, because this wider array of socioeconomic factors better captures the economic impact of ongoing and past racial discrimination than does income (or race) alone” (p. 22). The underlying assumption is that admissions committees could achieve racial diversity in the accepted pool by using preferences for economically disadvantaged students because families of color tend to be more disadvantaged. Yet, Mr. Kahlenberg concedes in his analysis that alternatives focusing only on SES would have a negative impact on racial diversity, particularly among African Americans (*see, e.g.,* p. 70). The negative effect of these race-neutral alternatives focusing on SES will be further discussed in section four of this response.

Mr. Kahlenberg also argues that “The enhancement of socioeconomic diversity that flows from these plans is critical from an educational and legal perspective, because the educational benefits of diversity arise from the interchange of ideas and experiences with those from different financial circumstances just as surely as those from different racial backgrounds...” (p. 9). This claim, unlike the previous one, emphasizes the educational rather than the demographic relationship between SES and race. While socioeconomic diversity may well contribute to educational benefits, Mr. Kahlenberg failed to cite any empirical research or evidence to support his claim that SES diversity would yield similar educational benefits as racial diversity.

I have studied and written on issues of racial diversity for the past 25 years, attended dozens of conferences and workshops on the importance of diversity, and

followed the scholarship of others in this same area and cannot recall anyone claiming that racial diversity and SES diversity are not distinct but interchangeable.

Instead, the literature that I am aware of is rather clear that SES differences are not the same as racial differences. One fundamental distinction is that it is much more difficult for an undergraduate to disguise one's race than one's SES, making race much more visually and physically salient (Carbado & Gulati, 2013). This saliency has educational implications when it comes to having students interchange ideas and experiences. For example, one of my experimental studies (Antonio, Chang, Hakuta, Kenny, Levin, & Miley, 2004) varied the race (African American, White) of the research collaborator who participated in a small-group discussion with all White college students. The topic of the discussions concerned either child-labor practices or the death penalty and the collaborator followed a predetermined script. We found that the presence of an African American research collaborator generally led to greater perceived novelty of the collaborator's contributions to the group discussion and a greater level of integration of multiple perspectives as rated by the White participants. In other words, the saliency of race contributes to small-group discussions in unique ways that affected students' ratings of peers and enhanced their reasoning. In applying this finding to a classroom setting, it suggests that unlike in racially homogeneous class settings, the presence of African American students or instructor in a class that is enrolled predominantly by White students can elevate the educational impact of course discussion, especially for those White students.

My experimental study on small-group discussions is supported by the evidence collected by UNC-Chapel Hill. As noted by Regan Buchanan, a White female recent UNC-Chapel Hill graduate, cited in my *Expert Report* (p. 50): "Being around people who did not look like me at UNC-CH and hearing their experiences about racism ... opened my eyes to the way the world works and has dramatically changed the way I think about the world." And, as Mary Ann Smith Distinguished Professor Michael T. Crimmins explains (p. 54): "Students who are part of a diverse classroom setting receive many important benefits. For one, the students may get to know those around them, helping them to understand differing cultural backgrounds. They are also exposed to different points of view when a classroom is more diverse. It has also been my experience that diversity helps students to better understand difficult concepts by looking at the concept from a different direction or point-of-view."

Another critical difference between SES and race is that socioeconomic diversity does not contribute to the intellectual atmosphere in the same way as racial diversity because experiences based on different financial circumstance are qualitatively different than experiences based on race. Again, pointing to another one of my studies (Chang, Seltzer, & Kim, 2002), we examined students' opinions regarding the extent to which they believe that racial inequity is a pressing social problem that requires remedies such as affirmative action. Since racial prejudice and racism are pressing social issues, those subjects stand to be educationally relevant with a high probability of being raised during a student's undergraduate education. We found that accounting for students' mother's education as a proxy for socioeconomic status did not explain differences in opinion between underrepresented students (African American, Latino, and Native American) and their White and Asian American counterparts. In educational terms, socioeconomic diversity is not interchangeable with racial diversity when it comes to contributing to a diversity in opinions regarding certain educationally relevant topics.

In applying this finding to a classroom setting, it suggests that when a topic concerning racial inequality is addressed in a course, there will likely be greater variation in opinions and perspectives when the students enrolled in that class are more racially diverse than if they were more socioeconomically diverse. The Supreme Court has recognized that having a broader range of viewpoints collectively held by students provides an atmosphere that is conducive to speculation, experiment, and better equips them for civic engagement. This type of environment also aids in training future leaders by exposing them to ideas and cultural mores of students as diverse as the nation itself.

Indeed, I further discussed and summarized the academic literature of the educational benefits from racial and ethnic diversity in my report, including:

- enhanced learning outcomes (pp. 14-17);
- increased democratic outcomes—increased citizenship engagement, racial-cultural engagement, and tolerance for differences (pp. 17-18);
- a reduction of prejudice (pp. 18-19);
- increased satisfaction with the college experience (pp. 19-20);
- increased persistence to graduation (pp. 20-21);
- combatting tokenism (e.g., stereotype threat) and racial isolation (pp. 21-22); and
- increased material benefits and material outcomes (pp. 22-23).

Mr. Kahlenberg does not discuss these benefits and their correlation with SES diversity in any meaningful way in his report. Instead, Mr. Kahlenberg treats SES diversity as interchangeable and coextensive with racial and ethnic diversity even though the majority of the academic literature points out that SES and race are qualitatively different and those differences are educationally meaningful. He does not explain how, for example, focusing on SES diversity would help to achieve an educational setting that exposes students to the diverse ideas and mores of the peoples of our nation. He does not explain how SES diversity leads to a reduction of prejudice, combats tokenism, or increases satisfaction with college or persistence to graduation. His argument basically assumes that SES diversity would result in largely the same educational benefits provided by a multifaceted approach that includes both racial and SES diversity, without elaboration, discussion, or empirical evidence.

In short, Mr. Kahlenberg overstates the relationship between SES and race from both a demographic and educational standpoint. Those two constructs are not interchangeable and if UNC-Chapel Hill were to substitute SES for race in its admissions policy rather than consider both as it does now, it stands to compromise not only the racial diversity of the student body but also the educational benefits associated with racial diversity.

IV. Kahlenberg Understates the Potential for and Consequences of Enrollment Declines Among African Americans

Although Mr. Kahlenberg acknowledges the potential for declines in African American student matriculation if UNC-Chapel Hill were to abandon the consideration of race when admitting students, he understates the potential negative consequences for the University and for the educational benefits of diversity the University aims to achieve. He cites, for example, the results of a simulation (Model #3) from Professor Arcidiacono's *Expert Report*, which provides a bump to students from the most socioeconomically disadvantaged families. By its very terms, Arcidiacono's simulation yielded a decline in African American representation from 8.8% to 7.9%.¹ Kahlenberg subsequently asserts, that "A small decline in racial and ethnic diversity accompanied by a substantial increase in socioeconomic diversity constitutes a net increase [sic] the educational

¹ I have not independently verified the numbers and assumptions presented in Mr. Arcidiacono's simulations, and note the differences presented by Dr. Caroline Hoxby's simulations. However, I use the numbers Mr. Kahlenberg relies on to illustrate the problems in his analysis.

EXHIBIT 11 TABLE 1

Class Rank Admissions Modeling by Accepting Students in Top 7.95% by Class Rank Percentile Predicted Admitted Class, 2014-15

Race/Ethnicity [4]	Actual UNC NC Resident Public School Admitted Students [1]			Predicted UNC NC Resident Public School Admitted Students from the Top 7.95% Pool [2]			Change vis-à-vis Current Actuals [3]		
	Number	Percent of Admitted Students	Avg Test Score [5]	Number	Percent of Admitted Students	Avg Test Score [5]	Number	Percent of Admitted Students	Avg Test Score [5]
African American	349	8.8%	1212	416	10.5%	1082	67	1.7%	-129
Asian	494	12.4%	1375	284	7.2%	1335	-210	-5.3%	-40
Hispanic	238	6.0%	1254	230	5.8%	1155	-8	-0.2%	-99
Native American	70	1.8%	1264	19	0.5%	1122	-51	-1.3%	-142
Pacific Islander	4	0.1%	1270	5	0.1%	1133	1	0.0%	-137
White	2,664	67.1%	1341	2,904	73.1%	1278	240	6.1%	-63
Missing	154	3.9%	1376	-	-	-	-154	-3.9%	-
Multi-racial	-	-	-	113	2.8%	1232	113	2.8%	-
Total	3,973	100.0%	1329	3,971	100.0%	1252	-2	0.0%	-77
Total URM [4]	657	16.5%	1233	761	19.2%	1124	104	2.6%	-109
Total non-URM [4]	3,316	83.5%	1348	3,210	80.8%	1282	-106	-2.6%	-65

Source: 2010 Census; College Board; Connect Carolina; "Multiple Testers: What Do We Know About Them?," Harmston, M. and J. Crouse, ACT Inc., 2016; NCERDC; North Carolina Public High School List; U.S. Department of Education

Note:

[1] The baseline actual UNC admitted students' statistics were calculated from Connect Carolina using North Carolina resident public school students with non-missing ranking data and test scores. The federal waterfall for race/ethnicity, which is used by NCERDC, identifies individuals as Hispanic or not Hispanic, then secondarily categorizes them as African American, Native American, Asian, Pacific Islander, or white (2007 USED Guidance on Maintaining, Collecting, and Reporting Race and Ethnicity Data). In contrast, Connect Carolina categorizes individuals that are both African American and Hispanic as African American. To allow for consistent comparisons, in this analysis, Connect Carolina race/ethnicity is converted according to the order of the federal race/ethnicity waterfall, such that a Hispanic and African American individual is categorized as Hispanic.

[2] Summary statistics are calculated across all admitted students using application probabilities as weights. Application probabilities are 0.75 to account for the likelihood that not all identified students will apply to UNC.

[3] The difference is calculated as the value under the hypothetical plan minus the value for the actual UNC admitted students.

[4] Under-represented minorities ("URM") include African American, Hispanic, and Native American students. A number of students identified only as multi-racial in NCERDC whereas all students in Connect Carolina identified their specific race(s). Based on 2010 Census data, 85% of students self-reporting as multi-racial are considered as URM, and are included in Total URM.

[5] For students who took the SAT and/or took the ACT multiple times, SAT scores are the maximum of students' highest combined SAT section scores and the corresponding SAT value for students' highest combined ACT section scores (using the 2009 College Board Concordance Table). For students who took only the ACT once but not SAT, SAT scores are the corresponding SAT value for students' highest combined ACT section scores plus 40 points. The 40 points adjustment roughly corresponds to a student's ACT score being adjusted up by 1.1 points, as the ACT reports that students first testing as juniors increase their Composite score by 1.1 points by their final test session (Harmston and Crouse, 2016).

EXHIBIT 11 TABLE 2

Class Rank Admissions Modeling by Accepting Students in Top 7.29% by Class Rank Percentile Predicted Matriculated Class, 2014-15

Race/Ethnicity [4]	Actual UNC NC Resident Public School Matriculated Students [1]			Predicted UNC NC Resident Public School Matriculated Students from the Top 7.29% Pool [2]			Change vis-à-vis Current Actuals [3]		
	Percent of Matriculated		Avg Test Score [5]	Percent of Matriculated		Avg Test Score [5]	Percent of Matriculated		Avg Test Score [5]
	Number	Students		Number	Students		Number	Students	
African American	229	9.2%	1187	284	11.4%	1065	55	2.2%	-122
Asian	350	14.0%	1352	199	8.0%	1313	-151	-6.0%	-39
Hispanic	160	6.4%	1233	156	6.3%	1137	-4	-0.2%	-96
Native American	45	1.8%	1260	11	0.4%	1131	-34	-1.4%	-128
Pacific Islander	2	0.1%	1325	3	0.1%	1121	1	0.0%	-204
White	1,617	64.8%	1328	1,772	71.1%	1265	155	6.2%	-63
Missing	92	3.7%	1358	-	-	-	-92	-3.7%	-
Multi-racial	-	-	-	69	2.8%	1208	69	2.8%	-
Total	2,495	100.0%	1312	2,494	100.0%	1236	-1	0.0%	-77
Total URM [4]	434	17.4%	1212	510	20.4%	1105	76	3.0%	-107
Total non-URM [4]	2,061	82.6%	1334	1,984	79.6%	1269	-77	-3.0%	-64

Source: 2010 Census; College Board; Connect Carolina; "Multiple Testers: What Do We Know About Them?" Harmston, M. and J. Crouse, ACT Inc., 2016; NCERDC; North Carolina Public High School List; U.S. Department of Education

Note:

[1] The baseline actual UNC matriculated students' statistics were calculated from Connect Carolina using North Carolina resident public school students with non-missing ranking data and test scores. The federal waterfall for race/ethnicity, which is used by NCERDC, identifies individuals as Hispanic or not Hispanic, then secondarily categorizes them as African American, Native American, Asian, Pacific Islander, or white (2007 USED Guidance on Maintaining, Collecting, and Reporting Race and Ethnicity Data). In contrast, Connect Carolina categorizes individuals that are both African American and Hispanic as African American. To allow for consistent comparisons, in this analysis, Connect Carolina race/ethnicity is converted according to the order of the federal race/ethnicity waterfall, such that a Hispanic and African American individual is categorized as Hispanic.

[2] The matriculation probability for each NCERDC student is predicted based on a Probit regression using data for the actual 2011-12 to 2014-15 UNC admits: matriculation is regressed on maximum SAT combined test score for students with a maximum test score between 1080 and 1460. Regressions are estimated separately by race for African American, Asian, Hispanic, and white students. For Native American and Pacific Islander students, a regression is estimated across all students because of small sample size. Students identified only as multi-racial in NCERDC are given a weighted matriculation probability based on 2010 Census data for those who self-reported as multi-racial: 52.5% African American, 12.7% Asian, 20.7% Hispanic, 11.7% Native American, and 1.3% Pacific Islander. Summary statistics are calculated across all admitted students using matriculation probabilities as weights. Fitted matriculation probabilities conditional on admission are then calculated and reduced by multiplying them by 0.75 to account for the likelihood that not all identified students will apply to UNC.

[3] The difference is calculated as the value under the hypothetical plan minus the value for the actual UNC matriculated students.

[4] Under-represented minorities ("URM") include African American, Hispanic, and Native American students. A number of students identified only as multi-racial in NCERDC whereas all students in Connect Carolina identified their specific race(s). Based on 2010 Census data, 85% of students self-reporting as multi-racial are considered as URM, and are included in Total URM.

[5] For students who took the SAT and/or took the ACT multiple times, SAT scores are the maximum of students' highest combined SAT section scores and the corresponding SAT value for students' highest combined ACT section scores (using the 2009 College Board Concordance Table). For students who took only the ACT once but not SAT, SAT scores are the corresponding SAT value for students' highest combined ACT section scores plus 40 points. The 40 points adjustment roughly corresponds to a student's ACT score being adjusted up by 1.1 points, as the ACT reports that students first testing as juniors increase their Composite score by 1.1 points by their final test session (Harmston and Crouse, 2016).

DECLARATION OF ALLAN BLATTNER

Background and Experience

1. I am the Director of the Department of Housing and Residential Education (“DHRE”) at The University of North Carolina at Chapel Hill (“UNC-Chapel Hill,” “Carolina,” or the “University”).

2. I received my undergraduate degree in Public Administration from San Diego State University in 1990 and my Master’s degree in Education with a focus on Higher Education and Student Affairs Administration from the University of Vermont in 1992.

3. Early in my career, I worked in a variety of Residence Life leadership positions at Ohio University, The University of Vermont, and San Diego State University. From 1998 through 2000, I was the Director of Residence Life at Allegheny College in Pennsylvania, and from 1993 to 1998, I served as the Assistant and then Associate Director of Residential Life at Allegheny College.

4. From 2000 through 2015, I worked at The University of North Carolina at Charlotte within their Department of Housing and Residence Life. From 2000 through 2012, I was the Associate Director of Housing and Residence Life. From 2012 through 2015, I was the Senior Associate Director of Housing and Residence Life.

5. I have served in a number of leadership positions within housing and student affairs professional associations. I am a past President of the Association of College and University Housing Officers-International (“ACUHO-I”), an organization

9. I also lead DHRE's academic and leadership initiatives. We work with campus partners and faculty members to create and implement opportunities that promote student success, learning, and development. I oversee programs and initiatives designed to enrich and support students' academic experiences, including our Residential Learning Programs, which are programs that connect classroom learning with resident life.

10. I oversee the department's professional development efforts, which include extensive training on areas of diversity and multicultural competence for our many student staff members.

11. I oversee our Multicultural Competence Committee, a committee comprised of our professional staff members that works to cultivate a culture of collaboration and open communication in our living environments.

12. Finally, I have supervisory responsibility for our First Year Experience program, an effort to help new students find community and get connected on campus. Our First Year Experience initiative strives to develop a cohesive and integrated academic and co-curricular program that supports student academic success.

DHRE

13. DHRE, which is housed within Student Affairs, strives to create an inclusive on-campus housing environment that promotes personal development, citizenship, community involvement, and leadership.

14. At UNC-Chapel Hill, we house approximately 10,000 undergraduate, graduate and professional students in thirty-two residence halls and one apartment community. We require first-year students to live on campus. Many of our first-year

students are assigned roommates and live with someone they did not know prior to coming to Carolina. After their first year, students can choose to live off campus. However, many of our returning students choose to live in on-campus housing. Overall, we provide housing for approximately 40% of the undergraduate population each year.

15. On-campus living is central to the Carolina experience. Students who live on campus have ample opportunities to interact with their peers outside of the classroom, attend cultural and academic events in residence halls and on campus, seek employment in residence halls and on campus, and participate in clubs and organizations. By getting involved, students identify with the larger University community, expand their social networks, and find opportunities for personal and intellectual growth.

16. DHRE facilitates cross-cultural interactions between students. We do this, in part, by ensuring that we have welcoming common space areas within our residence halls—these are places for students to come together and interact. We also foster an inclusive and welcoming environment for all students through educational and leadership opportunities; programming on multiculturalism and diversity; and an engaged and supportive professional and student staff.

17. DHRE consists of educators, full-time professional staff, and student staff. We have 50 full-time employees and 400 student employees.

18. Each residential community has at least one Community Director, who is a full-time live-in member of the community. Community Directors are designated as managers of their communities. Community Directors serve as the lead educator for students in the community and assess, plan, implement, and evaluate intentional learning

opportunities in the community to meet the developmental needs and learning objectives of student residents and staff.

19. Each Community Director has responsibility for the selection, training, evaluation, supervision, and mentoring of 20-50 student staff. Community Directors directly interact with students on a daily basis, and serve in an advisory capacity for various programs and organizations. Our community directors have Master's degrees in many fields such as Student Affairs Administration and Higher Education Administration.

20. Our Community Directors supervise our student Resident Advisors ("RAs"), who are full-time undergraduate and graduate students living on each floor or suite of our residence halls. Our RAs are trained to promote engagement within the residential community and the broader campus community and serve as counselors and role models for the residents in their communities.

21. Our Community Directors and RAs play a key role in facilitating positive living arrangements for our students. They are purposeful about helping a diverse group of students come together to live, learn and grow.

The Educational Benefits of Diversity

22. The University's mission is to "to teach a diverse community of undergraduate, graduate, and professional students to become the next generation of leaders."

23. DHRE aids the University in achieving this mission by fostering inclusive and accessible residential environments that promote student success and learning.

24. Our Values Statement, which guides the department's work, recognizes the importance of diversity and inclusion. It provides:

The role of the Department of Housing and Residential Education at the University of North Carolina - Chapel Hill is to help our students succeed. We accomplish this with the overriding philosophy of Community Immersion. Simply stated, we provide opportunities for residents and staff to connect with themselves, each other, the campus, the Carolina culture, the community, and ultimately the world around us. The more we understand ourselves and others, the better we are able to support our students.

Our students come from various diverse background, cultures, and communities. They are of different races, religions, ethnicities, sexual orientations, genders, abilities, and socio-economic status. They bring with them a multitude of perspectives and experiences to be further developed and shared.

25. One of the department's fundamental goals is to incorporate multiculturalism into the various facets of our work. This effort falls into four broad efforts. First, we seek to develop and encourage opportunities for all staff—including our large number of student staff—to gain cultural awareness, enhance skills, and increase investment in each other and in the University community. Second, we aim to maintain residential facilities that support each and every student by offering inclusive, accessible, and welcoming environments which enhance the on-campus experience. Third, we seek to promote inclusive hiring and recruitment practices that foster a diverse work environment and advocate for equitable and transparent policies and procedures in our daily practices. Finally, we seek to incorporate multiculturalism into our student -entered learning by creating co-curricular educational opportunities that empower students to take ownership over their personal growth and develop skills to navigate an ever-changing global society.

involvement, local and global citizenship, and cross-cultural perspectives through our programming.

31. The University's student body diversity is an invaluable asset to our students and to furthering these goals. While we do not dictate where or with whom our students live, if we have a diverse class, our students will have the opportunity to interact with, learn from, live with, and potentially befriend people who are different from themselves in the residential setting. These living space interactions are a fundamental part of our students' college experience.

32. Our department is committed to ensuring that Carolina's residence halls are places where diversity and inclusion are part of the fabric of how we live and learn together. As a department, we invest time, energy, and resources into training, services, and programs designed to raise the level of cultural competence in the residential community. The intended result of these efforts is to empower our community to live up to founding principles of this campus "lux, libertas — light and liberty" as we create an environment that appreciates difference and advocates for inclusion.

DHRE Programs and Initiatives

33. DHRE is committed to achieving the educational benefits of diversity in the residential setting by fostering an inclusive living and learning environment and promoting equity, engagement, and growth. We accomplish this by offering our students a wide array of programs, services, and initiatives that create opportunities for meaningful interaction and growth. Our department leads numerous academic,

86. Our annual report communicates and discusses our outcomes. Blattner Decl. Ex. 2 is true and correct copy of our report for 2017.

87. One assessment effort is the EBI Benchmarking survey, a national survey which many colleges across the country administer to assess satisfaction with the residence hall environment and use for benchmarking. We participate in the EBI Benchmarking survey annually.

88. Our assessment efforts also include program-specific assessments. For instance, Blattner Decl. Exs. 3 and 4 are true and correct copies of reports from 2014-15 and 2013-14 respectively evaluating the Multicultural Advisors Program; Blattner Decl. Ex. 5 is a true and correct copy of the report from the Social Justice Experience trip to Greensboro; Blattner Decl. Exs. 6 and 7 are true and correct copies of the reports from the Social Justice Experience trips to Charleston in Spring 2016 and Fall 2016; and Blattner Decl. Ex. 8 is a true and correct copy of our report on staff training.

89. In past years, we have gathered information to provide to the University's Diversity and Multicultural Affairs office on diversity issues. Blattner Decl. Ex. 9 is a true and correct copy of our Diversity Goals Plan Outcome Report for 2014-15.

90. Our assessment efforts thus far indicate that, overall, we are improving diverse interactions. The EBI Benchmarking survey, a national survey which many colleges across the country administer to assess satisfaction with the residence hall environment and use for benchmarking, shows that on-campus housing experiences at Carolina have: (1) helped students interact with residents who are different from them; (2) helped students understand other residents by putting themselves in the place of other

residents; and (3) benefitted students from the interactions with residents who are different from them. Blattner Decl. Ex. 10 is a snapshot summary of the relevant survey responses on these issues.

91. Through our programmatic assessment efforts, we have also seen that some of our particular programs (and the interactions they create) have major effects on improving our students' multicultural competencies, among other skills.

92. Blattner Decl. Exs. 3 and 4 are evaluations of the Multicultural Advisors Program. They show that students who serve as Multicultural Advisors or participate in the Multicultural Advisors module series develop competency in the areas of self-awareness and cross-cultural perspectives. To demonstrate the development of these competencies, student staff completed a pretest and post-test related to the given module. Students reported growth in four objectives: (1) ability to understand how your identities influence your attitude and behavior; (2) ability to consider more than one perspective; (3) ability to engage with people different from yourself; and (4) ability to openly discuss and address culturally insensitive behaviors.

93. As yet another example, Blattner Decl. Exs. 5-7 show the impact of the social justice trips. For the first trip, every single participant reported that they developed relationship(s) with other students in this program and built connections with students from diverse backgrounds and students enriched their skills in self-awareness, interpersonal development, civic involvement, and cross-cultural perspectives. (Ex. 5) Of those who participated in the Spring 2016 experience, 100% agreed they were better equipped to build relationships with those from other backgrounds and better equipped to

DECLARATION OF W. FITZHUGH BRUNDAGE

I, W. Fitzhugh Brundage, hereby make this declaration from my personal knowledge and, if called to testify to these facts, could and would do so competently:

Background

1. I am the William B. Umstead Distinguished Professor and Department Chair in the Department of History at the University of North Carolina at Chapel Hill (UNC-CH). I have been on the faculty at UNC-CH since 2002. Prior to coming to North Carolina, I taught history at the University of Georgia, Queen's University in Kingston, Ontario, and the University of Florida. This is my twenty-ninth year teaching at the University level.

2. I received my Bachelor of Arts in History at the University of Chicago. I received my Master of Arts and Ph.D. in History at Harvard University.

3. My general research interests are American history since the Civil War, with a particular focus on the American South. I have written on lynching, utopian socialism in the New South, and white and black historical memory in the South since the Civil War. My current research project is a book on debates about torture in the United States from the time of European contact to the twenty-first century.

4. I am a White male.

5. Brundage Declaration Exhibit 1 contains a true and correct copy of my current curriculum vitae. Brundage Declaration Exhibit 2 is my photograph from my

UNC webpage. Brundage Declaration Exhibit 3 is syllabi I have used in my courses at UNC.

The Educational Benefits of Diversity

6. I believe it is critical from a pedagogic standpoint to have a diverse student body. The education in my courses is greatly enriched when we have students from different racial and ethnic backgrounds, because students have the opportunity to hear from classmates with different experiences and perspectives.

7. Among the courses I teach are seminars on Modern American History and the History of the American South. When students think of Southern history, they tend to think of white southern culture. However, it is absurd and impossible to teach the history of the South without incorporating a fully expansive view of African-American history. As we learn about this broad history, it adds great value to the course to have students from different backgrounds. Race is ubiquitous throughout the readings and diversity and student engagement is crucial.

8. As one example, I had an African-American female student from eastern North Carolina. In the course, I had students read about southern food and tried to get them to think about the broader social regional consequences of food ways. She was very effusive and vocal about how dangerous the food ways were in her family. She had struggled to lose weight, which was crucial due to her family's health problems. I could have made the same points that she did but it was more impactful coming from her rather than a white academic. It was enormously compelling that she could speak to the topic we were discussing.

9. I am very keen to have minority students in my Southern history class because of the historical perspective they bring. In classes with only white students, which I have had happen, the students have to speculate and channel what they assume an African-American peer would say about this or that topic. Given the subject matter, it is essential to have a diverse student body so that students have a robust and fully inclusive conversation about the history of the South.

10. I also teach a large lecture course about the history of popular American music, Social History of American Popular Music, HIST 125. The central theme is consumerism and technology, but other crucial themes are race and voice in American society. In the realm of popular American music, the role of African-Americans in consumption and creation is inextricable. It is really valuable to have Black students in that class.

11. Most of our white students from North Carolina come from Baptist, Methodist, or Episcopalian backgrounds, and the musical tradition of those churches has not contributed enormously to popular music genres. Some of our African-American students, however, come from traditions that transformed popular American music and those students can contribute firsthand experiences. For example, I am Episcopalian and at my church, we have organ music while at an African-American church, they may have a funk band or a rock band. The African-American church community has been a conservatory for popular American music, and African-American students can speak about the origins of popular music with a level of familiarity. While White, protestant churches have seen popular music as profane and not sacred, African-American churches

can turn music of the street into sacred music. Generations of black women sing in church and have careers, like Aretha Franklin and Whitney Houston. Students who go to mainline white, Southern denominations experience a different musical tradition. In terms of music, I want students to think about how different communities consume popular music and the ways that they consume it.

12. One striking thing about the last two generations is that there is little generational divide over music between children and parents. This is partially because of CDs and how all music is archived. Among undergraduates, classic rock seems to be the favorite. They are listening to their parents' music and are surrounded by all recorded music ever available. They may go to concerts with their parents. When you get to rap, there is a divide because many parents aren't fans of rap music yet. However, both what is shared and distinctive can be enriching, and students can share their families' experience with music.

13. I teach the popular music class twice a week and Teaching Assistants ("TAs") lead recitations nine times a semester. Recitations are very important for a class of 150 students. They encourage students to speak very vigorously and share their experiences, musical tastes and perspectives with their classmates.

14. I assign three essays over the course of the semester and there is a recitation tied to each essay topic. The first essay I assign is about sheet music from the turn of the 20th Century. I want students to understand that, before records, sheet music was how popular music was commercialized. It was printed on a vast scale and consumed by performing it. The late 19th and early 20th centuries was the height of ragtime, "coon"

songs, and vaudeville. Students go to the library archives and are asked to identify three pieces from the era and write essays about the lyrics, sheet music, and cover art. They engage with the primary source. “Coon” songs were written by whites and African Americans but the cover art is often viciously racist. I tell students that there is no way to avoid this history—it is what popular music was about. Race was at the very center, and there are depictions of African Americans by blacks and whites. While students do not have to pick sheet music that deals with race, many of them do. They bring copies of the sheet music to recitation and workshop it together. It gets tricky because sometimes there are songs written by African Americans that use the clichés of the “coon” song genre, but they say some surprising things. In the workshopping, students start to see that it is similar to rap, where work within a genre sometimes subverts that genre. I want students to understand why people today are deeply troubled by the role of rap in propagating certain images in the same way “coon” songs did. There is a famous “coon” song that says “all coons look alike to me” which is by Raymond Crowder, a Black author. In the eyes of critics, it is not unlike rappers using the “N” word. Having diversity among students greatly enhances the way students grapple with these troubling historical issues.

15. In the second assignment, I have students write the ethnography of a live concert. I have them talk about performance traditions and think about the role of performance in popular music. They think about where conventions, norms, and expectations come from. I encourage them to go see a form of music that they don’t normally listen to. Many white students go to black Pentecostal churches. There was one fraternity member who went to a lesbian folk concert and wrote a great essay.

Diversity is crucial to the experience—I don't want them all going to see Coldplay, but rather, to find a variety of sources of popular music.

16. The last assignment I have my students write is their musical genealogy. I ask them to do a family history based on oral history and to trace their history of producing and consuming music. We then see how well it meshes or how much it diverges from what I have said in class. They do not present these to the whole class but they share them in recitation and I post the best essays on Sakai, a share site. There is an exotic fusion of culture represented in these papers—not just African-American culture but culture shared by students whose parents were immigrants from places like Ecuador and Cuba.

17. I take the best essay writers from each assignment and they go to lunch together. That small group gets a chance to talk to and get to know one another.

