
How Does Racial/Ethnic Diversity Promote Education?

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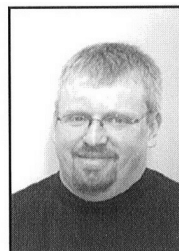
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Abstract

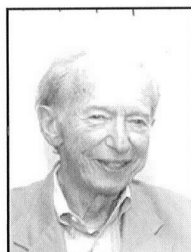
Educators have been challenged to articulate clearly the educational purposes and benefits of diversity in the context of legal challenges related to affirmative action policies. This article explores the relationship between students' experiences with diverse peers in collegiate settings and their educational outcomes, and discusses this in the context of lawsuits brought against the University of Michigan.

*The authors are all faculty members at The University of Michigan in Ann Arbor, and are nationally renowned scholars in the areas of diversity and affirmative action. They have published numerous books and articles. Their seminal collective work, usually referred to as the "Gurin Study," served as the foundation for the University of Michigan's defense in *Grutter v. Bollinger* (U of M Law School) and *Gratz v. Bollinger* (U of M College of Literature, Science, and the Arts), the two landmark cases which challenged the school's practice of considering race as a factor during the admission process. Both affirmative action cases were argued before the Supreme Court on April 1, 2003. On June 23, 2003, the court ruled that the university had the right to consider race in its admission procedures in order to achieve a diverse student body. Chief Justice Sandra Day O'Connor wrote the 5-4 majority opinion in favor of the Law School, while Chief Justice William Rehnquist issued the majority opinion in a 6-3 vote which reversed, in part, the University's undergraduate admissions policy. The court concluded in this instance that race may be considered as a factor, but not the deciding factor, in the undergraduate admissions process.*

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By the time this journal is published in July 2003, the Supreme Court of the United States will have rendered a decision on two important higher education affirmative action cases: *Gratz v. Bollinger et al.*, and *Grutter v. Bollinger et al.* The crucial significance of the Court's decision for our nation cannot be underestimated, affecting not only the use of race as one of many factors in admissions at the University of Michigan, but also at every other selective college and university, both public and private, in the United States.

The consequence of the Court's decision will be felt far beyond colleges and universities. The Court's decision will either support or undermine the opportunities of minority students for top leadership positions in the military, corporations, and other public and private institutions that draw especially from the nation's most selective higher education institutions. As *amicus* briefs submitted in behalf of the University respondents by former military leaders, Fortune Five Hundred corporations, a wide range of educational institutions from K-12 through professional schools, and many other American mainstream institutions, the decision will ultimately weigh heavily on their capacity to function effectively in our increasingly racially and ethnically diverse society. The military brief (No. 02-241, 02-516) states:

In the 1960s and 1970s, however, while integration increased the percentage of African Americans in the enlisted ranks, the percentage of minority officers remained extremely low (3% of Army officers), and perceptions of discrimination were pervasive. This deficiency in the officer corps and the discrimination perceived to be its cause led to low morale and heightened racial tension. The danger that this created was not theoretical, as the Vietnam era demonstrates. As that war continued, the armed forces suffered increased racial polarization, pervasive disciplinary problems, and racially motivated incidents in Vietnam and on post around the world . . . The military's leadership 'recognized that its racial problem was so critical that it was on the verge of self-destruction. (pp. 6-7)

Through affirmative action initiatives that the military put in place – financial and tutorial assistance, recruiting programs, employing race as a factor in recruiting and admissions policies and decisions, and preparatory academies to increase the pool of qualified minority candidates – 19% of active duty officers are now minority. The military *Amici* submit that “the government's compelling interest in promoting racial diversity in higher education is buttressed by its compelling national security interest in a cohesive military. That requires both a diverse officer corps and substantial numbers of officers educated and trained in diverse educational settings, including the military academies

and ROTC programs.” (p. 8) The military *Amici* conclude that “At present no alternative exists to limited, race-conscious programs to increase the pool of high quality minority officer candidates and to establish diverse educational settings for officers.” (p. 9)

In this article, we delineate why diversity was the rationale on which the University of Michigan waged a defense of its admission policies and thus why diversity was the framework for our scholarly work on the lawsuit cases. This rationale dates back to the *Bakke* Supreme Court decision in 1978. We will also address how ethnic/racial diversity in the student body operates – what it can and cannot do – and what the evidence is for its impact on students through the actual experiences students have with diverse peers.

The Diversity Rationale

U.S. Supreme Court Justice Lewis Powell wrote the defining opinion in the 1978 *Regents of the University of California v. Bakke* case, quoting in part from a previous Supreme Court ruling in *Keyshian v. Board of Regents*, 385 U.S. 589 (1967). He stated that the “atmosphere of ‘speculation, experiment and creation’ – so essential to the quality of higher education – is widely believed to be promoted by a diverse student body. . . . It is not too much to say that the nation's future depends upon leaders trained through wide exposure to the ideas and mores of students as diverse as this Nation of many peoples” (*Bakke* 1978, p. 2760). Since the 1978 Supreme Court decision, the educational benefits of diversity as a compelling governmental interest have provided the primary justification for affirmative action at selective institutions across the country.

The diversity argument has not been supported in all lower court cases since the original *Bakke* decision. The Fifth Circuit Court of Appeals in *Hopwood v. University of Texas* denied that diversity has any impact on educational experience: “The use of race, in and of itself, to choose students simply achieves a student body that looks different. Such a criterion is no more rational on its own terms than would be choices based upon the physical size or blood type of applicants” (1996, p. 950). This statement is incredulous to us in light of the role that race and ethnicity have played in every aspect of our society. As Victor Bolden, David Goldberg, and Dennis Parker point out: “No constitutional compromise was required over blood type; no civil war was fought and no Southern Manifesto signed over physical size” (1999, p. 27).

