On Cultural Diversity in Upper Education

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The Need for Cultural Diversity

The desegregation of schools started taking place in the United States after Brown v. Board of Education, which established that racial segregation in schools violates the equal protection clause of the 14th Amendment.¹ Brown initiated the discussion of race in schools and since then there have been a number of Supreme Court cases further explaining the interaction between race and school, specifically upper education. The Court has held that race is an important factor to consider when determining admission to upper education, but, only for a very specific reason.

The reasoning, behind race as a plus-factor, was not to help those who have been harmed by society in the past, but rather, to increase the racial and ethnic diversity in the classroom that would lead to furthering the diversity of ideas and overall bettering the education one receives.² ³ Differences of perspective and upbringing lead to a more well-rounded education for everyone involved.⁴ The problem lies in the fact that in this Country, minorities tend to have a lower education rate, making it harder to meet the standards of upper education admissions.⁵ Therefore, the Supreme Court has determined that race can be used as a plus factor on someone’s application but only to increase the schools compelling interest to have a diverse student body that benefits the educational experience of the entire campus.⁶ This allows for students that are slightly less qualified

or equally qualified to gain admission over another student based upon their race, with the intention to contribute to a more diverse educational experience.

**The Plus Factor**

The application of considering race in admissions has proven to be difficult to apply without violating the equal protection clause of the 14th amendment. The Court has determined that racial quota systems and an automatic delegation of points in a points system are unconstitutional.\(^7\)\(^8\) The Court has said that while race can be a plus factor to be considered, that schools policies must be narrowly tailored to achieve the compelling educational interest.\(^9\) However, in the process of trying to find diversity in the classroom, schools tend to favor certain races or ethnicities over others. Asians for example do not appear to recieve a plus factor at some schools whereas African Americans and Hispanics are sought after.\(^10\)

If schools were actually carrying out their admissions policies with the narrowly tailored compelling interest of increasing diversity, so as to better educate their students, then it seems that all minority races should get an equal plus factor, since shouldn’t all minorities offer diverse opinions? However, under the current system at many schools there are still some questions as to whether it is possible to narrowly tailor a racial plus-factor so that it does not violate the equal protection clause of the 14th Amendment and automatically exclude non-minority students. When targeting a physical attribute of a person as a plus-factor in admissions, there is an argument to be made that one will

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always be discriminating against those who do not have that physical attribute. However, the Court has determined, and the schools understand, that having a diverse student body is a compelling interest, so the question remains, how do we accomplish this compelling interest without violating the equal protection clause of the 14th Amendment?

**Is Racial Diversity Sufficient**

The Court’s sole reason that they allow race to be used as a plus factor is rooted in the belief that racial diversity exposes students to new ways of thinking and broadens their education.\(^\text{11}\) However, this idea is partially flawed. While having racial diversity is a good thing, and something that schools should desire, the color of one’s skin does not necessarily mean that they were raised in a separate way than someone of another color, or that one has a separate cultural upbringing. The color of one’s skin does not always mean that a person will add to the compelling interest of diverse ideas in the classroom.

President Obama has addressed this issue in recent months. President Obama believes that the plus-factor should not be race, but, should rather be poverty level.\(^\text{12}\) In this country, there is still a very strong relation between race and poverty, to the extent where using a poverty plus-factor is almost a proxy for race.\(^\text{13}\) President Obama believes that the diverse ideas stem from the circumstances and series of events that make up someone’s life which is defined more by class than race.\(^\text{14}\) The President believes that, for his daughters, for example, to receive a plus-factor because they are African American


would be a tragedy.\textsuperscript{15} His daughters were entitled their entire life and have been raised in the same culture and society as affluent Caucasian people. Would they contribute to the compelling educational interest of having diverse ideas stemming from multiple cultures? Most likely, but, it would not be because of the color of their skin, rather it would come from the many experiences they gained as the President’s daughters.