18. Greater diversity would enhance the class even more. I have comparatively fewer Latino students, and the students are not necessarily representative of the bulk of North Carolina's Latino population. Often my students' parents are first-generation American. Many do not have an immigrant or Central American background. They grew up in the working class and typically are not familiar with Mexican popular music. I look forward to having students in my class who are familiar with a variety of styles of music. I want to figure out a way to move the influences of Central American and Caribbean music more into the course.

19. Sometimes, we learn that it is not about the differences. Students expect the racial divide to be marked and glaring. There are times when students expect

differences but once they are in conversation, they realize there aren't any. This is a powerful learning experience for them as well.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on: 08/15/2017

W. F. Brundage

W. Fitzhugh Brundage

DECLARATION OF MARY COOPER

I, Mary Cooper, hereby make this declaration from my personal knowledge and, if called to testify to these facts, could and would do so competently:

Background

1. I am a Caucasian woman from Nashville, Tennessee.
2. My father was a representative in the U.S. House of Representatives. He also taught as an adjunct professor in the Owen School of Management at Vanderbilt University, teaching health care policy.
3. From eighth through twelfth grades, I attended a small, private boarding school in Massachusetts. There were 87 students in my graduating class.
4. As a senior in high school, I knew that I wanted to attend a large college or university, where I would have many different experiences and would be surrounded by classmates whose experiences had been different from mine. I also wanted to attend a school closer to Nashville.
5. My dad went to The University of North Carolina at Chapel Hill ("UNC-CH" or "Carolina"), so I filled out an application.
6. After I was admitted to UNC-CH, I spent a day on campus as part of a program for prospective students. I met many people and knew it was just a taste of what I would experience if I decided to go to college there. I also remember attending a session on the Carolina Southeast Asia Summer Program ("SEAS"), through which 25 rising sophomores have the opportunity to spend the summer in Southeast Asia. I was

President allowed me to meet so many diverse people. Through these experiences, I was able to learn what the Carolina experience is like from many different points of view.

12. I graduated from UNC-CH in 2012 with a Bachelor of Science in Environmental Health Science.

13. After graduating from UNC-CH, I joined Teach for America and worked as a physics teacher at Wilmer Hutchins High School, an under-resourced public high school with many students from disadvantaged backgrounds in Dallas, Texas, from 2012 to 2014. I taught Physics and Advanced Placement Physics to 180 juniors and seniors. In 2013, the faculty at Hutchins High School voted me “Teacher of the Year.”

14. From 2014 to 2016, I worked for Deloitte as a consultant in Washington D.C..

15. In 2016, I returned to teaching. In 2016-17, I taught freshman algebra and geometry at a high school in Washington, D.C. I am currently teaching 8th grade math at a public charter school in Nashville, Tennessee.

The Impact and Importance of Diversity at UNC-CH

16. As a UNC-CH student, I was involved in diversity-related issues and activities from the very start. In both the academic and student government settings, I saw the positive impact that diversity had on my own experience and on the campus as a whole.

17. In the UNC Gillings School of Global Public Health, students often were encouraged to share personal experiences. In one instance, for example, a student who lived near a hog farm talked about the public health impact that hog farming had on his

important that students in the learning mindset have the chance to learn from different voices. A doctor needs to understand not only organic chemistry, but also the experience of those who he or she will encounter as patients. In the learning environment at UNC-CH, one can learn intentionally about diversity but also through random teamwork assignments in class. If there were a reduction in the diversity of the student body, those spontaneous opportunities to learn from peers would be negatively affected.

21. My experiences with diversity at UNC-CH and beyond have made me confident in my ability to work with, coach, and teach others who do not look like me or who have not had the same experiences. That confidence and that ability to connect with others have been critical in my role as a teacher. In one instance, I bonded with my students over our common love of pizza. One of my students had never had a white teacher before. "But when I saw you eating pizza," he said, "I knew I could trust you." He then brought ten of his friends to my classroom to ask questions about their physics homework.

22. Even though I do not teach in North Carolina, every wall in my classroom is decorated with something from UNC-CH, and I encourage my students of color to apply. I know that their presence would benefit students like me who had not experienced diversity before.

Conclusion

23. UNC-CH's diversity is one of its greatest assets. The diversity I experienced enriched my education and made me a better leader. It was an honor to

DECLARATION OF JOSEPH DESIMONE

I, Joseph DeSimone, hereby make this declaration from my personal knowledge and, if called to testify to these facts, could and would do so competently:

Education and Scholarship

1. I earned a Bachelor of Science in Chemistry from Ursinus College in Collegeville, Pennsylvania, in 1986 and a Ph.D. in Chemistry from Virginia Polytechnic Institute and State University in 1990.

2. From 1990 to 1995, I served as an Assistant Professor of Chemistry at The University of North Carolina at Chapel Hill ("UNC-CH"). I was promoted to Associate Professor of Chemistry at UNC-CH in 1995, when I was named the Mary Ann Smith Associate Professor of Chemistry, and I became a full professor the following year. In 2008, I was named the Chancellor's Eminent Professor of Chemistry at UNC-CH.

3. I also served as a member of the faculty at North Carolina State University from 1995 to 2008. I was named the William R. Kenan, Jr. Distinguished Professor of Chemical Engineering in 1999.

4. In 2010, I became an adjunct member of the faculty at the Memorial Sloan Kettering Cancer Center and the Sloan-Kettering Institute for Cancer Research in New York, New York.

5. In addition to my work as a professor, I served as the Founding Director of the UNC-CH Institute for Advanced Materials, Nanoscience, and Technology from 2003 to 2012; as the Director of the Kenan Institute of Private Enterprise from 2012 to 2013; and as the co-Principal Investigator of the Carolina Center of Cancer Nanotechnology Excellence from 2005 to 2015. In addition, I recently served as the Founding Director of the UNC-CH Institute for

Nanomedicine and as a member of the faculties of the Lineberger Comprehensive Cancer Center and the Department of Pharmacology at The University of North Carolina School of Medicine.

6. I have published more than 300 scientific articles during my academic career.

7. I am a member of the American Academy of Arts and Sciences, the National Academy of Engineering, the National Academy of Sciences, and the National Academy of Medicine. Fewer than 20 people are members of all three National Academies.

8. I am currently on sabbatical from UNC-CH to serve as Chief Executive Officer at Carbon3D, a company I co-founded in 2014.

Inventions and Entrepreneurship

9. I hold more than 150 patents and have more than 200 patents pending.

10. In 2002, two other scientists and I commercialized a stent (*i.e.*, a device that can be inserted into a blood vessel or an artery to prevent or alleviate a blockage) that slowly releases a medication into the bloodstream as it dissolves. In more technical terms, we commercialized a “fully bioabsorbable drug-eluting stent.” Our company, Bioabsorbable Vascular Solutions, was acquired by larger companies, and the technology was sold to Abbott Laboratories. After a series of international clinical trials, the stent is now used worldwide.

11. In 2004, I developed an environmentally friendly manufacturing process for creating high-performance plastics, such as Teflon.

12. Much of my research has focused on using technologies from the semiconductor industry to create effective, economical vaccines and medicines. In 2004, my research group and I developed a technology called Particle Replication in Non-wetting Templates (“PRINT”). We are using PRINT to learn more about the delivery of drugs and vaccines using different dosage

forms. My laboratory and the PRINT technology were instrumental in the founding of the Carolina Center for Cancer Nanotechnology Excellence funded by the National Cancer Institute.

13. Also in 2004, I launched Liquidia Technologies ("Liquidia"). Liquidia employs approximately 50 people in North Carolina's Research Triangle Park. It has raised more than \$60 million in venture financing, including the first-ever equity investment by the Bill and Melinda Gates Foundation in a for-profit biotechnology company. Liquidia has used the PRINT technology to create a seasonal influenza vaccine and recently brought the vaccine into clinical trials.

14. In 2014, I co-founded Carbon, Inc., which is located in Silicon Valley, California. The company's work is based on a breakthrough in 3D printing technology, Continuous Liquid Interface Production, that allows printing 100 times faster than other technology and makes materials far stronger. We have raised more than \$220 million for the venture and employ more than 200 people. Collaboration with world-class manufacturing companies and service bureaus has enabled Carbon to deliver final quality parts for customers in industries as varied as automotive, medical, apparel, and consumer electronics. Carbon's customers include BMW Group, Delphi Automotive, and Ford Motor Company.

Selected Honors and Awards

15. I have received more than 50 significant professional awards and recognitions.

16. In 2016, the President of the United States awarded me the National Medal of Technology and Innovation. The National Medal of Technology and Innovation was created by statute in 1980 and is administered for the White House by the U.S. Department of Commerce's Patent and Trademark Office. The award recognizes those who have made lasting contributions to America's competitiveness and quality of life and have helped strengthen the Nation's

technological workforce. This medal is the highest honor in the United States for achievement and leadership in advancing technological progress. I was awarded the honor “[f]or pioneering innovations in material science that led to the development of technologies in diverse fields from manufacturing to medicine; and for innovative and inclusive leadership in higher education and entrepreneurship.”

17. Other significant awards and recognitions I have received include the 2015 Dickson Prize from Carnegie Mellon University; the 2014 Industrial Research Institute Medal; the 2014 Kathryn C. Hach Award for Entrepreneurial Success; the 2013 Fellow of the National Academy of Inventors; the 2012 Walston Chubb Award for Innovation presented by Sigma Xi; the 2010 AAAS Mentor Award in recognition of my efforts to advance diversity in the chemistry Ph.D. workforce; the 2009 NIH Director’s Pioneer Award; the 2009 North Carolina Award, which is the highest honor the State of North Carolina can bestow to recognize notable achievements of North Carolinians in the fields of Literature, Science, the Fine Arts and Public Service; the 2008 Lemelson-MIT Prize for Invention and Innovation; the 2008 Tar Heel of the Year by the Raleigh News & Observer; the 2007 Collaboration Success Award from the Council for Chemical Research; the 2005 ACS Award for Creative Invention; the 2002 John Scott Award presented by the City Trusts, Philadelphia, given to “the most deserving” men and women whose inventions have contributed in some outstanding way to the “comfort, welfare, and happiness” of mankind; the 2002 Engineering Excellence Award by DuPont; the 2002 Wallace H. Carothers Award from the Delaware Section of the ACS; and the 2000 Oliver Max Gardner Award from The University of North Carolina, given to that person, who in the opinion of the Board of Governors’ Committee, “during the current scholastic year, has made the greatest contribution to the welfare of the human race.”

Diversity Is Central To Learning And Innovation

18. My work as a scientist and as an entrepreneur has taught me that diversity is central to innovation. Nothing is more impactful than a diverse set of individuals driving toward a common goal to make a difference.

19. New, innovative ideas are just simple connections between existing ideas, but we are exponentially more likely to make those connections in an environment that values diversity and fosters the expression of divergent points of view.

20. I observed at the beginning of my career that homogeneity creates subtle barriers to engagement, making it difficult for an outsider to break into the conversation. It thereby supports insularity, which can quickly lead to “groupthink.” Groupthink thwarts creative problem-solving.

21. For instance, early in my career, I was invited to an innovation group. Not only was it all White men around the table but they all had graduated from the same two research groups. Everyone knew each other and everyone already knew what each other knew. It dawned on me that this group was at a structural disadvantage the way they were organized to drive innovation.

22. In contrast, diversity of experience—which can arise from ethnic, cultural, socioeconomic, professional, and experiential differences—provides fertile ground for innovation. Research has demonstrated that diverse groups of people consistently outperform more homogeneous groups of high-achievers on problem-solving tasks. We can learn the most from those we have the least in common with.

23. Nearly anything in a person’s environment or past experiences can influence his or her perspective and contribute to viewpoint diversity. Someone who grew up without much

money, for example, approaches a problem fundamentally differently than someone who grew up in a more affluent environment.

24. In one instance, I observed how gender (or the experiences associated with a particular gender identity) can influence the ideas that people bring to the table. A group of colleagues and I had set out to design new pharmaceuticals to treat chronic obstructive pulmonary disease. Different shapes can be deposited in the lungs in different ways, and so we were brainstorming shapes that might prove effective. One group, made up mostly of men, drew analogies to football, boomerangs, ninja stars, and hand grenades. Another group, made up mostly of women, drew analogies to pollen and seeds. The diversity of perspective among members of our group helped us to develop a more robust list of ideas.

25. Because I believe that diversity fosters innovation, I have sought to foster diversity and work with diverse teams both in the tech industry and in academia.

26. That is not to say that ability does not matter. Ability matters, but so does diversity. They are different topics. My teams are talented *and* diverse.

27. Carbon3D states on its website, <http://www.carbon3d.com/about/life-at-carbon>: “Carbon is built on the premise that diversity — of perspectives and disciplines — accelerates innovation. We embody this as a business and as individuals. We strive to put our values to work daily through our interactions with each other and our customers.”

28. I wrote an editorial with Christa Farrell about the importance of diversity in innovation that was published in *Science Translational Medicine*. See J.M. Desimone, C.L. Farrell, *Driving convergence with human diversity*. *Sci. Transl. Med.* 6, 238 ed11 (2014). In that article, we noted that a successful scientific endeavor is one that attracts a diversity of experience, draws upon the breadth and depth of that experience, and cultivates those

differences, acknowledging the creativity they spark. We also pointed out that merging the talents, knowledge, perspectives, and experiences of dedicated and varied individuals provides an advantaged framework for problem-solving. We explained that harnessing human diversity effectively therefore can have major implications for the advancement of science and society. I have also discussed the importance of diversity in various speeches and lectures.

29. The DeSimone Lab operates based on the idea that diversity is a fundamental tenet of innovation and this is stated on our website, <http://desimone-group.chem.unc.edu/?cat=10>. We explain that: "With the successes that have come out of the DeSimone Lab, such as supercritical polymerization solvents and PRINT, it is hard to dismiss the notion that diversity has not played a key role at many points in the lab's research achievements."

30. More than half of my Ph.D. graduates have been from underrepresented groups in science and engineering fields. Additionally, of the 55 postdoctoral scholars that have come through my lab, more than 40% have been from underrepresented groups. I also directed UNC-CH's NSF Science and Technology Center for Environmentally Responsible Solvents and Processes (CERSP). In its 10-year existence, more than 170 CERSP-supported students (27%) were African-American.

31. DeSimone Declaration Exhibit 1 contains photographs of me with some of the wonderful students I have worked with at UNC-CH over the years.

32. In 2005, I joined a former mentee to launch a chapter of the National Organization for the Professional Advancement of Black Chemists and Chemical Engineers on UNC-CH's campus.

33. Inclusion is essential to realizing the benefits of diversity. After attending a professional society meeting last spring with female team members and observing an uncomfortable environment (with scantily clad “cheerleaders” at booths) and sexual harassment toward women, I wrote to the society’s leadership to raise my concerns and emphasize the importance of a welcoming culture. I urged the society to adopt a statement of inclusion like that adopted by the American Chemical Society. The American Chemical Society, of which I am a member, has an entire section on its website celebrating our position of inclusion, which reads:

The American Chemical Society believes that to remain the premier chemical organization that promotes innovation and advances the chemical sciences requires the empowerment of a diverse and inclusive community of highly skilled chemical professionals regardless of race, gender, age, religion, ethnicity, nationality, sexual orientation, gender expression, gender identity, presence of disabilities, educational background, and other factors. Chemical scientists rely on the American Chemical Society to promote inclusion and diversity in the discipline.

34. Without being intentional about human diversity and inclusion, we risk detracting from the opportunity that exists to achieve innovation and societal impact.

Diversity Improves The Education at UNC-CH

35. Fostering innovation—the development of new ideas and solutions—is central to the UNC-CH mission. Education must not be a stagnant enterprise. Rather, the classroom can and must become richer year after year as ideas build upon one another.

36. Homogeneity inhibits innovative thinking in the classroom just as it inhibits innovative thinking in the workplace. The last thing you want as a scientist and an educator is a classroom lacking viewpoint diversity.

37. Furthermore, employers want to hire individuals with broad perspectives. The level of diversity among students at UNC-CH plays a powerful role in preparing UNC-CH

students for their professional endeavors. This is especially important for students who have not had much exposure to diverse points of view prior to college.

Conclusion

38. For all of these reasons, diversity is critical to the educational and public service missions of UNC-CH.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/16/17.


Joseph DeSimone

DECLARATION OF PETER HENRY

I, Peter Henry, hereby make this declaration from my personal knowledge and, if called to testify to these facts, could and would do so competently:

Background

1. I am the ninth Dean of New York University ("NYU")'s Leonard N. Stern School of Business ("Stern"). I assumed the Deanship in 2010 and also joined the faculty at NYU as the William R. Berkley Professor of Economics and Finance. NYU Stern has the 8th most selective MBA program in the United States, is ranked #3 for research productivity, and has produced a global alumni community of more than 105,000 members in 125 countries.

2. Prior to becoming Dean of Stern, I was the Konosuke Matsushita Professor of International Economics, the John and Cynthia Fry Gunn Faculty Scholar, and Associate Director of the Center for Global Business and the Economy at the Stanford University Graduate School of Business.

3. I currently serve on the Board of Directors of two Fortune 100 companies: Citigroup Inc. and General Electric. In addition, I am a board member of the Council on Foreign Relations, the National Bureau of Economic Research, and the Economic Club of New York.

4. I led the external economics advisory group for then-Senator Barack Obama's presidential campaign in 2008. Following President Obama's election, I was chosen to lead the Presidential Transition Team's review of international lending agencies such as the International Monetary Fund ("IMF") and the World Bank. In June 2009, President Obama appointed me to the President's Commission on White House Fellowships.

5. I regularly speak at the IMF and have testified before the United States Senate Committee on Foreign Relations and before various ambassadors to the United Nations. Additionally, I have served as a macroeconomic advisor to the governments of Ghana and Jamaica.

6. As an economist with a focus in the areas of emerging markets and international finance, I have authored numbers articles and book chapters, including a series of publications on

the topics of debt relief, international capital flows, and the role of institutions in economic growth: “Debt Relief” *Journal of Economic Perspectives* (Winter 2006); “Capital Account Liberalization: Theory, Evidence, and Speculation:” *Journal of Economic Literature* (December 2007); and “Institutions vs. Policies: A Tale of Two Islands” *American Economic Review* (May 2009).

7. I received a Bachelor of Arts in Economics with Highest Honor (and Phi Beta Kappa) from The University of North Carolina at Chapel Hill (“UNC-Chapel Hill”), a Bachelor of Arts in Mathematics from Oxford University, and a Ph.D. in Economics from the Massachusetts Institute of Technology. I attended UNC-Chapel Hill with a Morehead Scholarship and attended Oxford University as a Rhodes Scholar.

8. In addition, I played varsity football at UNC-Chapel Hill and basketball at Oxford University.

9. I was born in Kingston, Jamaica and became a United States citizen in 1986.

10. I am a Black male.

Importance of Diversity in the Business World & in Higher Education

11. Diversity of perspective is not just a nice thing for companies. Diversity of perspective is a critical competitive consideration in the business world. Business is frequently about selling your work or your product for your company. Businesses must interact with diverse clients and customers, and business people benefit substantially from exposure to every dimension of diversity – race, ethnicity, religion, political, undergraduate major, interests, and so forth.

12. Business men and women are increasingly in positions in which their clients or customers come from different backgrounds. In that world, it is a significant competitive handicap if these business men and women have not been in an educational environment exposing them to people from diverse backgrounds. Exposure to diversity in an educational environment provides the perspective that produces business school graduates who are going to be effective business professionals.

13. As Dean of a business school that prepares students to succeed in the business world, we teach our students that if they want to be effective leaders, they cannot make informed decisions without full information – a 360 degree perspective. If the information they receive is coming from colleagues who are all of the same background, they lack valuable perspective.

14. I became Dean at Stern in 2010 in the middle of the global financial crisis. When I became Dean, I was faced with an important question: how do we build our school into a 21st century model? I took the perspective that what we had to do was deepen and diversify the school. In my view, diversity is essential for preparing our students to succeed in an increasingly global world.

15. Diversity of the student body, broadly defined, provides critical educational benefits and prepares students for success in a global world.

16. At Stern, our students learn as much from their classmates as they do from professors. Students need to be challenged with diverse perspectives, and that comes from their educational environment. Building a diverse classroom experience is how to turn out the most informed critical thinkers. Classroom diversity is crucial to producing employable, productive, value-adding citizens in business. If our students are only around other students with similar backgrounds, they might as well be with only one other student.

Diversity at UNC-Chapel Hill

17. Exposure to diversity is important not just for business students, but also for students in higher education more generally.

18. I experienced the educational benefits of diversity first-hand as a student at UNC-Chapel Hill. As an African-American from a predominantly white high school in a wealthy suburb of Chicago (Winnetka, Illinois), who happened to be both a national merit scholar and a three-sport athlete, people had not met anyone like me before. And coming to a school that was

85 percent in-state students as an out of state student, I had not met many people like the ones attending UNC-Chapel Hill.

19. One moment in particular stands out. In my first-year physics class, I was in class with a young man from a rural town in North Carolina. We were both on the pre-medical school track and in the same physics lab. He wanted to study with me. I had gone to a fancy public high school, thought I had it under control, and was a little too self-assured. He was Caucasian from a small, southern town, spoke slowly with a drawl, and was rough around the edges. I brushed him off and decided not to study with him. I shunned him a bit because I felt like I had the class under control and made mistaken assumptions about how smart he would be. My grade was a B+ in the class and his was an A. He taught me a real lesson about the implicit assumptions I was making about people. The next class, we studied together and both ended up with As. That is what college is all about: experiencing diversity and changing assumptions as a result.

Conclusion

20. As Dean of Stern and an alumnus of UNC-Chapel Hill, I have observed and experienced the importance in higher education of exposure to diversity across many dimensions, including race. Having a diverse student body, including a racially-diverse student body, helps students break down stereotypes, improves their critical thinking, and prepares them for success in today's competitive global world.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR
ADMISSIONS, INC.,**

Plaintiff,

v.

**UNIVERSITY OF NORTH
CAROLINA et al.,**

Defendants.

DECLARATION OF MERRICK OSBORNE

DECLARATION OF MERRICK OSBORNE

I, Merrick Osborne, hereby make this declaration from my personal knowledge and, if called to testify to these facts, could and would do so competently:

Background

1. I am a Black male.
2. I am from South Charlotte, North Carolina. I went to Ardrey Kell High School, a public high school in Charlotte. Before moving to South Charlotte, I lived in Portland, Oregon with my family until I was about 14.
3. I have a younger sister who is currently enrolled at Howard University, a historically black university in Washington, DC.
4. I graduated from The University of North Carolina at Chapel Hill ("UNC-CH" or "University") in 2016 with a major in Psychology and minors in Business Administration and Spanish for the Professions with a health focus.
5. At UNC-CH, I was the first Black male president of the Carolina Union Activities Board ("CUAB"), an organization that provides and sponsors diverse programs for the entire student body. I was also the Vice Chair of the Carolina Union Board of Directors.
6. Additionally, at UNC-CH, I served as co-chair of Diversity and Inclusiveness in Collegiate Environments ("DICE"), a campus organization that aims to change the campus climate through innovative initiatives that promote diversity awareness.
7. I was also vice president of the Mu Zeta Chapter of Alpha Phi Alpha Fraternity, Inc., a black fraternity.
8. I served as secretary for the UNC-CH Caribbean Student Organization. My grandfather is from Barbados so I was interested in learning more about that aspect of my identity.
9. While at UNC-CH, I conducted research with the Moore Undergraduate Research Apprentice Program ("MURAP") and the Ronald E. McNair Post-Baccalaureate Achievement

Program ("McNair Scholars Program"). The McNair Scholars Program is a federal program designed to prepare undergraduate students for doctoral studies through involvement in research and other scholarly activities. The focus of my research was on improving the experiences of African-American students through an understanding of psycho-social measures. In particular, I focused upon what makes students perform well and the concept of homophily, which is the idea that people who share a similar identity gravitate toward one another. I was also a research assistant in Professor Enrique Neblett's African-American Youth Wellness Lab and in the Behavior Lab at the UNC-CH Kenan Flagler School of Business. The Behavior Lab helps support and promote research on judgment and decision making, as well as other work related to individual, group, and organizational phenomena.

10. While on campus, I was an orientation presenter for Carolina Leadership Development, giving weekly 90-minute presentations. I presented to first-year students about opportunities and leadership development on campus. I also advised first-year students about how to handle the college experience and avoid becoming overwhelmed.

11. At UNC-CH, I was Captain of Men's Club Lacrosse team and the only Black player for part of my experience with the Club Lacrosse team. I also served as a practice player to help train the UNC-CH Women's Varsity Lacrosse Team. In 2013, the Women's Varsity Lacrosse Team won a national championship. I also volunteered as a lacrosse goalie coach for a local high school, East Chapel Hill High.

12. At UNC-CH, I was accepted into the Order of the Golden Fleece and the Order of the Grail-Valkyries. The Order of the Golden Fleece is the University's oldest and highest honorary society, and those eligible for selection must possess exemplary character and must have made a significant, lasting contribution to the University. I was selected for the Order of the Golden Fleece for my mentorship as a Black male based upon my stewardship to the Carolina community, including my service as CUAB president. The Order of the Grail-Valkyries recognizes students and faculty of outstanding character who have made significant contributions to the University's academic climate through excellence in scholarship, dynamic

leadership, and innovative service. I was selected for the Order of the Grail-Valkyries for my service to the Carolina community, including my research with Professor Neblett and MURAP.

13. Currently, I am a Social Science Research Coordinator at the Stanford Graduate School of Business Organizational Behavior Lab. I plan to pursue a doctorate degree in Organizational Behavior.

My Experience as Minority Student at UNC-CH

14. As a Black male, I faced many challenges at UNC-CH. Because there were few Black males on campus, I was concerned that without my voice, my experience, those like me would not be heard.

15. The sheer numbers were daunting. Sometimes, in classes of 200 or more, I would be the only person of color or the only Black male. In fact, I dropped my business major because I felt ostracized. I distinctly remember not seeing anyone like me in the business school building on the days when I had classes there.

16. One moment in particular stands out. In the spring of 2015, the video of the Sigma Alpha Epsilon ("SAE") fraternity chapter from the University of Oklahoma performing a racist chant went viral. At the time, I was taking a class at UNC-CH focused on ethics and morality in business. My professor brought up the topic of the SAE video and asked the students to share their thoughts. I noticed I was the only student of color in the class, and I decided that I needed to set the tone for the conversation. I knew that if I made my presence as a Black male known, there was a lower probability of my having to deal with prejudice. I remember saying something fairly generic, but I felt like I still got my point across. I remember being proud of myself for speaking up and handling it that way. In response, a girl in the front of the room said "I don't get why it is a big deal. It's just a song." I had no one to even share a look with. I know the professor was taken aback by the comment as well. I raised my hand again to explain that whether or not the SAE fraternity brothers meant what they were saying – they were talking about homicide. I had to be careful to not fall into the "angry-Black" stereotype and still feel like I could address the reality of the situation. I felt compelled to speak up, and I also

recognized that I was likely the only one that could bring the perspective those students needed to hear.

17. It is hard to be looked to as the one who has to do the “teaching” in formal settings like the classroom. Similarly, it is hard to have pressure to represent a particular perspective in classroom discussions or social settings. As the only Black male in the classroom, I do not have the psychological safety of being supported by someone who shares my sentiments about society. But I also recognize that I needed to be able to do that. I wish I had had more minority peers who could walk through the experience with me.

18. I do not feel like I would have had an adequate liberal arts education without having the opportunity to interact with people who are not like me. For me, it taught me how to be resilient and a better global citizen. The efficacy of my work increased as my perspective grew. But at the end of the day, the absence of like individuals certainly was a challenge.

19. I have struggled with feeling valued by the University. Students who share my ancestral history are often only valued in the capacity of generating entertainment and revenue as athletes. Sharing an academic space with other Black people and other people of color is a reminder that the institution to which I pay my tuition values my education and my contribution to the Carolina community.

20. I understand UNC-CH was not built for Black people, but now it has to be a place where Black people are supposed to belong. I truly hope that one day, we can be valued as the scholars we are capable of becoming.

21. At UNC-CH, I graduated from the Honors College, whose slogan is “Come Here, Go Anywhere.” My experience as a student drove me to realize that where we *go* is just as important from as where we *come from*, and I would want for my children to *go* to a place that values and builds people as they *come*. And we all come with potential. We all come deserving to get an education.

22. One of the extracurricular activities in which I was involved was the Mu Zeta chapter of Alpha Phi Alpha Fraternity, Inc. While it is a group composed exclusively of black

men, it became a haven to understand diversity on campus. We shared conversations with Latinx students, the Pride community, and other marginalized groups of students. We shared laughs and good times, but we also shared pain. The classroom was not the most welcoming environment. It was critical to my success to have that opportunity to relate to people who identified with my experience.

23. Students of color sometimes have to retreat to stay psychologically safe since not every person in power is our ally. That is a function of the culture of the University, but also because there are not enough of us (students of color) to facilitate our own growth.

24. Part of my job as a leader at UNC-CH was to be visible. Part of my goal as "Merrick" was always to support people like me, and I think from my leadership positions I was able to do that. I think about that often – if I did not go to UNC-CH, how different would this campus be?

25. It is important to me to be in a space filled with a plethora of perspectives – some competing – because the best ideas and movements have grown from contrast. As a student, you cannot get full development of a mind and soul unless you hear ideas that you disagree with. At UNC-CH, it is hard to find competing ideals because of the culture of the school and the makeup of the student body. Having more people of color would benefit the University, increase the intentional learning of the students, and ultimately enhance the productivity of the institution.

26. UNC-CH is an incubator for success because it attracts students who have the capacity to do great things. However, many in-state residents come from broken high schools that are part of a broken state educational system. UNC-CH can help lift those students as they climb. It cannot do that well right now because its most critical resource – students of color – is depleted. The role of the University is to increase the capacity of its students to be impactful and intentional global citizens. You can only do that when you bring in people who have not yet seen the globe. Their perspective and voice matter, even if their high school and the system that their high school is in does not remind them of that.

My Cross-Cultural Interactions at UNC-CH

27. With the right mentorship and encouragement, and after finding the right support, I was able to turn frustration into leadership and take advantage of many opportunities to contribute to the larger campus community.

28. At UNC-CH, I had many opportunities to interact with students from different backgrounds and ethnicities, including as a campus leader.

29. I was the first African American male president of CUAB. At CUAB, my role was to discuss common problems among the members of the Board, study the techniques of effective group work, and serve the University community. I had to responsibly use student fees to formulate social, cultural, entertaining, and educational programs. I believe I was successful in that endeavor because of my background and the support of Black Board members. I also was able to hear the perspectives of immigrants and other students who saw the campus differently. Our perspectives nicely complemented those of the white Board members. CUAB became a safe space because we could critically challenge each other and, thus, the status quo.

