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TO: President Greg Crawford

FROM: Art Coleman, Managing Partner
            Terri Taylor, Senior Policy & Legal Advisor
            Amber Saddler, Policy Assistant

DATE: September 20, 2016

RE: Report on Diversity and Inclusion at Miami University

Issues of diversity and inclusion are central to the success of virtually all institutions of higher education today. Decades of research and experience have confirmed that teaching, learning, workforce, and civic benefits are associated with campus diversity and inclusion. Moreover, rapidly shifting student demographics, our increasingly connected world economies and societies, and demands of a 21st century workforce are together refocusing higher education efforts to attain optimal diversity and support effective inclusion of all students.   At the same time, student activism and a broader national dialogue about race, religion, and other components of diversity reflect the ever-present challenges that American institutions of higher education continue to face as they address these issues.

Within this broader context – and informed by concerns voiced by members of its own community – Miami University is currently reviewing and working to improve its institutional landscape related to diversity and inclusion. Miami University has a unique mission and particular academic strengths, including a mission-centric emphasis on undergraduate teaching. This emphasis on teaching and learning provides an important baseline from which to address the opportunities and challenges associated with diversity and inclusion.

EducationCounsel was retained by Miami University to provide an assessment of diversity and inclusion issues on campus, based on our background knowledge of the field and our engagement with groups of students, faculty and staff over the course of three days in April 2016.[1] During our campus visit, we

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[1] EducationCounsel LLC, based in Washington D.C., is a mission-based education consulting firm that combines significant experience in policy, strategy, law, and advocacy to make dramatic improvements in education outcomes throughout the United States. EducationCounsel develops and advances evidence-based ideas at the local, institutional, state, and national levels to strengthen educational systems and promote expanded opportunities and improved outcomes for all students in order to close achievement gaps and significantly improve education outcomes for all from early childhood through postsecondary education.

Much of EducationCounsel's higher education portfolio centers on issues of institutional diversity and inclusion. As a complement to institution-specific strategy, legal, and policy support, members of the EducationCounsel team have helped lead the policy, practice and legal work of the College Board's Access and Diversity Collaborative since its inception in 2004. EducationCounsel has also provided legal and policy guidance to other national organizations on diversity and inclusion issues, including the American Association of Medical Colleges, the Law School Admission Counsel, and the National Association of College Admission Counselors. Members of the EducationCounsel team have authored three amicus briefs in the U.S. Supreme Court in cases involving legal challenges to higher education diversity policies, as well as numerous policy, practice, legal and research papers and articles on diversity and inclusion issues. EducationCounsel is affiliated with the law firm of Nelson Mullins

conducted over two dozen meetings with many different groups in an effort to understand wide-ranging perspectives of members of the university community, to hear specific concerns, and to identify strengths and opportunities. This memorandum summarizes our takeaways and recommendations. We hope that it can serve as a useful foundation to guide institutional direction and action, especially at this important moment of presidential transition.

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I.   About This Process

During our April 11-13, 2016, trip, we participated in 15 different meetings with nearly 200 stakeholders, including students, faculty, campus leaders, administrators, athletics coaches, and staff. Our visit was publicized in advance and most sessions were open to all interested individuals. A detailed schedule is available in Appendix A.   Participants at all of the meetings were asked to share candid reflections on their experiences related to diversity and inclusion at Miami and recommendations for improvement.

This Report has also been informed by our review of Miami's 2020 Plan, public communications, and policies and practices associated with diversity and inclusion. Our Recommendations are further informed by our experience with these issues nationally and with other campuses, as well as relevant research and promising practices at other institutions pursuing similar goals.

Due to the limited breadth of stakeholder interviews, our assessment regarding Miami's diversity and inclusion efforts is not intended to be a comprehensive statement of Miami's state of affairs, nor should it be understood as a full audit of all relevant practices or stakeholder perceptions. Instead, based on limited but consistent information and evidence, we have reached preliminary conclusions that may be viewed as baselines to inform the development of a strategic plan for action in coming months and years.

II.   Foundations for This Process

Educational goals associated with Miami's unique mission are the center and the starting point for this work. They provide the foundation for the process of evaluating, refining, and implementing diversity policies and practices.

Miami's mission includes a strong focus on undergraduate teaching and learning. And, driven by its role as a public institution, Miami seeks to provide equal opportunities to all students in Ohio to promote an effective state workforce and strong state economy.

The educational benefits of diversity in higher education – as confirmed by research and practice[2] – typically fall into three categories:

- *Improved teaching and learning for all students* (not just a subset) through academic, intellectual, and social-cognitive skill development in such areas as critical thinking, collaboration, and teamwork

- *Enhanced civic values and maintenance of a thriving American democracy* as colleges and universities prepare a new generation of leaders and create student bodies reflective of all segments of society

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[2] For a review of more than 1,200 research studies on the educational benefits of diversity, described within a higher education policy and practice framework, see TERESA E. TAYLOR, JEFFREY F. MILEM, & ARTHUR L. COLEMAN, BRIDGING THE RESEARCH GAP: ACHIEVING MISSION-DRIVEN DIVERSITY AND INCLUSION GOALS (2016), *available at* http://educationcounsel.com/?publication=bridging-research-practice-gap-achieving-mission-driven-diversity-inclusion-goals; see also Arthur Coleman & Teresa Taylor, *Emphasis Added:* Fisher v. University of Texas *and Its Practical Implications for, Institutions of Higher Education,* The Future of Affirmative Action (ed. Richard Kahlenberg) (2014), *available at* http://apps.tcf.org/future-of-affirmative-action.

- *Preparation of students for the twenty-first century workforce and global economy* by introducing students to widely diverse people, cultures, ideas, and viewpoints – and providing opportunities to learn to work in diverse groups toward common goals

Research also confirms that, to create the best potential for the achievement of these goals, colleges and universities should embrace diversity *and* inclusion as primary institutional goals.[3] The following policy planning framework can be used to translate these general foundations into institution-specific action:
- Institutional goals related to the educational benefits of diversity
- Defining and measuring success in achieving institutional goals, including the desired composition of the student body, campus climate, and alumni and employer perspectives
- Coherent, integrated enrollment strategies, including recruitment, outreach, and college match efforts; admissions; scholarships and financial aid; and support for the transition from high school to Miami
- Strategies in and outside the classroom, including pedagogy and curricular offerings; faculty engagement and faculty diversity; mentoring and academic supports; and housing policies, peer groups, and affinity groups
- Alignment across policies and programs

III. Challenges and Foundations for Improvement at Miami: Key Takeaways from Our Stakeholder Meetings

Miami University is a unique, undergraduate-focused public institution at an important moment in its history. As its admissions process becomes more competitive and an increasing number of out-of-state students enroll, Miami still seeks to maintain its commitment to diversity and to strengthen its strategies intended to achieve its diversity and inclusion goals. At the same time, our conversations on campus suggest that many stakeholders on Miami's campus believe that Miami has yet to achieve these goals fully and reap the expected benefits for all students, faculty, leaders, and other stakeholders.

It is clear that Miami has become a more diverse place in recent years, due in significant part to increased efforts in recruitment and other enrollment efforts to diversify the student applicant pool and Miami student body population. One particularly significant change relates to the increase of Miami's international student population over the last decade. The question moving forward will be whether Miami can keep and leverage its student body diversity (and grow it, if possible, to allow for more under-represented populations of domestic students) as effectively as possible for the educational

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[3] For example, studies have shown that institutions have better retention and stronger programs when students have stronger levels of comfort and sense of belonging. E.g., Sylvia Hurtado et al., *Enacting diverse learning environments: Improving the campus climate for racial/ethnic diversity in higher education*, 26 ASHE-ERIC HIGHER EDUC. REP. 8 (1999); Mitchell Chang, M. Kevin Eagan, Monica H. Lin, & Sylvia Hurtado, *Considering the impact of racial stigmas and science identity: Persistence among biomedical and behavioral science aspirants*, 82 J. HIGHER EDUC. 564 (2011), *available at* http://www.heri.ucla.edu/nih/downloads/Considering-the-Impact-of-Racial-Stigmas-and-Science-Identity.pdf; Susan Rankin & Robert D. Reason, *Differing perceptions: How students of color and white students perceive campus climate for underrepresented groups,* 46 J. COLL. STUDENT DEV. 43 (2005), *available at:* http://www.brynmawr.edu/diversitycouncil/documents/Rankin.pdf; Sylvia Hurtado & Deborah Faye Carter, *Effects of college transition and perceptions of the campus racial climate on Latino college students' sense of belonging*, 70 SOC. OF EDUC., 324–345 (1997).

benefit of all. In other words, enrollment is an essential foundation for success in Miami's diversity and inclusion goals – but not an end in itself.

