

WHY THE SUPREME COURT CAN'T FULLY PREVENT RACE-CONSCIOUS ADMISSIONS

September 29, 2023

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Amid all the furor over affirmative action these days, fueled by the recent U.S. Supreme Court cases featuring Harvard and the University of North Carolina, one important question remains unanswered: How, exactly, do selective colleges consider race in admissions decisions?

Is race a significant or minor factor in a holistic assessment? Do admissions officers openly discuss race, or are conversations more subtle?

And would a Supreme Court decision banning affirmative action really stop universities from considering race in admissions?

A former Ivy League admissions officer provides some answers.

How Does Race Factor Into Admissions Decisions?

Anyone paying attention to debates over affirmative action and college admissions understands race is one factor among many in what's called "holistic" admissions decisions. But what remains unclear to those outside admissions offices is *how and how much* race matters.

Even Associate Justice Ketanji Brown Jackson isn't sure.

"I've been struggling to understand how race is actually factoring into the admissions process," she said during the UNC-Chapel Hill case oral arguments.

But Jayson Weingarten knows.

He's a senior consultant with Ivy Coach, a firm specializing in college admissions counseling and test prep. Before joining Ivy Coach, Weingarten served as assistant director of admissions at the University of Pennsylvania, his alma mater, where he pored over thousands of applications each year and helped to

decide who got in.

Behind closed doors, Weingarten told BestColleges, discussions about a candidate's race can be either explicit or subtle.

“There are times ... where the conversation is very overt and specific,” he said. “You know, ‘This student’s test scores place them in the 99th percentile of all Black applicants.’”

“Then there are other times when it’s a little bit more layered, where no one’s necessarily saying something overt but someone is certainly commenting about someone’s upbringing or family life.”

Weingarten said minority applicants can gain an advantage in two ways. One is receiving the “benefit of the doubt.” Naturally, nobody gets accepted simply because of their race, and almost all students applying to places such as Penn have outstanding credentials.

But there’s an element of forgiveness baked into the system for some applicants. Not everyone has the same advantages growing up: wealthy families, heavily resourced public schools or prep schools, standardized test tutoring, parents or siblings who attended college and can help navigate the process.

Thus some minority applicants, Weingarten said, might gain “more of a benefit of the doubt for an already strong application” if they happen to fall short on some measure.

Conversely, students — including minority applicants — who *do* come from such backgrounds with all the inherent advantages are expected to achieve what Weingarten terms the “Platonic, ideal versions of themselves.” No excuses for failing to realize one’s potential.

The second benefit involves what Weingarten calls a “rebalancing effort.” Following the initial round of application reviews, the committee will evaluate who’s been accepted and what the incoming class comprises thus far. Is there enough geographic diversity, for example? What does our gender ratio look like? Are there too few humanities majors? And what does our racial and ethnic mix consist of?

In subsequent rounds, being a minority applicant might prove advantageous if the “rebalancing” entails growing that population. But being a male philosophy major from Wyoming might prove equally advantageous.

Achieving Institutional Priorities, Including Diversity

Weingarten said giving minority applicants a “second chance” under these circumstances aligns with an institutional priority to maintain a diverse student body.

Admissions officers, he said, have “marching orders that are set from the top, from the board of trustees,

the president, the higher-ups at the school ... that trickle down into the admissions office.”

Admissions decisions, then, reflect not just the priorities of the admissions office but the university as a whole. Those working in the admissions trenches are just following orders.

Yet imagine how difficult that must be at public universities where affirmative action has already been banned. That’s the case in nine states — Arizona, California, Florida, Idaho, Michigan, Nebraska, New Hampshire, Oklahoma, and Washington.

In California, where public institutions have practiced race-neutral admissions since voters passed Proposition 209 in 1996, the university system struggles to enroll a student body that is “sufficiently racially diverse,” it claimed in its amicus brief to the Supreme Court. But university policy entreats each campus to reflect “the broad diversity of cultural, racial, geographic, and socioeconomic backgrounds characteristic of California.”

That’s a tall task when race cannot be weighed in admissions decisions, when even the “benefit of the doubt” factor isn’t on the table.

“There is no replacement for being able to consider race,” Olufemi Ogundele, dean of admissions at the University of California, Berkeley, told The Washington Post. “It just does not exist. And we’re trying to do some dynamic things here. I’m digging into context and all of these details. But there’s no alternative there.”

Can Race Truly Be Legislated Out of Admissions?

California’s recent history is a cautionary tale for universities envisioning admissions in a post-affirmative action world, assuming SCOTUS issues the decision most are expecting.

Of course, it’s impossible to predict exactly how the court will rule. It could abolish the consideration of race altogether in admissions or, given the two separate cases, find nuanced differences between private and public institutions. Or it could maintain the status quo.

Regardless of the outcome, Weingarten doesn’t believe universities practicing holistic admissions — at least selective, private ones such as Penn — will become purely race-neutral and fail to consider race in some form or fashion.

“We would never be able to completely blind ourselves to a student’s race, ethnicity, and background ...,” he said. “There are plenty of clues on an application that give admissions officers context about what is presumably a student’s race.”

Given that such decisions are made by individuals with inherent biases and predilections and motives,

can an edict from even the highest court in the land prevent admissions officers from favoring certain candidates based on race among other factors? How would such actions be legislated and monitored?

Weingarten mused that the only way universities could completely neutralize race in admissions decisions is by adopting a uniform entrance exam such as the gaokao in China.

“That’s not coming to America anytime soon,” he quipped.

A SCOTUS decision outlawing affirmative action certainly would have significant consequences across the landscape of higher education and, judging by what’s happened in California and other states where it’s been banned, would hamper a university’s efforts to enroll a diverse class.

But Weingarten believes it wouldn’t necessarily prevent some admissions folks from subtly sneaking a thumb back onto the scale to achieve that goal.

“At a school that is doing holistic admissions,” he said, “what is going to come out of the Supreme Court, I would think, is going to have very little impact on the final results of who is admitted.”