30. My goal at CUAB was to lift as I climb. I wanted to make sure that the events that CUAB hosted, which welcomed students of all backgrounds, either encouraged discussion about racism and prejudice or made people of color feel like they had a home. In that way, I feel that I was able to help expose my classmates at UNC-CH to impactful education regarding diversity issues. Leading a board of people that had different experiences than I did but still had similar obstacles was one of the most liberating challenges that I accepted.

31. As isolating as UNC-CH can be, the greatest growth I had was when I came together with my peers and we shared our perspectives.

32. If we want for our student to be part of a competitive market, they need to be fluent in the languages of the world and some of them we may not easily understand without adding those voices to the student experience.

Conclusion

33. For all of these reasons, I believe that UNC-CH still has substantial room for improvement in terms of bringing students of color to campus. More diversity at UNC-CH, not less, is critical to make sure the University is inclusive and welcoming to students of color and that the University strives for greatness and does not remain stagnant in today's global world.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 6/12/2017


Merrick Osborne

DECLARATION OF RICHARD VINROOT

I, Richard Vinroot, hereby make this declaration from my personal knowledge and, if called to testify to these facts, could and would do so competently:

Background

1. I am an attorney in Charlotte, North Carolina, and from 1991 to 1995, I served as Mayor of the City of Charlotte. I ran for Governor of North Carolina in 1996, 2000, and 2004, securing the Republican nomination in 2000.

2. I attended The University of North Carolina at Chapel Hill ("UNC-CH") on a Morehead Scholarship, and I was a member of the UNC-CH men's basketball team under Coach Dean Smith. I received my Bachelor's degree in 1963 and my Juris Doctorate from the University of North Carolina School of Law in 1966.

3. I met my wife at UNC-CH, and she graduated in 1965. All three of our children graduated from UNC-CH as well.

Experiences with Diversity

4. I attended a segregated public high school. I went to UNC-CH in the 1960s when there were only three or four African-American students in my class. I did not know them personally at the time, but I have gotten to know them over the years. They have all added great value to my life, and I wish I had known them when I was a student.

5. My first experience with diversity was during my time in the United States Army. I was thrown in with kids from a variety of backgrounds during the draft era in Vietnam. I also served as a scout master to a Black Boy Scout troop for seven years.

6. I had dinner with Martin Luther King, Jr. as a young student at UNC-CH. It was eye-opening to hear him talk about what he encountered as a young minister in Alabama. Because of that experience, I began to pay more attention to developing my own sensitivities and to experiencing diverse friendships—something I had largely ignored during my time at UNC-CH up until that point.

7. Many of my peers have overcome the lack of diversity—as I hope I have—but some reflect that lack of diversity and sensitivity. I do not know of anyone in my kids' generation who does not have a broader and better view of the world in which they live than people of my generation, simply because of their broader experiences.

Children's Experiences

8. My experiences with diversity were limited early in my life, and I believe this made a difference in my upbringing. My children were exposed to diverse individuals from kindergarten on, and I believe they have had broader and better experiences as a result.

9. Throughout their schooling, my kids attended school with and visited the homes of kids with wholly different experiences. They knew much more than I ever did or will know just by hearing, seeing, and living with diverse individuals. Before attending UNC-CH, one of my daughters went to high school in West Charlotte and the other went to high school in New England.

10. My son is an emergency medicine doctor in a large Cleveland Clinic hospital in Abu Dhabi. Before going to Abu Dhabi, he worked in a large, public hospital

in New Orleans, Louisiana. He also spent a year as part of Doctors without Borders in Nairobi, Kenya, and he served in the military in the Middle East.

11. I visited my son recently in Abu Dhabi. Abu Dhabi is a large, modern place with two or three million people from all over the world. We went into the desert, and I watched and admired my son's interactions with so many people from so many places. It was interesting to see how natural and easy it was for him. I spoke to him on our way back and noted that I could not have interacted so naturally with so many others at his age. Part of that comes from being a doctor in a large hospital, but a lot of it came from UNC-CH.

12. My son was exposed to diverse classmates throughout his education, including at UNC-CH. He started going to Africa during his sophomore year at UNC-CH to work in the summer, and many of his friends did too. They acquired a cultural experience and are better able to live in the world as a result.

13. It is a more normal and natural experience not going to a school where every student is from the Eastover neighborhood in Charlotte. I cannot imagine wanting to stay on that same track and thinking that I am better for that and prepared to live in a multicultural world. We need to do things to embrace experiences with diversity.

Importance of Diversity

14. Without diversity, UNC-CH would create warped graduates who are technically sound but lack the humanity we brag about at UNC-CH. We are a university "of the people and for the people." We would not be true to our mission without diversity of all kinds, in my opinion.

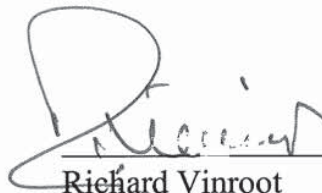
also would not be as enlightened when they come out of UNC-CH. To serve the diverse world, diverse experiences are critical.

18. I have always felt better about UNC-CH as a place that believes in the value of diversity. I love walking across campus and seeing kids from so many different walks of life. I hope the University will keep cultivating this diversity.

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

Executed on:

June 29, 2017


Richard Vinroot

DECLARATION OF CAMILLE WILSON

I, Camille Wilson, hereby make this declaration from my personal knowledge and, if called to testify to these facts, could and would do so competently:

Background

1. I received my Bachelor of Arts from The University of North Carolina at Chapel Hill (“UNC-Chapel Hill” or the “University”) in 2007, and a Master in School Counseling from North Carolina Central University. I am currently an Associate Director of College Readiness at the Emily Krzyzewski (“Emily K”) Center, a nonprofit organization in Durham, North Carolina that works to help low-income students access and succeed in higher education.

2. I am a Black woman and a native North Carolinian. Most of my education was in Wake County Schools, which were very diverse. However, in ninth grade, I attended school in Pitt County, which was much less diverse than Wake County. It was a culture shock moving from Wake to Pitt County.

3. In high school, I started noticing that the higher-achieving students and the student leaders were all going to UNC-Chapel Hill, and that became my goal as well. After junior year, I attended Project Uplift, a program that invites high-achieving high school students from historically under-served populations to experience the academic rigors and social climate on UNC-Chapel Hill’s campus. I came home singing camp songs and knew that I would definitely apply to UNC-Chapel Hill.

4. When I was accepted, I had to decide between UNC-Chapel Hill and Winston-Salem State University (“WSSU”), which offered me a scholarship and is my parents’ alma mater. One of the factors that helped me to choose UNC-Chapel Hill was that, after Project Uplift, I wanted to return to an environment in which I could be surrounded by and learn from people from different backgrounds. I wanted to be in an environment surrounded by a diverse group of people I could learn and grow with. I was looking for an environment like my childhood in Raleigh. While I was mindful of the fact that WSSU is a family school, and UNC-Chapel Hill was more expensive, I still chose to go to UNC-Chapel Hill because diversity was important to me. My twin brother chose to go to school at North Carolina A&T University, a historically black university (HBCU).

UNC-Chapel Hill Experience

5. I was overinvolved at UNC-Chapel Hill, but I thoroughly enjoyed all of my experiences. During my freshman year, I was a Class Council participant. I was a part of the Black Student Movement (“BSM”). I also was a member of the UNC-Chapel Hill Gospel Choir and became an Officer. I was a Residential Advisor (“RA”), and I participated in work study.

6. I was involved with the Diversity and Multicultural Affairs office (“DMA”) every year as a student volunteer, and during my sophomore year, I became a Student Administrative Staff Member to lead DMA programming. I worked as a Campus Visitation Coordinator with DMA and travelled with the former director of DMA, Terri

Houston, to the University of California, Los Angeles; Rice University; and the University of Florida. These were amazing experiences, and I learned about diversity initiatives at other schools. In my work with DMA, I tried to make sure that minority students and those from disadvantaged backgrounds knew that UNC-Chapel Hill, which is a selective institution, is still an option for them. I grew the most from my DMA experiences.

7. I was very naive as a young person, and I only thought about diversity in terms of race. I thought that if you looked like me, we probably had a lot in common and would get along. That myth was debunked at UNC-Chapel Hill, and I learned that was absolutely untrue.

8. I met my friend Sheena through DMA. She is an American-Indian from the Lumbee Tribe. She was from a rural background in Robeson County and spoke with a thick Southern accent. We are so different, but we are lifelong friends. She is an amazing woman, and we have so much in common that does not depend on the color of our skin, as she looks Caucasian. There is so much more that can bond and link you to another person than how you look. We had an “aha” moment when we found that we both love our grandmas, Southern cooking, cheesy jokes, and snack food. We are also both very family-oriented. We went to my first pow wow together, which was an amazing experience I may never have had without that friendship.

9. I had many experiences and interactions with students from different racial backgrounds at UNC-Chapel Hill. I can recall one specific instance where unfair

assumptions were made about me based on my race. Two Black female roommates and two White female roommates had a conflict with each other about noise and they sought a mediation session with me as an RA. The two White roommates accused the two Black roommates of being noisy. The White students did not want me to do the mediation because they felt I was too close to the Black roommates. I thought I was friendly to everybody; I am a jovial person and never meet a stranger. I think that I act like the same person, no matter who I am with. I personally felt the White students did not want me to facilitate the discussion because they did not think I could be fair to them because of my race. I pulled in my co-RA, a White female, to sit in with me on the mediation. We successfully worked through the issues, and I felt like the participants walked away feeling heard.

10. Diversity was very important in my courses and academic work as well. At UNC-Chapel Hill, I took a Sociology course that dealt with education. I recall thinking that the professor did a great job of choosing material for the course and helping us think through the material. The material addressed the development of policies like the welfare system and educational policies. It opened my mind to how politics and policy-making work. I learned that educational policies affect which kids get access to what kind of education, and it has a lot to do with socioeconomic status and race. I was fortunate to grow up as middle class, and I was not aware of welfare. The diversity of the students in that classroom made the course and its material more impactful and personal.

Compelling Interest in Diversity

11. I cannot overstate the importance of diversity at UNC-Chapel Hill. Coming to UNC-Chapel Hill and seeing people like Terri Houston, a Black female, running an entire department and Dean Harold Woodard, a Black male, in charge of the Center for Student Success and Academic Counseling was inspirational. I cannot overstate the importance of being a student of color and seeing these people have an amazing impact on the University. Diversity on campus gives people safe spaces in which to voice concerns and places where people can come for assistance.

12. If a Black woman is doing something, it gives that thing some validity to other Black women. While you may not have a shared identity in many ways, if you see someone who looks like you doing something, you think you can do the same thing. People are more likely to feel welcome and capable of achieving success if they see others like them succeeding. It is about having an example and a footprint to follow. This matters and this makes a difference, not just for people of color.

13. In college and in my post-college experiences working with students from disadvantaged backgrounds, I have seen first-hand the importance of having a meaningful representation of people from different racial and ethnic backgrounds at UNC-Chapel Hill. Seeing college students and college graduates of color gives students of color hope for their own futures and helps them to see themselves in college and succeeding.

14. When I did not make it through the final round of Teach for America, a friend sent me the job description for Carolina College Advising Corps (“Advising

Corps”). The Advising Corps aims to help low-income, first-generation, and under-represented students from North Carolina attend college by placing recent UNC-Chapel Hill graduates as college advisers in selected public high schools throughout the State. Advisers assist students with admission, financial aid, and scholarship applications.

15. I was part of the first cohort of the Advising Corps. I was placed in Greensboro for two years, and I advised two high schools where the student body was almost entirely comprised of students of color. Working with both Black and brown low-income students solidified the fact that I want to serve young people and families. My time with the Advising Corps was my most impactful career experience to this day.

16. I have continued to work in the area of college success and access. At the Emily K Center, I am working on the mission of propelling academically-focused, low-income K-12 students and graduates toward success in college through its K to College programs while also offering college information and advising support to any local high school student. I am grateful for the opportunity to use my education to better the lives of others.

Conclusion

17. The diversity at UNC-Chapel Hill was an important reason that I chose to go to school there, and it contributed greatly to my own education. North Carolina is a very diverse state, and it is important that the flagship institution embrace diversity and provide an opportunity for students from all backgrounds and walks of life to attend. When young students see UNC-Chapel Hill students and graduates from similar

Expert Report of Dr. Uma Jayakumar

Students for Fair Admission, Inc. v. University of North Carolina, et al., Case No. 1:14-cv-00954-LCB-JLW (M.D.N.C.)

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I. Personal Background and Qualifications

My name is Dr. Uma Jayakumar. I am an Associate Professor of Higher Education Administration and Policy at the University of California at Riverside. I received my B.A. in Psychology from the University of California, Los Angeles (UCLA) in 2000 and my Ph.D. in Education from UCLA in 2007, with a specialty in higher education and organizational change. Prior to joining the University of California at Riverside, I was an Assistant Professor of Organization and Leadership at the University of San Francisco's School of Education and a Faculty Associate at the University of Michigan with the Education and Well Being program in the Survey Research Center at the Institute for Social Research. I was also the Founding Director of the Higher Education and Student Affairs Program at the University of San Francisco's School of Education.

My areas of scholarly research and expertise include race, affirmative action, and diversity issues in higher education, with a focus on how institutional and organizational practices shape college access and outcomes and the educational benefits of diversity. I am the author of numerous scholarly works on diversity issues in higher education. This scholarship includes articles in such academic journals as *Harvard Educational Review*, *Educational Researcher*, *The Journal of Higher Education*, *Sociological Perspectives*, and *College Student Retention*, as well as reports to foundations and educational institutions. Attached as Exhibit A is my *curriculum vitae*, which describes in greater detail my education, academic positions, honors and awards, and presentations. It also includes a list of all of the publications that I have authored in the previous ten years. I have not testified as an expert at trial or by deposition.

The opinions stated herein are based upon my knowledge, training, and experience, and have been rendered within a reasonable degree of professional certainty, consistent with professional skill and care.

II. Assignment and Compensation

I have been engaged by Defendant-Intervenors' counsel to analyze existing social science research regarding the educational benefits of diversity and the conditions necessary to obtain such benefits. As described in further detail below, my work included a summary of relevant social science research and a review and analysis of documents produced or identified in discovery related to the University of North Carolina at Chapel Hill ("UNC"). The sources I reviewed and relied on in preparing this report are attached as Exhibit B.

I am being compensated in the present matter at the hourly rate of \$200/hour for my time preparing this report, travel, and other tasks relating to this matter, excluding testimony, up to a total of \$33,000. My hourly rate for deposition or trial testimony is \$300/hour. Fees for my services are not contingent in any manner on the outcome of this litigation.

III. Factual Background and Assumptions

In each class, the University of North Carolina at Chapel Hill seeks students with a variety of qualities to foster a scholarly community: "intellect, talent, curiosity, and creativity; leadership, kindness, and courage; honesty, perseverance, perspective, and diversity."¹ To facilitate this goal, UNC uses race as one of a number of factors in its holistic analysis of a student's application for admission to the undergraduate program. Race comprises one of more than forty criteria considered at every stage of the admissions process, which are grouped into

¹ *Foundations and Practices Regarding the Evaluation and Admission of Candidates*, Office of Undergraduate Admissions (2016-2017), UNC032603-UNC0323610, at 4, UNC0323606.

eight broad categories: academic performance (such as grade point average, rank in class, and trends in grades), academic program (such as the rigor of courses taken), standardized testing (including SAT scores), extracurricular activity (such as work history and demonstrated leadership), special talent (including talent in athletics and music), essay (including persuasiveness, evidence of self-knowledge, and unique perspective), background (including socio-economic status and legacy status), and personal characteristics (including curiosity, integrity, and history of overcoming obstacles).²

To assure reliability and appropriate application of these criteria, there are multiple stages of review with different readers who must participate in training. Through these comprehensive, individualized evaluations,³ UNC aims to draw together students who will enrich each other's education and strengthen the campus community.⁴ Throughout this process, UNC adopts a flexible, non-numerical approach towards the consideration of race. Race is always viewed in the context of everything else that the admissions committee knows about a candidate and in light of the range of contributions the candidate might make to the University community.⁵

The University of North Carolina at Chapel Hill's consideration of race is now being challenged as unconstitutional. Students for Fair Admissions filed a lawsuit alleging that UNC's admissions procedure intentionally discriminates against its members on the basis of race, color, and/or ethnicity in violation of the Fourteenth Amendment, 42 U.S.C. § 1983, and 42 U.S.C.

² *Id.* at 5-7, UNC0323607-UNC0323609.

³ *Id.* at 4-5, UNC0323606-UNC0323607.

⁴ *Id.* at 4, UNC0323606.

⁵ *Id.* at 7, UNC0323609.

§ 2000d⁶ by failing to use race only as a “plus” factor and failing to use available race-neutral alternatives.⁷ The suit also alleges that any consideration of race in the admissions process is unconstitutional and urges that prior Supreme Court holdings to the contrary should be reversed.⁸

IV. Educational Benefits of Diversity

The educational benefits that flow from student body diversity have been repeatedly recognized as a compelling interest.⁹ The benefits cited by the Supreme Court have been confirmed by decades of academic research.¹⁰ As discussed further below, numerous studies have affirmed that meaningful, cross-racial interactions contribute to:

- reducing prejudice;¹¹
- reducing social distance between racial groups;¹²

⁶ Plaintiff dismissed additional claims brought pursuant to 42 U.S.C. § 1981. Jt. Stip. of Voluntary Dismissal (Doc. 29).

⁷ Compl., Claims for Relief, Counts I and II (Doc. 1).

⁸ *Id.*, Claims for Relief, Count III.

⁹ See, e.g., *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265 (1978); *Grutter v. Bollinger*, 539 U.S. 306 (2003); *Fisher v. Univ. of Texas at Austin (Fisher I)* 133 S. Ct. 2411 (2013); *Fisher v. Univ. of Texas at Austin (Fisher II)*, 136 S. Ct. 2198 (2015).

¹⁰ See, e.g., Nida Denson, “Do Curricular and Cocurricular Diversity Activities Influence Racial Bias? A Meta-Analysis,” *Review of Educational Research* 79, no. 2 (June 2009): 805-839; Nicholas A. Bowman, “College Diversity and Cognitive Development: A Meta-Analysis,” *Review of Educational Research* 80, no. 1 (2010): 4-33 (describing the authors’ meta-analysis that systematically and empirically examines consistencies and discrepancies in findings across the literature over time).

¹¹ Kristin Davies, Linda Tropp, Arthur Aron, Thomas Pettigrew, and Stephen Wright, “Cross-Group Friendships and Intergroup Attitudes,” *Personality and Social Psychology Review* 15, issue 4 (2011): 332-351; Nisha Gottfredson, Abigail T. Panter, Charles E. Daye, Walter F. Allen, and Linda F. Wightman, “The Effects of Educational Diversity in a National Sample of Law Students: Fitting Multilevel Latent Variable Models in Data with Categorical Indicators,” *Multivariate Behavioral Research* 44, no. 3 (2009): 305-331; Thomas Pettigrew and Linda R. Tropp, “A Meta-Analytic Test of Intergroup Contact Theory,” *Journal of Personality and Social Psychology* 90, No. 5 (2006): 751-783.

¹² Nicholas A. Bowman, “The Conditional Effects of Interracial Interactions on College Student Outcomes,” *Journal of College Student Development* 54 (2013): 322-328; Patricia Odell, Kathleen Korgen, and Gabe Wang, “Cross-Racial Friendships and Social Distance between Racial Groups on a College Campus,” *Innovative Higher Education* 29, no. 4 (2005): 291-305.

- promoting a sense of belonging;¹³
- cultivating intergroup dialogue skills and pluralistic orientation;¹⁴
- encouraging comfort with people from other races;¹⁵
- improving racial/cultural understanding and engagement;¹⁶
- furthering overall student well-being and retention;¹⁷
- civic development and social agency;¹⁸
- improved academic skills and cognitive outcomes¹⁹

¹³ Angela Locks, Sylvia Hurtado, Nicholas Bowman, and Leticia Oseguera, “Extending Notions of Campus Climate and Diversity to Students’ Transition to College,” *The Review of Higher Education* 31, no. 3 (2008): 257-285.

¹⁴ Patricia Gurin, Biren (Ratnesh) A. Nagda, and Ximena Zúñiga, *Dialogue Across Difference: Practice, Theory, and Research on Intergroup Dialogue* (New York: Russell Sage Foundation) 2013; Mark E. Engberg and Sylvia Hurtado, “Developing Pluralistic Skills and Dispositions in College: Examining Racial/Ethnic Group Differences,” *The Journal of Higher Education* 82, no. 4, (July/August 2011): 416-443.

¹⁵ Sylvia Hurtado, “The Next Generation of Diversity and Intergroup Relations Research,” *Journal of Social Issues* 61, no. 3 (2005): 595-610; Shana Levin, Collette van Laar, and Jim Sidanius, “The Effects of Ingroup and Outgroup Friendships on Ethnic Attitudes in College: A Longitudinal Study,” *Group Processes and Intergroup Relations* 6, issue 1 (2003): 76-92.

¹⁶ Mitchell Chang, Nida Denson, and Victor Saenz, “The Educational Benefits of Sustaining Cross-Racial Interaction among Undergraduates,” *The Journal of Higher Education* 77, no. 3, (2006): 430-455; Nida Denson and Mitchell Chang, “Racial Diversity Matters: The Impact of Diversity-Related Student Engagement and Institutional Context,” *American Educational Research Journal* 46, no. 2 (2009): 322-353; Nida Denson and Shirley Zhang, “The Impact of Student Experiences with Diversity on Developing Graduate Attributes,” *Studies in Higher Education* 35, no. 5, (August 2010): 529-543.

¹⁷ Bowman, 2010; Mitchell J. Chang, “Does Racial Diversity Matter?: The Educational Impact of a Racially Diverse Undergraduate Population,” *Journal of College Student Development* 40, no. 4 (1999): 377-95.

¹⁸ Sylvia Hurtado, Cynthia Alvarez, Chelsea Guillermo-Wann, Marcela Cuellar, and Lucy Arellano, “A Model for Diverse Learning Environments,” in *Higher Education: Handbook of Theory and Research*, Vol. 27, edited by John Smart and Michael Paulsen (Springer Netherlands, 2012); Nicholas A. Bowman, “Promoting Participation in a Diverse Democracy: A Meta-Analysis of College Diversity Experiences and Civic Engagement,” *Review of Educational Research* 81, no.1 (March 2011): 29-68; Nelson Laird, “College Students’ Experiences with Diversity and their Effects on Academic Self-Confidence, Social Agency, and Disposition Toward Critical Thinking,” *Research in Higher Education* 46, no. 4 (2005): 365-387; Mitchell Chang, Alexander Astin, and Dongbin Kim, “Cross-Racial Interaction Among Undergraduates: Some Consequences, Causes, and Patterns,” *Research in Higher Education* 45, no. 5 (August 2004): 529-553; Patricia Gurin, Eric Dey, and Sylvia Hurtado, “Diversity and Higher Education: Theory and Impact on Educational Outcomes,” *Harvard Educational Review* 72, no. 3 (Fall 2002): 330-36; Alexander Astin, *What Matters in College? Four Critical Years Revisited* (San Francisco: Jossey Bass 1993).

¹⁹ Denson and Chang, 2009; Jiali Luo and David Jamieson-Drake, “A Retrospective Assessment

- personal growth and development;²⁰
- and developed capacity for teamwork and leadership.²¹

Many of these benefits have been shown to last beyond the college years and into adulthood,²² and many of these skills are highly valued (and continue to increase in value) in today's global workplaces.²³

V. Obtaining “Dynamic Diversity” on College Campuses

The educational benefits associated with diversity are not automatic or guaranteed. Rather, they only develop when students can engage in meaningful cross-racial interactions and meaningful and equitable participation across a range of institutional and educational settings. The ability of students to have such meaningful interactions and participation is affected by the demographic composition of the student body as well as numerous contextual environmental factors (such as institutional frameworks, governance structures, and sociopolitical and historical forces at the local, state, and national level) that influence student behavior.

“Critical mass” is a term frequently used to describe the demographic composition of underrepresented students necessary to allow all students to obtain the educational benefits of diversity. However, that term suggests an entirely numeric or quantitative approach and does not,

of the Educational Benefits of Interaction Across Racial Boundaries,” *Journal of College Student Development* 50, no. 1 (January/February 2009): 67-86; Shouping Hu and George D. Kuh, “Diversity Experiences and College Student Learning and Personal Development,” *Journal of College Student Development* 44, no. 3 (2003): 320-334; Gurin et al., 2002.

²⁰ Luo and Jamieson-Drake, 2009; Hu and Kuh, 2003.

²¹ Denson and Zhang, 2010; Luo and Jamieson-Drake, 2009.

²² William G. Bowen and Derek Bok, *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions* (Princeton: Princeton University Press 2000); Uma Jayakumar, “Can Higher Education Meet the Needs of an Increasingly Diverse and Global Society? Campus Diversity and Cross-Cultural Workforces Competencies,” *Harvard Educational Review* 78, no. 4 (Winter 2008): 615-651.

²³ Brief of Fortune-100 and Other Leading American Businesses As Amici Curiae in Support of Respondents at 5-23, *Fisher II*.

on its face, encompass any of the relevant environmental factors needed to achieve those benefits. Thus, a better term to describe the conditions that a university must create to harness those benefits is “dynamic diversity.” “Dynamic diversity” emerges when students of all racial identities engage in meaningful participation and meaningful cross-racial interaction.

The factors that affect a university’s ability to achieve a climate that furthers the educational benefits of diversity are contextual, interdependent, cross-racial, and participatory. First, dynamic diversity is *contextual* because it requires an understanding of the specific conditions needed for full participation and meaningful interaction. These contexts cut across national, state, campus, classroom, and interpersonal levels as well as time and space—from historical to current sociopolitical contexts. Next, it is *interdependent* because the key institutional components that enable dynamic diversity (the number of students of color on campus and particularly members of historically underrepresented groups, campus climate, and classroom climate) continuously shape and are shaped by one another. Dynamic diversity is *cross-racial* because it is defined by productive interactions across race at both the individual and institutional levels. Finally, it is *participatory* because it is characterized by participation that engages group members’ full selves.²⁴

In this section, I discuss the conditions and factors that shape dynamic diversity, as well as strategies that might allow institutions to determine the extent to which they have cultivated the proper conditions for achieving dynamic diversity.

²⁴ Liliana Garces and Uma Jayakumar, “Dynamic Diversity: Toward a Contextual Understanding of Critical Mass,” *Educational Researcher* 43, no. 3 (2014): 115-124.

A. Obtaining the Educational Benefits of Diversity Requires Meaningful Student Participation and Cross-Racial Interaction

1. Meaningful Participation

Full and meaningful participation in all aspects of the learning environment is perhaps the most basic precursor for acquiring the educational benefits of diversity. Meaningful participation occurs when students are included and welcomed as equal participants in the learning context. Under the appropriate learning conditions, diverse perspectives can be freely shared and welcomed for the benefit of all students. Full participation by underrepresented students in college life, across a range of contexts and settings, is a necessary prerequisite for students to engage in meaningful interactions across race.

Research has shed light on the conditions that may impede or promote full participation by students who identify with historically underrepresented groups. Importantly, educational institutions must encourage productive participation across races. Frequency of *positive* participation across race (e.g., studying, dining, socializing, or having serious discussions across racial groups) is more strongly related to student outcomes than is the overall frequency of participation across race.²⁵

Positive minority participation is suppressed by conditions that foster a sense of racial isolation, tokenism, and stereotype threat among students of color. These impediments are conceptually distinct, but tend to occur in tandem and have interrelated consequences. All three cultivate an unhealthy racial climate that suppresses the participation of students of color and meaningful cross-racial interaction.

²⁵ Denson and Chang, 2009; Hurtado, 2005; Laird, 2005.

Racial isolation is often marked by overt discriminatory comments, such as the prevalence of racial stereotypes or slurs. It can also be marked by more subtle forms of discrimination, often referred to as “microaggressions.” Subtle and often automatic, racial microaggressions are verbal and nonverbal insults directed at and experienced by people of color.²⁶ They reflect implicit racial bias and cause substantial racial stress due to the demeaning messages they convey: “you do not belong,” “you are abnormal,” “you are intellectually inferior,” “you cannot be trusted.”²⁷ The cumulative weight of racially isolating acts creates environmental stress.²⁸ When microaggressions are unaddressed in the learning environment, “students on the receiving end perceive that others hold negative views of them and that they are ‘outsiders’ on their own campus and in their own classrooms.”²⁹

Tokenism, in this context, refers to the sense of scrutiny and pressure felt by students of color to represent their group when faced with extreme underrepresentation and can also impede meaningful cross-racial interaction.³⁰

²⁶ Chester Pierce, “Offensive Mechanisms,” in *The Black Seventies*, edited by Floyd Barbour (Boston: P. Sargent 1970); Derald Wing Sue, Jennifer Bucci, Annie I. Lin, Kevin L. Nadal, and Gina C. Torino, “Racial Microaggressions and the Asian American Experience,” *Asian American Journal of Psychology* 5, no. 1 (2009): 88-101; Daniel Solorzano, Walter R. Allen, and Grace Carroll, “Keeping Race in Place: Racial Microaggressions and Campus Racial Climate at the University of California, Berkeley,” *Chicana/o Latina/o Law Review* 23, no. 1 (2002): 15-112.

²⁷ Derald Sue, Christina Capodilupo, and Aisha Holder, “Racial Microaggressions in the Life Experience of Black Americans,” *Professional Psychology: Research and Practice* 39, no. 3, (2008): 329-336.

²⁸ Solorzano, et al., 2002.

²⁹ Janice McCabe, “Racial and Gender Macroaggressions on a Predominantly-White Campus: Experiences of Black, Latina/o and White Undergraduates,” *Race, Gender & Class* 16, no. 1-2, (2009): 133-151.

³⁰ Rosabeth Kanter, “Some Effects of Proportions on Group Life: Skewed Sex Ratios and Responses to Token Women,” *American Journal of Sociology* 82 (1977): 971-972.

The concept of *stereotype threat* recognizes that looming societal stereotypes can also cause psychological stress among historically underrepresented groups and diminish their participation. Stereotype threat is “[a] situational threat—a threat in the air—that, in general form, can affect the members of any group about whom a negative stereotype exists.” Members of groups subject to negative stereotypes can “fear being reduced to that stereotype,” and such fear can be “self-threatening.”³¹

Numerous studies have documented how repetitive exposure to these three impediments – racial isolation, tokenism, and stereotype threat – cause students identifying with historically underrepresented groups (such as students of color) to feel invisible, othered, unwelcome, and/or unsafe which, in turn, causes them to withdraw. Similarly, national longitudinal studies indicate that negative interactions are often associated with unfavorable outcomes including reductions in civic engagement, self-confidence, and moral reasoning skills for all students.³² Among other harms to students’ psychological well-being and participation, these impediments stifle meaningful participation in campus life by students of color.