Themes from our listening sessions about the challenges facing Miami. At the outset, we note that we were only able to speak with a portion of the Miami community – and largely only with those that appeared to have a personal commitment to or interest in diversity and inclusion. We did not have access to or perform a campus-wide climate survey or other study that may have provided more insight into the Miami community as a whole. Nevertheless, the consistency of experiences and messages across our meetings – as well as the sense of urgency and seriousness conveyed – suggests that the challenges described below are felt by many within the Miami community.

1. *An "identity crisis" at Miami?* We heard more than once that there appears to be a tension between Miami's longstanding traditions and its more recent efforts to diversify its community and extend its reach globally. As one student observed, "It is ok if Miami decides not to be more serious about these issues, but don't try to tell potential applicants that you care about diversity and inclusion if you aren't going to do anything about it." Collectively, commentary on this set of issues conveyed a concern that Miami is at a critical juncture and that aligning its past identity with future aims must be undertaken with intentionality and care.

2. *Anger, disappointment, and distrust.* Consistently throughout our meetings, we heard about simmering anger, disappointment, and distrust from various students, faculty, and staff. Many interviewees feel "othered" – in other words, they are seen as a part of a group that does not fit in the "traditional" (i.e., upper income, white) Miami mold. Among those we interviewed, this feeling appears to be especially true for lower income students (several interviewees mentioned that income was the "biggest divider" on campus), African-Americans, international students, and regional campus transfers. One African-American student shared that she came to Miami because she loved the culture and community that she saw when she visited as a high school student, but then felt shut out of it all when she arrived. Our conversations on this front displayed a strong desire to engage with campus leadership to help change this dynamic.

3. *Questions about Miami's level of commitment to diversity and inclusion.* Students and faculty members alike voiced a concern that diversity and inclusion at Miami have been, as one interviewee described it, "only a surface level commitment." Moreover, longtime Miami faculty and staff that spoke with us voiced a concern that the current effort (associated with this report) could be "just another diversity conversation" that will not lead to any tangible change.

    During our sessions, most attendees felt that there had not been consistent signaling from leadership that diversity and inclusion are important. For example, many students wanted to see more timely acknowledgements from the administration when incidents occurred on campus, even as they understood that Miami's leaders are not responsible for "fixing racism" or stopping every incident from occurring. In some cases (e.g., after an international student's apparent suicide), students simply wanted the entire campus to receive information about what was happening. In others (e.g., after racial slurs were written on dormitory announcement boards), students wanted a more forceful statement from campus leadership that the behavior that created the incident was unacceptable on campus.

    This communications gap is important because it seems to have led to a disconnect between what Miami is doing in response these events and students' *perception* of what is being done. As a result, at least some students have internalized that the administration does not care as much about students from some populations as others. This issue appears to have been compounded by

interviewee's sense that diversity and inclusion are not a topic of proactive engagement throughout all of Miami's leadership and faculty.

4. ***"Not everyone's issue."*** During our listening sessions, we heard a perception that helping Miami reach its diversity and inclusion goals is not understood as an expectation for everyone on campus. For example, though opportunities to interact with diverse groups in the classroom and beyond exist, they appear to be largely "opt in" opportunities. A number of interviewees observed that it could be "possible for a white student to construct a Miami experience with no interaction with diverse peers, faculty, staff, and ideas." Moreover, faculty members did not believe that efforts to support diversity and inclusion on campus were adequately recognized in tenure and promotion decisions, where other achievements were more central to evaluation.

5. ***Overly localized initiatives.*** Administrators, faculty, and leaders confirmed that most of Miami's diversity and inclusion initiatives have not been instigated by campus leaders or "from the top." Instead, different offices, departments, and campuses have been charged with developing their own diversity and inclusion efforts. Though this approach has allowed some promising strategies to emerge, it has also created two central challenges: (1) a lack of alignment and cohesion across initiatives and (2) a lack of awareness of both the existing initiatives themselves *and* what broader Miami diversity and inclusion goals local initiatives are intended to support.

   Representatives from Student Affairs shared similar concerns about disjointed systems, but emphasized the importance that personal relationships can have in helping students feel included and able to participate fully on campus, observing that One Stop can feel bureaucratic and intimidating to some students and Housing's new phone menu can be frustrating to navigate.

6. ***Burnout among faculty and staff.*** Most of the faculty, staff members, and administrators that do focus on diversity and inclusion – and attended our listening sessions – shared that their efforts are undertaken out of the "goodness of their hearts." In other words, they have a personal commitment to improving diversity and inclusion, but do not believe that they are fully supported, rewarded, or appropriately acknowledged by the institution. One faculty member described the "fatigue" of "working a second shift" as she advised and mentored students, participated in committees and discussion groups, and designed new approaches to curriculum and programs. There was general agreement that these tasks are not evenly divided among all faculty and staff members.[4]

7. ***Competing "diversity" demands.*** There appear to be some tensions among different "diverse" communities, too, about priorities for space, opportunities, and administrative focus. Specifically, we heard concerns related to use of space on campus (e.g., in the new student center) and how allocation of resources and funding are provided to different "diverse" groups (e.g., perceptions of the right "type" of Bridges student). Moreover, the significant increase of international students on campus does not seem to have been met with new resources to ensure a successful transition and experience for these students upon arrival on campus.

8. ***New concerns from employers.*** We heard a few times from faculty members and administrators that some employers have started to ask probing questions about the absence of student diversity some academic departments and schools. In at least one case, a major employer has reduced its recruiting intensity at Miami as a result.

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[4] We only spoke with a couple dozen faculty members, but asked specifically whether they felt that their peers who were not present were engaging on these issues – and heard a clear, uniform "no."

Themes from our listening sessions about strengths, as foundations for improvement. Even though the bulk of time during our listening sessions focused on these challenges, participants in each session were also able to identify existing strengths at Miami that may be able to serve as strong foundations for improvement.

1. *Mission-centric commitment to undergraduate teaching.* Even students who may have been critical of certain facets of university life were also able to share positive learning experiences in the classroom with effective faculty members where diverse perspectives were valued and encouraged as part of the classroom experience. These experiences illustrate the important role that an engaged faculty plays in advancing diversity and inclusion efforts on campus. (Many students specifically referenced classes in Global Studies as examples of these types of positive learning environments, though this frequency was likely impacted by the fact that many of our student interviewees were drawn from Global Studies class sections.) Many faculty members affirmed these student reflections, while observing that additional professional development associated with inclusionary practices in the classroom would expand relevant experiences for students. Given that undergraduate teaching is foundational to Miami's mission, this appears to be a significant strength and opportunity for growth and improvement in Miami's diversity and inclusion efforts.

2. *Pockets of excellent diversity and inclusion practices.* We heard from several interviewees about strong examples of diversity and inclusion on campus, including (but not limited to):

   - Athletic coaches described how they build strong teams from significantly diverse student athlete groups by helping them work toward a shared goal, setting an expectation that each student athlete matters to the achievement of that goal, patiently building relationships over time, and leveraging those relationships to better understand and improve the experiences of diverse students (e.g., one coach described finding a barber to cut hair for his black male student athletes when he realized there were no available barbershops for them in Oxford). We also heard about a summer academic program primarily for football and basketball players that placed them in a rigorous classroom environment – and had strong educational outcomes for students who participated.

   - The College of Education, Health, and Society has created the Urban Teaching Cohort to expose students to diverse schools and communities and also to build a pipeline of teachers to work with high-need schools in the Miami area.

   - Student Affairs shepherds students through many formal and informal means, including efforts such as an enhanced orientation program and partnering with the Undergraduate Academic Advising Council to shape a new First-Year Experience and UNV 101 to improve student success and enhance academic advising.