The Supreme Court has reasoned that affirmative action programs in admissions will only be necessary for a short period of time.\textsuperscript{16} That over time, as all minority races become more educated, the problem will be fixed and schools will have ample amounts of minority students applying with all of the necessary qualifications and there will be no need to try to stimulate minority acceptance rates.\textsuperscript{17} The country is seeing this already with some minority races but not all of them yet. The Court believes it is only a matter of time before we see the necessary growth in the remaining minorities to the point where a lack of diversity in the classroom is no longer an issue.\textsuperscript{18}

The line of reasoning that believes that these types of programs will only be necessary for a certain time is only partially correct. The goal of these programs should not be to have racial diversity at schools but they should be focused on cultural diversity, of which, race is only one part. The compelling interest of diverse ideas should not be based on race, schools are currently using race as a plus-factor but that is only working as a proxy for the real issue of cultural diversity. The school system and this country will always have a need for programs that factor in one’s cultural background so that our education has differing ideas resulting in more dialogue and ultimately a better education.

\textsuperscript{15} Id.;
\textsuperscript{16} \textit{Grutter v. Bollinger}, 123 S. Ct. 2325, 2346 (2003);
\textsuperscript{17} Id.;
\textsuperscript{18} Id.
There will always be minority cultures in the United States and as such, there should be programs in place to ensure that those cultural minorities are represented for the compelling interest of a bettered education.

If using race as a plus factor was solely to increase the education levels of minorities, then the justices reasoning would be valid and there would hopefully only be a matter of time before these affirmative action admissions programs were no longer necessary. However, to achieve diverse ideas in the classroom, something must always be in place to ensure a culturally diverse environment regardless of the racial minority count at a school.

**Alternatives to Racial Admissions Programs**

President Obama agrees that race is not the main area schools should focus on to obtain diverse ideas. 19 He thinks that poverty and class is a better indicator of the schools compelling interests. 20 While it is true that people under the poverty line tend to live drastically different lives than the wealthy, there are still many issues with using a poverty line plus-factor approach. There is no guarantee that just because someone was raised poor and another raised rich that they have substantially different cultural experiences which would lead to diversity in the classroom. The issue with a poverty line approach would be whether it would unduly discriminate against those who did not live in poverty while not adequately obtaining the diversity of ideas in the classroom which is the compelling interest the Supreme Court has ruled must be the goal of these programs.

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20 Id.

The poverty plus-factor would unduly discriminate and its benefit to the classroom would not outweigh the discrimination that it would have on those above the poverty line. There are plenty of people that are not technically under the poverty line but have lived in such a way where they may have an identical cultural lifestyle to someone under the poverty line. Those people especially would be discriminated against by not having a plus-factor, even though they may be identical students with near identical lifestyle and cultural experiences of someone under the poverty line. In addition, it is unclear whether the diverse ideas in the classroom would even be attained to the level of adequacy by using the poverty level approach.

While the poverty level may serve as a quasi proxy for race, it certainly is not a full proxy and race is not the key issue schools should be focusing on, culture is. The poverty line approach would fall short of being a proxy for one’s cultural background even though poverty is one part of a person’s cultural experience just as race is.

**Fulfilling the Compelling Interest**

With Fisher v. University of Texas at Austin currently before the Supreme Court, the Justices will again look at race based admissions programs.\(^{22}\) However, to obtain the compelling interest of educational diversity in the classroom, admissions programs must go farther than race. Race can and does define many people’s cultural experience. However, it can also be a non-issue in terms of adding to the diverse ideas in the classroom. Poverty can and does define many people’s cultural experience. But it also falls short of fully capturing what the Supreme Court has ruled is the purpose of race

based admission programs, stimulating diversity of educational ideas in the classroom leading to a better rounded education.

In the process of applying to dozens of schools for undergraduate and graduate programs, it became apparent that there is far too little information on applications to truly determine if an applicant will add a unique perspective to increasing the diversity of cultural ideas. If schools are going to go beyond test scores and grade point averages, which they all have agreed must happen to establish diversity, then there needs to be more information than just race or family income taken into consideration. A broader vision of the applicants is necessary if the school wants to obtain their compelling interest.