For example, a study of 78 black, Latinx, and white female and male undergraduates on a predominantly white campus found that, due to the prevalence of microaggressions, students of color felt invisible, glossed over, or dismissed in class conversations.³³ Moreover, they

³¹ Claude Steele, “A Threat in the Air,” *American Psychologist* 52, no. 6 (1997): 613-628.

³² Matthew Mayhew and Mark E. Engberg, “Diversity and Moral Reasoning: How Negative Diverse Peer Interactions Affect the Development of Moral Reasoning in Undergraduate Students,” *The Journal of Higher Education* 81, no. 4 (July 2010): 459-488; Denson and Chang, 2009; Mark Engberg, “Educating the Workforce for the 21st Century: A Cross-Disciplinary Analysis of the Impact of the Undergraduate Experience on Students’ Development of a Pluralistic Orientation,” *Research in Higher Education* 48, (2007): 283–317; Hurtado, 2005; Laird, 2005.

³³ This report will use the following shortened terms: “Latinx” will refer to individuals who identify as Latino/a or Hispanic; “American Indian” will refer to people who identify as

experienced anxiety and isolation because of a perception that faculty and peers expected them to be spokespersons for their race and gender. This was especially the case for black women and Latinas.³⁴ Similarly, another study found that high-achieving black students on a predominantly white campus frequently experienced heightened anxiety and a sense of being stereotyped by both peers and professors as a result of being the only black student in most classes.³⁵

Additionally, negative racial experiences have a direct impact on the participation of students of color within the learning environment. For example, a study examined the cross-racial experiences of 75 undergraduate black, Latinx, Asian American, and American Indian students at a large, predominately white research university. Researchers found that racial stereotypes increased the distance and discomfort with others felt by students of color.³⁶

Numerous studies also report that underrepresented and marginalized students choose silence as an act of resistance to perceived hostile learning environments, a response that inherently limits students' meaningful participation.³⁷ Often, students of color opt out of

“American Indian,” “Alaska Native,” “Indigenous,” or “Native American”; “black” will refer to individuals who identify as Black or African American; and “white” will refer to individuals who identify as White or Caucasian. See Cristobal Salinas Jr. & Adele Lozano, “Mapping and recontextualizing the evolution of the term Latinx: An environmental scanning in higher education,” *Journal of Latinos and Education* (2017); Michael Yellow Bird, “What We Want to Be Called: Indigenous Peoples’ Perspectives on Racial and Ethnic Identity Labels,” *American Indian Quarterly* 23, no. 2 (1999): 1-21; American Sociological Association *Style Guide*, 5th ed., 2014. However, where an individual has specified their own racial, ethnic, or cultural identity, I have deferred to their self-identification.

³⁴ McCabe, 2009.

³⁵ Sharon Fries-Britt and Kimberly Griffin, “The Black Box: How High-Achieving Blacks Resist Stereotypes About Black Americans,” *Journal of College Student Development* 48, no. 5, (September/October 2007): 509-524.

³⁶ Amana Lewis, Mark Chesler, and Tyrone A. Forman, “The Impact of ‘Colorblind’ Ideologies on Students of Color: Intergroup Relations at a Predominantly White University,” *The Journal of Negro Education* 69 (2000): 74-91.

³⁷ Meera Deo, “The Promise of *Grutter*: Diverse Interactions at the University of Michigan Law School,” *Michigan Journal of Race & Law* 17, issue 1 (2011): 63-118; Carole Buckner,

particular academic programming when faced with a hostile racial climate. Students' assessments of "the climate of academic and social environments" can be a "central factor in their decision to participate in various academic and social activities on their campuses."³⁸ For example, "students of color report a chilly climate and subsequent feelings of discouragement in STEM majors where Black and Latinx students are especially underrepresented and subject to tokenism and stereotype threat in the classroom."³⁹ Multiple studies have found that "less supportive educational environments are related to Black, Hispanic, and Native American college students' departure from the STEM circuit."⁴⁰ These studies demonstrate how the negative effects of racial stereotypes and racial isolation can contribute to decreased student participation in academic programs.⁴¹

When denigrating experiences related to racial, ethnic, and cultural backgrounds are endemic in the structured learning context, they can serve a *pushing-out* function that diminishes

"Realizing *Grutter v. Bollinger*'s Compelling Educational Benefits of Diversity: Transforming Aspirational Rhetoric into Experience," *University of Missouri-Kansas City Law Review* 72 (2004): 877-1159; Lewis et al., 2000.

³⁸ Ryan J. Davis, Robert T. Palmer, Dina C. Maramba, and Samuel Museus, "ASHE 2011 Report, Special Issue: Racial and Ethnic Minority Students' Success in STEM Education," *Association for the Study of Higher Education* 36, issue 6 (2011): 65-66 (hereinafter, "ASHE Higher Education Report, 2011").

³⁹ Sharon Fries-Britt, Toyia Younger, and Wendell Hall, "Lessons from High-Achieving Students of Color in Physics," *New Directions for Institutional Research* 148 (2010): 75-83.

⁴⁰ ASHE Higher Education Report, 2011 at 67; Sylvia Hurtado, June C. Han, Victor B. Saenz, Lorelle L. Espinosa, Nolan Cabrera, and Oscar S. Cerna, "Predicting Transition and Adjustment to College: Biomedical and Behavioral Science Aspirants' and Minority Students' First Year of College," *Research in Higher Education* 48, no. 7 (November 2007): 841-887.

⁴¹ Students of color can and often do persist in the face of racial isolation, tokenism, and stereotype threat. But they often do so by creating same-race support networks, which do not necessarily further the types of cross-racial interaction and participation which yield the fuller benefits of diversity. Tara J. Yosso, William A. Smith, Miguel Ceja, Daniel G. Solorzano, "Critical Race Theory, Racial Microaggressions, and Campus Racial Climate for Latina/o Undergraduates," *Harvard Educational Review* 79, no. 4 (Winter 2009): 659-690.

or erases participation. For example, traditional educational structures (including those related to curriculum, values, and pedagogy) that align with the needs of the dominant group can foster conditions of racial isolation and discourage participation among underrepresented groups. Students of color are effectively pushed out by learning contexts that require them to abandon or reject their own cultural traditions, values, or sense of worth as members of a particular community in order to achieve.⁴² When the learning context threatens cultural integrity, a student may choose fragmented participation (i.e., disassociating from parts of their identity to remain engaged) or decide to leave the environment altogether in order to maintain cultural integrity.⁴³

In contrast, full participation is fostered when schooling practices promote cultural pride and continuity.⁴⁴ Research on racial socialization and identity asserts the importance of cultural integrity in supporting the ability of students of color to form the positive identities necessary for full participation at predominantly white institutions.⁴⁵ Underrepresented students are more

⁴² Donna Deyhle, "Navajo Youth and Anglo Racism: Cultural Integrity and Resistance," *Harvard Educational Review* 65, no. 3 (September 1995): 403-445.

⁴³ The genesis of this assertion is drawn from both Donna Deyhle's findings on cultural integrity discussed in this report and from Jeanine Staples' scholarship on the impact of social and emotional trauma in the lives of girls and women of color. Deyhle, 1995; Jeanine M. Staples, *The Revelations of Asher: Toward Supreme Love in Self* (New York: Peter Lang, 2015) (providing explication on emotional justice and fragmented selves).

⁴⁴ Prudence Carter, *Keepin' It Real: School Success Beyond Black and White* (Oxford: Oxford University Press, 2005); Amy Fann, *Forgotten Students: American Indian High School Students' Narratives on College Going* (Berkeley: UC Berkeley Center for the Study of Higher Education Research 2004); William G. Tierney, and Alexander Jun, "A University Helps Prepare Low Income Youths for College: Tracking School Success," *The Journal of Higher Education* 72, no. 2 (2001): 205; Deyhle, 1995.

⁴⁵ Tabbye Chavous, Debra Bernat, Karen Schmeelk-Cone, Cleopatra Caldwell, Laura Kohn-Wood, and Marc Zimmerman, "Racial Identity and Academic Attainment Among African American Adolescents," *Child Development* 74, issue 4 (July 2003): 1076-1090; Lori Holleran and Margaret Waller, "Sources of Resilience Among Chicano/a Youth: Forging Identities in the Borderlands," *Child and Adolescent Social Work Journal* 20, no. 5 (2003): 335-350; Tracy R. Rone, "The Socialization of Academic Achievement and Racial Consciousness in an African American Community-Based Youth Program," *African American Education* 2 (2002): 179-212.

likely to succeed when they feel validated and where participation does not require them to undermine their own cultural or racial history and values.⁴⁶

2. Meaningful Cross-Racial Interactions

Meaningful cross-racial interaction occurs when conditions support a “robust exchange of ideas,”⁴⁷ promote “‘cross-racial understanding,’ help to break down racial stereotypes, and ‘enable[] [students] to better understand persons of different races.’”⁴⁸ When cross-racial interaction is facilitated in meaningful ways, it contributes to learning in a manner that challenges students’ pre-existing stereotypes, biases, and worldviews. Two central components of meaningful cross-racial interactions are a) structured and sustained intergroup dialogue, and b) ensuring diversity within each identity-group (or “diversity within diversity”).

Structured and sustained intergroup dialogue is central to obtaining the benefits of diversity. In his classic work, Allport contends that intergroup contact can reduce stereotypes and prejudice under the right conditions.⁴⁹ Cross-racial interactions reduce prejudice when intergroup dialogue highlights similarities and differences across groups and promotes an understanding of various differences across multiple identity dimensions.⁵⁰ A comprehensive experimental design study of 1,450 students enrolled in 52 dialogue courses on race and gender found that cross-racial interaction led to greater intergroup understanding and prejudice reduction when there was

⁴⁶ Laura I. Rendón, “Community College Puente: A Validating Model of Education,” *Educational Policy* 16, no. 4 (2002): 642-667; Laura I Rendón, “Validating Culturally Diverse Students: Toward a New Model of Learning and Student Development,” *Innovative Higher Education* 19, no. 1 (1994): 33-51.

⁴⁷ *Bakke*, 438 U.S. at 312 (quoting *United States v. Associated Press*, 52 F. Supp. 362, 372 (1943)).

⁴⁸ *Grutter*, 539 U.S. at 310.

⁴⁹ Gordon W. Allport, *The Nature of Prejudice Unabridged* (Addison-Wesley Publishing Company 1979).

⁵⁰ Gurin et al., 2013.

structured, facilitated, and sustained dialogue among participants under conditions of equal representation across social status groupings.⁵¹ Over time, quality interactions with peers from different groups can also reduce perceptions, attributions, and generalizations associated with stereotypes and biases.⁵² These findings are supported by a meta-analysis of existing literature that confirms that interactions with racial diversity are more strongly linked with cognitive growth than interactions with nonracial diversity.⁵³

Notably, the cognitive growth that flows from racial diversity may not be entirely free from racial tension and conflicts, as students confront various forms of racialized vulnerability. A meta-analysis of 81 different studies on interracial interactions found that participants engaging in cross-racial interactions were more likely to experience anxiety and other negative emotions than those engaging within homogenous racial groups.⁵⁴ However, while researchers have found that heterogeneous social identity groups may have greater potential conflict than homogenous groups, heterogeneous groups ultimately demonstrate greater innovation and improved intergroup understanding when there are supportive conditions to dissolve such tensions.⁵⁵ Indeed, the process of resolving these tensions itself produces heightened cognitive

⁵¹ *Id.*

⁵² Nilanjana Dasgupta and Shaki Asgari, "Seeing is believing: Exposure to counterstereotypic women leaders and its effect on the malleability of automatic gender stereotyping," *Journal of Experimental Social Psychology* 40, no. 5 (2004): 642-658; John J. Seta, Catherine E. Seta, and Todd McElroy, "Attributional Biases in the Service of Stereotype Maintenance: A Schema-Maintenance Through Compensation Analysis," *Personality and Social Psychology Bulletin* 29 (2003): 151-163.

⁵³ Bowman, 2010.

⁵⁴ Uma Jayakumar, "Why Are All the Black Students Still Sitting Together in the Proverbial College Cafeteria?" *Higher Educational Research Institute* (October 2015).

⁵⁵ Gurin et al., 2013; Scott E. Page, *The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools, and Societies* (Princeton: Princeton University Press 2008). Other researchers have similarly observed that while social diversity can cause discomfort and greater perceived conflict, it is vital to improving individual and company outcomes, and leads to

growth.⁵⁶ And studies present evidence that these stress responses naturally dissipate with repeated exposure to and interactions across difference.⁵⁷ Thus, sustained exposure can improve cross-racial understanding and cultural competence, and frequency of cross-racial interaction has been shown to increase comfort with socializing across race before, during, and after the college years.⁵⁸

Cross-group dialogues are particularly significant in the educational development of white students, who are the most likely to experience first-time encounters with racial difference in college.⁵⁹ Unlike students of color, who are likely to interact across race lines with students and/or teachers throughout schooling, white students increasingly are located in neighborhoods and educational environments that are *de facto* segregated.⁶⁰ White students accustomed to segregated environments can experience initial discomfort involving feelings of victimization and defensiveness. White students' sense of racialized vulnerability manifests itself in a distinct set of concerns and behaviors known as "white fragility." A sense of white fragility is associated with unconscious bias and stereotypes, fears, and resentments pertaining to black people and other people of color.⁶¹ These harmful views and patterns are exacerbated when white students lack opportunities for cross-racial interaction.

"unfettered discoveries" and "breakthrough innovations." Katherine W. Phillips, "How Diversity Makes Us Smarter," *Scientific American*, October 1, 2014.

⁵⁶ Gurin et al., 2013.

⁵⁷ Jayakumar, "Proverbial College Cafeteria," 2015.

⁵⁸ *Id.*

⁵⁹ Gary Orfield and Chungmei Lee, "Racial Transformation and the Changing Nature of Segregation," *The Civil Rights Project, Harvard University* (January 2006).

⁶⁰ Gary Orfield and Chungmei Lee, "Why Segregation Matters: Poverty and Educational Inequality," *The Civil Rights Project, Harvard University* (January 2005).

⁶¹ Eduardo Bonilla-Silva, *Racism Without Racists: Color Blind Racism and the Persistence of Racial Inequality in America* (Maryland: Rowman and Littlefield Publishers, 2009); Jim Sidanius, Shana Levin, Colette van Laar, and David O. Sears, *The Diversity Challenge: Social*

There is evidence that the experience of racialized vulnerability can lead to decreased engagement among white college students⁶² and an increased tendency to group together.⁶³ However, exposure to diversity helps regulate defensive responses to racialized vulnerability.⁶⁴ Repeated exposure and experiences with people from different racial backgrounds results in faster recovery from a stress response during cross-racial interaction.⁶⁵ Indeed, the likelihood of white students engaging in cross-racial interaction, despite feelings of vulnerability, increased with engagement across racial difference.⁶⁶ Over time, repeated positive cross-racial interactions are more likely to lead to positive emotional responses, improved attitudes, and reduced prejudices,⁶⁷ particularly amongst white students.⁶⁸

In light of the aforementioned dynamics, institutions seeking the benefits of diversity should not avoid tension in the learning environment — it is a natural and beneficial byproduct of exposure to people from different backgrounds, particularly for white students accustomed to

Identity and Intergroup Relations on the College Campus (New York, NY: Russell Sage Foundation, 2008); William A. Smith, Tara J. Yosso, and Daniel G. Solorzano, “Racial Primes and Black Misandry on Historically White Campuses: Toward Critical Race Accountability in Educational Administration,” *Educational Administration Quarterly* 43, no. 5 (2007): 559-585.

⁶² Jayakumar, “Proverbial College Cafeteria,” 2015.

⁶³ For example, Quillian and Campbell showed that when children do not have opportunities to interact across race lines they are less inclined to envision themselves as capable of doing so.

Lincoln Quillian and Mary E. Campbell, “Beyond Black and White: The Present and Future of Multiracial Friendship Segregation,” *American Sociological Review* 68, no. 4 (2003): 540-566.

⁶⁴ J. Blascovich, Wendy B. Mendes, Sarah B. Hunter, and Brian Lickel, “Stigma, Threat, and Social Interaction” in *The Social Psychology of Stigma*, edited by Todd F. Heatherton, Robert E. Kleck, Michelle R. Hebl, and Jay G. Hull (New York: The Guilford Press, 2000).

⁶⁵ Elizabeth Page-Gould, Wendy Berry Mendes, and Brenda Major, “Intergroup Contact Facilitates Physiological Recovery Following Stressful Intergroup Interactions,” *Journal of Experimental Social Psychology* 46 (2010): 854-858.

⁶⁶ Jayakumar, “Proverbial College Cafeteria,” 2015.

⁶⁷ Pettigrew and Tropp, 2003.

⁶⁸ Linda R. Tropp and Thomas F. Pettigrew, “Differential Relationships Between Intergroup Contact and Affective and Cognitive Dimensions of Prejudice,” *Personality and Social Psychology Bulletin* 31, no. 8 (2005): 1145-158.

segregated environments. Challenging students to overcome feelings of white fragility thus facilitates dynamic diversity,⁶⁹ but racialized vulnerability experienced by students of color faced with racial microaggressions and colorblind racial frames hinders its development. Thus, dynamic diversity is not facilitated by prioritizing white students' comforts over challenges to racial isolation, tokenism, and stereotype threat.⁷⁰

Impediments to the full and meaningful participation of all students may signal a lack of institutional support for diversity, even if an institution espouses such values. Such dissonance impacts the overall racial climate on campus. Thus, institutions should attend to such tensions through inclusive pedagogical practices that encourage students to move away from preconceptions tinged with bias, and towards more complex world views.⁷¹

Admitting and enrolling students that reflect differences *within* a particular racial group is another necessary condition for meaningful cross-racial interaction. "Diversity within diversity" reduces prejudice and prevents the solidification of stereotypes by increasing exposure to and awareness of the vast variety of both observable identity characteristics (e.g., skin color, age, gender) and inferred identity characteristics (e.g., ethnicity, religion, family status, education level, social class, culture, values, ancestry). Exposure to the intersectionality of these

⁶⁹ Sidanius et al., 2008, at 1.

⁷⁰ Page-Gould et al., 2010; Jim Blascovich, Wendy Berry Mendes, Sarah B. Hunter, Brian Lickel and Neneh Kowai-Bell, "Perceiver Threat in Social Interactions With Stigmatized Others," *Journal of Personality and Social Psychology* 80, n. 2 (2001): 253-267; Alberto Cabrera and Amary Nora, "The Role of Perceptions of Prejudice and Discrimination on the Adjustment of Minority Students to College," *The Journal of Higher Education* 67, no. 2 (1996): 119-148., Robin DiAngelo, "White Fragility," *International Journal of Critical Pedagogy* 3 (2011): 54-70.

⁷¹ Gurin et al., 2002.

characteristics encourages students to avoid crude and inaccurate inferences based on isolated, observable attributes.⁷²

Just as importantly, “diversity within diversity” increases the likelihood that students will develop *cultural flexibility*, which is comfort with and ability to navigate diverse social environments such as the workplace, communities, and neighborhoods. Diversity within diversity promotes cultural flexibility by highlighting social similarities and differences across other significant identity markers such as culture and socioeconomic status.⁷³ For example, researchers find that institutions with greater socioeconomic diversity within racial groups are associated with increased levels of cross-racial interactions and greater involvement in curricular diversity activities.⁷⁴ Similarly, studies have shown that service learning programs designed to promote community engagement are more likely to reduce racial biases when the students involved are racially diverse and when encounters with the local community allow for discrepant experiences among individuals from the same racial background.⁷⁵

B. Meaningful Participation and Cross-Racial Interactions Require Meaningful Representation of Students of Color

Significant numerical representation of students of color on campus is a necessary factor in attaining the educational benefits of diversity. It enables students to feel safe to fully express their identities and affirmatively choose to interact across difference, thus decreasing the

⁷² Scott Page, *The Diversity Bonus: How Great Teams Pay Off in the Knowledge Economy* (New Jersey: Princeton University Press 2017).

⁷³ Prudence L. Carter, “Race and Cultural Flexibility among Students in Different Multiracial Schools,” *Teachers College Rec.* 112, no. 6 (2010): 1529-1574.

⁷⁴ Julie J. Park, Nida Denson, and Nicholas Bowman, “Does Socioeconomic Diversity Make a Difference? Examining the Effects of Racial and Socioeconomic Diversity on the Campus Climate for Diversity,” *American Educational Research Journal* 50, no. 3 (2013): 466-496.

⁷⁵ Scott C. Seider and Amanda Hillman, “Challenging Privileged College Students’ Othering Language in Community Service Learning,” *Journal of College and Character* 12, no. 3 (2011).

likelihood of tokenism and stereotype threat. It also encourages a level and quality of cross-racial interactions that challenge pre-existing stereotypes, worldviews, and current beliefs. It is particularly significant in reducing racial vulnerability for individuals from historically subordinated racial or ethnic backgrounds.

However, while demographic representation is necessary, it alone will not lead to meaningful participation and cross-racial interactions or the associated educational benefits.

1. Meaningful Demographic Representation is One (But Not the Only) Consideration in Fostering Dynamic Diversity

The Supreme Court has recognized that achieving the educational benefits of diversity requires “meaningful representation” of students of color, which it defines as “a number that encourages underrepresented minority students to participate in the classroom and not feel isolated,” or “numbers such that underrepresented minority students do not feel isolated or like a spokesperson for their race.”⁷⁶

Social science research establishes that “meaningful representation” depends on much more than numbers – rather, it turns symbiotically on institutional and organizational dimensions, including campus culture and climate.⁷⁷ The relationship is symbiotic because the context shapes what meaningful same-race representation is and should be.⁷⁸ Campus cultures

⁷⁶ *Grutter*, 539 U.S. at 318-19. Even the dissent recognized that a certain number of minority students would be necessary “[t]o ensure that...minority students do not feel isolated or like spokespersons for their race; to provide adequate opportunities for the type of interaction upon which the educational benefits of diversity depend; and to challenge all students to think critically and reexamine stereotypes.” *Id.* at 380 (Rehnquist, C.J., dissenting).

⁷⁷ Sylvia Hurtado, Alma R. Clayton-Pedersen, Walter Rechard Allen, and Jeffrey F. Milem, “Enhancing Campus Climates for Racial/Ethnic Diversity: Educational Policy and Practice,” *The Review of Higher Education* 21, no. 3 (1998): 279-302; Uma Jayakumar and Samuel Museus, *Creating Campus Cultures: Fostering Success Among Racially Diverse Student Populations*. (Routledge 2011).

⁷⁸ Samuel Museus, Maria Ledesma, and Tara Parker, “Racism and Racial Equity in Higher

are unique and can be experienced quite differently by members of different minority groups.⁷⁹

Thus, only by assessing student participation and interactions across a variety of educational settings can an institution know whether there is “meaningful representation” of a particular racial or ethnic group conducive to promoting the educational benefits of diversity that the institution seeks.

Research across various fields confirms that context matters and meaningful participation depends on more than numbers alone. Studies across numerous disciplines—from the social sciences to medicine—consistently find that “critical mass” cannot be measured using a pre-existing formula. For example:

- In the field of business, critical mass refers to the point at which consumers feel confident investing in new technologies or products. Once critical mass is reached, the result is continuation of the product and the elimination of risk for other buyers. Attaining a critical mass is important for a technology to move from short- to long-term sustainability.⁸⁰ Four contextual factors are considered—supplier issues, industry issues, customer issues, and vendor issues—and all must be considered in concert.⁸¹
- Critical mass has been used to promote public safety and the inclusion of cyclists on the road. Research indicates that the likelihood of bicycle injuries decreases as the number of cyclists increases, in part because motorists become more observant and respectful once cyclists reach a critical mass.⁸² Notably, the number of cyclists needed would vary by the size of the town, the density of the population, the conditions of the streets, and the extent to which motorists are dominant and cyclists are marginalized.⁸³

Education,” *Association for the Study of Higher Education* 42, issue 1 (2015): 1-112.

⁷⁹ Samuel Museus, Uma Jayakumar, and Thomas Robinson, “Modeling Racial Differences in the Effects of Racial Representation on Two-Year College Student Success,” *College Student Retention* 13, no. 4 (2011-2012): 549-572.

⁸⁰ Bradley Ruffle, Avi Weiss, and Amir Etziony, “Coordination and Critical Mass in a Network Market: An Experimental Investigation,” *Bar-Ilan University Department of Economics*, (February 2010).

⁸¹ Jose Spencer and John Klocinski, “High Technology Product Success: the Critical Mass Dependency,” *Journal of Global Business and Technology* 6, no. 1 (Spring 2010): 28-40.

⁸² Peter Lyndon Jacobson, “Safety in Numbers: More Walkers and Bicyclists, Safer Walking and Bicycling,” *Injury Prevention* 9, (2003): 205-209.

⁸³ Zach Furness, “Critical Mass, Urban Space and Vélomobility,” *Mobilities* 2, no. 2 (2007).

Thus, in a number of fields, it is well-established that “critical mass” or meaningful representation relies on quantitative and qualitative factors. Similarly, both quantitative and qualitative factors affect the conditions by which the educational benefits of diversity can be obtained.

2. The Significance of Meaningful Demographic Representation

Although numeric representation is not sufficient to ensure meaningful participation and interaction, it is nevertheless important. Even in the face of racial isolation, greater numbers of same-race peers increase the likelihood that underrepresented minorities will continue to participate rather than choose silence, distance, or disengagement.

A medical education study showed the importance of demographic composition in ensuring meaningful content and the sharing of varied perspectives. Drawing from 24 focus groups at two institutions, the findings indicated that students from diverse racial and ethnic backgrounds play a pivotal role in shaping the implementation and delivery of cross-cultural knowledge and diversity perspectives. Faculty, staff, and student participants expressed the common sentiment that students—especially those from diverse backgrounds and especially in the context of race-based student organizations—were in fact the ones creating most of the diversity discussion on campus.⁸⁴

Specifically, meaningful representation encourages both meaningful participation and meaningful cross-racial interactions, which, as discussed above, are necessary prerequisites to obtaining the educational benefits of diversity.

⁸⁴ Jeffrey F. Milem, Celia O’Brien, Danielle Miner, W. Patrick Bryan, Farah Sutton, Laura Castillo-Page, and Sarah Schoolcraft, “The Important Role that Diverse Students Play in Shaping the Medical School Curriculum,” *Arizona Medical Education Research Institute* (2012).

a. Encouraging Meaningful Participation

When there are too few people of color, they are more vulnerable to social stigma,⁸⁵ more susceptible to tokenism,⁸⁶ and more likely to experience racial hostility.⁸⁷ For example, when a minority group is extremely underrepresented, individuals are under greater scrutiny and feel pressure to represent their group.⁸⁸ This tokenism and stereotype threat makes it difficult to facilitate the equal status necessary to reduce prejudice across racial groups.⁸⁹ In contrast, the availability of black student groups in predominantly white contexts enables students to gain validation, resist stereotypes, and develop culturally affirming identities.⁹⁰ Greater representation reduces isolation and increases validation, thereby facilitating the meaningful participation of students of color across all contexts.

Research demonstrates that an increased presence of students with different backgrounds leads to more diversity discussions and better learning in both undergraduate and graduate classrooms. Most of the study's 500 respondents were engaged in some level of interaction with students from several different racial backgrounds and had a high level of engagement with same-race peers. Students shared how classroom discussions on race, gender, and sexual orientation—among other intersectional dimensions—could result in open minds and more

⁸⁵ Claude Steele, "Race and the Schooling of Black Americans," *The Atlantic*, April 2012, <https://www.theatlantic.com/magazine/archive/1992/04/race-and-the-schooling-of-black-americans/306073/>.

⁸⁶ Kanter, 1997.

⁸⁷ Sylvia Hurtado, "The Campus Racial Climate: Contexts of Conflict," *Journal of Higher Education* 63, no. 5 (1992): 539-569.

⁸⁸ Kanter, 1997.

⁸⁹ Allport, 1979.

⁹⁰ Beverly Daniel Tatum, *Why Are All the Black Kids Sitting Together in the Cafeteria?: and other Conversations about Race* (New York: Basic Books 2017).

engaging classroom conversations. Further, they believed that participation among diverse peers and sharing of diverse perspectives on identity issues could decrease experiences of tokenism.⁹¹

Social science research also reveals that meaningful representation within a particular racial subgroup offers particular benefits to students of color. For example, one quantitative, longitudinal, national study of students attending community colleges found that the level at which students of one's own racial group were represented on campus impacted academic and social integration, academic achievement, and persistence for all students. However, this was more important for the academic success of black and Latinx students than whites.⁹² For black and Latinx students in particular, the level of same-race representation plays a more defining role in shaping the quality of cross-racial engagement than the level of broader diversity on a campus across various groups.⁹³

b. Encouraging Meaningful Interactions

Significant representation of students of color is central to meaningful cross-racial interactions by challenging pre-existing stereotypes, worldviews, and current beliefs. Meaningful demographic representation makes it more likely that students will have more frequent and more

⁹¹ Deo, 2011. The data include numerous examples of how students from different backgrounds shaped class discussions by drawing on a range of unique perspectives. For example, Colin (a white male) noted that, with high levels of diversity, preconceived racial stereotypes can be unlearned: "people would question their own views about privilege, [and] that upper middle-class, White, straight, male is the default and everything else is a disadvantage. When you are surrounded by people that are very diverse there is no default" (p. 99). Conversely, when a student feels he or she is seen as a spokesperson rather than an individual, this can negatively affect learning for *all* students, especially as classmates fail to recognize the diversity of thought within a group. Raven (a Black female) asserted that under conditions of sufficient numeric representation "we would be blessed with being able to see the diverse perspectives within minority groups. All Black people don't think the same way. All Asian people don't think the same way" (p. 103).

⁹² Museus et al., 2012.

⁹³ Jayakumar, "Proverbial College Cafeteria," 2015.

meaningful encounters across race that are crucial to overcoming pre-existing biases.⁹⁴ Without such encounters, information that strongly contradicts previously-held stereotypes is easily rationalized as an exception to the rule.⁹⁵ As Kanter famously asserted in establishing the harms of tokenism, “If there are enough people of the token’s type to let discrepant examples occur, it is possible that the generalization will change to accommodate the accumulated cases. But if individuals of that type are only a small proportion of the group, it is easier to retain the generalization and distort perception of the token.”⁹⁶

Interestingly, research also suggests that higher levels of white representation decrease the likelihood of white students engaging in cross-racial interaction. Most white students entering college have primarily experienced predominantly white environments and have not yet developed an understanding of white identity and capacity to interact across race lines.⁹⁷ Retreating to homogeneous white environments may be comforting because one does not have to think about whiteness or because it can provide validation for feelings of guilt, shame, and anger.⁹⁸ Thus, increased representation of students of color is necessary for encouraging white

⁹⁴ Mariette Berndsen, Russell Spears, Joop van der Pligt, and Craig McGarty, “Illusory Correlation and Stereotype Formation: Making Sense of Group Differences and Cognitive Biases” in *Stereotypes as Explanations* (Cambridge: Cambridge University Press, 2002); Steven Stroessner and Jason Plaks, “Illusory Correlation and Stereotype Formation: Tracing the Arc of Research over a Quarter Century,” in *Cognitive Social Psychology: The Princeton Symposium on the Legacy and Future of Social Cognition*, edited by Gordon B. Moskowitz (Mahway: Lawrence Erlbaum Publishers, 2001).