   - The Office of Diversity Affairs has become a haven for many students, especially African-Americans, to receive personalized support and a sense of community.

   - Representatives from the regional campuses described "Project Civility," which has helped foster a sense of community on and between campuses through an effort that encourages and reminds students on a day-to-day basis to treat each other with mutual respect and understanding.

   - Representatives from the Farmer School of Business described how they consider diversity not only within the context of how it benefits students and the institution, but also as an

important factor for consideration by industry leaders and employers desiring diverse recruitment pools.

- Several students described the supportive atmosphere they experience in some faculty members' classrooms when professors are willing to embrace diverse student perspectives and experiences.

Increasing awareness of these efforts and sharing best practices may be an important next step. Doing so can demonstrate that positive work is already being done in many parts of the Miami community, provide an opportunity to acknowledge and thank those individuals and offices who are leading the work, and spark ideas for new work that can build on these efforts.

3. **_Strong student outcomes_.** Miami has strong graduation rates across all demographic groups (with the possible exception of some international students, according to some student interviewees). As of Fall 2013, 80.8% of Miami students – including 78.3% of Native Americans, 83.7% of Asians, 70.8% of African Americans, 81.2% of Hispanic/Latinos, and 71.4% of Pell recipients – graduate within six years.[5] This suggests that, despite the climate issues described here, students are nevertheless able to persist in their studies and graduate with their expected degrees. As reflected above – and in the words of a campus leader – Miami should redouble its efforts to ensure that all students do more than "survive" to create a fully inclusive environment where all students "thrive."

4. **_Important moment of opportunity_.** As affirmed by most of our interviewees, the leadership transition this summer presents significant potential for affirming Miami's commitment to diversity and inclusion. It is clear that many on campus are hungry for President Crawford to take this on and willing to work in partnership to make change happen. Follow up conversations with President Crawford suggest that he shares a desire to focus on these issues as he enters into the office.

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[5] Miami University, Graduation and Retention Rates, https://miamioh.edu/about-miami/pubs-policies/consumer-info/grad-rates/index.html (last visited June 19, 2016).

IV.   Recommendations

Building on the views expressed in the listening sessions, this section identifies six major recommendations for Miami's leaders to consider. To translate these big picture recommendations into tangible action steps, these recommendations are listed in roughly chronological order, with those most ripe for immediate action first and those in need of longer term deliberation and engagement at the end. In other words, effective implementation of a number of these recommendations will take months, and sometimes years. Longer term success, particularly with respect to recommendation 6 (on alignment), will likely depend on the effective adoption of the first five recommendations, which will likely involve distinct phases of work over time.

Notably, several of these recommendations were discussed during our stakeholder meetings on campus and appear to have support among at least some administrators, faculty members, and students. We have included examples of each recommendation from other institutions to help illustrate these ideas in action in different settings.

1. **Conduct a listening tour led by President Crawford.**

We closed each stakeholder interview session by asking participants for their specific recommendations for President Crawford. In every meeting, interviewees emphasized the importance of President Crawford and other Miami leaders taking time to understand different perspectives and experiences before leaping into action. Many interviewees specifically asked President Crawford to listen to different perspectives on diversity and inclusion before identifying solutions or strategies. As one student shared, "Be present and listen – don't just deliver talking points."

Over the first few months of his presidency, we recommend that President Crawford take time to meet with as many students, faculty members, administrators, staff, and other stakeholders (e.g., employers, alumni, athletics, and members of the Oxford community) as possible. Relative to the large Miami community, we were only able to hear about 200 voices during our April visit. Examining these issues with a range of stakeholders – the "usual suspects" and others in the community – will be an essential foundation for all other action. It can also serve as an illustration of President Crawford's concern and focus on these issues, and his commitment to working with others to achieve sustainable change.

Examples from other institutions:

- When he took office in 2012, **James Madison University**'s president, Jonathan Alger, undertook a listening tour with a variety of campus stakeholders, including students; faculty; staff; governing boards; alumni; the local community; civic leaders and organizations; local, state, and federal governments; and corporate and foundation partners.[6] He emphasized the importance of this step in his inaugural address.

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[6] James Madison Univ., Presidential Listening Tour 2012, http://www.jmu.edu/stories/president/2012/why-madison.shtml (last updated April 1, 2016); James Madison Univ., Jonathan R. Alger's Acceptance Speech, http://www.jmu.edu/videos/president/alger-acceptance-speech.shtml (last updated Sept. 11, 2013).

- The **University of Florida**'s new president, Kent Fuchs, dedicated his November 2015 column in the student newspaper to his initial plans to address campus concerns about diversity and inclusion.[7] After describing efforts from the Black Student Affairs Task Force to develop recommendations and a set of town hall meetings to engage the broader campus, he observed, "Hollywood portrays leadership as being bold and resolute. I agree those qualities are important. But I have found in my own career it's equally important to listen to others, to try to think and feel outside my own personal experience and, indeed, be willing to change when it is the right thing to do." He also provided his email address and encouraged campus stakeholders to reach out to him at any time.

- In November 2015, **University of Missouri System** interim president Michael Middleton began his term by inviting students to share their concerns about campus diversity and inclusion efforts with himself and the System Board of Curators.[8] He encouraged students to continue sharing their suggestions and insights with the administration even beyond the duration of his listening tours and emphasized that to improve and solve the problems the community faces, all stakeholders – from students, to faculty and staff, to alumni – must continue to work collaboratively.

2. Develop a clear unified University wide policy statement on diversity and inclusion.

Miami currently has many statements regarding the value of diversity but needs a clear, unified, University-wide policy statement that links its mission with student body diversity and the educational benefits that it provides. Developing this type of statement can be a concrete way to gather together a range of Miami leaders and stakeholders around a common purpose. Once the statement is complete, it can serve as an important communications tool and foundation for action in a range of efforts across campus and beyond—yielding educational, fiscal and possible legal benefits along the way.

The most effective diversity and inclusion policy statements reflect the unique character, mission, and context of their institutions. As a result, Miami can and should develop a statement that suits its needs and priorities at the present time. (These statements can and should evolve over time, as well.) But it may be helpful for Miami leaders and stakeholders to review models from other institutions and identify common traits among them. Based on our work with other higher education institutions, we recommend that Miami consider including the following elements in the statement:

- *Clear articulation of the educational and societal benefits of student diversity as an institutional value and priority.* Research confirms that diversity can create a range of educational benefits for all students, including improved teaching and learning, greater civic involvement and engagement, and better workforce and economic outcomes in the longer term. Miami's

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[7] Kent Fuchs, *From President Fuchs: Listening, learning and combating racism*, INDEP. FLORIDA ALLIGATOR (Nov. 15, 2015), http://www.alligator.org/opinion/columns/article_cc0c354a-88ec-11e5-9289-1f9315f64e61.html.

[8] Mara Rose Williams, *A Conversation with Mike Middleton, who was chosen to lead the University of Missouri out of crisis,* KANSAS CITY STAR (Dec. 8, 2015), http://www.kansascity.com/news/state/missouri/article48609985.html; Kellie Woodhouse, *What's Next for Missouri?,* INSIDE HIGHER ED (Nov. 13, 2015), https://www.insidehighered.com/news/2015/11/13/university-missouri-looks-ahead-it-tries-combat-race-issues-campus.