Take for example, a Caucasian male with average test scores and grade point average, this person checks a box that says Caucasian, shows that he went to a good public school, and his FAFSA application shows that his parents make an average income. Under the current admissions processes at most schools, this looks like the average student, someone who is not a minority or poverty stricken and theoretically would not contribute to the diversity of ideas in the classroom any more than the average student. However, what should be implemented into schools in place of a racial plus-factor is a cultural plus-factor.

Under a cultural plus-factor approach, schools would need to acquire more information than they currently do, and they could see that this supposedly culturally-average student had the opportunity to be surrounded by foreign exchange students the majority of his life. That this student has multiple adopted siblings from other countries and has had numerous foster siblings. That he lived in another country for a year in grade
school while his father was deployed overseas. That he went on a mission trip every year with his family to different regions of the United States and foreign Countries.

All of these factors, and many more including race, class, religion, life experiences, education background, housing locations, etc... should be taken into account when assessing if this student will add to the compelling interest of having diverse ideas in the classroom. Surely this student, which does not meet any of the current checklists for admissions under race conscious or poverty conscious programs, would add more to the cultural diversification than the majority of students.

There needs to be a drastic change in admissions policies if they are truly going to follow what the Supreme Court has ruled is the only legitimate objective behind race conscious programs. Whether or not a student will add to the diversity of ideas in the classroom is not solely based on the color of one’s skin. Whether a student body is diverse is based on the composition of the lives of each individual student, of which race and poverty are two big factors, but in no way encompass all of the important elements.

Some states, like California, have gone to race blind admissions.23 The applicants are not even allowed to address race in any of their application documents. While it is desirable to avoid any equal protection violations, the state should still have an interest in the cultural education of its students. While race should not be the sole determining plus-factor, it is still a part of the equation that makes up a person’s cultural background. The school should still have an interest in every part of a person’s cultural background and therefore, race blind admissions also seem to miss the true point of increasing a culturally diverse education.

Education is not just taking tests and doing homework. An education is obtained through the human interactions that take place on a college campus. Upper education should not just seek to give degrees but should also seek to better each and every student’s ability to function in a global society. Recent studies have shown that a person’s intelligent quotient is not as important as once thought in terms of achieving success, a person’s emotional quotient is now believed by some to be more important.²⁴

A person’s emotional quotient is expanded through exposure to new ideas, new cultures, people that are different, and new ways and modes of thinking. Seeking to understand people from all walks of life should be a main focus of upper education institutions if they want their students to increase their students’ emotional quotient which better prepares them to be successful in the real world.

In addition, a big problem admissions face, in obtaining diverse ideas and fostering new cultural exposure for its students, is a lack of applications from the students they need. The majority of students in upper education go to a school within the same region as their homes.²⁵ There are many factors for staying in-region for school including the desire to be close to family, cost of in-state tuition, and more, but, one factor that needs addressing is where admissions are focusing their efforts. If a school were truly interested in reaching the compelling interest of diversity, they would reach out more to other states and countries. The cultural differences between the regions within the United States are extreme. Then there are the huge cultural differences between other countries and the United States. An education in the United States system, from Pre-K through

graduate school, does not provide as culturally diverse of an education as the students should be attaining.

If schools were truly trying to meet this high standard of a narrowly tailored program that increases the cultural diversity in classrooms, they would shape programs to target out of state and out of country students. The economy is no longer able to function solely within a state or even a country as is evidenced by the government having more power under the commerce clause and business’ frequently having locations internationally. Therefore, schools must adapt their admissions policies to more fully reach the compelling interest of diversity in the classrooms beyond just race based or poverty based programs so that their students are fully equipped to participate in a global economy.

In conclusion, schools do have a compelling interest in increasing diversity of ideas and cultural backgrounds in the classroom. The current system of allowing race to be considered as a plus factor is flawed, as race does not fully encompass cultural diversity. President Obama’s idea of using a class based approach also has many faults since poverty does not necessarily equate to a different cultural experience than someone in another class. To achieve the compelling interest of diversity on college campuses, schools must go beyond physical attributes and garner more information about students in as many areas as possible before making an arbitrary opinion on whether a student will increase the diversity of an educational experience which benefits all students. Schools must also increase marketing programs geared towards people from other countries and regions of the United States.