⁹⁵ Miles Hewstone and Charles Lord, “Changing the Intergroup Cognitions and Intergroup Behavior: The Role of Typicality,” in *Intergroup Cognition and Intergroup Behavior*, edited by Constantine Sedikides, John Schopler, and Chester Insko (Mahwah: Lawrence Erlbaum Publishers, 1998); David A. Wilder, Andrew F. Simon, and Myles Faith, “Enhancing the Impact of Counterstereotypic Information: Dispositional Attributions for Deviance,” *Journal of Personality and Social Psychology* 71, no. 2 (Aug. 1996): 276-287.

⁹⁶ Kanter, 1977.

⁹⁷ Tatum, 2017.

⁹⁸ *Id.*

students to engage across race lines and obtain the benefit of resolving old frames and biased worldviews.⁹⁹

Increased demographic representation also allows for diversity within diversity, which, as discussed, can reduce stereotypes and biases and encourage cultural flexibility. Identity categories may be observable (e.g., skin color, age, gender) or inferred (e.g., ethnicity, religion, family status, education level, social class, culture, values, ancestry). In the absence of exposure to intersectional identity categories, we are prone to making crude and inaccurate inferences based on isolated, observable attributes.¹⁰⁰ When diversity is understood holistically, increasing the representation of underrepresented groups enhances the depth of diversity within diversity and by extension enhances opportunities for reducing stereotypes and supporting cross-racial understanding.

Finally, increasing demographical representation is necessary to ensure that tensions that arise from cross-racial engagement can be managed productively, particularly for students of color. The broader value of bonding with students of one's own race is well documented.¹⁰¹ Seeking out same-race peers through "counterspaces" or "safe spaces" —such as same-race study groups or cultural affinity groups—can provide emotional support and increase comfort level on campus.¹⁰² The existence and viability of counterspaces relies, in part, on the presence

⁹⁹ Gurin et al., 2002.

¹⁰⁰ Page, 2017.

¹⁰¹ Tabitha L. Grier-Reed, "The African American Student Network : Creating Sanctuaries and Counterspaces for Coping With Racial Microaggressions in Higher Education Settings," *Journal of Humanistic Counseling, Education and Development* 49 (Fall 2010): 181-188; McCabe, 2009; Yosso et al., 2009; Solorzano et al., 2002; Lasley Barajas and Jennifer Pierce, "The Significance of Race and Gender in School Success Among Latinas and Latinos in College," *Gender and Society* 15, issue 6 (2001): 859-878.; Lewis et al., 2000.

¹⁰² Yosso et al., 2009.

of sufficient numbers of students of color, since students of color predominantly participate in such groups, initiate the creation of such groups, and lead the activities of such groups. When students have access to race-specific campus organizations and spaces, they are more likely to perceive a positive climate and experience a sense of belonging,¹⁰³ both of which encourage student engagement.¹⁰⁴ Such spaces also provide relief from racial stress and support for struggles with microaggressions, tokenism, and other elements of racial isolation.¹⁰⁵ Importantly, the research demonstrates that same-race representation does not hinder overall cross-racial engagement among students of color.¹⁰⁶

C. Numerous Environmental Factors Also Shape the Conditions for Meaningful Participation and Interactions

Educational institutions exist within unique racial contexts. Various environmental factors are part of this context including the organizational features of the learning environment, an institution's actual and perceived commitment to and investment in racial diversity, and the larger policy context including government programs and initiatives. Importantly, sociohistorical forces shape how these environmental factors ultimately affect the conditions for fostering the educational benefits of diversity. For example, even where an institution has sought to confront or overcome its historical legacy of racial exclusion, echoes and elements of that past can linger in the institution's practices, governance structures, and institutional frameworks.

¹⁰³ Guiffrida, 2003; Harper and Quaye, 2007.

¹⁰⁴ Hurtado et al., 1998; Yosso, 2009.

¹⁰⁵ Douglas A. Guiffrida, "African American Student Organizations as Agents of Social Integration," *Journal of College Student Development* 44, no. 3 (2003): 193-218; Stephen John Quaye and Shaun R. Harper, "Shifting the Onus from Racial/Ethnic Minority Students to Faculty: Accountability for Culturally Inclusive Pedagogy and Curricula," *Liberal Education* 92, no. 3 (2007): 19-24.

¹⁰⁶ Jayakumar, "Proverbial College Cafeteria," 2015.

Below I discuss some significant environmental and external factors that affect an institution's ability to encourage dynamic diversity and its assessment.

1. Local, State, and National Context

A campus racial climate is shaped and informed by local, state, and national contextual factors. As these political contexts evolve, their impact on the racial climate (and by extension their impact on meaningful participation and cross-racial interactions) can manifest in a variety of forms. A few illustrative examples include:

Residential segregation: Students' pre-college exposure to primarily segregated (versus diverse) neighborhood and high school environments heightens the challenges posed in cultivating a healthy racial climate. Most white students enter college with little prior exposure to people of different racial backgrounds.¹⁰⁷ The concentration of white students in segregated neighborhoods and schools may foster ingrained stereotypes, racial bias,¹⁰⁸ ways of thinking that promote racial discrimination and bias,¹⁰⁹ and even a pathological aversion to black men among white students.¹¹⁰ For white students, segregated spaces also constrain the development of cultural flexibility.¹¹¹ These consequences shape the campus racial climate in ways that decrease the potential for meaningful participation and interaction.

Local, state, and national controversies, dialogues, and hostility related to race: Current controversies at the local, state, and national level impact campus race relations and students' capacity to engage in meaningful participation and interaction. In particular, since the 2016

¹⁰⁷ Orfield and Lee, 2006.

¹⁰⁸ Sidanius et al., 2008.

¹⁰⁹ Bonilla-Silva, 2014.

¹¹⁰ Yosso et al., 2009; Smith et al., 2007.

¹¹¹ Carter, 2010.

presidential election there has been an increase in nationally reported hate violence and bullying.¹¹² This is mirrored in higher education by the prevalence of racially charged campus incidents and concern over growing racial conflict.¹¹³ Students of color have organized protests and actions across 80 campuses demanding institutional attention to racial bias, stereotypes, underrepresentation, and hostile racial climates.¹¹⁴ In many instances, they have been met with defensive backlash from a small but emerging and highly vocal set of white student groups aligned with segregationist cultural values aimed at protecting white privilege and supremacy. The Union of White Cornell Students, for example, submitted a set of demands to the administration, describing themselves as “a community of white students who wish to preserve and advance their race.”¹¹⁵ If universities with segregationist histories give official status or campus resources to such groups, they may send organizational signals that conflict with moving away from lingering historical frameworks, with negative consequences for the health of the campus racial climate and engagement across race.

¹¹² Brian Levin, “Final U.S. Status Report: Hate Crime Analysis & Forecast for 2016/2017,” *Center for the Study of Hate & Extremism* (2017): 1-27, https://csbs.csusb.edu/sites/csusb_csbs/files/Final%20Hate%20Crime%2017%20Status%20Report%20pdf.pdf; Maureen B. Costello, “The Trump Effect: The Impact of the Presidential Campaign on our Nation’s Schools,” *Southern Poverty Law Center* (2016).

¹¹³ Anti-Defamation League, *White Supremacists on Campus; Unprecedented Recruitment Efforts Underway* (June 9, 2017), https://www.adl.org/blog/white-supremacists-on-campus-unprecedented-recruitment-efforts-underway?_ga=1.3868912.1741098207.1488839158; Museus et al., 2015.

¹¹⁴ Jack Dickey, “The Revolution on America’s Campuses,” *Time* (May 31, 2016), www.time.com/4347099/college-campus-protests/ (discussing more than 50 student protests at universities around the country); Alia Wong and Adrienne Green, “Campus Politics: A Cheat Sheet,” *The Atlantic*, April 4, 2016, <https://www.theatlantic.com/education/archive/2016/04/campus-protest-roundup/417570/>.

¹¹⁵ Phoebe Keller and Sofia Hu, “Aided by White Nationalist Groups, Union of White Cornell Students to Release Demands, Host March,” *The Cornell Daily Sun* (March 18, 2016), <http://cornellsun.com/2016/03/18/aided-by-white-nationalist-groups-union-of-white-cornell-students-to-release-demands-host-march/>.

When racial hate crimes or racial incidents occur on college campuses or in surrounding communities, the institutional response signals whether underrepresented students are valued and welcomed as full participants on campus. When the burden of resolving the harmful consequences of these conflicts is placed on students of color, it reflects an unwelcoming, exclusionary campus culture, as evidenced by an analysis performed of high profile racial incidents at three highly selective university campuses.

For example, researchers found universities' responses to recent racial incidents were effectively superficial or noncommittal. In their responses, the universities visibly distanced the institution from the event, emphasized how the institution "did not condone" racist behavior, and stressed how the unfortunate event offered an opportunity for increasing awareness and improving racial conditions. Significantly, all of the documented responses failed to identify organizational issues and steps to address racial biases, stereotypes, and insensitivity to underrepresented groups. Moreover, they failed to address the pain caused to those affected by the racist incidents. Finally, they condoned public apologies from the perpetrating group that failed to admit the actions were racist and harmful. Instead, the perpetrators sought amends for being "'perceived as racist' or being 'taken the wrong way.'"¹¹⁶

In sum, an institutional framework and climate that signals a lack of concern for racial incidents and stressors can seriously impact opportunities for students at that institution to engage in the full and meaningful participation across race lines that is essential to obtain the educational benefits of diversity.

¹¹⁶ Shametrice Davis and Jessica C. Harris, "But We Didn't Mean it Like That: A Critical Race Analysis of Campus Responses to Racial Incidents," *Journal of Critical Scholarship on Higher Education and Student Affairs* 2, issue 1 (2016): 62-78.

Pathways to local, state, and national leadership: A campus racial climate can also be influenced by whether there is evidence of equitable pathways to professional opportunities and leadership positions at the local, state, and national level for all students. When there is a historical legacy of exclusion, institutions must pay particular attention to whether and how they are promoting or failing to promote equity in professional opportunities and leadership positions. Such organizational signaling is highly relevant to perceptions regarding how that institution endorses or separates itself from its discriminatory past.

One manifestation of such signaling regarding leadership that is particularly within a university's control is the encouragement of visible pathways to leadership within the institution itself. The importance of meaningfully diverse faculty, staff, and administration to the creation of dynamic diversity is discussed further below.

2. Institutional Infrastructure That Encourages and Signals a Commitment to Diversity

"Diversity infrastructures" promote racial empathy and understanding among all students and aim to facilitate healthy intergroup interactions, reduce prejudice and discrimination, and enhance the skills, knowledge, and motivation that can encourage meaningful interactions across race. When diversity infrastructures work well, they signal that diversity is an institutional value that is both espoused (as evidenced by the existence of relevant programs and their missions) and enacted (as evidenced by the experienced benefits of improved interactions, enhanced cross-racial understanding of intersecting identity characteristics, and reduced prejudice and bias).¹¹⁷

Research demonstrates that there are many types of institutional infrastructures that can affect racial climate. For example:

¹¹⁷ Susan Iverson, "Camouflaging Power and Privilege: A Critical Race Analysis of University Diversity Policies," *Educational Administration Quarterly* 43, issue 5 (2007): 586-611.

- *Multicultural programming and well-facilitated intergroup dialogues* are associated with higher retention rates and more positive racial experiences for both white students and students of color. For white students in particular, studies show that intergroup dialogues and diversity workshops promote racial awareness, openness to diversity, and pluralistic orientation during and beyond the college years.¹¹⁸
- *Trainings for faculty and staff* permit more effective engagement in pedagogical practices that facilitate positive inter-group interactions, reduce prejudice and discrimination, and enhance the skills, knowledge and motivation to interact with people of different backgrounds.¹¹⁹
- *Institutionalized “counterspace programming”* permits students to interact with same-race peers, which reduce racial stress and the toxicity of unhealthy conditions for meaningful participation in and beyond the classroom.¹²⁰
- *Supporting specific academic departments and disciplines* by equitably allocating campus resources to academic departments which disproportionately train and support students of color, such as Ethnic Studies, Gender and Sexuality Studies, Education, and other departments.¹²¹
- *Recruitment efforts* influence the campus racial climate, and by extension, interactions across race. Recruitment efforts implicate the number of students of color who apply and enroll in an institution, and, potentially, the level of diversity within a racial group. Recruitment can directly influence the level of compositional diversity on campus and the racial climate, as well as students’ perceptions of an institution’s commitment to diversity.¹²²

¹¹⁸ Gurin et al., 2013; Jayakumar, 2008.

¹¹⁹ Katerina Bezrukova, Karen A. Jehn, and Chester S. Spell, “Reviewing Diversity Training: Where We Have Been and Where We Should Go,” *Academy of Management Learning and Education* 11, no. 2 (June 2012): 207-227.

¹²⁰ Lori D. Patton, ed., *Culture Centers in Higher Education: Perspectives on Identity, Theory, and Practice* (Sterling: Stylus Publishing 2010); Lori D. Patton, “The Voice of Reason: A Qualitative Examination of Black Student Perceptions of Black Culture Centers,” *Journal of College Student Development* 47 no. 6 (Nov./Dec. 2006); Lori D. Patton, “Black Cultural Centers: Still Central to Student Learning,” *About Campus* (May-June 2006).

¹²¹ See, e.g., DATAUSA: Ethnic Studies (significant majority of degrees awarded in ethnic studies awarded to students of color), <https://datausa.io/profile/cip/050200/#demographics>; Stephen R. Porter and Paul D. Umbach, “College Major Choice: An Analysis of Person-Environment Fit,” *Research in Higher Education* 47, no. 4 (June 2006): 429-449.

¹²² Kimberly A. Griffin, Marcela M. Muñiz, and Lorelle Espinosa, “The Influence of Campus Racial Climate on Diversity in Graduate Education,” *The Review of Higher Education* 35, no. 4 (2012): 535-566; Susan Brown and Charles Hirschman, “The End of Affirmative Action in Washington State and Its Impact on the Transition from High School to College,” *Sociology of*

- *Admissions policies* that espouse a commitment to diversity can encourage applications and enrollment from students of color, whereas policies that fail to espouse a commitment to diversity can signal to underrepresented student populations, and students of color in particular, that they are not welcome. For example, bans on affirmative action can have a “discouragement effect” that leads students to not apply to an institution; whereas visible and effective efforts to increase the presence of people of color can signal an inclusive and welcoming environment to prospective students considering a selective institution.¹²³

As the discussion of recruitment efforts and admissions policies demonstrates, diversity infrastructures that influence *perceptions* about the institution’s commitment to diversity can powerfully impact the campus’s racial climate and, by extension, the likelihood of participation and cross-racial interaction. Organizational signaling of commitment to diversity impacts how students engage with difference and their capacity to benefit.¹²⁴

However, incorporating diversity and equity in the missions and operations of a campus is only beneficial to the extent that the institution’s espoused values are consistent with its signaling and actions around diversity and equity.¹²⁵ Diversity infrastructures can vary in scope, approach, quality of facilitation and, importantly, follow-through. These frameworks often require additional efforts from institutions with historical legacies of segregation, since many of their pre-existing frameworks were specifically designed to perpetuate exclusion, racial separation, and the pre-eminence of white men. Traditionally white institutions often lack a comprehensive framework for inclusion that proactively works to remove exclusionary cultural

Education 79, no. 2 (April 2006): 106-130.

¹²³ Griffin et al., 2012; Brown and Hirschman, 2006.

¹²⁴ Jeffrey Milem, Mitchell Chang, and Anthony Antonio, “Making Diversity Work on Campus,” *Association of American Colleges and Universities* (2005): 1-38.

¹²⁵ Iverson, 2007.

artifacts and values¹²⁶ and that addresses impediments to full participation and meaningful interaction across race.¹²⁷

3. Meaningful Diverse Representation among Faculty, Staff, and Administration

Increasing representation of faculty, staff, and administrators of color on campus may improve the racial climate on campus, which, in turn, improves interactions across race.¹²⁸ For example, research has shown that the increased presence of faculty and administrators of color is associated with positive outcomes for students of color, such as reducing racial isolation on campus by bridging divides between underrepresented students and institutional actors and improved graduation outcomes for students of color.¹²⁹ The increased presence of faculty and administrators of color encourages healthy interracial contexts for learning between faculty and students of different races.¹³⁰

Faculty of color are also less likely to exhibit racial biases and stereotypes and more likely to have pedagogical approaches and practices that validate students of color.¹³¹ Similarly,

¹²⁶ Milem et al., 2005; Jayakumar and Museus, 2011.

¹²⁷ Garces and Jayakumar, 2014.

¹²⁸ Shayla C. Nunnally, *Trust in Black America: Race, Discrimination, and Politics* (New York: New York University Press 2012); Nicholas Sorensen, Biren Nagda, and Patricia Maxwell, “Taking A ‘Hands On’ Approach to Diversity in Higher Education: A Critical-Dialogic Model for Effective Intergroup Interaction,” *Analyses of Social Issues and Public Policy* 9, no. 1 (2009): 3-35.

¹²⁹ Leticia Oseguera and Byung Shik Rhee, “The Influence of Institutional Retention Climates on Student Persistence to Degree Completion: A Multilevel Approach,” *Research in Higher Education* 50, no. 6 (2009): 546-569.

¹³⁰ Nunnally, 2012; Sorensen et al., 2009.

¹³¹ Luis Urrieta Jr. and Rudolfo Chávez Chávez, “Latin@ Faculty in Academelandia,” in *Handbook of Latinos and Education: Theory, Research, and Practice*, eds. L. Murillo Jr, E. G., Villenas, S., Galván, R. T., Muñoz, J. S., Martínez, C., and Machado-Casas, M. (Routledge 2009); Pamela Petrease Felder and Marco J. Barker, “African Americans and the Doctoral Experience: A Case Comparison Through Bell’s Interest Convergence,” *Journal of Progressive Policy & Practice* 2, no. 1 (2004): 79–100.

the visible presence of faculty and leadership of color has been shown to affect students' environmental experience of microaggressions.¹³² Their increased presence, therefore, simultaneously and synergistically serves to improve the racial climate, participation by students of color, and cross-racial interactions. Faculty, staff, and administrators of color are also more likely than white faculty to participate in and create diversity related programming on campus.¹³³ Not only do such programs benefit all students, but the presence of faculty, staff, and administrators to take on this institutional diversity work relieves some of the racial stress and extra burden otherwise placed on students of color.¹³⁴

The hiring, retention, and promotion of faculty of color also demonstrates a visible commitment to including diverse voices in the decision-making process. Benefits to the racial climate are particularly acute when underrepresented minorities serve in top leadership roles among faculty and administration.¹³⁵

D. Evaluating Dynamic Diversity

As detailed above, institutions must assess dynamic diversity using both qualitative and quantitative measures. Existing instruments can be useful in supporting institutions in evaluating and assessing those measures. For example, two effective racial climate assessments are the

¹³² Sue et al., 2008.

¹³³ Sharon L. Holmes, "Narrated Voices of African American Women in Academe," *Journal of Thought* 43, no. 3-4 (2008): 101-124.

¹³⁴ Louwanda Evans and Wendy Moore, "Impossible Burdens: White Institutions, Emotional Labors, and Micro-Resistance," *Social Problems* 62, no. 3 (2015): 439-454.

¹³⁵ As the brief from military leaders in *Grutter* explained, racial diversity is crucial within the military's leadership corps to facilitate productive interactions that bridge chasms based in racial prejudice, low numbers of black officers, pervasive discrimination, and heightened racial hostility. Brief of Lt. Gen. Julius W. Becton et al., as Amici Curiae in Support of Respondents at 5-30, *Grutter v. Bollinger*, 539 U.S. 306 (2003); see also Brief of Fortune-100 and Other Leading American Businesses As Amici Curiae in Support of Respondents at 5-23, *Fisher v. Univ. of Texas at Austin*, (*Fisher II*), 136 S. Ct. 2198 (2016).

Higher Education Research Institute's Diverse Learning Environments survey and Rankin's Transformative Tapestry model.¹³⁶ Similarly, Estella Bensimon and her colleagues' Equity Scorecard instrument captures qualitative and quantitative measures tied to organizational behaviors and outcomes including structural vulnerability at the institutional level.¹³⁷ In addition, general college experience assessments, such as the Higher Education Research Institute's freshman and senior surveys used in diversity research and scholarship, also record relevant information. For example, these assessments measure levels of exposure to segregation in pre-college neighborhoods and K–12 schools, pre-college views related to bias and ways of thinking that promote stereotypes, and frequency and quality of cross-racial interactions. Across all of these various tools and methods, data can be especially informative when disaggregated by race and/or other identity-groups.

These and other indicators are useful for creating actionable plans to address racial bias and ways of thinking tied to exclusionary cultural norms among students, faculty, staff, and administrators.

VI. Relevant Examples of UNC's Efforts to Obtain The Educational Benefits of Diversity

In recent years, UNC has repeatedly proclaimed its commitment to obtaining and maximizing the educational benefits of diversity for its students. It has taken numerous concrete steps towards achieving this goal, including extensive recruitment, student-focused initiatives, efforts to enhance faculty and staff diversity, and public statements. However, there remain

¹³⁶ Diverse Learning Environments Survey, *Higher Education Research Institute*, <https://heri.ucla.edu/diverse-learning-environments-survey/>; Susan Rankin and Robert Reason, "Transformational Tapestry Model: A Comprehensive Approach to Transforming Campus Climate," *Journal of Diversity in Higher Education* 1, no. 4 (2008): 262-274.

¹³⁷ The Equity Scorecard: Balancing Educational Outcomes, USC Rossier School of Education, <https://rossier.usc.edu/the-equity-scorecard-balancing-educational-outcomes/>.

numerous obstacles that inhibit meaningful participation by underrepresented students of color and cross-racial interactions on campus as well as obstacles in engaging white students based on a lack of pre-college exposure to diversity and a lack of cultural flexibility. These obstacles can inhibit meaningful cross-racial interactions and participation by all students. Below, I discuss some of the information adduced in this litigation that may be relevant to the framework for evaluating critical mass/dynamic diversity set forth above.

From the information reviewed, I observe that while UNC is making strategic efforts to shift its institutional values toward diversity and inclusion—as opposed to upholding historical exclusion—significant obstacles to dynamic diversity persist, many of which are rooted in UNC’s unique sociohistorical context. In this way, UNC’s espoused value for diversity has not yet been consistently enacted to achieve the conditions for dynamic diversity. Such deep-seated obstacles require UNC’s sustained attention and ongoing efforts to improve the racial climate and harness the full benefits of diversity.

A. UNC’s Efforts to Enhance Dynamic Diversity

1. Recruitment Efforts

UNC operates a number of outreach programs to promote diversity by drawing additional applicants from underrepresented communities. Its current efforts to recruit underrepresented students are numerous, extensive, and expanding. Most of these programs seek to address barriers to college access among low-income students attending under-resourced K-12 schools and first-generation students, which likely include students of color in addition to poor white students. Several programs, such as Project Uplift, invest additional efforts to recruit black,

American Indian, Latinx, Asian American, and rural students.¹³⁸ Such programs facilitate adjustment and participation across campus by communicating that underrepresented students are valued and belong at UNC.¹³⁹

Having multiple thoughtful programs demonstrates that UNC is “dedicated to providing spaces so that those who unite on issues of socioeconomic class and race can form authentic and positive relationships.”¹⁴⁰ These programs benefit students of color as well as other individuals, including those for whom diversity may be a less observable trait (e.g. low-income white students, LGBTQ students). Several of the programs are staffed by people who share similar background experiences and have a focus on culturally relevant practices and mentorship.¹⁴¹ For example, the Carolina College Advising Corps, is based on a peer mentorship model that places recent UNC graduates in partnering low-income high schools.¹⁴²

¹³⁸ See, e.g., James Dean, *The Educational Benefits of Diversity and Inclusion for Undergraduate Students at the University of North Carolina Chapel Hill* (May 26, 2017), UNC0349694-UNC0349712 (hereinafter “Report Benefits of Diversity”), at 6-11, UNC0349700-UNC0349705 (summarizing UNC’s various efforts to attract, admit, and enroll students from diverse backgrounds); Declaration of Carol Lee Ware at 2 (alumni discussing being introduced to UNC through the Project Uplift Program).

¹³⁹ See, e.g., Declaration of Cheyenna Phelps (hereinafter “Decl. of Phelps”) at 2 (Phelps speaks to the importance of the Minority Advising Program and the Carolina Covenant program in making her feel valued and welcome at UNC); Declaration of Adrian C. Douglass, M.D. at 2 (alumni similarly noting the benefit provided by the Minority Advisory Program); Dep. of Dr. Taffye Benson Clayton (May 24, 2017) at Ex. 13, Email with Copy of *Summary of SERU and 2010 Student Diversity Assessment and Survey Responses*, UNC0130765-UNC0130864 (hereinafter “2010 Diversity Assessment”), at UNC0130787. Respondent on 2010 Diversity Assessment wrote: “The diversity orientation day for prospective minority students was very well executed and made me feel welcome.”

¹⁴⁰ Decl. of Phelps at 2; see also Declaration of Patsy B. Ziegler at 3-5 (alumni describing affinity groups for black students as necessary “to survive the experience and graduate”).

¹⁴¹ Report Benefits of Diversity, at 7, UNC0349701 (describing Project Uplift which invites high-achieving students from low-income, rural, racially diverse backgrounds on campus and which is staffed by current students, staff, and faculty many of whom have similar demographic backgrounds).

¹⁴² *Id.*

UNC has also engaged in efforts to increase the likelihood that underrepresented students will enroll in UNC once admitted. These efforts range from proactively contacting admitted applicants, to bringing them on campus, to expanding the Carolina Covenant program, which commits debt-free financial aid to the lowest income students.¹⁴³ These efforts reflect proven methods to not only increase enrollment rates but also promote matriculating students' academic success and retention.¹⁴⁴

2. Student-Focused Initiatives

Recognizing that diversity efforts must extend beyond recruitment to engagement in the learning and extracurricular context, UNC engages in a broad range of student-focused initiatives. UNC promotes meaningful participation and cross-racial interaction through traditional student services such as those offered by the Division of Student Affairs. For example, Carolina Housing and Residential Education engages students across campus in addition to providing housing to 10,000 students. Another such program, the Campus Y, houses over 30 student-initiated social justice committees focused on community inclusion, education and youth development, public health, global issues, and advocacy. This particular public service and engagement-oriented program has been running for 150 years, and annually engages roughly 2,000 student volunteers.¹⁴⁵

UNC has also introduced courses and programming to integrate diverse perspectives and epistemologies. Such course offerings were expanded in the School of Public Health, the College

¹⁴³ *Id.* at 6-8, UNC0349700-UNC0349702 (bringing students on campus); *id.* at 9, UNC0349703 (proactively contacting admitted applicants); *id.* at 11, UNC0349705 (expansion of Carolina Covenant program since 2004).

¹⁴⁴ *Id.* at 9-11, UNC0349703-UNC0349705 (increasing enrollment rates); *id.* at 14-15, UNC0349708-UNC0349709 (retention and academic success of students).

¹⁴⁵ *Id.* at 14, UNC0349708.

of Arts and Sciences, Clinical Psychology, the Department of Anthropology, and the School of Media and Journalism, including courses titled “Leading for Racial Equity: Examining Structural Issues of Race and Class”, “Lesbian, Gay, Bisexual, and Transgender Health: A population perspective”, “African American Political Philosophy”, “Poverty, Inequality, and Health”, and “Diversity and Communication.”¹⁴⁶ According to the 2014-2015 Diversity Plan Report, approximately 22 departments or schools also incorporated academic-adjustment and success programs to support and retain diverse students, including underrepresented minority, first-generation, low-income, and rural students. For example, the Schools of Dentistry and Medicine offer an intensive educational program that provides information and socialization around pursuing a career in medicine.¹⁴⁷ Additionally, the College of Arts and Sciences offers the “Men of Color Engagement” initiative, which provides information about graduate and professional schools, mentorship and research opportunities, and spaces for discussing race-related issues such as organized networking and professional development events, and a bonding-oriented summer immersion trip to a major city.¹⁴⁸

The University also supports a range of formal counterspace frameworks shown to assist in navigating racialized vulnerability and promote participation by underrepresented students and marginalized groups. Such groups include the Black Student Movement, the Carolina Indian Circle, the Carolina Hispanic Association, Ahmadiyya Muslim Student Association, and the LGBTQ Center, amongst others. The Carolina Union is a designated hub for many of these

¹⁴⁶ Dep. of Dr. Taffye Benson Clayton (May 24, 2017) at Ex. 10, 2014-2015 Diversity Plan Report, at UNC0283397-UNC0283432 (hereinafter “2014-2015 Diversity Plan Report”), at UNC0283418.

¹⁴⁷ *Id.* at 18, UNC0283414.

¹⁴⁸ Report Benefits of Diversity at 15, UNC0349709.

sponsored student organizations providing cultural, social, and educational programming to the campus community.¹⁴⁹ The Carolina Union also allows students with intersecting marginalized identities to fluidly move between social identity-based counterspaces. One student related that a program named Carolina United enabled her to explore different religious, sexual, and racial identities and students and she “became more accepting as a result.”¹⁵⁰

As discussed above, counterspaces are integral to reducing the harms of racial isolation, tokenism, and looming stereotype threats, which impede full participation and meaningful interaction in campus learning contexts. Students explained that UNC’s counterspaces promoted their sense of comfort on campus, including interacting across race. For example, one student stated that, “I finally felt at home when I joined Latinx based organizations on campus, like the Carolina Hispanic Association, Carolina Latina/o Collaborative, and NC Sli. These organizations are very important to my happiness at UNC....”¹⁵¹

In addition to counterspace frameworks, UNC also facilitates structured dialogues across difference to ensure the type of quality interactions essential to dynamic diversity. Student Affairs offers campus-wide forums such as the “Real Talk” series for students to voice identity-based experiences and concerns.¹⁵² Similarly, the 2014-2015 Carolina Conversations initiative

¹⁴⁹ *Id.* at 14, UNC0349708.

¹⁵⁰ Declaration of Star Wingate-Bey (hereinafter “Decl. of Wingate-Bey”) at 2-3. Star Wingate-Bey speaks to effectiveness of Carolina United programming in facilitating structured dialogue across difference to develop empathy and cross-cultural understanding.