challenge in the policy statement will be to connect these general benefits to its specific mission and focus as a leading public undergraduate teaching institution.[9]
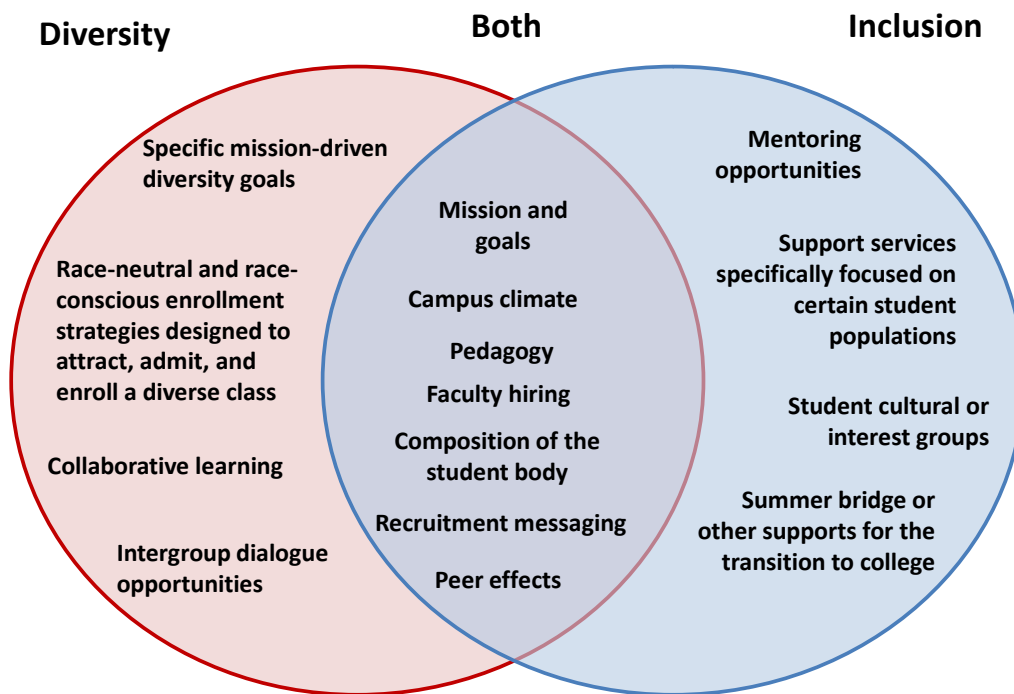
- *Recognition that Miami seeks broad student diversity*. It is important to emphasize that diversity at Miami includes, but extends beyond, race and ethnicity. Miami should thoughtfully articulate the kind of diversity it seeks and why, with reference to wide-ranging potential student characteristics that may include socioeconomic status, geographic diversity, religion or creed, international and intercultural experience, sexual orientation and gender identity, and academic interests and points of view, to name a few.

- *Identification of Miami-specific context or history that may bear on diversity.* Miami's focus on excellence in its undergraduate teaching may be a particularly helpful contextual factor to include. Miami may also consider referencing its role serving the people of Ohio through educational opportunity and economic development.

- *An inclusive process of development and approval.*   Developing this statement will involve what federal courts have termed "complex educational judgments" that lie "primarily within the expertise of [a] university." [10]   Engaging with stakeholders in the process will be important to create understanding and support for the policy statement – and help align it with existing and potential policies and programs. Indeed, reviewing courts often look for evidence that an institution's leaders and faculty were included in the process when race-conscious admission policies have been challenged as in violation of federal law.[11]

- *Translation to other contexts at Miami.* When complete, this policy statement can and should be adapted for different settings at Miami, such as the five academic divisions, other Miami campuses, and other programs. The Farmer School of Business and Honors program were both mentioned by interviewees as particularly in need of their own specific diversity and inclusion goals and strategies.

Finally, when undertaking the development of any institutional policy in this area, it is important to understand that diversity and inclusion support one another, but are unique concepts. Miami should create opportunities for students to interact in diverse groups *and* opportunities for students to feel included and welcome, both in and outside the classroom. It can be a significant challenge – and learning opportunity – to understand perspectives and experiences different than one's own. Institutional policy and practice can facilitate students' experiences by creating a climate and campus environment that welcomes difference and supports interactions across it. The graphic below, taken from *Bridging the Research to Practice Gap*, shows some examples of specific strategies and how they may contribute on an institution's diversity and/or inclusion efforts.

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[9] TERESA E. TAYLOR, JEFFREY F. MILEM, & ARTHUR L. COLEMAN, BRIDGING THE RESEARCH GAP: ACHIEVING MISSION-DRIVEN DIVERSITY AND INCLUSION GOALS (2016), *available at* http://educationcounsel.com/?publication=bridging-research-practice-gap-achieving-mission-driven-diversity-inclusion-goals

[10] Brief for Coll. Bd., et al. as Amici Curiae Supporting Respondents at 8-11, Fisher v. Univ. of Tex. at Austin (No. 14-981), *available at* http://ib5uamau5i20f0e91hn3ue14.wpengine.netdna-cdn.com/wp-content/uploads/2015/11/14-981bsacCollegeBoardAACRAONACACandLSAC.pdf.

[11] Grutter v. Bollinger, 539 U.S. 306, 328 (2003).

Diagram

Diversity   **Both**   **Inclusion**

Diversity (left circle):
- Specific mission-driven diversity goals
- Race-neutral and race-conscious enrollment strategies designed to attract, admit, and enroll a diverse class
- Collaborative learning
- Intergroup dialogue opportunities

Both (overlap):
- Mission and goals
- Campus climate
- Pedagogy
- Faculty hiring
- Composition of the student body
- Recruitment messaging
- Peer effects

Inclusion (right circle):
- Mentoring opportunities
- Support services specifically focused on certain student populations
- Student cultural or interest groups
- Summer bridge or other supports for the transition to college

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Examples from other institutions:

- To illustrate these ideas, we have attached an annotated version of the University of Maryland's Diversity Policy Statement in Appendix B.[12]

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3. **Commit to a sustained process (with an initial focus on inventorying existing policies and practices).**

As a foundation and means for continuous improvement, a deliberate process of review and refinement over time should be developed for Miami's diversity and inclusion initiatives that is evidence based and that reflects key stakeholder engagement. Key steps in this process include:

- *Inventory:* Developing a clear understanding of all programs and policies that may contribute to the achievement of Miami's diversity goals to identify which are working (and not). This process can lead to a discussion about more effective deployment of resources.

- *Justify:* Ensuring that Miami has clearly defined, mission-driven diversity goals that are supported by evidence

- *Assess:* Evaluating the design, operation, and impact of policies in light of Miami's goals

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[12] See generally ARTHUR COLEMAN ET AL., A DIVERSITY ACTION BLUEPRINT: POLICY PARAMETERS AND MODEL PRACTICES FOR HIGHER EDUCATION INSTITUTIONS: A RESOURCE WITH MISSION, ADMISSION, AND EVALUATION POLICY GUIDANCE AND ILLUSTRATIONS (2010), *available at* http://diversitycollaborative.collegeboard.org/sites/default/files/document-library/10b_2699_diversity_action_blueprint_web_100922.pdf.

- *Engage:* Share results of the assessment with stakeholders for their input, perspectives, and ideas about action steps to take in response

- *Act:* Taking necessary action steps and making adjustments in light of lessons learned, with a sharp focus on ensuring that policies and practices are materially advancing Miami's goals in appropriate ways and that resources are dedicated to the strategies with the strongest potential to succeed. (Notably, studies have shown that when mission and diversity goals are not linked with campus action, students can perceive that the message is "hollow talk" and that the institution has a weak commitment to diversity; as a result, the benefits of diversity may be diminished.[13])

An inventory of all policies and practices that are intended to contribute to the achievement of Miami's diversity and inclusion goals can be an important initial step to taking action. This process allows for a better understanding of what is already happening and provides a forum for discussing what is working (and not working) and why. It can then lead to a discussion about what investments of time and resources have the strongest potential for impact. The inventory should detail Miami's own efforts and its partnerships with other institutions (e.g., through articulation agreements), funders (e.g., through scholarships), and organizations (e.g., through recruitment and summer programs).

Examples from other institutions:

- After student protests took place in fall 2015, **Brandeis University** revisited its diversity statement – which "clearly states that we must foster a just and inclusive campus culture that embraces the diversity of our larger society" – to create a new action plan for addressing community concerns.[14] After "deep, productive, and thoughtful discussions with students . . . and hearing from many members of our community faculty, students, staff and alumni," Brandeis's leadership team announced a Draft Implementation Plan for Diversity and Inclusion at Brandeis University. Along with specific timelines between December 2015 and Spring 2017 and "point people" (including, for some strategies, the president and provost), the plan includes a range of strategies:
    - Appointing a new vice president for diversity and inclusion
    - Increasing recruitment and retention of faculty and staff of color (with the goal to double underrepresented faculty of color by 2021)
    - Increasing the minimum wage for Brandeis employees to $15.05 an hour
    - Increasing the applicant pool of underrepresented students of color at the undergraduate and graduate level
    - Creating new accountability and reporting metrics, including an annual report card on diversity and inclusion and new diversity and sensitivity training for faculty, staff, and students
    - Enhancing excellence in teaching and learning (including a new task force made up of faculty, students, and staff to review undergraduate degree requirements)

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[13] Anthony Lising Antonio, *Diversity and the Influence of Friendship Groups in College*, 25 Rev. Higher Educ. 63 (2001).

[14] Brandeis Univ., Reaffirming and Accelerating Brandeis' Commitment to Diversity, Inclusion, and Racial Justice (Dec. 1, 2015), http://www.brandeis.edu/now/2015/december/brandeis-statement-dec1.html.

4.   Establish an empowered, multidisciplinary leadership team.

The process of moving from theory to action usually coincides with the establishment of an interdisciplinary leadership team (or teams) that can effectively evaluate diversity goals and strategies in light of institutional goals (and, where relevant, legal requirements). Important members likely include enrollment leaders and key staff, faculty members, legal counsel, and leaders from Student Affairs, Academic Affairs, and the Office of Diversity Affairs. In Miami's case, the Provost's office, working directly with the Associate Vice President for Institutional Diversity, may be particularly well positioned to drive this effort. The team may also consider how to include perspectives from the broader institution as well as employers, researchers, and students in its decision-making process.

To build out the team, key questions to consider may include:
- Who has direct influence over or responsibility for diversity and inclusion goals in enrollment and in the broader Miami community?
- What Miami decision-makers or decision-making bodies need to be involved in decisions to spark change?
- Will participants be able to engage the campus community as a whole in success on diversity and inclusion efforts? Does the membership list communicate that this is a priority for leadership?
- Is the team as a whole large enough to be representative *and* small enough to make decisions in a timely manner?
- Are all proposed members committed and able to participate? Do they share a common vision?

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[15] Brandeis University, Appendix A: Implementation Plan for Diversity and Inclusion, *available at* http://www.brandeis.edu/president/messages/diversity-inclusion-goals-plans.pdf.

[16] Office of the President, Brandeis Univ., Appendix B: Statements of Support and Commitments to Action to Advance Diversity and Inclusion at Brandeis University by Department, School, and Program (Nov. 27, 2015, http://www.brandeis.edu/president/messages/2015-11-28.html (list updated weekly).

- After black students issued a list of demands in fall 2015, **Emory University**'s senior vice president and dean of campus life created working groups to examine each demand and make recommendations for possible institutional change.[18] Each working group was made up of about a dozen members, including students, faculty members, and senior administrators (many of whom were hand-picked by the provost). Members of student government and student activists also volunteered to join. After several meetings of each individual group, all participants (more than 100 people) gathered for a "racial-justice retreat" in January 2016 to make recommendations for addressing each demand. The president attended the retreat as well. Opportunities for action by fall 2016 included:
    - Increase resources and support for the MORE Mentoring Program
    - Improve diversity education for Greek-letter organizations
    - Enhance diversity education for student athletes
    - Strengthen and further develop Creating Emory
    - Enhance transparency of the conduct process for student organizations[19]

  Emory has been transparent about the process, using a regularly updated website that described the response, included the campus-wide email sent in December 2015, and the preliminary recommendations of the working groups.

5. **Defining success clearly, with multiple measures.**

The questions of success and when it has been achieved should be addressed over time, and strong evidentiary foundations should be established from the outset to inform judgments about success. Some foundations for this process may include:

- *Establishing clear goals and objectives tied to Miami's core educational mission* (and the unique academic environment of any particular academic division or program). As one interviewee encouraged, Miami should "measure success not just on whether students are surviving – but whether they are *thriving*." Interviewees suggested that goals might encompass:
    - Sufficient representation of desired groups of students so that no student feels like a "token" or the sole representative of a particular identity or group
    - Strong, multi-faceted academic outcomes
    - Frequent opportunities for students to interact in diversity groups and wrestle with diverse viewpoints and ideas inside and outside the classroom (especially in their early months on campus)
- *Measuring Miami's success in meeting those goals and objectives*, including factors such as:
    - Miami's recruitment "footprint" – both its traditional areas of strength and possible areas for expansion given demographic and market changes
    - Student body composition and representation of broadly diverse student populations, both as a whole and in various academic and extracurricular settings on campus

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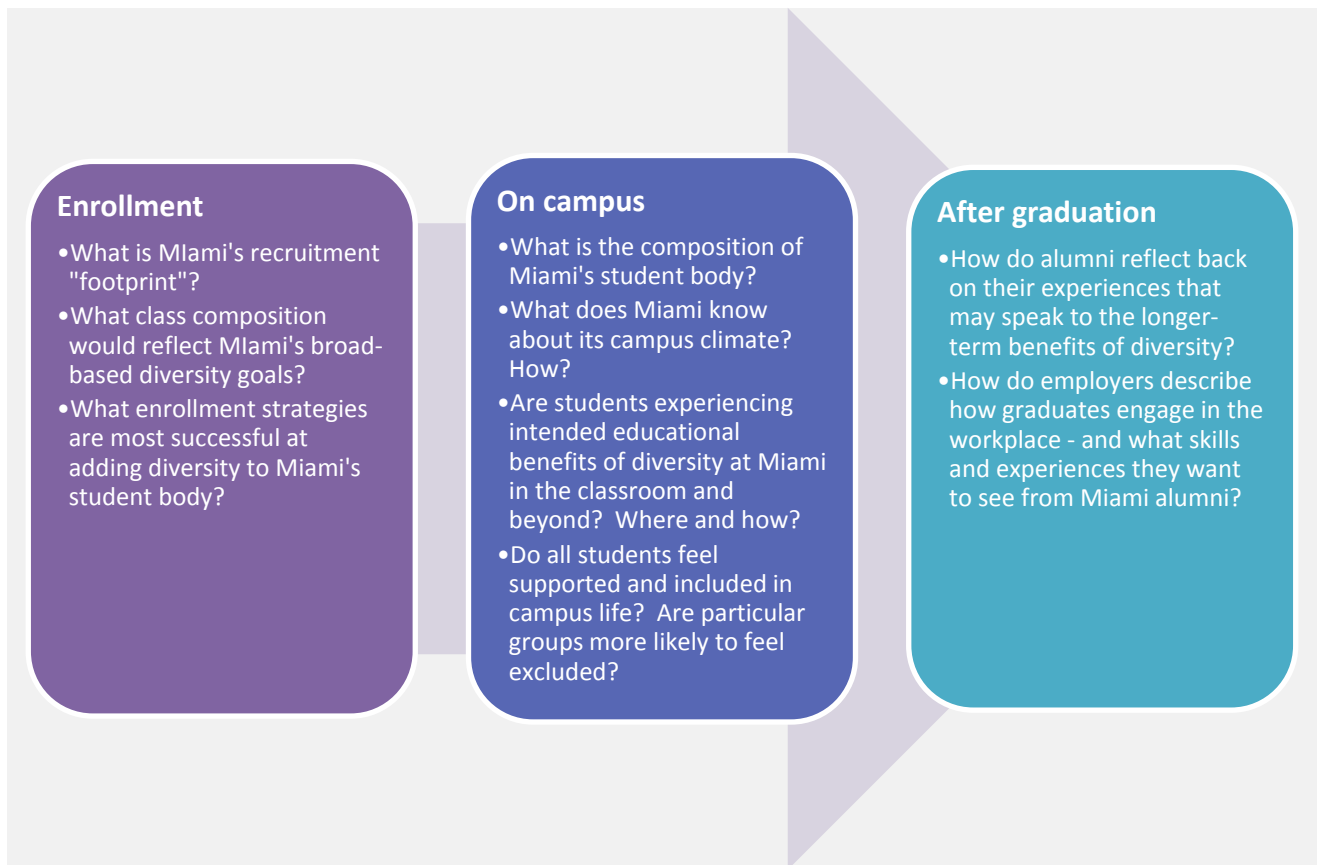[17] Id.

[18] Corinne Ruff, *One University's Response to Students' Demands on Race: Radical Transparency*, Chron. Higher Educ., (April 21, 2016), http://chronicle.com/article/One-University-s-Response-to/236187.