¹⁵¹ Declaration of Maria Gomez Flores (hereinafter “Decl. of Gomez Flores”) at 2; *see also* Declaration of Jessica Mencia (hereinafter “Decl. of Mencia”) at 2 (Mencia speaks to the importance of UNC’s development of Latinx community and curricular programming related to Latinx issues).

¹⁵² Tyler J. Rouse, “UNC Real Talk event creates space for healing,” *The Daily Tar Heel*, Feb. 16, 2015, www.dailytarheel.com/article/2015/02/unc-real-talk-0213; 2014-2015 Diversity Plan Report, at 18, UNC0283414.

brought students together with other campus constituents to promote “interaction, understanding, and respect among the campus community through dialogue.”¹⁵³ Based on this success and student demand, it was continued and expanded to offer both student-centered events as well as broader engagement with the campus community. Student-only conversations broached ongoing concerns related to race and campus climate such as “inclusive classrooms, a dialogue about the First Amendment and hate speech on campus, and a discussion about sexual assault.”¹⁵⁴

Thus, UNC’s development of traditional student service frameworks, enhanced course offerings, robust counterspaces, and spaces for dialogues demonstrate institutional infrastructures that aim to enhance the ability of students to meaningfully participate and engage across a range of diverse backgrounds.

3. Faculty and Staff Initiatives

Similarly, there are a number of UNC faculty and staff-focused initiatives to change existing frameworks and learning contexts. For example, a Curriculum Revision Working Group takes a holistic look at all available courses to revamp general education requirements to develop “challenging, contemporary, and visionary curriculum that reflects the best of North Carolina.”¹⁵⁵ These efforts will include broader steps to remove barriers to quality education for disadvantaged groups in particular, but also for all students in the learning environment.

¹⁵³ *Id.* at 7, UNC0283403.

¹⁵⁴ Report Benefits of Diversity, at 13, UNC0349707.

¹⁵⁵ Curriculum 2019 - UNC General Education Curriculum Revision, The University of North Carolina Chapel Hill, <http://curriculum2019.web.unc.edu/>; “General Education Curriculum Revision Update” Presentation, The University of North Carolina Chapel Hill (November 8, 2017), <http://curriculum2019.web.unc.edu/files/2017/11/public-meeting-20171108.pdf>.

UNC faculty and staff acknowledge that dynamic diversity leads to desired benefits when learning contexts support student engagement across race.¹⁵⁶ A recent 2016 Faculty Council resolution identified student body diversity as a “deeply-held institutional value” and a “critical element of academic excellence,” and reaffirmed UNC’s “civic contract with society and its core responsibilities to the citizens of the State of North Carolina.”¹⁵⁷ UNC faculty, leaders, and departments express a common interest in and commitment to bridging differences among students, exposing discrepant experiences across and within social dimensions, and nurturing perspectives and skills needed for success in an increasingly diverse and global economy.¹⁵⁸ The newly formed “Office of Instructional Innovation” is a promising example of institutional infrastructure designed to promote excellence and inclusivity in course design and pedagogical approaches to support diverse learners.¹⁵⁹

Faculty initiatives to revise teaching practices or pedagogy have also been undertaken by professors who care about cultivating greater participation among underrepresented students and meaningful interaction that benefits classroom learning for all students.¹⁶⁰ However, students’

¹⁵⁶ Resolution 2016-12. On Commitment to Diversity and Inclusion, Office of Faculty Governance, the University of North Carolina at Chapel Hill (April 15, 2016), <http://facultygov.unc.edu/faculty-council/resolutions/>.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*; *see also* Diversity and Inclusion, University of North Carolina School of Government, <https://www.sog.unc.edu/resources/microsites/diversity-and-inclusion>; Commitment to Diversity, University of North Carolina School of Dentistry, <https://www.dentistry.unc.edu/about/diversity/>.

¹⁵⁹ Office of Instructional Innovation: Office Overview, The University of North Carolina at Chapel Hill, College of Arts & Sciences, <https://instructionalinnovation.unc.edu/office-overview/>.

¹⁶⁰ Report Benefits of Diversity, at 12-13, UNC0349707-UNC0349708; *see also* 2010 Diversity Assessment, at UNC0130790 (Respondent on 2010 Diversity Assessment wrote: “Often the professor or TA will ensure he/she incorporates multiple diversities into discussions.”); Declaration of D’Angelo Gatewood (herein after “Decl. of Gatewood”) at 3-5 (describing norm of isolation and frustration, but identifying professor of cultural diversity course who he doubted “as a white female, would be able to teach me about the struggles I faced as a black male, but I

reflections suggest that it is relatively unique for classes to challenge old views and prejudices.¹⁶¹

This reveals that while some learning environments promote conditions for meaningful interaction, there may be missed opportunities across the campus that impede the full benefits of diversity.¹⁶²

4. Expressions of Institutional Commitment to Diversity

An institutional commitment to diversity can be reflected in strategic planning and reinforced by institutional leaders. UNC's current framework for obtaining the educational benefits of diversity is set forth in the University's 2014-2015 Diversity Plan that identifies five distinct objectives¹⁶³ and details actions to increase campus-wide diversity. These include publicizing its commitment to diversity by revamping websites and mission statements; highlighting underrepresented faculty, staff, and student achievements; forging meaningful connections with diverse community partners; being transparent about the racial and gender composition of various constituents; engaging various constituents in increasing diversity infrastructures; improving opportunities for dialogue across difference; and building awareness about prejudice, discrimination, and implicit bias.¹⁶⁴

was proven completely wrong").

¹⁶¹ Decl. of Gatewood at 3-4 (describing the pervasive sense of isolation and exclusion in his educational and classroom experiences); Decl. of Gomez-Flores at 3-4; Decl. of Mwamba at 2-3; Declaration of Hanna Watson (hereinafter "Decl. of Watson") at 2-3.

¹⁶² Decl. of Gatewood at 4-5 (speaking to the importance of diversity training for faculty/staff and coursework that addresses issues of race, inclusion, and diversity); "Active learning in large science classes benefits black and first-generation college students most," *The University of North Carolina at Chapel Hill, College of Arts & Sciences*, September 2, 2014, <https://college.unc.edu/2014/09/02/hoganstudy/> (recognizing one professor's inclusive pedagogical approach narrowed the achievement gap for black and first-generation students, but referring to such approaches as innovative and non-traditional, thereby indicating such methods remain relatively rare).

¹⁶³ 2014-2015 Diversity Plan Report, at 6, UNC0283402.

¹⁶⁴ *Id.* at 4-5, UNC0283400-UNC0283401.

UNC has also taken concrete steps to put these objectives into practice. For example, the campus invited prominent diversity scholar Daryl Smith to engage a large group of faculty, staff, and senior-level administrators in an action-oriented seminar on “Exploring the Institutional Diversity Framework at Carolina,” which generated ideas and action steps.¹⁶⁵ As part of a series of campus-wide meetings, a town hall held in November of 2015 allowed students, staff, and faculty to come together around national controversies and events recognized as presenting challenges to the University’s ongoing efforts to foster intergroup and learning contexts that promote educational benefits for all students.¹⁶⁶ While these forums created an institutional space that valued diverse voices and inclusivity, they also produced action steps such as the convening of senior leaders to work on further implementation and efforts.

In sum, the University has engaged in numerous, public pronouncements of an institutional commitment to diversity that contribute to the development of a campus climate that emphasizes diverse backgrounds, conversations, and interactions.

B. Continuing Obstacles to Dynamic Diversity at UNC

1. Need for Better Representation of Diverse Students

Meaningful demographic representation must be sought in order to encourage the educational benefits of diversity. In terms of racial identity, 12% of UNC students identify as Asian/Asian American, 8% as black/African American, 8% as Latinx, 0.5% as American Indian/Alaska Native, with approximately 72% identifying as white or not identifying a category.¹⁶⁷

¹⁶⁵ *Id.* at 7, UNC0283403.

¹⁶⁶ Report Benefits of Diversity, at 13, UNC0349707.

¹⁶⁷ *Id.* at 15, UNC0349709.

As a reference point, these numbers reflect less diversity than in North Carolina as a whole. The 2016 American Community Survey Five-Year Estimates found that 21.5% of North Carolinians identify as black/African American, 8.9% as Latinx, 2.6% as Asian American, 1.2% as American Indian/Alaska Native, and 69.2% as white.¹⁶⁸

2. Lack of Representation Among Faculty, Administration, and Staff

As discussed above, the demographic composition of faculty, staff, and administrators affects the campus racial climate. However, compared to state demographics (and even student demographics), racial diversity across institutional actors at UNC remains markedly low, particularly in higher-ranked positions. With regard to racial diversity, underrepresented groups constitute 10% of the faculty, 12% of administrators, and 22% of the staff.¹⁶⁹ Disaggregating this data further, faculty were 5% black, 4% Latinx, and 0.4% American Indian; administrators were 9% black, and 3% Latinx; and staff were 19% black, 3% Latinx, and 0.4% American Indian. The overwhelming majority are white (79% of faculty and administrators and 70% of staff). Similarly, there are only 8 black and 2 Latinx people serving as high-level administrators; 10% and 3% of the leadership team, respectively.

UNC has recently made concerted efforts to diversify its staff, faculty, and administrators. For example, in 2014, UNC's targeted minority hiring program supported 20 hires (of the 28 new underrepresented faculty hires), among a total of 252 total hires that year.¹⁷⁰ But these efforts do not drastically affect the demographic composition of staff and faculty,

¹⁶⁸ United States Census Bureau, "American Census Survey (ACS) Demographic and Housing Estimates, 2012-2016 American Community Survey 5-year Estimates" for North Carolina, <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>.

¹⁶⁹ 2014-2015 Diversity Plan Report, at 12, UNC0183408.

¹⁷⁰ *Id.* at 13, UNC0183409.

particularly given UNC's struggles to retain such hires. In 2011, for example, UNC hired 22 faculty who identified with underrepresented minority groups, but also lost 11 that same year.¹⁷¹

The 2010 Diversity Assessment suggests that challenges with retention stem from similar types of racial climate issues: faculty and staff of color feel marginalized and undervalued. For example, 36% of the faculty respondents said that they had experienced situations in which they felt marginalized. But agreement rates were significantly higher for black faculty (51.5%) and American Indian faculty (87.5%).¹⁷² When asked if "tenure and promotion processes in the University were free from bias based on personal characteristics," 21% of the faculty respondents disagreed. The disagreement rate to this statement was 42% for black respondents and 66.7% for Hawaiian or Pacific Islander respondents.¹⁷³ Faculty of color have reported feeling overly responsible for supporting the University's diversity efforts, which must take place in addition to their various commitments on campus.¹⁷⁴ This is similar to the burden reported by students of color described above.

In this way, UNC's racial climate also presents barriers for faculty recruitment, engagement, and success. The corresponding shortage of faculty of color exacerbates the sense of isolation experienced by underrepresented students of color and represents missed opportunities for promoting meaningful cross-racial interaction and participation.¹⁷⁵

¹⁷¹ Dep. of Carol Lynn Folt (May 31, 2017) at Ex. 10, 2012-2014 Diversity Plan Report, UNC0124154-UNC0124193, at 18, UNC0124171 (11 underrepresented minority faculty members left UNC in 2011).

¹⁷² 2011-2012 Diversity Plan Report, UNC0283341-UNC0283396, at 19, UNC0283371 (discussing 2010 Diversity Assessment).

¹⁷³ *Id.* at UNC0283369 (discussing 2010 Diversity Assessment).

¹⁷⁴ 2014-2015 Diversity Plan Report, at 31, UNC0283427.

¹⁷⁵ Decl. of Gomez-Flores at 4; Decl. of Mencia at 4; Decl. of Mwamba at 5; 2010 Diversity Assessment at UNC0130795. Relatedly, the 2016 Undergraduate Diversity and Inclusion Campus Climate Survey (Nov. 2017) (hereinafter "2016 Climate Survey") shows that 17.8% of

Thus, UNC's recent efforts to increase diversity and cultural competency across state leadership are laudable, but sustained effort is required in light of past and present inequities embedded in the state's leadership frameworks.

3. State Context and Legacy of Exclusion

As set forth in detail in the expert report of David Cecelski, UNC was a strong and active promoter of white supremacy and racist exclusion for most of its history. Founded as an institution of learning for members of the slaveholding class, the University excluded all people of color from its faculty and student body from its founding into the twentieth century.¹⁷⁶ Trustees and graduates of the University played leading roles in Ku Klux Klan ("KKK") activities in North Carolina, and more than half a dozen buildings on campus bear the names of leaders in their campaign for white supremacy.¹⁷⁷

Although the University admitted its first black undergraduates in 1955 (pursuant to court order), the University and the surrounding neighborhood remained segregated and hostile to integration.¹⁷⁸ The Department of Health, Education, and Welfare cited UNC for maintaining a segregated system of postsecondary education in 1976, leading to a two-decade battle between UNC and the federal government that ended with a settlement brokered by the Reagan administration, over the strong objections of the NAACP Legal Defense Fund.¹⁷⁹

UNC students reported that they were "dissatisfied" or "very dissatisfied" with the "racial and ethnic diversity of the faculty". The level of dissatisfaction was notably highest for Black or African American (52.4%), Latinx or Hispanic (22%), and students of two or more races (21.7%). 2016 Climate Survey, "Satisfaction Campus Diversity," Question 29h.

¹⁷⁶ Expert Report of Dr. David Cecelski (hereinafter "Cecelski Rep.") at 9-10.

¹⁷⁷ *Id.* at 10-11.

¹⁷⁸ *Id.* at 13-14.

¹⁷⁹ *Id.* at 16-17.

Similarly, North Carolina has long struggled with racially discriminatory disparities in its K-12 public education system. Laws existed during the period of slavery in North Carolina restricting the education of both enslaved and free persons of color.¹⁸⁰ After *Brown v. Board of Education* was decided, North Carolina responded in part by enacting the infamous Pearsall Plan in order to impede integration of North Carolina's public schools.¹⁸¹ Systemic underfunding of black schools and schools in heavily black counties is documented from Reconstruction through the 1960s.¹⁸²

UNC now publicly rejects its prior legacy of exclusion and racial discrimination and recognizes it as a barrier to achieving its mission of preparing graduates to be leaders and innovators in diverse local and global contexts, but there are very real and entrenched manifestations of these lingering frameworks. For example, UNC played a significant part in encouraging white leadership throughout North Carolina through its perpetuation of segregated education prior to the twenty-first century. As UNC itself admits, denying black students access to UNC's campus effectively limited their access to prominent professions and positions well into the second half of the twentieth century.¹⁸³ And to this day, Ralph Campbell, State Auditor from 1992 to 2004, is the only African American elected to statewide political office and the only African American to sit on the politically important Council of State.¹⁸⁴ Similarly, North

¹⁸⁰ *Id.* at 18.

¹⁸¹ *Id.* at 19.

¹⁸² *Id.* at 21-26.

¹⁸³ Brief of Amicus Curiae the University of North Carolina at Chapel Hill Supporting Respondents at 1-3, 13, *Fisher v. Univ. of Tex. At Austin (Fisher I)*, 133 S. Ct. 2411 (2013).

¹⁸⁴ "Political pioneer Ralph Campbell dies," *Raleigh News & Observer*, Jan. 12, 2011, <http://www.wral.com/news/local/politics/story/8870862/>.

Carolina's General Assembly Latinx and Asian American membership does not reflect either the demographic diversity that exists in North Carolina or the nation.¹⁸⁵

Another manifestation of UNC's continued struggle with its legacy of exclusion is the way in which underrepresented students' sense of cultural and psychological threat was heightened after recent local events invoked historical frameworks of exclusion, bringing them concretely into the present.¹⁸⁶ One controversy involved lingering entrenched historical artifacts, igniting both hostility toward underrepresented students from campus peers¹⁸⁷ and also a resurrection of the real-life presence of white supremacists who live in the broader North Carolina community.¹⁸⁸ Underrepresented students reported fear of physical harm—even being scared for their lives—and administrators were in agreement about the real danger and immediate threat.¹⁸⁹ More generally, and as discussed further below, students at UNC continue to report overtly hostile racist remarks and experiences that result in heightened psychological threat and even fear of physical safety.¹⁹⁰

¹⁸⁵ N.C. Justice Center, Budget & Tax Center Report, Prosperity Watch, 76, no. 1 (July 2017), <http://www.ncjustice.org/?q=budget-and-tax/prosperity-watch-issue-76-no-1-nc-and-us-growing-more-diverse-general-assembly-isnt>.

¹⁸⁶ Lauren Talley, Potential Lawsuit, Boycott, Protests Loom over Silent Sam, *The Daily Tar Heel* (Oct. 3, 2017), www.dailytarheel.com/article/2017/10/the-movement-to-remove-silent-sam-has-taken-many-turns-since-august (describing students' feelings that the continuing presence of the Silent Sam statute on campus creates a racially contentious climate).

¹⁸⁷ See, e.g., Decl. of Mencia at 4-5; Declaration of Diandra Anna-Kay Dwyer (hereinafter "Decl. of Dwyer") at 4.

¹⁸⁸ See, e.g., Declaration of Siena Scarbrough (hereinafter "Decl. of Scarbrough") at 3-4; Decl. of Gomez Flores at 1-2.

¹⁸⁹ Emily Galvin, "Students express Silent Sam concerns at Board of Trustee's public talk," *The Daily Tar Heel*, Nov. 15, 2017, www.dailytarheel.com/article/2017/11/sam-public-talk-1115 (describing how multiple students have faced death threats, racial slurs, and harassment as they handed out information about Silent Sam); Jane Stancill, "UNC board members criticize leaders' handling of Silent Sam statue," *The News & Observer*, Sept. 7, 2017, <http://www.newsobserver.com/news/local/education/article171704477.html>.

¹⁹⁰ See, e.g., Decl. of Mwamba at 3-4; Decl. of Phelps at 3; Decl. of Gomez-Flores at 3-6; Decl.

When historical legacies of exclusion and past and current incidents are coupled with enduring racial hostility on campus, they produce “lingering feelings of mistrust” among underrepresented targeted groups.¹⁹¹ Although the University changed the name of one of the many campus buildings named after individuals with ties to white supremacy in 2015,¹⁹² it simultaneously enacted a moratorium on the removal of other historical artifacts on campus.¹⁹³ The University’s ongoing refusal to take down these historically problematic artifacts continues to create feelings of hostility and unease, particularly among UNC’s black community.¹⁹⁴

These controversies are a clear example of the entrenched and complex nature of UNC’s task of extracting historic exclusionary frameworks. Despite UNC’s commitment to creating a healthy racial climate on campus, it continues to maintain artifacts that signal frameworks of exclusion that cause trauma and harm to current underrepresented students who walk by them every day and endure overtly racist comments from white peers emboldened by such artifacts

of Dwyer at 3-4; Decl. of Scarbrough at 4.

¹⁹¹ Dwonna Goldstone, *Integrating the 40 Acres: The Fifty-Year Struggle for Racial Equality at the University of Texas* at 152 (Athens: University of Georgia Press 2012).

¹⁹² “Trustees Rename Saunders Hall, Freeze Renamings for 16 Years,” *Carolina Alumni Review*, May 28, 2015, <https://alumni.unc.edu/news/trustees-vote-to-rename-saunders-hall-put-16-year-freeze-on-renamings/> (noting that other campus buildings named after people with ties to white supremacy include the Julian Shakespeare Carr Building, Josephus Daniels Student Stores, John Washington Graham Residence Hall, J.G. de Roulhac Hamilton Hall, Cameron Morrison Residence Hall, John J. Parker Residence Hall, Thomas Ruffin Residence Hall and Cornelia Phillips Spencer Hall).

¹⁹³ Stephanie Lamm, “Saunders Hall renamed Carolina Hall,” *The Daily Tar Heel*, May 28, 2015, <http://www.dailytarheel.com/article/2015/05/saunders-renamed-carolina-hall> (describing moratorium).

¹⁹⁴ Galvin, 2017 (describing mistrust of the university for maintaining a monument to white supremacy on campus); Emily Yue, “There’s More to Silent Sam,” *The Daily Tar Heel*, August 27, 2017, <http://www.dailytarheel.com/article/2017/08/edit-1-0828>.

and the University's decision against removal.¹⁹⁵ The statues and artifacts are linked to an exclusionary past and continue to signal an exclusionary culture, resulting in racial tensions.

4. National Context and Broader Racial Tensions

Research on student movements demonstrates that external racial divides and controversy can heighten awareness and sensitivity to racial contexts and climate on college campuses.¹⁹⁶ Recently, in the summer of 2014, the shooting of Michael Brown by a white police officer (Darren Wilson) in the small town of Ferguson, Missouri, erupted into national controversy about broader structural problems of implicit and explicit racial bias.¹⁹⁷ The nation saw hundreds of protests to increase awareness about police shootings involving black and brown men and women as well as the creation of the #blacklivesmatter movement.¹⁹⁸

The racial hostility heightened by these controversies impacted college students, who began to express their frustrations and resistance through organizing and participating in protests. In 2015, black college students at 76 colleges and universities across the nation, including at

¹⁹⁵ Jane Stancill, "UNC to look into student claim that Silent Sam creates racially hostile environment," *The News & Observer*, Sept. 22, 2017, <http://www.newsobserver.com/news/local/education/article174871571.html>; Michael Muhammed Knight, "The University of North Carolina's Silent Sam Statue Represents a Legacy of White Supremacy," *Vice*, Jan. 29, 2015, https://www.vice.com/en_us/article/xd5jbz/facing-the-legacy-of-racism-on-uncs-campus-456.

¹⁹⁶ Robin D.G. Kelley, *Freedom Dreams: The Black Radical Imagination* (Boston: Beacon Press 2002); Robert A. Rhoads, *Freedom's Web: Student Activism in an Age of Cultural Diversity* (Baltimore: Johns Hopkins University Press, 2000).

¹⁹⁷ See, e.g., Rebecca Kaplan, "Eric Holder: 'Implicit and explicit racial bias' in Ferguson policing," *CBS News*, March 4, 2015, <https://www.cbsnews.com/news/ferguson-policing-eric-holder-implicit-explicit-racial-bias/>; German Lopez, "How systemic racism entangles all police officers – even black cops," *Vox*, August 15, 2016, <https://www.vox.com/2015/5/7/8562077/police-racism-implicit-bias>.

¹⁹⁸ See, e.g., Claire Foran, "A Year of Black Lives Matter," *The Atlantic*, Dec. 31, 2015, <https://www.theatlantic.com/politics/archive/2015/12/black-lives-matter/421839/>; Sara Sidner, "The Rise of Black Lives Matter: Trying to break the cycle of violence and silence," *CNN*, Dec. 28, 2015, <http://www.cnn.com/2015/12/28/us/black-lives-matter-evolution/index.html>.

UNC, submitted demand letters to their institutions about the pressing need for addressing persisting racial biases, discrimination, and campus frameworks supporting unhealthy racial climate conditions.¹⁹⁹ Many of the documents spoke of unsafe spaces and a “white supremacist” culture which mistreats and undervalues “Black and Brown people.”²⁰⁰

Over the past couple of years, there has been an increase in reported acts of hate violence and bullying,²⁰¹ in addition to reports of increased vulnerability and heightened fear amongst students from underrepresented groups at predominantly white campuses.²⁰² The current national climate is described as “producing an alarming level of fear and anxiety” among underrepresented and marginalized populations, as well as, “inflaming racial and ethnic tensions in the classroom.”²⁰³

A number of controversies touching on race have occurred this past year in North Carolina, including an anticipated KKK march, action against the immigration ban (predominantly targeting Muslim countries), and the toppling of a local Confederate statue.²⁰⁴

¹⁹⁹ Hollie Chessman and Lindsay Wayt, “What Are Students Demanding?” *Higher Education Today*, Jan. 13, 2016, <https://www.higheredtoday.org/2016/01/13/what-are-students-demanding/>.

²⁰⁰ Dep. of Carol Lynn Folt (May 31, 2017) at Ex. 14, A Collective Response to Anti-Blackness (November 19, 2015).

²⁰¹ Costello, 2016.

²⁰² Ryan A. Miller, Tonia Guida, Stella Smith, S. Kiersten Ferguson, and Elizabeth Medina, “Free speech tensions: Responding to bias on college and university campuses,” *Journal of Student Affairs Research and Practice* (2017): 1-13; see, e.g., Marella A. Gayla, “Among Students of Color, Anxiety Mounts About Trump,” *The Harvard Crimson*, November 10, 2016, <http://www.thecrimson.com/article/2016/11/10/students-color-anxiety-trump/>.

²⁰³ Costello, 2016.

²⁰⁴ See, e.g., Anna Irizarry, Bailey Aldridge, Cole del Charco, and Nathan Klima, “Protesters Gather in Durham for reported KKK rally,” *The Daily Tar Heel*, August 18, 2017, <http://www.dailytarheel.com/article/2017/08/durham-protests-0818>; Acy Jackson, “UNC faculty members ask administration to do more about immigration ban,” *The Daily Tar Heel*, February 1, 2017, <http://www.dailytarheel.com/article/2017/02/unc-faculty-members-ask-administration-to-do-more-for-about-immigration-ban>; Maggie Astor, “Protesters in Durham Topple a Confederate Monument,” *The New York Times*, Aug. 14, 2017,

Students and faculty have been actively involved and expressed a need for additional institutional actions and support for students targeted by broader exclusionary policies and threats. Students describe an increase in racist remarks by white peers that are more overt in nature and expressive of racial animus. As one student shared:

Shortly after the election of Donald Trump, a white fraternity member told me “my president says it is okay to kick out the niggers.” After the election, some students on campus have been much more open about their racist views. I went out with my friends one night in the Fall of 2015, for instance, and was told by a white fraternity brother that “no slaves” were allowed in the house.²⁰⁵

The normalization of overt racism in the past year²⁰⁶ has emboldened and encouraged overt discrimination and microaggressive comments in postsecondary institutions as well. It appears to be particularly pronounced at predominantly white institutions with lingering frameworks of exclusion (as seen recently with the Charlottesville riots involving the University of Virginia).²⁰⁷ Students report a noted impact in the learning environment, where they experience heightened tokenism, and amplified feelings of being devalued and dismissed in classroom discussions.²⁰⁸ This leads some students to identify a greater need for visible racial representation to ease current racial hostility.²⁰⁹ Thus, the University’s attempts to create a space for meaningful participation and interactions across races has become more difficult in light of the current national racial tensions and their corresponding effect on the campus climate.

<https://www.nytimes.com/2017/08/14/us/protesters-in-durham-topple-a-confederate-monument.html>.

²⁰⁵ Decl. of Mwamba at 4.

²⁰⁶ See, e.g., Jennifer Rubin, “The GOP will now tolerate overt racism,” *The Washington Post*, Dec. 11, 2017, https://www.washingtonpost.com/blogs/right-turn/wp/2017/12/11/the-gop-will-now-tolerate-overt-racism/?utm_term=.825e9308bbb3.

²⁰⁷ See, e.g., Shaun R. Harper, “Stop Sustaining White Supremacy,” *Inside Higher Ed*, Aug. 21, 2017, <https://www.insidehighered.com/views/2017/08/21/what-charlottesville-says-about-white-supremacy-universities-essay>.

²⁰⁸ Decl. of Watson at 2-3.

²⁰⁹ *Id.*

C. Student Perspectives on Conditions That Stimulate or Impede Meaningful Participation and Interactions at UNC

1. Students Identify Numerous Ways in Which The University's Efforts to Obtain Educational Benefits of Diversity Were Succeeding

In a testament to the successes of UNC's commitment to diversity in recent years, students now overwhelmingly report that UNC's diversity has contributed to cross-cultural understanding and that they learn from it. According to the 2016 Undergraduate Climate Survey,²¹⁰ 82% of UNC students agreed or strongly agreed that they "have benefited from being exposed to diverse people and diverse ideas" at UNC.²¹¹ Approximately 80% of students agreed that such exposure improved their "ability to understand people from racial or ethnic backgrounds different from [their] own," and that cross-racial interactions challenged them to think differently about an issue. Over 85% of students similarly reported learning from perspectives offered by students, faculty, or staff whose race differed from their own.²¹²

²¹⁰ 2016 Climate Survey. This comprehensive survey was administered in April 2016 to evaluate undergraduate student perceptions of the campus climate and its impact on students' educational experiences. The Breakout Analysis disaggregates student responses by race, and the short terms identified above are used to summarize that data. UNC has engaged in numerous climate surveys over the years. Prior to this litigation UNC conducted the above-mentioned 2010 Diversity Assessment which surveyed faculty, staff, and students on various climate issues. *See generally* 2010 Diversity Assessment at UNC0130766-UNC0130767. As with the 2016 Climate Survey, data gathered from the 2010 Diversity Assessment was disaggregated by race and analyzed by UNC. *Id.* The two surveys (2016 and 2010) are not identical in their questions or methods, but there are some overlaps in question-type and theme. This report primarily discusses the most recent 2016 survey data; but when the 2010 Diversity Assessment offers comparable data, such information is provided in footnotes or otherwise incorporated into the discussion of UNC's climate.

²¹¹ 2016 Climate Survey, "Educational Benefits" sheet, Question 27d; *see also* 2010 Diversity Assessment, at UNC0130779-UNC0130780 (more than three-quarters of UNC's students agreed that diversity across campus was beneficial to their experiences, and approximately 90% of students agreed with the statement: "I am comfortable with discussing diversity with those around me.").

²¹² *Id.*, Questions 27a, 27b, 27c, 28a, 28b; *see also* 2010 Diversity Assessment, at UNC0130779-UNC0130780 (students expressed overwhelmingly high agreement—at nearly 90%—with the

The 2016 Climate Survey also indicates that UNC students are developing the skills and abilities closely associated with the benefits of a diverse student body. A significant majority of students reported that they have occasionally or frequently challenged others on issues of bias or discrimination (79.6%), recognized that biases affect their own thinking (95.9%), critically evaluated their own position on an issue (95.3%), made an effort to get to know people from diverse backgrounds (92.1%), and used different points of view to make an argument (96.3%).²¹³ The majority of respondents also expressed acquiring skills necessary for today's workforce. Notable proportions of UNC students rated themselves as above-average in their ability to see "the world from someone else's perspective" (79.5%), to work cooperatively with diverse people (85.2%), to have their own views challenged (68.3%), and to accept others with different beliefs (76.8%).²¹⁴ Consistent with the 2016 Climate Survey, the 2016 Senior Report shows that seniors overwhelmingly reported gaining skills associated with diversity such as: "critical thinking skills (97%), analytical skills (94%), personal growth (94%), ability to work with people from diverse backgrounds (92%), working in teams (90%), leadership skills (85%), sensitivity to racial equality issues (85%), and sensitivity to gender equality issues (84%)."²¹⁵

statement: "I have learned about cultural differences from my classmates, faculty, and staff.").

²¹³ *Id.*, "Thoughts and Behaviors" sheet, Questions 30a, 30b, 30e, 30g, and 30h.

²¹⁴ *Id.*, "Self Assessment" sheet, Questions 34b, 34c, 34d, and 34e.

²¹⁵ General Administration (GA) Senior Report (2016), UNC0350252-UNC0350263, "Section C: Knowledge, Skills, and Personal Growth" at 5, UNC0350256 (documenting the percentages of seniors that found their college education very much or somewhat contributed to their knowledge, skills, and personal development in the specified ways); *see also* General Administration (GA) Senior Report (2012-2013), UNC0352125-UNC0352138, at 6, UNC0352130 (shows that seniors overwhelmingly reported gaining skills associated with diversity such as: "critical thinking skills (97%), analytical skills (94%), personal growth (95%), ability to work with people from diverse backgrounds (91%), working in teams (89%), leadership skills (87%), sensitivity to racial equality issues (85%), and sensitivity to gender equality issues (85%).")

It is also noteworthy that, according to a 2016 Freshman survey conducted by the Cooperative Institutional Research Program (CIRP), 84.7% of UNC students said they have frequently socialized with someone of another racial or ethnic group.²¹⁶ Another 14.6% said they did so occasionally.²¹⁷ As discussed previously, students' frequency of cross-racial interaction is associated with a welcoming and positive racial climate.

The declarations from UNC's students provide further insight into the *types* of diversity that are beneficial to UNC's learning contexts. They emphasized the general importance of differences across races and other identity categories in various learning contexts. For example, Andrew Brennen, a male sophomore who identifies as African American, stated that "the benefits of racial or ethnic diversity play an important role in a number of academic and campus activities that affect my undergraduate experience, including lectures, seminars, residential life, student government, communities of faith, extracurricular activities, and community service programs."²¹⁸

Brennen further noted that the University's diversity increased his exposure to and understanding of multiple dimensions of difference as they interact with social structures.

Brennen explained:

My exposure to communities different from my own has led to countless instances of personal growth. For example, after being exposed to the fraternity system firsthand, I better understand the controversy surrounding its historical legacy. After participating in a vigil on campus following the murder of three Muslim

²¹⁶ 2016 CIRP Freshman Survey, UNC0351680-UNC0352020, at 34, UNC0351716; *see also* 2010 CIRP Freshman Survey, UNC0350264-UNC0350449, at 15, UNC0350357 (indicating 78.7% of UNC students said they have frequently socialized with someone of another racial or ethnic group).

²¹⁷ 2016 CIRP Freshman Survey, at 34, UNC0351716; *see also* 2010 CIRP Freshman Survey, at 15, UNC0350357 (indicating 20.1% did so occasionally).

²¹⁸ Declaration of Andrew Brennen (hereinafter "Decl. of Brennen") at 5; Declaration of Gwenevere Charlene Parker at 2.

students, I better understand the way Islamophobia plays out for members of the Carolina community. And after serving on several University committees focused on sexual assault prevention, I have a better understanding of the factors that play into gender-based sexual violence, especially among women of color. These examples are not exhaustive. But they do provide small insight into the value that being on a diverse campus has had on my college experience thus far.²¹⁹

A recent alumna who identifies as Hispanic, Cecilia Polanco, spoke more directly about the particular educational benefits that occur when there are varied forms of difference among same-race peers:

[B]efore attending UNC-Chapel Hill, I had gone most of my life without meeting an academically successful Latino male, which may have created stereotypes in my mind of whether there were any. By meeting and working alongside other Latino students, I realized some of the prejudices I had and how I had made unfair assumptions about others.²²⁰

Diversity infrastructures, such as the Carolina Union discussed above, are reported to have had some success with regard to “gains in multicultural knowledge and understanding of diverse perspectives,” including bringing to light “the prevalence and negative impact of racial micro-aggressions on racial minority students, faculty, and staff.”²²¹

In sum, the quantitative and qualitative data available demonstrates that UNC’s efforts to encourage the educational benefits of diversity are succeeding on many levels.

2. Students Confirm That There Are Also Many Internal and External Obstacles to Meaningful Participation and Cross-Racial Interactions at UNC

It is clear that UNC’s recent diversity efforts have moved the University towards attaining many of the benefits of diversity. But the conditions for dynamic diversity have not yet been fully realized at UNC.

²¹⁹ *Id.* at 5-6; Declaration of Luis Acosta at 4.

²²⁰ Declaration of Cecilia Polanco (hereinafter “Decl. of Polanco”) at 3.

²²¹ 2014–2015 Diversity Plan Report, at 29, UNC0283425.

Climate surveys, institutional and external evaluation reports, and student declarations all demonstrate that there are persistent and pervasive impediments to meaningful participation at UNC, in addition to barriers to ensuring meaningful interaction across race. Underrepresented students continue to experience racial isolation in the form of microaggressions, discriminatory or disparaging comments, and tokenism. These experiences foster a sense of being unwelcome, devalued, invisible, and marginalized; they are harmful to full participation when linked to structural vulnerability and associated with disparaging societal stereotypes. In addition to the more covert and sometimes unintended microaggressive assaults, it is commonplace for students to witness overt hate speech on campus. All of this contributes to diminishing participation and interactions across race within learning contexts, and, in its worst case scenario, departure from the institution altogether.

Quantitative institutional data suggest that underrepresented students at UNC experience a differential racial learning context. In particular, underrepresented students disproportionately experience discriminatory comments including microaggressions and disparaging remarks. The 2016 Climate Survey indicates that 91.4% of students reported hearing insensitive or disparaging remarks made by other students, with 25% hearing such remarks often or very often.²²²

Disaggregating these findings demonstrates that underrepresented students of color hear insensitive and disparaging remarks related to racial and ethnic minorities far more often (49.1% of black students and 29.4% of Latinx students heard such remarks often or very often).²²³ White

²²² 2016 Climate Survey, “Experienced Bias, Observations” sheet, Question 46c; *see also* 2010 Diversity Assessment, at UNC0130782-UNC0130783, UNC0130821 (indicates that, over a one-year period, 75.8% of students reported hearing insensitive or disparaging remarks made by other students related to racial and ethnic minorities, with 18.8% of students hearing such remarks “frequently”).

²²³ 2016 Climate Survey, “Experienced Bias, Observations” sheet, Question 46c; *see also* 2010

students, on the other hand, are comparatively uninformed or oblivious to this experience. Only 20.3% of whites reported that they frequently heard insensitive or disparaging racial remarks made by students.²²⁴

Students of color are also more likely to hear faculty or staff make disparaging comments related to racial and ethnic minorities: 42% of black students and 28% of Latinx students reported hearing faculty express stereotypes based on race or color either “sometimes,” “often,” or “very often.”²²⁵ The prevalence of disparaging comments in overt and more subtle forms is not new. UNC’s earlier 2010 Diversity Assessment found that approximately 50% of all racial groups heard insensitive or hate speech about specific groups on campus.²²⁶

Providing evidence of the prevalence of tokenism—which, as discussed, is an impediment to meaningful participation—students of color expressed markedly higher agreement with the statement that “I feel pressured in class discussions to represent the views of all people from my racial or ethnic background.” Just over 50% and 30% of black and Latinx students, respectively, agreed (compared to an average agreement rate of 14%).²²⁷ Students of

Diversity Assessment, at UNC0130821 (underrepresented minority students reported hearing such disparaging remarks far more often than other racial groups: 29.8% of American Indian students, 24.1% of black students, and 23% of Latinx students heard such remarks “frequently”).

²²⁴ *Id.*, “Experienced Bias, Observations” sheet, Question 46c; 2010 Diversity Assessment, at UNC0130821 (whites were relatively unaware of other students’ making insensitive or disparaging remarks related to racial or ethnic minorities: only 14.4% reported hearing such remarks “frequently,” compared to approximately 25% of underrepresented minority students).

²²⁵ 2016 Climate Survey, “Classroom Experiences” sheet, Question 43f; 2010 Diversity Assessment, at UNC0130821 (students of color similarly reported a higher likelihood of hearing disparaging comments related to racial and ethnic minorities from faculty: Twenty percent of Black students and over 20% of American Indian students reported hearing disparaging remarks either frequently or a few times over the past year.).

²²⁶ 2010 Diversity Assessment, at UNC0130819.

²²⁷ 2016 Climate Survey, “Classroom Experiences” sheet, Question 44c; *see also* 2010 Diversity Assessment, at UNC0130820 (students of color overwhelmingly agreed with the statement that “Minority students are perceived as speaking for their race or culture when participating in class

color were also more likely to report discomfort from being singled out in class, overwhelmingly because of their race or national origin. For example, nearly 50% of black students expressed such discomfort, and 76.5% of such students felt singled out due to race or color.²²⁸

As a further indication of heightened tokenism and stereotype threat, underrepresented students of color reported thinking about their race much more often than their peers. While only 22% of students thought about their race “very often,” this rate rose to 53%, 55% and 33% for American Indian, black, and Latinx students respectively.²²⁹ Experiences of tokenism and stereotype threat are also reflected by higher rates of agreement expressed by students of color with the statements: “While at UNC-Chapel Hill I have been in situations where I was the only person of my race or ethnic group;” “I don’t feel comfortable contributing to class discussions;” and “I feel I have to work harder than other students to be perceived as a good student.”²³⁰ Furthermore, the majority of students of color have personally experienced bias at UNC, and overwhelmingly report being subject to racial bias in particular (100% of American Indian students, 95% of black students, and 70% of Latinx students).²³¹

discussions.” Approximately 80% and 75% of American Indian and black students, respectively, agreed; Latinx and Asian American students agreed somewhat less often at a rate of 63% and 60%, respectively. This survey question likewise revealed that about 50% of white students were not cognizant of and are possibly insensitive to people of color being treated like representatives for their race, creating an additional challenge to ameliorating the harms of tokenism and diminished participation.).

²²⁸ *Id.*, “Classroom Experiences” sheet, Question 42d.

²²⁹ *Id.*, “Salience” sheet, Question 33i.

²³⁰ *Id.*, “Isolation” sheet, Question 39c; “Classroom Experiences” sheet, Questions 42e, 42c; *see also* 2010 Diversity Assessment, at UNC0130820 (among racial groups, American Indian and black students reported the lowest levels of agreement with the statement: “The University community shows adequate respect for the minority perspective.”).

²³¹ 2016 Climate Survey, “Experienced Bias, Observations” sheet, Question 45; *see also* 2010 Diversity Assessment, at UNC0130817 (American Indian and black students expressed the highest levels of disagreement with the statement that the “The University adequately addresses campus issues/incidents that might involve unfair treatment due to race/ethnicity,” at a rate of 15.8% and 17.6% respectively.).

These quantitative findings are corroborated by qualitative student testimony. In the excerpts below, it is apparent that microaggressions, tokenism, and stereotype threat are experienced by students of color at UNC and are associated with being devalued and unseen as full and equal participants in the classroom and broader campus community. These sentiments are impediments to participation and interactions, which are further exacerbated by certain conditions within classroom contexts and institutional frameworks. UNC will need to continue to address these conditions in the interest of attaining dynamic diversity.

Comments shared in the 2010 Diversity Assessment and student declarations evidence the pervasiveness of microaggressions on UNC's campus. One Hispanic UNC student described a microaggression and the associated perceptions of low expectations tied to stereotype threat and feeling devalued:

I had an incident with a professor who kept bringing up my nationality as an explanation why I might not understand some things or if I misused a word. He made remarks that were clearly offensive, not only in my opinion but also of my fellow classmates. I made this clear in my evaluation of him and to my knowledge nothing was done.²³²

Other students' testimony speaks to the consistency and prevalence of microaggressive comments from white peers that reveal bias or insensitivity toward underrepresented communities.²³³ One student shared the experience of being turned away from an event for being Black. She stated "I am a Black female and I do feel unappreciated as a person on campus—even little things such as trying to get into a fraternity function and being turned away for being Black."²³⁴ As discussed previously, such disparaging remarks are associated with a silencing or

²³² 2010 Diversity Assessment, at UNC0130795.

²³³ *See, e.g.*, Decl. of Mencia at 3-4; Decl. of Mwamba 2-4; Declaration of Sharifa Searles at 2.

²³⁴ 2010 Diversity Assessment, at UNC0130795.

diminishing effect with regard to full participation, including a heightened awareness of tokenism in the learning environment.

Tokenism is also a problem at UNC and reports indicate that it is pervasive across many learning contexts. A student speaking about a typical example of tokenism explained, “The professor in a particular semester always assumed that I spoke for the entire Black race, assuming because I was the only Black student in the class.”²³⁵ Star Wingate-Bey stated, “If I am the only Black person or Black woman in a classroom setting it often feels like I have to be the fact checker for a conversation or the spokesperson for my entire race or gender.”²³⁶

Tokenism is an unsurprising result of the continued lack of meaningful demographic representation across campus. The physical absence of students of color across various campus contexts manifests as evidence of a literal lack of visibility and contributes to perceptions of invisibility and of being devalued by the institution. This is evident in the following comment from Cecilia Polanco, who asserted why meaningful demographic representation is relevant to campus signaling:

I’d like for UNC to be representative of North Carolina or even the United States as a whole. I think that an increase in the number of minority students would make it so people couldn’t physically ignore our presence. I often feel invisible as a minority student—I felt this most my first year when I walked around campus and barely saw anyone who looked like me. Even given the current admissions policy, it’s possible for a UNC student to make it through their four years here without diversifying their friend group or experiences.²³⁷

Other students similarly reported a continued lack of underrepresented students in visible numbers.²³⁸

²³⁵ *Id.*; see also Declaration of Kenneth Ward at 3-4 (alumni discussing frequent feelings of tokenism).

²³⁶ Decl. of Wingate-Bey at 3.

²³⁷ Decl. of Polanco at 4.

²³⁸ Decl. of Gomez-Flores at 4; Decl. of Phelps at 3; Decl. of Gatewood at 3.

As described above, underrepresentation can contribute to tokenism. It can also contribute to stereotype threat, which can result when demeaning messages are communicated to groups that suffer from structural vulnerability and denigrating societal stereotypes, potentially threatening a person's sense of self and cultural integrity. Students shared stories that illustrated that stereotype threat is occurring at UNC. As one student shared: "As an African American female, I feel that my presence on this campus is not respected or appreciated at all. I almost feel like I am a []number that is used by the University to say, Well, at least we have one Black student here.[]"²³⁹ Cecilia Polanco stated: "I'm usually a minority in everything I'm involved with on campus. It often feels like people aren't expecting for me to perform well or to be insightful and effective. My intelligence, value, and worth are not assumed at UNC and I often feel like I have to prove myself."²⁴⁰ These experiences reflect the relationship of tokenism to stereotype threat, revealing heightened awareness of stereotype threat, performance anxiety, and challenges to self-worth that must be overcome, as well as an accumulated emotional toll.²⁴¹

These impediments are also reflected in campus reports about UNC's global atmosphere. While students on average reported positive perceptions of campus commitment to diversity and to minority perspectives, there were racial disparities in such assessments. For example, an average of 68% of students agreed that "UNC-Chapel Hill is committed to diversity." Disaggregated data reveal that black and American Indian students expressed the lowest levels of agreement with that statement, 44% and 53% respectively.²⁴²

²³⁹ 2010 Diversity Assessment, at UNC0130795.

²⁴⁰ Decl. of Polanco at 5.

²⁴¹ Decl. of Gomez-Flores at 3-5; Decl. of Gatewood at 3-4; Decl. of Watson at 2-3; Decl. of Mencia at 3-4; Decl. of Mwamba at 2-4; *see also* Declaration of Valerie Newsome Hayes at 3.

²⁴² 2016 Climate Survey, "Supportive Campus, Belonging" sheet, Question 31c.

Similarly, there were striking differences in students' agreement with the statement, "I have felt isolated at UNC because of the absence or low representation of people like me." On average, 16% of students agreed or strongly agreed with the statement. But the sense of marginalization was markedly highest for underrepresented students of color. 48% of black students felt isolated due to low representation, as did 31% of Latinx students. Although significantly lower, 9% of white students felt isolated as well.²⁴³ It is worth noting here that, with regard to promoting confrontation with diversity, feelings of marginalization are relevant to consider for all students. Nevertheless, they pose more substantial impediments to the conditions for meaningful participation and interaction when they coincide with tokenism and structural vulnerability, as is the case for students of color.

Importantly, the 2016 Climate Survey also indicates that underrepresented minority students disproportionately feel the need to suppress their cultural identity to belong at UNC. 40% of black students and 29% of Latinx students agreed or strongly agreed with the statement: "I feel that I need to minimize aspects of my racial or ethnic culture to fit in here" (compared to an average agreement rate of 15%).²⁴⁴ As discussed, such feelings suppress minority student participation and the expression of diverse perspectives.

²⁴³ *Id.*, "Isolation" sheet, Question 44b; *see also* 2010 Diversity Assessment, at UNC0130820 (similarly revealing that the sense of marginalization is highest for underrepresented minority students. More than half of black students (54%) felt marginalized in campus contexts, as did 44% of American Indian students, and 41% of Latinx students. Likewise, white students felt marginalized as well but at a notably lower rate (35%).

²⁴⁴ 2016 Climate Survey, "Isolation" sheet, Question 44e; *see also* 2010 Diversity Assessment, at UNC0130820 (among racial groups, American Indian and black students reported the highest levels of disagreement with the statement: "The University community shows adequate respect for the minority perspective," at a rate of 21% and 16.6% respectively.).

Black students also had the lowest agreement rates with statements about positive diversity-related behaviors and attitudes of institutional faculty, staff, and administrators. Specifically, they expressed notably lower agreement with the statement that “UNC-Chapel Hill has campus administrators who regularly speak about the value of diversity,” and expressed lower feelings that “Faculty empower me to learn here”, “My contributions were valued in class”, and “Faculty were able to determine my level of understanding of the course material.”²⁴⁵

Equity benchmarks, such as retention rates of students of color, can provide evidence related to marginalizing experiences that tend to have a pushing-out function on students. According to the 2010 Diversity Assessment, a total of 9% of respondents stated they had considered leaving for reasons related to race.²⁴⁶ Black students were much more likely (19%) to consider leaving due to race than any of the other groups.²⁴⁷ A similar pattern emerges from the 2016 Climate Survey which reveals that underrepresented minority students are more likely to consider transferring or dropping out of UNC. Such students list “Felt like I didn’t fit in” as among the top reasons for leaving UNC (54.6% and 51.2% of black and Latinx students, respectively, listed it as “essential” or “very important” for contemplating transfer). Consistent with these survey responses, racial disparities are apparent in UNC’s four-year graduation rates

²⁴⁵ 2016 Climate Survey, “Supportive Campus, Belonging” sheet, Questions 31b, 32b; “Classroom Experiences” sheet, Questions 48d, 48c; *see also* 2010 Diversity Assessment, at UNC0130788 (indicates black students have the lowest perceptions of faculty, staff, and administrators engaging in positive diversity-related behaviors. Black students expressed the lowest levels of agreement that “All students are treated equitably by faculty”; “Professors/instructors encourage critical thinking about diversity issues”; “Faculty exhibit awareness of diversity issues among students”; “Staff exhibit awareness of diversity issues among students”; and “Senior administrators exhibit awareness of diversity issues among students.”).

²⁴⁶ 2010 Diversity Assessment, at UNC0130793-UNC0130794.

²⁴⁷ *Id.* The data also reflect marked disparities by income—12.8% of those with family incomes of \$25,001 to \$50,000 were likely to leave due to race, while 6.5% of those with family incomes of \$75,001 to \$100,000 considered leaving for the same reason. *Id.* at 44, UNC0130794.

across three cohorts of students (those who graduated in 2008, 2009, and 2010). The University average retention rates for the period (85.5% of women and 77.1% of men) were higher than those for underrepresented minorities, with the lowest rates among American Indian students (69.7% of women and 60% of men) and black students (81.8% of women and 61.1% of men), followed by Latinx students (82.3% of women and 70.9% of men). Although the University has made progress in increasing underrepresented minority male admits in recent years, male black and American Indian graduation rates across the three cohorts were about 16% lower than the average percentage for all men at UNC.²⁴⁸

In a 2010 retention study comparing six-year graduation rates, differences across groups were generally not as large. However, black students were still 11 percentage points lower than white students.²⁴⁹ The University has initiated targeted retention efforts with underrepresented minority men, with assessment data showing improvement. For example, from 1990 to 2015, the percentage of students with grade point averages above 3.0 grew from 10.6% to 37.4% for black men and from 17.14% to 47.8% for American Indian men.²⁵⁰

Climate assessments by individual departments provide another indication that while UNC is making strategic efforts to shift its institutional values toward diversity and inclusion—

²⁴⁸ 2014-2015 Diversity Plan Report, at 10, UNC0283406; *see also* Decl. of Gatewood at 3 (reflecting on how the isolation of being a black male student at UNC was “unsettling” and he could “have easily become another college dropout”).

²⁴⁹ Dep. of Carol Lynn Folt (May 31, 2017) at Ex. 8, Email with Copy of *Encouraging Student Success at Carolina: The Undergraduate Retention Study* (2010-2011), UNC0124077-UNC0124153, at 36, UNC0124113. The Retention Study also reveals differences in probation status by race among first year and transfer students. Black students only comprised 11% of the first-year students, but they comprised 34.2% of first-year students on probation. Disproportionately high rates also characterized the probation status of Native American and Hispanic students, whose first-year probation rates are approximately double their proportions in the overall student population. *Id.* at 45, UNC0124122.

²⁵⁰ 2014-2015 Diversity Plan Report, at 11, UNC0283407.

as opposed to upholding historical exclusion—such efforts are far from complete. One climate assessment conducted by a UNC department found that it “highlights cultural commonality and universal values that may mask deeper recognition and appreciation of cultural differences.”²⁵¹ Such findings suggest that there continues to be some misalignment between institutional behavior and espoused commitments and values.

Several units on campus are reportedly struggling with “identifying a successful approach to ensure that all participants were comfortable discussing diversity-related issues,” with particular challenges related to local and national incidents of racial hate and hostility.²⁵² While substantial work remains, an additional barrier is UNC’s reliance on diverse students, faculty, and staff to facilitate diversity education and to promote racial inclusion. The University’s own assessment reveals that underrepresented students, along with faculty and staff of color, are “tasked with advancing diversity without support.”²⁵³ Improved capacity for healthy racial climates and conversations as well as substantive support in numbers and resources for those who are taking on this important work will influence the health of the campus climate.

Thus, while UNC rejects its prior legacy of exclusion and racial discrimination as a definitive barrier to achieving its mission of preparing graduates for standing out as leaders and innovators in diverse local and global contexts, there are very real and entrenched manifestations of the lingering frameworks. It will take time and continued effort to increase the University’s capacity for ensuring a healthy climate for dynamic diversity that enables the type of educational benefits all UNC students will need to excel.

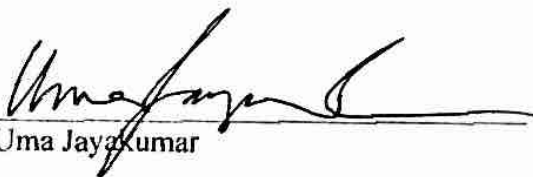
²⁵¹ *Id.* at 28, UNC0283424.

²⁵² *Id.* at 31, UNC0283427; *see also* Decl. of Laura Ornelas at 3 (describing racial tension on campus as a result of debate regarding Saunders Hall).

²⁵³ 2014-2015 Diversity Plan Report at 31, UNC0283427; *see also* Decl. of Mencia at 4.

VII. Conclusion

UNC faces a complex challenge. As social science research makes clear, the pursuit of the educational benefits of diversity requires a synergy of quantitative and qualitative factors in order to encourage both meaningful participation and meaningful cross-racial interactions. Meaningful demographic representation is crucial towards fostering these goals, but campus climate is also influenced by a university's particularized historical legacy and the current state and national context. This suggests that UNC's history of exclusion and segregation pose a particular set of context-based challenges. Because there are various factors involved, some of which are outside of the institution's control, and all of which have serious consequences for the campus climate, it will take time and continued thoughtful interventions by UNC to create meaningful dynamic diversity on campus.


Dr. Uma Jayakumar

1/12/18
Date

Expert Report of Dr. David Cecelski

Students for Fair Admission, Inc. v. University of North Carolina, et al., Case No. 1:14-cv-00954-LCB-JLW (M.D.N.C.)

I. Background and Qualifications

My name is Dr. David S. Cecelski.

I am an independent historian and scholar of North Carolina history and culture, with a focus on the history of African-Americans in North Carolina, including racial discrimination in public education and the struggle against state-sponsored racial segregation in education. I received my B.A. degree at Duke University (1982) and earned my M.A. and Ed.D degrees from the Harvard Graduate School of Education (1991), where I was named to the editorial board of the *Harvard Educational Review*. I have written several scholarly books and hundreds of articles on the history of North Carolina. Among them is *Along Freedom Road: Hyde County, North Carolina, and the Fate of Black Schools in the South*, an in-depth study of education and school integration that remains an important text in its field. In addition, I have written *The Waterman's Song: Slavery and Freedom in Maritime North Carolina* and *The Fire of Freedom: Abraham Galloway and the Slaves' Civil War*, both of which received North Carolina's highest awards for non-fiction writing.

In addition to those scholarly works, I co-edited (with Timothy B. Tyson) *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy*, which was awarded an Outstanding Book Award from the Gustavus Myers Center for the Study of Human Rights. My other books include a collection of historical essays called *A Historian's Coast* and an edited version (with Katherine Charron) of an important slave narrative, William H. Singleton's *Recollections of My*



Slavery Days. For a decade I wrote a popular oral history series called “Listening to History” for the *Raleigh News & Observer*, and I wrote a regular environmental history essay for *Coastwatch* magazine between 1996 and 2000. I have held distinguished visiting professorships at Duke, the University of North Carolina at Chapel Hill, and East Carolina University and continue to lecture and consult across the United States. Most recently, in fall of 2016, the North Carolina Literary and Historical Association honored me with the C. C. Crittenden Award for lifetime achievement “in the advancement of North Carolina history.”

In addition to the qualifications mentioned above that make up the basis of my opinions, I have attached as Exhibit 1 my *curriculum vitae*, which includes my education, professional affiliations, and descriptions of particularly relevant experiences. It also includes a list of all of the publications that I have authored in the last ten years.¹ I have not previously served as an expert witness.

The opinions stated herein are based upon my knowledge, training and experience, and have been rendered within a reasonable degree of professional certainty, consistent with professional skill and care.

II. Assignment and Compensation

I have been engaged by Defendant-Intervenors’ counsel to summarize and describe the history of discrimination and segregation at the University of North Carolina at Chapel Hill (“UNC-CH” or the “University”) as well as the State of North Carolina’s history of discrimination and segregation in public (K-12) education, using standard academic measures

¹ For the most current listing of my books, articles and lectures on North Carolina history, see <https://davidcecelski.com/>.

and methods. As described in further detail below, my analysis included a review of relevant scholarly materials regarding the history of UNC-CH and North Carolina's history of racial discrimination and segregation in public education.

I am being compensated in the present matter as follows. The time expended in my preparation of this report has been provided pro bono. My hourly rate for deposition or trial testimony is \$200/hour. Fees for my services are not contingent in any manner on the outcome of this litigation.

III. Documents and Information Relied on for this Report

In my preparation of this report I have relied on the following documents and information:

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U.S. Senate, S.519, “Academic Freedom Act of 1979,” March 1, 1979, summary available at <https://www.congress.gov/bill/96th-congress/senate-bill/519>.

U.S. Senate, S.1361, “Academic Freedom Act,” April 22, 1977, summary available at <https://www.congress.gov/bill/95th-congress/senate-bill/1361?r=2834>.

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IV. UNC-CH’s History of White Supremacy and Racist Exclusion

The University of North Carolina at Chapel Hill has been a strong and active promoter of white supremacy and racist exclusion for most of its history. Current policies and practices aside, the power of that historical legacy persists and is grounded deeply in generations of racial exclusion, hostility to employees and students of color, and a commemorative landscape² that

² For a description of the slavery-related history underlying many of UNC-CH’s monuments and commemorative plaques, see Daniel Lockwood, *Daily Tarheel*, “Evidence of Institutional

continues to honor white supremacists from the State's past. Over the centuries, the University's leaders have included the State's largest slaveholders, the leaders of the Ku Klux Klan, the central figures in the white supremacy campaigns of 1898 and 1900, and many of the State's most ardent defenders of Jim Crow and race-based Social Darwinism in the twentieth century. In recent decades, the University's faculty, administrators and trustees have made important strides to reform the institution's racial outlook and policies, but those efforts have fallen short of repairing a deep-seated legacy of racial hostility and disrespect for people of color.

To an important degree, the impact of that history is beyond measurement and statistics: after proudly bearing the mantle of white supremacy for many generations, History is not easily cast aside.

A brief review of the University's history as a potent symbol of white supremacy and racist oppression offers important lessons. Founded in 1789, the University was established primarily as an institution of higher learning for the slaveholding class. Thirty of the original forty UNC-CH trustees were slaveholders, at a time when 69 percent of North Carolina's white families held no slaves at all.³ Their mission "was to make young men into masters."⁴ The

Racism at UNC," February 20, 2015, accessed December 19, 2017, <http://www.dailytarheel.com/article/2015/02/evidence-of-institutional-racism-at-unc>; UNC-CH, "Virtual Black and Blue Tour: UNC's Historical Landmarks in Context of UNC's Racial History," accessed December 19, 2017, <http://blackandblue.web.unc.edu/stops-on-the-tour/>.

³ See Susan Ballinger, Bari Helms, and Janis Holder, *Slavery and the Making of the University* (Chapel Hill: The University of North Carolina Press, 2005), 23 (numbers of trustees who owned slaves and number of slaves owned by individual trustees); Guion Griffis Johnson, *Ante-Bellum North Carolina: A Social History* (Chapel Hill: The University of North Carolina Press, 1937), 56 (percentage of slave holding families in North Carolina in 1790).

⁴ James L. Leloudis, *Schooling the New South: Pedagogy, Self, and Society in North Carolina, 1880-1920* (Chapel Hill: The University of North Carolina Press, 1996), 38.

University's trustees and largest donors were generally large slaveholders, as were the students' families, and the University often employed enslaved laborers, as did many of the students.⁵

While some American universities had progressive policies with respect to race and slavery in the 19th century, that was not the case at UNC-CH or in Chapel Hill. The whipping of slaves by University professors and townspeople was an established norm of white supremacy in Chapel Hill.⁶ The University excluded all people of color from its faculty and student body, and the University's administration and student leaders nourished a revised vision of the State's history that glorified slavery and the Confederate cause in the Civil War, while putting forward arguments in defense of white supremacy and the oppression of people of color.⁷

The University's leaders and study body punished any dissent from racial orthodoxy. For example, in 1856, when Professor Benjamin Hedrick stated that he opposed the extension of slavery into the western territories, the University's trustees fired him and students burned him in effigy.⁸ A few years later, in 1865, UNC-CH students attacked an African-American political meeting in Chapel Hill.⁹

⁵ Ballinger, Helms, and Holder, *Slavery and the Making of the University*, 23; Paul D. Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850-1900* (Chapel Hill: The University of North Carolina Press, 1985), 15; Catherine W. Bishir, "Black Builders in Antebellum North Carolina," *North Carolina Historical Review*, 61, no. 4 (Oct. 1984), 439; Kemp P. Battle, *History of the University of North Carolina, Volume I: From its Beginning to the Death of President Swain, 1789-1868* (Raleigh: Edwards & Broughton Printing Co., 1907), 10, 15, 138-40, 150-53, 622.