[19] Campus Life, Emory Univ., Racial Justice Initiative, http://dialogue.emory.edu/racial_justice/index.html (last visited June 20, 2016).

- o Student, faculty, staff, and administrator perspectives, captured through campus climate surveys, focus groups, stakeholder committees, or other methods
- o Alumni and employer feedback, measured through surveys, focus groups, or other methods
- o Alumni donor rates from all subgroups

- *Creating regular opportunities to review data and information and to assess whether changes are needed*, e.g., as institutional goals change or as evidence indicates that policies are not having the desired effect

It is essential that Miami develop a robust quantitative and qualitative data set to support these goals. It is likely that division- and campus-specific strategies also emerge through this action planning process. In our recent publication, *Bridging the Research to Practice Gap,* we created the graphic below to illustrate the kinds of questions that may help define success.[20] The version here has been adapted for Miami. Engaging with stakeholders will also be important to inform goal setting, identify sources of data and information, and create buy in for the process and achievement of goals.

Enrollment

- What is MIami's recruitment "footprint"?
- What class composition would reflect MIami's broad-based diversity goals?
- What enrollment strategies are most successful at adding diversity to Miami's student body?

On campus

- What is the composition of Miami's student body?
- What does Miami know about its campus climate? How?
- Are students experiencing intended educational benefits of diversity at Miami in the classroom and beyond? Where and how?
- Do all students feel supported and included in campus life? Are particular groups more likely to feel excluded?

After graduation

- How do alumni reflect back on their experiences that may speak to the longer-term benefits of diversity?
- How do employers describe how graduates engage in the workplace - and what skills and experiences they want to see from Miami alumni?

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[20] TAYLOR ET AL., BRIDGING THE RESEARCH TO PRACTICE GAP, *supra* note 2, at 14.

Examples from other institutions:

- In 2012, motivated especially by incidents targeting minority and LGBT students, the **University of California** conducted its first system-wide campus climate survey to learn more about the on-campus experience of all members of the community.[21]

- During the fall of 2014, the President and Provost of the **University of Chicago** undertook a campus climate survey to address student and faculty concerns about diversity and inclusion efforts on campus.[22]

- Each academic year, **American University** conducts a campus climate survey of student experiences with various facets of campus life, including diversity, academics, and faculty/student interactions.[23]

6. **Enhance alignment of strategies and goals across functions, offices, and divisions.**

Multiple stakeholders observed that most diversity and inclusion strategies are localized, with no centralized goals and leadership to create harmony and alignment among different initiatives. As a result, Miami's commitment to diversity is more apparent through some efforts (e.g., the Bridges Program) than others (e.g., curricular requirements, faculty training). Moreover, there does not appear to be a common understanding of Miami's diversity and inclusion goals or common sense of purpose toward achieving them. As a result, many stakeholders do not seem to be involved in these efforts, while those that are involved do not always coordinate with one another or have a shared focus on common goals.

Success on its diversity goals will require the support of a range of stakeholders, particularly campus leaders and faculty members, to ensure that the diversity sought during the enrollment process is appropriately supported and celebrated for enrolled students. Alignment across policies, programs, and personnel, therefore, will be essential for Miami's success. Some foundations for this have already been laid, notably including the establishment of "One Stop for Student Success" as well as the Student Success Committee that includes leaders, administrators, and faculty members. Sharing lessons learned from these efforts – while also committing to better alignment moving forward – will likely be important next steps.

Moreover, Miami should work to instill a sense of responsibility and ownership in all faculty members, leaders, administrators, staff, and students for the achievement of Miami's diversity and inclusion goals, including through:

- ***Well-designed orientation and training programs to initiate all students, faculty, staff, and leaders into Miami's diversity and inclusion goals.*** Faculty training and student orientation programs present an important opportunity to communicate so that everyone understands

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[21]University of California, *Campus Climate Study: Committed to a healthy and inclusive climate* (2012), http://campusclimate.ucop.edu/faq/.

[22] University of Chicago, *Climate Survey Project* (2015), https://csl.uchicago.edu/get-involved/climate-survey-project.

[23] American University, *Campus Climate Survey* (2015), http://www.american.edu/provost/oira/campus_climate.cfm.

from the beginning that diversity and inclusion are valued and should be nurtured by everyone on campus. Having common, Miami-specific language across all training and orientation materials may be helpful. Several interviewees suggested that a common orientation for domestic and international students may be helpful in building relationships and illustrating a shared campus experience, rather than having separate programs.

- ***Capacity building for faculty to better guide and leverage diversity in their classrooms.*** Faculty members can serve as "human bridges" for students to understand and experience institutional priorities related to diversity and inclusion. At the same time, the absence of effective and appropriate engagement with diverse students can serve as an indicator to students and fellow faculty members that diversity and inclusion are not truly valued by the institution. It is clear that many faculty members are already leading on diversity and inclusion efforts, and their perspectives and experiences can almost certainly be leveraged to help their peers learn and improve. Again, Miami's focus on undergraduate teaching may be an effective entry point into these conversations.

  But it is not clear that all faculty members are currently able to lead classrooms to benefit from student diversity due to lack of knowledge of or experience with diverse groups and the various identities within them. Some faculty members noted that faculty orientation could use a refresh, as some of the examples and training techniques related to diversity appeared to be outdated at best (and offensive or misleading at worst, at least in some past sessions). It also appears that Miami could create better incentives, perhaps through the tenure and advancement process, to encourage more faculty members to engage with diverse groups of students in the classroom and beyond.

- ***Training to help all staff, faculty, leaders, students be more culturally competent and aware of the many different groups, cultures, and intersectionalities present at Miami.*** Miami's increasingly diverse student body encompasses a wide range of backgrounds and experiences. Based on our interviews, it is clear that some groups on campus – particularly international students – are not as well understood as others. Emphasizing the value that each group brings to campus and providing opportunities for them to share their cultures with the rest of the Miami community are likely important next steps to improve inclusion.

Examples from other institutions:

- **Brandeis University'**s Draft Plan (described above) illustrates a multifaceted, multidisciplinary approach to diversity and inclusion under an institution-wide goal.

- In 2015, **Oregon State University** adopted a policy for tenure and promotion that requires all faculty members preparing tenure portfolios to include examples of their commitment to principles diversity and inclusion in areas of work such as teaching, advising, or research.[24]

- In May 2016, **Pomona College** faculty approved a new policy that ties commitment to diversity efforts to tenure candidacy and criteria. Faculty going through the tenure-review policy must now detail their "efforts to create and maintain an inclusive classroom" and support all students in sharing their diverse perspectives and experiences.[25]

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[24] Id.

[25] Scott Jaschik, *Diversity as a Tenure Requirement,* INSIDE HIGHER ED (May 23, 2016), https://www.insidehighered.com/news/2016/05/23/pomona-moves-make-diversity-commitment-tenure-requirement.

V.   Conclusion

Despite our relatively limited time on campus, we were struck by the common themes and shared perspectives regarding diversity and inclusion at Miami that often characterized our conversations, with students, faculty and staff, alike. We have attempted to reflect those takeaways, along with recommendations derived from our assessment, which are informed by our knowledge and experience of best or common practice in the field.

These recommendations should be understood as merely setting the stage for robust conversations in which this suggested blueprint for action can be adapted to fulfill the unique mission interests of Miami, consistent with its leadership's vision for the future and the practical realities involved in the management of this institution. There are, in the end, no cookie-cutter solutions to issues of diversity and inclusion; each university must make its effort toward success its own.

We appreciate the opportunity to partner with you in this effort, and will be available to address any questions about this report that you may have.

Appendix A: Miami University Stakeholder Interview Schedule

Date	Stakeholder Group	Attendees
Tuesday, April 12, 2016	Faculty	Open faculty session
	Advisors	Advisors, Chief Departmental Advisors, and other academic support staff
	Students	Diversity Affairs Counsel, Associated Student Government, and other student groups
Wednesday, April 13, 2016	Student Affairs Staff	Office of Diversity Affairs, Women's Center
	Academic Deans/Provost	Provost Callahan, Academic Deans
	Council of Academic Deans (COAD)	Provost direct reports and other academic leadership
	Athletics Departments	Athletic staff and coaches
	Personnel Advisory Committees	Classified Personnel Advisory Committee, Unclassified Personnel Advisory Committee, and other HR staff
	Enrollment Senior Staff and General Counsel	Staff
	Global and Intercultural Studies	Students
Thursday, April 14, 2016	Enrollment Management and Student Success	Staff
	Faculty Learning Community	Various faculty
	University Advancement	Advancement staff
	Division of Student Affairs	Student Affairs staff
	President's Executive Cabinet	President's Cabinet

Appendix B: University of Maryland's Diversity Policy

This analysis of the University of Maryland's Diversity Policy originally appeared in a resource developed for the College Board's Access & Diversity Collaborative, *A Diversity Action Blueprint*.[26]

II. Mission-Related Policy Statements

UNIVERSITY OF MARYLAND **Policy on Diversity in Educational Programs** (Approved by the President, April 5, 2005)	**Legal and Policy Commentary** • The Policy Parameter provides commentary that associates guidelines, described above, with specific, underlined text. • The Case Law Connection provides commentary that associates key legal principles with specific, underlined text.
I. Policy and Definition The University of Maryland is a publicly funded land grant institution and the flagship institution of the University System of Maryland. As set forth in the University's Mission Statement, the University is committed to achieving excellence as the State's primary center for research and graduate education, and the institution of choice for undergraduate students of exceptional ability and promise. Consistent with this Mission and the 2000 Strategic Plan, the University is an inclusive educational community that attracts a diverse population of academically talented students. This community has resulted, in part, from the University's previous initiatives to overcome its history of State-enforced racial segregation, to enhance gender equity, and to provide equal educational opportunities to students with a broad variety of personal characteristics. As the community has become more heterogeneous, the University has determined that a diverse student population enhances the educational experience and is an integral component of educational excellence. Consistent with this academic judgment, the University shall continue to recruit, admit, retain and graduate students who meet the University's requirements for academic success and who bring to the University a variety of talents, backgrounds, experiences and personal characteristics, including but not limited to race, gender, ethnicity, socioeconomic background and geographic origin. The means of achieving and promoting this diversity shall remain flexible, and the manner in which race, ethnicity and gender are to be considered shall meet standards evolving in federal and state law. The University's measure of what constitutes a diverse student body may, and should, change. Accordingly, to achieve its educational goals, the University has rejected selection processes for admission and for other academic programs that do not permit individualized assessments. Instead, the University engages in holistic processes that evaluate each student as an individual, using a number of criteria to identify those who can best contribute to, and benefit from, membership in the academic community and its various programs.	**Policy Parameter** Maryland provides a clear articulation of its goals and objectives. It acknowledges a unique institutional history that grounds its commitment to student diversity, and specifically to racial diversity, as it reaffirms its commitment to diversity as a core institutional value and priority. Further, Maryland notes the multiple facets of diversity, from race and gender to "a broad variety of personal characteristics." Finally, Maryland articulates clearly the educational benefits of diversity. **Case Law Connection** The diversity Maryland seeks "encompasses a far broader array of qualifications and characteristics" than race or ethnicity. *Bakke*, 438 U.S. at 315. See also *Grutter*, 539 U.S. at 324-25. **Case Law Connection** Maryland recognizes the importance of flexibility in its construction of student diversity, *Bakke*, 438 U.S. at 317, and commits to a holistic process of individualized assessment, *Grutter*, 539 U.S. at 337.

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[26] Arthur Coleman et al., A Diversity Action Blueprint 8-10(College Board 2010), http://diversitycollaborative.collegeboard.org/sites/default/files/document-library/10b_2699_diversity_action_blueprint_web_100922.pdf

UNIVERSITY OF MARYLAND **Policy on Diversity in Educational Programs** (Approved by the President, April 5, 2005)	**Legal and Policy Commentary** • The Policy Parameter provides commentary that associates guidelines, described above, with specific, underlined text. • The Case Law Connection provides commentary that associates key legal principles with specific, underlined text.

II. Educational Benefits of a Diverse Community

The University counts a diverse academic community to be among its greatest strengths, and so aspires to achieve a broadly diverse faculty, staff and student body. Opinions rendered by a diverse community further the University's educational goals by challenging traditional educational practices and arrangements, and by contributing new perspectives to the curriculum and other scholarly pursuits. The University expects the impact of a diverse community on academic programming to be beneficial to the individual, the institution and the environment in which both function.

Policy Parameter
Maryland connects diversity to core teaching and learning benefits.

For example, research and everyday experience show different perspectives, particularly in discourse, enhance the learning environment for everyone, and benefit students, staff and faculty individually by advancing a variety of educational outcomes. Students who interact with diverse peers and take courses that advance multicultural perspectives show enhanced critical thinking skills; tend to be more engaged in learning; report higher self-assessments of their academic, social and interpersonal skills; are more likely to be involved in community service programs; and are more likely to remain enrolled, and to aspire to advanced degrees after graduation. A diverse student body promotes cross-cultural understanding, and exposes students to common goals and values critical to many occupations, particularly those based on teamwork and mentoring. It also helps students understand why people of diverse backgrounds interpret the same information differently. These outcomes, in turn, benefit society by preparing students for professional careers and positions of leadership, and for successful and productive participation in a heterogeneous democracy and global economy.

Case Law Connection
Maryland cites both research evidence and everyday experience to buttress its commitment to diversity, outlining the educational benefits of diversity. *Grutter*, 539 U.S. at 329-30 (summarizing research that points to the educational benefits that flow from student body diversity).

Policy Parameter and Case Law Connection
This evidence connects the goal of a diverse student body with core educational benefits, enhanced civic values, and better preparation for the 21st-century workforce and citizenship skills. See *Grutter*, 539 U.S. at 330-31.

In this regard, the University recognizes that while some attention to numbers is necessary to produce educational benefits, diversity's positive effects do not automatically accrue from a simple focus on numerical representations of various populations in an admitted class. Rather, diversity produces benefits through thoughtfully structured policies and programs designed to support and facilitate interaction among students as part of the academic experience. These include outreach and enrichment; recruitment; financial aid; scholarships; general education diversity course requirements; programs designed to improve retention, and to cultivate a learning environment, in and out of the classroom, which enhance the individual and collective experiences of the campus community.

Policy Parameter
Maryland acknowledges a number of mechanisms beyond the admission decision that can be employed to address and support diversity initiatives.

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UNIVERSITY OF MARYLAND **Policy on Diversity in Educational Programs** (Approved by the President, April 5, 2005)	**Legal and Policy Commentary** • The Policy Parameter provides commentary that associates guidelines, described above, with specific, underlined text. • The Case Law Connection provides commentary that associates key legal principles with specific, underlined text.
III. Periodic Review Diversity is not an end result, but a means of achieving a concrete set of educational objectives. Accordingly, the University shall periodically review its diversity-related policies and programs to determine their achievements, and to adjust them as necessary to further those objectives. The Provost shall direct this review, which shall evaluate the extent to which diversity impacts learning outcomes, and otherwise advances the University's educational goals. The review may take into account scholarly educational research as well as institutional self-assessment. The review also shall consider the viability of race-neutral approaches to meet the institution's academic goals; the extent to which the use of race-conscious polices place a burden on nonminorities; and any areas in which changes should be made.	**Case Law Connection** Maryland commits to periodic review of its diversity initiatives and establishes a framework and procedure for the review. *Grutter*, 539 U.S. at 342.

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Appendix C: Inventory Examples

Each institution has a unique experience with and perspective on strategies related to diversity and inclusion, but can use the experience of others to inform its judgments. This appendix highlights three different institutions' successful legal efforts to demonstrate their consideration and use of race-neutral strategies to support their race-conscious holistic review programs.

Rice University
In September 2013, OCR reached a resolution with Rice University on its consideration of race-conscious admissions policies.[27] The complaint alleged that race-conscious strategies at Rice were unnecessary because, in the complainant's view, Rice was able to satisfy its diversity goals without using race-conscious policies from 1996-2003 (the period between the *Hopwood* and *Grutter* decisions[28]) and, therefore, had no need to reinstate them. Relying on U.S. Supreme Court precedent (notably including *Fisher I*), OCR concluded that there was insufficient evidence to support the conclusion that Rice violated federal law with its race-conscious policies.