⁶ Battle, *History*, 1: 270, 534.

⁷ Kemp P. Battle, *History of the University of North Carolina, Volume II: From 1868-1912* (Raleigh: Edwards & Broughton Printing Co., 1912), 8, 10, 115-16, 194, 234, 242-43, 284, 315-20, 402, 415-18, 428, 571, 666, 685.

⁸ Battle, *History*, 1: 654-55; see also Battle, *History*, 2: 4, 10.

⁹ Bobby Frank Jones, "An Opportunity Lost: North Carolina Race Relations During Presidential

In the late nineteenth century, UNC-CH grew into an even more powerful promoter of white supremacy in North Carolina. During the Reconstruction Era, the University's trustees and graduates played leading roles in the Ku Klux Klan's violent campaign against African-American voting and civil rights.¹⁰ One such trustee, B.F. Moore, played a key role in enacting the infamous "Black Codes" in North Carolina, greatly restricting the civil rights of the newly freed African-American slaves.¹¹ Later in the century, the University gave an honorary degree to Alfred Moore Waddell, an alumnus who later led the racial massacre known as the "Wilmington race riot of 1898."¹² A president of the UNC-CH board of trustees, Charles Aycock, was also one of the central figures in the white supremacy campaigns of 1898 and 1900 (which included the Wilmington race riot). The *New York Times* summarized Aycock on the three parts of the successful white supremacy campaign: "Disfranchisement as far as possible, the essential

Reconstruction," (M.A. thesis, UNC-CH, 1961), 47-48. For local commentary on this incident, see Phillip Russell, *The Woman Who Rang the Bell: The Story of Cornelia Phillips Spencer* (Chapel Hill: The University of North Carolina Press, 1949), 76.

¹⁰ See, e.g., Battle, *History*, 2: 88, 787, 790 (identifying David Schenk as a graduate and John Kerr and James E. Boyd as trustees); Jim D. Brisson, "The Kirk-Holden War of 1870 and the Failure of Reconstruction in North Carolina" (M.A. thesis, UNC-Wilmington, 2010), accessed December 19, 2017, available at <http://dl.uncw.edu/etd/2010-3/brissonj/jimbrisson.pdf>, 15, 37 (tying all three men to the Klan).

¹¹ Roberta Sue Alexander, *North Carolina Faces the Freedmen: Race Relations During Presidential Reconstruction* (Durham: Duke University Press, 1985), 45 (noting B.F. Moore's role in drafting the Black Codes).

¹² Wilmington Morning Post, October 25, 1898, quoted in David S. Cecelski and Timothy B. Tyson, eds., *Democracy Betrayed: The Wilmington Race Riot of 1898 and its Legacy* (Chapel Hill: The University of North Carolina Press, 1998), 4; Alfred Moore Waddell, a Confederate veteran and U.S. Congressman, is quoted by John Hope Franklin in his Forward to Cecelski and Tyson, eds., *Democracy Betrayed*, xi.

superiority of the white man, and recognition by the negro of his own inferiority.”¹³ That outlook was deeply embedded in UNC-CH’s institutional culture, and to this day more than a half dozen buildings on the campus still bear the names of the white supremacy campaign’s leaders.¹⁴

In the early 20th century, the University continued to keep white supremacy at the core of its admission policies, hiring practices, moral vision and pedagogy. The University enforced its own Jim Crow regulations.¹⁵ At University sports events, the campus band routinely played “Dixie.”¹⁶

African-Americans and other people of color began to challenge UNC-CH’s all-white enrollment policy as early as the 1930s, but the University’s leadership resisted desegregation for decades. Few, if any, of the steps toward racial integration came voluntarily. In 1951, the federal

¹³ The quote summarizing Aycock is reported in “Negro Problem Solved: North Carolina’s Governor So Asserts at Banquet: Partial Disfranchisement a Reason, He Says, for Lack of Trouble in His State,” *New York Times*, December 19, 1903, p. 5. See also Escott, *Many Excellent People*, 260; J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-party South, 1880-1910* (New Haven: Yale University Press, 1974), 188-89; Battle, *History*, 2: 791; Helen Grey Edmonds, *The Negro and Fusion Politics in North Carolina, 1894-1901* (Chapel Hill: The University of North Carolina Press, 1951), 141-2 (describing the broader context of the campaign).

¹⁴ For a list of honorary degrees awarded by UNC-CH, see http://library.unc.edu/wilson/ncc/honorary_degrees/. See also Battle, *History*, 2: 524, 786, 789, 791, 807; Edmonds, *Fusion Politics*, 141-42 (describing alumnus Francis Winston and recipient Josephus Daniels’ roles in white supremacist campaigns); Leloudis, *Schooling the New South*, 136-7; Kousser, *Shaping Southern Politics*, 188-89, 191-92. In addition to naming buildings after the white supremacist leaders of 1898-1900, the University also named buildings after a leading Klansman and Confederate war heroes. See also Fn. 2, *supra*.

¹⁵ Neal King Cheek, “An Historical Study Of The Administrative Actions In The Racial Desegregation Of The University Of North Carolina At Chapel Hill, 1930-1955,” (M.A. thesis, UNC-CH, 1973), 172-77.

¹⁶ See, e.g., Art Chansky, *Game Changers: Dean Smith, Charlie Scott, And The Era That Transformed A Southern College Town* (Chapel Hill: University of North Carolina Press 2016), 108-109.

courts finally mandated that UNC-CH desegregate its law school and other graduate programs.¹⁷

In that year, the UNC-CH administration also admitted the University's first Lumbee Indian student. Up to that time, the University had applied the same policies and practice of racist exclusion against North Carolina's Lumbee Indian community as it had African-Americans.¹⁸ Simply put, at every stage, the University fought racial integration.¹⁹

The UNC-CH trustees sought to take off pressure for racial integration of the Chapel Hill campus by improving and starting new academic programs at North Carolina College for Negroes (now North Carolina Central University), and the University even went to court to block racial integration of its undergraduate student body *after* the U.S. Supreme Court had ruled in *Brown v. Board of Education* in 1954.²⁰

¹⁷*McKissick v. Carmichael*, 187 F.2d 949 (4th Cir. 1951), *cert. denied*, 341 U.S. 951 (1951). See also Lynne Thomson, *Daily Tar Heel*, "First Black UNC-CH Student Recalls '51," August 5, 1982 (interviewing student J. Kenneth Lee).

¹⁸ See Walker Elliott, "I Told Him I'd Never Been to His Back Door for Nothing: The Lumbee Indian Struggle for Higher Education under Jim Crow," *The North Carolina Historical Review*, Vol. 90, No. 1, January 2013, 49-87. The University, although applying its racist admissions policy to exclude Lumbee Indian students, does not seem to have applied that same practice of exclusion to Cherokee students. See, e.g., UNC-CH, *The Carolina Story: A Virtual Museum of Carolina History*, "First Indian at UNC, Henry Owl," accessed December 19, 2017, <https://museum.unc.edu/exhibits/show/american-indians-and-chapel-hi/henry-owl>.

¹⁹ University of North Carolina, Resolution Adopted by Board of Trustees, May 23, 1955, accessed December 19, 2017, available at <https://soh.omeka.chass.ncsu.edu/files/original/065707dd1ca959fce82d0bf9e63f188a.jpg>; Letter from N.C. Attorney General William Rodman, Jr. to Chancellor Carey Bostian, March 29, 1956, *The State of History*, accessed December 19, 2017, available at <https://soh.omeka.chass.ncsu.edu/items/show/267> (lauding "the tremendous effort which the Governor and the North Carolina Advisory Committee are making to preserve public education in North Carolina. We must always remember that what has been done has been accomplished under a racially segregated school system").

²⁰ Cheek, "Desegregation Of The University," 134, 139, 153, 167; see also Russell Brantley, *Durham Morning Herald*, "Former Solon Would Bar Negroes From University," March 27,

Pursuant to court orders, the University admitted its first African-American undergraduates in 1955.²¹ By admitting only a handful of African-American students and by creating a climate of racial hostility for admitted African-American students, the University succeeded in fighting meaningful racial integration well after the federal courts required that it occur. “The African-American pioneers suffered constant harassment and humiliations at the law school and on campus.”²²

Much of the UNC-CH and Chapel Hill community in which new African-American students arrived remained segregated. Chapel Hill businesses were segregated without complaint from UNC-CH leaders until challenged by community activists or the passage of the Civil Rights Act of 1964.²³

Because of threats and harassment, state highway patrolmen escorted the students at all times. “University officials were unwelcoming,” Chambers’ biographers continued, “forbidding the black students’ participation in most campus social events.”²⁴ African-American students

1951.

²¹ *Frasier v. Bd. Of Trustees of Univ. of N.C.*, 134 F.Supp. 589 (M.D.N.C. 1955).

²² Richard A. Rosen and Joseph Mosnier, *Julius Chambers: A Life In The Legal Struggle For Civil Rights* (Chapel Hill: The University of North Carolina Press, 2016), 29; see also “Cobb Dormitory,” in “Virtual Black and Blue Tour,” accessed December 19, 2017, <http://blackandblue.web.unc.edu/stops-on-the-tour/>.

²³ See Fn. 15, *supra*; June 6, 1963 letter from UNC-CH School of Law professors to President William Friday, regarding UNC-CH’s inaction in combatting local segregation, accessed December 19, 2017, available at <https://exhibits.lib.unc.edu/files/original/45d4be8487861c2619579655b9a9daf9.jpg>; see also Daniel H. Pollitt, *Legal Problems in Southern Desegregation: The Chapel Hill Story*, 43 N.C. L. Rev. 689, 690 (1965) (noting that University’s administrators “shut their eyes to the problem with a position of neutrality”).

²⁴ Rosen and Mosnier, *Julius Chambers*, 29-30.

were barred from the swimming pool and housed on an all-African-American floor of a dormitory, where they often heard the white students on other floors yelling racial epithets at them. They “suffered frequent humiliation and enjoyed few kindnesses. Few white students would talk to them.”²⁵ Law school professors largely ignored their few African-American students. They often refused to call on them in class or address them at all, and UNC-CH administrators organized social events at whites-only venues off campus so that African-American students could not attend them.²⁶

The University’s continuing refusal to desegregate any aspect of its operations or student body without being forced to do so reinforced the barriers to the attendance and success of students of color. The impact and legacy of this history on students of color cannot be overestimated. The University’s treatment of its students of color sent a powerful message to the State’s African-American citizenry that they were not welcome at UNC-CH and that their children would not be treated with respect or dignity.

From the mid-1950s through the mid-1960s, the University’s leaders, under court order, finally implemented a “color-blind” admissions policy. However, UNC-CH officials refused to take any steps to recruit qualified African-American students or other people of color to apply or even encourage them to consider attending the University. That practice contrasted starkly with UNC-CH’s expanded and targeted recruitment of students at all-white high schools.²⁷

²⁵ Id.

²⁶ Id. at 30.

²⁷ Sarah D. Manekin, “Black Student Protest and the Moral Crisis of the University of North Carolina at Chapel Hill, 1967-1969” (Honors thesis, Dept. of History, Spring, 1998), 13-14.

Starting in the late 1960s, as a result of constant pressure and protest from the Black Student Movement and other African-American students (together with their white student and faculty allies), the UNC-CH administration agreed to demands to take a more active position regarding recruitment of African-American high school students. The University also agreed to African-American student demands to revise its Eurocentric undergraduate curriculum to include some courses addressing the African-American experience.²⁸ Nonetheless, in 1968, the percentage of African-American undergraduates did not quite reach 1%.²⁹

De facto segregation persisted. In 1976 the Department of Health Education and Welfare cited North Carolina for maintaining a segregated system of postsecondary education.³⁰ The Governor publicly attacked HEW's action "as nothing more than integration for integration's sake . . . a course which appears to me to lead to the destruction of North Carolina's public higher education facilities."³¹ The ensuing conflict would last for two decades.³²

By 1978, little progress had been made by the University towards integrating its student

²⁸ Manekin, "Black Student Protest," 13-14, 20-32, 47.

²⁹ Manekin, "Black Student Protest," 8. According to Manekin, there were 107 African-American undergraduates out of a total of 11,010 undergraduate students.

³⁰ Mark Warren Schafer, "The Desegregation of a Public University System: Conflict Between the Consolidated University of North Carolina and the Department of Health, Education, and Welfare, 1969-79" (Ph.D. diss., UNC-CH, 1980), 51.

³¹ Statement by Governor Bob Scott, February 19, 1970, General Administration: Legal Affairs Division, UNC-HEW Negotiation on Desegregation, General, January-June 1970, Wilson Library Archives, University of North Carolina, Chapel Hill, NC.

³² HEW began seriously enforcing integration in systems of higher education in part due to a lawsuit filed by the National Association for the Advancement of Colored People Legal Defense and Education Fund ("LDF"). See *Adams v. Richardson*, 351 F. Supp. 636, 637 (D.D.C. 1972); *Adams v. Richardson*, 480 F.2d 1159, 1166 (D.C. Cir. 1973); *Adams v. Califano*, 430 F. Supp. 118, 119-20 (D.D.C. 1977) (finding the desegregation plan submitted by UNC-CH to be deficient).

body; only 6.7 percent of enrolling undergraduates were African-American.³³ A professor and former President of Shaw, a historically African-American college, noted the “open defiance” of the UNC administration to the desegregation efforts.³⁴ Eventually, Julius Chambers resigned from the Board of Governors in protest over its failure to take meaningful action to end segregation.³⁵ In the face of increasing federal scrutiny of the administration’s resistance, Senator Jesse Helms introduced a bill to block federal desegregation enforcement, for which he was praised by UNC-CH.³⁶

When HEW finally revoked UNC’s federal funding for its continued noncompliance, North Carolina responded with a lawsuit lambasting enforcement efforts as “directed solely toward states of the ‘Old Confederacy.’”³⁷ Meanwhile, UNC-CH students named Secretary Joseph Califano—the man in charge of “HEW’s efforts to desegregate the 16-campus UNC

³³ Schafer, *Desegregation*, 35. For comparison, the 1980 census measured the African-American population in North Carolina at 22.4 percent. U.S. Dep’t of Commerce, Bureau of the Census, 1980 Census of Population, Volume 1: Characteristics of the Population, Chapter B: General Population Characteristics, Part 35, North Carolina, June 1982, accessed December 19, 2017, available at <https://www.census.gov/prod/www/decennial.html>.

³⁴ Rob Christensen and Joye Brown, *Raleigh News and Observer*, “Officials Say Schools ‘Clearly Unequal,’” February 23, 1979, p.6.

³⁵ Interview with Julius Chambers by Judith Van Wyk, March 6, 2007. L-0266, in the Southern Oral History Program Collection #4007, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill, accessed December 19, 2017, transcript available at <http://dc.lib.unc.edu/cdm/compoundobject/collection/sohp/id/16515/rec/3>.

³⁶ S.519, Academic Freedom Act of 1979, March 1, 1979, summary available at <https://www.congress.gov/bill/96th-congress/senate-bill/519>; S.1361, Academic Freedom Act, April 22, 1977, summary available at <https://www.congress.gov/bill/95th-congress/senate-bill/1361?r=2834>; Howard Troxler, *Daily Tar Heel*, “Friday Backs Helms on Measure to Limit Federal ‘Nitpicking,’” June 9, 1977; see also Schafer, *Desegregation*, 207 (describing further opposition by legislators).

³⁷ Rob Christensen, *Raleigh News and Observer*, “State Files Lawsuit to Block Cutoff of Federal Funds to UNC System,” April 25, 1979, pp.1, 6.

system”—“the hands-down winner” of the “ugliest man on campus” contest.³⁸ The contentious litigation was resolved abruptly when the new Reagan administration announced a settlement, credited in part to the efforts of Senator Helms.³⁹ The LDF unsuccessfully opposed this consent decree—which placed no concrete obligations on UNC—as abandoning any attempt at true enforcement.⁴⁰ Their criticism proved prescient.

Instead of making progress towards the consent decree’s nonbinding goal of ten percent enrollment, African-American enrollment at UNC-CH in 1985 dropped slightly below the enrollment numbers at the time of settlement.⁴¹ During this period, African-American students continued to experience isolation and discrimination.⁴² Students were subjected to racial slurs and stereotypes.⁴³ One 1983 graduate recalls being asked to do the laundry by her white classmates, who let her know that the only African-Americans they had previously encountered were their maids.⁴⁴ In 1988, the last year the University reported under the consent decree,

³⁸ *Id.* at 6.

³⁹ *New York Times*, “Carolina settles integration suit on universities,” June 21, 1981, accessed December 19, 2017, available at <http://www.nytimes.com/1981/06/21/us/carolina-settles-integration-suit-on-universities.html>; Consent Decree, *North Carolina v. Dep’t of Educ.*, No. 79-217-CIV 5 (E.D.N.C. April 24, 1979).

⁴⁰ Jim Hummel, *Daily Tar Heel*, “NAACP to Fight Consent Decree,” August 24, 1981; William Friday, Memorandum on the Settlement of the Litigation Between the University of North Carolina and the United States Department of Education, July 20, 1981, “UNC Collection of North Caroliniana,” Wilson Library, University of North Carolina, Chapel Hill, NC; Mem. Op., *North Carolina v. Dep’t of Educ.*, No. 79-217-CIV 5 (E.D.N.C. July 17, 1981).

⁴¹ Dawn Brazell, *Daily Tar Heel*, “Minority enrollment drops despite goals,” March 26, 1985.

⁴² *Id.*; Lynne Thomson, *Daily Tar Heel*, “Segregation at UNC: A call for affirmative action in University housing,” August 6, 1981; Declaration of Dr. Gwenevere Charlene Parker at ¶ 8.

⁴³ See, e.g., Declaration of Pamela Phifer White at ¶¶ 8-10; Declaration of Kenneth Ward at ¶¶ 7-8; Declaration of Dr. Parker at ¶¶ 9-11; Declaration of Valerie Newsome Hayes at ¶ 7.

⁴⁴ Declaration of Patsy B. Zeigler at ¶¶ 9-10, 12-14.

undergraduate African-American enrollment had only reached 8.6 percent.⁴⁵ A two-decade-long struggle to eliminate continued segregation ended with a whimper, integration goals unmet.

V. The State of North Carolina's History of Racial Discrimination in Public Education

North Carolina's history of racism at UNC-CH did not occur in isolation and must be viewed within the State's broader history of racially discriminatory policies and practices in its system of public (K-12) education. Through its discriminatory public education policies and practices, the State created and perpetuated racial disparities and further prevented and then substantially undermined African-American student enrollment at UNC-CH. It did this in part by restricting funding and other resources necessary for otherwise eligible African-American high school students to obtain the academic skills essential for admission.

During the period of slavery in North Carolina through the Civil War, North Carolina's elected leaders enacted laws restricting the education of African-American slaves as well as free persons of color.⁴⁶ From the end of the Civil War through the 1950s, North Carolina systemically favored whites and discriminated against African-Americans in the provision of public education, even as it kept them in segregated public schools. Even after legally enforced segregation was ended by the Supreme Court, North Carolina sought to maintain a system of *de facto* segregation. As the legislatively-created North Carolina Advisory Committee on Education

⁴⁵ UNC-CH Affirmative Action Office, "Minority and Female Presence Report—1988," November 1988, Office of Chancellor of the University of North Carolina at Chapel Hill: Christopher C. Fordham Records, 1969-1995, University Archives at the Louis Round Wilson Special Collections Library, University of North Carolina, Chapel Hill, NC, p. i (acknowledging that "the University has not reached the ten percent enrollment goal that has been a target throughout this decade").

⁴⁶ Johnson, *Ante-Bellum North Carolina*, 543, 601.

proclaimed in response to *Brown*: “The educational system of North Carolina has been built on the foundation stone of separation of the races in the schools. . . . Every particle of progress which has been made in education since 1900 has rested squarely on the principle of separation of the races compelled by State law . . . The Supreme Court of the United States destroyed the school system we had developed—a segregated-by-law system.”⁴⁷ The Committee advised that “[d]efiance of the Supreme Court would be fool-hardy.”⁴⁸ It instead advocated the State “rebuild” the school system so as to maintain segregation but comply with the law, counseling: “When the fires have subsided, when sanity returns . . . when the North Carolina Negro finds that his outside advisors are not his best or most reliable friends, then we can achieve the voluntary separation which our Governor and other State leaders have so wisely advocated.”⁴⁹

North Carolina Assistant Attorney General R. Beverly Lake “advised North Carolina communities to be prepared to operate private schools to avoid integration” as a necessary backstop to the plan.⁵⁰ And on July 9, 1956, the State Superintendent of Public Instruction (along with the head of the white supremacist organization “the Patriots of North Carolina”) announced his support of Governor Luther Hodges’ implementation of the plan to prevent *de facto*

⁴⁷ The April 5th Report of the North Carolina Advisory Committee on Education to the Governor, the General Assembly, the State Board of Education, and the County and Local School Boards of North Carolina, 1956, 4-5, accessed December 19, 2017, available at https://archive.org/stream/reportofnorthcar00nort_0#page/n3/mode/2up.

⁴⁸ *Id.* at 6.

⁴⁹ *Id.* at 7-8.

⁵⁰ *Durham Sun*, “Assistant Attorney General Sees Need—Private Schools Asked to Avoid Integration,” July 14, 1955, accessed December 19, 2017, available at <http://digital.ncdcr.gov/cdm/compoundobject/collection/p16062coll17/id/169/rec/2> (p.7).

integration in public schools—the infamous Pearsall Plan.⁵¹

Unsurprisingly, therefore, systematic racial discrimination, both pre and post *Brown v Board of Education*, is well documented. As set forth below, such discrimination included, among other things, racial disparities in teacher pay, per-pupil expenditures, the value of white and African-American public school property, the quality and extent of the school curriculum, and the provision of school supplies.

As shown by the State’s per capita expenditures for teachers’ salaries by race during the period from Reconstruction through the Depression, North Carolina discriminated in its funding of public education.⁵² During the period of time examined (ending in 1933, the last year noted in the study) spending on teacher salaries per capita for white schools far exceeded that expended for African-American schools. For example, the per capita educational funding in 1873 for teacher salaries was \$0.48 for white schools and \$0.40 for African-American schools.⁵³

The disparity in teacher pay grew even greater after the white supremacy campaigns of

⁵¹ *Durham Sun*, “Carroll, George Back Hodges’ School Plan,” July 9, 1956, accessed December 19, 2017, available at <http://digital.ncdcr.gov/cdm/compoundobject/collection/p16062coll17/id/169/rec/2> (p.6). Enacted by the General Assembly in 1956, the Pearsall Plan’s goal was to impede racial integration of North Carolina’s public schools, as recently mandated by the Supreme Court in *Brown v. Board*. See North Carolina Advisory Committee on Education, “The Pearsall Plan to Save Our Schools,” published in University of North Carolina at Charlotte, “The Pearsall Plan,” J. Murrey Atkins Library, Special Collections Unit, Exhibit: Race and Education in Charlotte, accessed December 19, 2017, available at <https://speccollexhibit.omeka.net/exhibits/show/resistance-and-reform/resistance-to-change/the-pearsall-plan>.

⁵² Horace Mann Bond, *The Education of the Negro in the American Social Order*, (New York: Prentice-Hall, Inc., 1934), 155-56.

⁵³ Bond, *Education*, Table X, pp. 155-56.

1898 and 1900. From 1901 through the end of the study in 1933, per capita spending by North Carolina for teachers at white schools exceeded that expended for African-American schools anywhere from 38% up to triple the expenditures for African-American schools.⁵⁴

The State also provided disparate funding for African-American schools for decades. In 1900, North Carolina's school population was 34.7% African-American, but the segregated schools for the African-American population received 28.3% of state expenditures designated by race; by 1915, the percentage of African-Americans in the public school population was 32.6%, but African-American schools received only 13.0% of state expenditures designated by race.⁵⁵ Such funding disparities for public education were more extreme in those eastern North Carolina counties where African-Americans comprised a greater percentage of the population.⁵⁶ The average level of North Carolina spending on instruction by race over a sixty (60) year period from 1890 through 1950 is shown in Table A below. Although progress towards funding parity certainly occurred, racial disparities continued.

Table A: Per-Pupil Expenditure on Instruction in North Carolina (1950 Dollars)⁵⁷

	c. 1890	c. 1910	c. 1935	c. 1950
African-American	7.75	9.28	32.92	92.84
White	7.67	17.25	51.43	100.37
Ratio	1.01	0.54	0.64	0.93

⁵⁴ Id.

⁵⁵ Louis R. Harlan, *Separate and Unequal: Public School Comparison and Racism in the Southern Seaboard States 1901-1915* (New York: Atheneum, 1968), 131.

⁵⁶ Bond, *Education*, Table XIII, p. 161.

⁵⁷ Robert A. Margo, *Race and Schooling in the South, 1880-1950: An Economic History* (Chicago: University of Chicago Press, 1990), Table 2.5, pp. 21-22.

A comparison of the appraised value of school property of segregated public schools for white students and African-American students, shown in Table B, is one more example of North Carolina's racial disparities in state and local investment in public school education.

Table B: Appraised Value of School Property per Pupil Enrolled, by Race, 1919-1964⁵⁸

Year	White Schools	African-American Schools	Ratio of White to African-American Values
1919-20	\$45.32	\$11.20	4.0
1924-25	113.40	29.03	3.9
1929-30	162.92	44.20	3.7
1934-35	152.99	44.55	3.4
1939-40	167.36	55.93	3.0
1944-45	203.80	73.08	2.8
1949-50	314.29	127.38	2.5
1954-55	539.70	336.65	1.6
1959-60	709.54	487.10	1.5
1963-64	826.24	565.55	1.5

North Carolina's racial discrimination in its provision of public education is also shown in the difference in resources provided to African-American and white students. Table C consists of a 1950 comparison of chemistry equipment available at two high schools in Durham, North Carolina. The white Durham High School maintained much better classroom equipment than the African-American high school, Hillside High.

⁵⁸ Sources: Biennial Reports, 1962-63/1963-64, pt. 1, 37, cited in Sarah Carolina Thuesen, *Greater Than Equal: African American Struggles for Schools and Citizenship in North Carolina, 1919-1965* (Chapel Hill: The University of North Carolina Press, 2013), Table 5.2, p. 164. School property values include the estimated value of school sites, buildings, furniture, equipment, and library books.

Similar differences in physics and biology supplies between the white and African-American high school also existed.⁵⁹

Table C: Comparison of Chemical Equipment and Supplies, Durham and Hillside High Schools, Durham, NC⁶⁰

Equipment and supplies, relatively permanent apparatus	Durham High School	Hillside High School
Crucible tongs	71	**
Wing tops	72	**
Triangular files	42	**
Pipe stem triangles	94	**
Clamps, Mohr's	60	**
Test tube brushes	75	**
Test tube clamps	70	**
Forceps	98	**
Wire gauze, asbestos center	39	**
Rings, iron	109	**
Tripods	6	**
Ring stands	27	**
Deflagrating spoons	18	**
Pneumatic troughs	25	0
Balances, triple beam	4	1
Balances, analytical	3	0
Brunson burners with hose	12	0

One of North Carolina's Biennial Reports, noted in Table D, shows racially discriminatory differences in the curriculum provided to white and African-American

⁵⁹ J. Rupert Picott, Stephen J. Wright and Ellis O. Knox, "A Survey of the Public Schools in Durham, North Carolina," June 1950, Durham, North Carolina, 107, 110-111. Thuesen's review of a report regarding Hillside High states that "[t]he school had no cafeteria and only one drinking fountain. In the school's two restrooms, the faucets lacked sinks and emptied into tin cans on the floor." *Greater Than Equal*, 63.

⁶⁰ Picott et al., "Survey," at 108. ** indicates rows with the notation "Miscellaneous ill-assorted supplies insufficient to run any experiment for the entire class."

students as part of their public school education. According to the Report, advanced academic courses, in addition to courses offering more “white collar” vocational skills, were more regularly provided in white schools than African-American schools.


Table D: Select Curricular Offerings at African-American and White High Schools in North Carolina, 1963-1964⁶¹

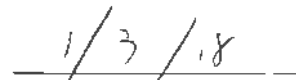
Course	Percentage of White Schools Offering (%)	Percentage of African-American Schools Offering (%)
Advanced algebra	54	13
Trigonometry	46	31
Sociology	57	79
Geography	66	38
Industrial arts	66	50
Trades and industries	29	42
Distributive education I	17	3
Spanish I	35	14
Latin I	38	4
French II	80	92
French III	16	11
Chorus and choir	53	68
Basic business	45	52
Typewriting II	87	69
Shorthand I	74	46
Shorthand II	28	6
Bookkeeping I	84	38
Business arithmetic	45	21
Office practice and management	35	15
Agriculture III	73	57
Agriculture IV	65	42
Home economics IV	13	22

⁶¹ Biennial Report, 1962-63/1963-64, pt. 1, 33, 57-58, cited in Thuesen, *Greater Than Equal*, Table 2.1. The number of schools offering these electives was compared to the total number of schools for each race that offered them through grade twelve. In 1963-64, there were 499 such schools for whites and 226 for African-Americans.

VI. Conclusions

As much as we might wish it otherwise, the sins of our past, as Shakespeare said, truly do live after us. For nearly 175 years the University of North Carolina was an outspoken, defiant symbol of white supremacy. Its leaders reinforced that message in many ways, including its admission policy, the treatment of African-American employees, and its support for a University culture that continually looked at African-Americans as inferior. The University walked arm-in-arm with the great political movements of white supremacy that swept North Carolina in the 19th and 20th centuries, and the University's white leaders, faculty and student body embraced Jim Crow and ardently fought meaningful forms of racial integration through the 1960s. UNC-CH's leadership carried the fight against integration into the early 1980s. Most recently, the University's leadership has made great improvements in its policies and practices and now is committed to improving and expanding student and faculty diversity on its campus. Regrettably, the past does not fade so quickly: old wounds are remembered, past injustices still felt and the effects of segregation still linger. Institutional cultures change slowly. The message sent by buildings and monuments that honor the white supremacist past remains.⁶²


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 Date

⁶² See, e.g., Michael Muhammad Knight, Vice Online, "Facing the Legacy of Racism on UNC's Campus," January 29, 2015, accessed December 19, 2017, https://www.vice.com/en_us/article/xd5jbz/facing-the-legacy-of-racism-on-uncs-campus-456.