Playing a significant role in OCR's decision was Rice's robust effort to inventory its race-neutral strategies and explain why these policies and practices, alone, were insufficient to meet its diversity goals. In fact, OCR posted its resolution with Rice as a specific illustration of an examination of race-neutral strategies. Rice's efforts were supported by leadership and an interdisciplinary working team. Immediately after the *Grutter* decision in 2003, Rice's president convened a working group to examine the effectiveness of Rice's race-neutral policies, which concluded that neutral policies alone would not allow Rice to achieve the level of diversity it seeks, specifically because "these [neutral] efforts have not sufficiently provided the experiences and viewpoints that are often found in students from underrepresented minority groups." Rice's Board of Trustees and Faculty Council adopted separate resolutions supporting these conclusions. Rice's president then approved the reinstatement of race-conscious policies, starting in the fall of 2004; Rice would also continue to use most of the neutral strategies it had adopted.

As part of its assessment that race-neutral strategies alone would not suffice, Rice presented a comprehensive review of its race-neutral policies to demonstrate its commitment to broad diversity goals and many efforts to achieve them. This showed that Rice did not rely too heavily on its race-conscious admissions policy to achieve its diversity goals.

Outreach & recruitment
- Emphasizing the recruitment of applicants "who have distinguished themselves through initiatives that build bridges between different cultural, racial and ethnic groups."
- Assigning additional duties to two Assistant Admission Directors, one as Coordinator of Minority Recruitment and another as Coordinator of Hispanic Recruitment.
- Including current students on the Student Admission Council in the Office of Admissions partly to encourage prospective students with "high diversity contributions" to apply to Rice.

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[27] Office for Civil Rights, U.S. Dep't of Education, Complaint Resolution for OCR Complaint #06052020 (Rice University) (Sept. 10, 2013), http://www2.ed.gov/about/offices/list/ocr/docs/investigations/06052020-a.html.

[28] Before 1996, Rice had considered race and ethnicity as factors in its admissions process. In 1996, the U.S. Fifth Circuit Court of Appeals decided *Hopwood v. University of Texas*, concluding that the consideration of race and ethnicity violated the Equal Protection Clause of the U.S. Constitution. Hopwood v. University of Texas, 78 F.3d 932 (5th Cir. 1996). *Hopwood* only applied to those public institutions and private institutions that received federal aid located in the Fifth Circuit's jurisdiction (Louisiana, Mississippi, and Texas). *Hopwood* was overturned by the U.S. Supreme Court's decision in *Grutter v. Bollinger* in 2003.

- Enhancing recruitment efforts for underrepresented groups, including recruitment trips to "non-feeder" high schools; direct mail efforts to underrepresented groups; participation by admission staff in community sponsored events aimed at informing underrepresented groups; partnerships with organizations such as the Urban League that serve underrepresented groups; and telemarketing to encourage students from underrepresented groups to apply.
- Operating or participating in more than 70 different outreach programs for K-12 students and teachers, including tutoring programs, summer programs, and other support for low income, first generation, or other underserved students, focusing on Houston and South Texas.
- Operating or participating in 38 programs focusing on the professional development of K-12 classroom teachers and administrators, including a large effort aimed at training high school teachers (including those in underserved school districts with high populations of minority students) to prepare their students for Advanced Placement (AP) exams.

Admission
- Revising admission guidelines to include consideration of many other factors in addition to standard academic metrics such as GPA and standardized test scores: (1) potential contributions that will enrich the educational experience of all students (including contributions to Rice's residential community that "fosters creative, inter-cultural interactions, and is a place to confront and dispel prejudices"); (2) geographic, socioeconomic, and cultural origins; (3) first generation status; and (4) challenges applicant faced in life (including succeeding academically in an environment relatively indifferent to intellectual attainment).
- Expanding socioeconomic diversity within its student body, actively recruiting students from varying socio-economic backgrounds and offering a need-blind admission process (an applicant's financial needs are not considered until after admission, with the university committed to then meeting the demonstrated financial need of everyone it admits).

Financial aid & scholarships
- Creating scholarship opportunities focused on students who have made efforts to help bridge racial and cultural divisions.

Rice also concluded that some neutral strategies were not workable. For example, given its relatively small student body (with freshman classes typically less than 700 students) and the competitiveness of its applicant pool, Rice concluded that a percent plan would "require sacrificing Rice's mission of providing a top quality education to a purposefully small body."

Princeton University
OCR completed its review of Princeton University's race-conscious holistic review admissions policy in September 2015 and concluded that it met federal non-discrimination legal standards. OCR also noted with approval Princeton's many race-neutral efforts:
- **Pursuit of a broad definition of diversity and merit**. All applicants could describe how they believed they might contribute to diversity; and applications asked for information about extracurricular activities, employment, summer experiences, family background, artistic talents, athletic abilities, geographic residence, first-generation status, or significant hardships in life. Princeton also sought international diversity; no patterns based on country of origin were found in admissions statistics. Moreover, because admission to Princeton is so competitive, no single factor was predictive of admission, including perfect grades and test scores.

- **Participation in several developmental programs for promising low-income high school students**, including the Princeton University Preparatory Program (a comprehensive college prep program for local high-achieving, low-income students), a Summer Journalism Program, the W. E. B. Dubois Scholars Institute summer program, the Princeton Prize in Race Relations, QuestBridge, and the Leadership Enterprise for a Diverse America.
- **Recruitment and outreach** including visits by admissions staff to more than 400 high schools and hosted more than 60 evening information sessions in the U.S. for the class of 2010. Admissions staff made visits to high schools that had not received a Princeton visit before and participated in several community-sponsored events aimed at diverse populations of high school students. Princeton partners with more than 30 regional and national organizations (e.g., QuestBridge, College Match, Jack Kent Cooke Foundation Scholars). It also conducts extensive international outreach. Promoting its no-loan financial aid plan was an important message during these events.

University of Texas at Austin

The Fifth Circuit Court of Appeals, on instructions from the U.S. Supreme Court in *Fisher I,* closely examined race-neutral strategies at the University of Texas at Austin (UT) as part of its second consideration of the case.[29] In upholding UT's race-conscious holistic review policy under federal non-discrimination law, the Fifth Circuit noted UT's many race-neutral policies and practices that supported its interest in broad student diversity and commitment to achieving its diversity goals. These race-neutral strategies included:

- The Top Ten Percent Plan, a facially-neutral process that used class rank at Texas high schools to admit approximately 80 percent of the freshman class
- Outreach "targeting under-represented demographics, including the over half of Texas high school graduates that are African-American or Hispanic"
- Expansion of UT's recruitment and outreach efforts "by increasing its recruitment budget by $500,000, by adding three regional admissions centers in Dallas, San Antonio, and Harlingen [a "significant investment" with 13 new staff members], by engaging in outreach programs that brought prospective students to UT Austin for daylong or overnight visits, and by hosting multiday campus conferences for high school counselors"
- Scholarships awarded based on socio-economic and/or first generation status
- Creation of the Financial Aid Outreach Group "to visit high schools to help prospective students 'understand the financial support offered' . . . and 'to convince low income students that money should not be a barrier to attending college'"

The U.S. Supreme Court upheld the Fifth Circuit's decision in June 2016 in a 4-3 decision.[30] The Court described UT's many race-neutral efforts with approval. It also affirmed UT's ability to select its own enrollment strategies, within the bounds of federal law, observing, "this Court's precedent mak[es] clear that the Equal Protection Clause does not force universities to choose between a diverse student body and a reputation for academic excellence."[31]

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[29] See generally College Board & EducationCounsel, The Fifth Circuit Court of Appeal's Second Ruling in *Fisher v. University of Texas*: The Decision and its Implications (July 31, 2014), *available at* http://media.collegeboard.com/digitalServices/pdf/diversity/2014/college-board-summary-analysis-fisher-v-univerity-of-texas.pdf.

[30] Fisher v. Univ. of Texas at Austin, 579 U.S. ___ (2016), *available at* http://www.supremecourt.gov/opinions/15pdf/14-981_4g15.pdf.

[31] Id. at *16.