Courts across the country have produced conflicting rulings on diversity as a compelling governmental interest since the *Hopwood* decision was made. In the two cases involving the University of Michigan, one challenging its undergraduate admissions and the other its law school admissions, two different rulings on diversity as a compelling governmental interest were given at the district court level. In *Gratz v. Bollinger, et al.* (2000) the District Court ruled on summary judgment in favor of the University of Michigan, upholding its current undergraduate admissions policy and concluding that diversity was a compelling governmental interest that justified the policy. In *Grutter v. Bollinger, et al.*, (2002) the District Court held that the educational benefits of diversity are not a compelling state interest, and even if they were, the Law School's policy was not "narrowly tailored" to the interest in diversity. Both cases were appealed to the Sixth Circuit Court of Appeals, which heard arguments in December 2001. This court overturned the lower court decision in *Grutter*, deciding in favor of the university and setting the stage for the appeal to the U.S. Supreme Court. This court did not render a decision in *Gratz*, but the Supreme Court accepted both cases and heard oral arguments on April 1, 2003.

The intervenors in these two cases, representing high school students of color and law graduates of color, marshaled a defense of affirmative action policies in higher education on the basis of a remedy for past and present discrimination. The District Court ruled against them in both cases, as did the Sixth Circuit Court of Appeals in the *Grutter* case (the only case on which it made a ruling).

We concur with the intervenors that social justice in America requires corrective action. Our scholarly work for these lawsuits, however, followed the legal argument of the University of Michigan that made diversity the primary rationale for using race as one of many factors in admissions decisions. Thus, the central task that we undertook was to examine the impact of experience with diversity on educational outcomes of students. While the University's legal strategy was framed by the diversity rationale that was provided by Justice Lewis Powell in the *Bakke* decision, the educational value of diversity was a major focus of Michigan's efforts to have a diverse student body long before the University was sued over its admissions policies. President Duderstadt made this clear in enunciating the Michigan Mandate in 1990:

The fundamental premise of the Michigan Mandate is that for the University to achieve excellence in teaching and research in the years ahead, for it to serve our state, our nation, and the world, we simply must achieve and sustain a campus community recognized for its racial and ethnic diversity. But beyond this, we believe that the University has a mandate not just to reflect the growing diversity of America – indeed, the world – in our students, faculty, and staff; but to go beyond this to build a model of pluralistic, multicultural community for our nation. We seek to build a community that values and respects and, indeed, draws its intellectual strength from the rich diversity of peoples of different races, cultures, religions, nationalities, and beliefs.

At the same time, we know of no one associated with the University of Michigan's arguments in these cases who would deny the importance of American institutions, including higher education institutions, addressing and correcting the continued legacy of this nation's 300 years of racial inequities.

When we were asked in 1998 to examine the educational benefits of racial and ethnic diversity, there was little published empirical evidence about the educational benefits of diversity, and little research evidence had been brought to bear in legal suits on higher education affirmative action. Jonathan Alger, formerly Counsel for the American Association of University Professors and now on the University of Michigan's legal team for these two lawsuits, argued in 1998, just as we were beginning our work on the cases: "The unfinished homework in the affirmative action debate concerns the development of an articulated vision – supported by a strong evidentiary basis – of the educational benefits of racial diversity in higher education" (p. 74).

This was exactly what we sought to do: 1) to provide a theoretical rationale for why racial and ethnic diversity should foster education, and 2) to test that rationale using empirical materials available in already existing datasets at the University of Michigan and at the Cooperative Institutional Research Program (CIRP) at the University of California, Los Angeles. The four of us worked collaboratively on the research in the so-called Gurin Report. One of us necessarily had to be the expert witness for the lawsuit. Patricia Gurin undertook that responsibility. Because our collaboration produced the Expert Report, we refer to it here not as the Gurin Report but as the Expert Report.

The theoretical rationale is laid out in both the Expert Report and in an article that we jointly authored for the *Harvard Educational Review* (2002). It drew from social psychological theories and research, and posited that the conditions important for active learning, intellectual engagement, and preparation for democratic

citizenship in a diverse society are provided at most selective institutions by racial/ethnic diversity, namely:

- novelty and unfamiliarity that occurs upon the transition to college for the vast majorities of students who have been educated previously in largely racially homogeneous environments (This was true of 92% of Michigan's white students and half of the African American students at the time our research was conducted.);
- opportunities to identify discrepancies between students with distinct pre-college social experience; and
- diversity as a source of multiple and different perspectives on the nature of society and its institutions.

The Meanings of Diversity

We laid out three meanings of diversity. Structural diversity is the numerical representation of diverse groups on a campus. Informal interactional diversity is the actual experience students have with diverse peers in the campus environment. Classroom diversity is exposure to knowledge about race and ethnicity in formal classrooms.

What Can Structural Diversity Accomplish?

Structural diversity increases the probability that students will have experiences with diverse peers through their informal interactions and through formal classrooms. Simply attending an ethnically diverse college does not guarantee that students will have meaningful intergroup interactions of the kind that social psychologist Gordon Allport (1954) suggested in his classic book, *The Nature of Prejudice*. Structural diversity is not an air-borne virus that you simply catch by being on a campus that is racially/ethnically diverse. It is a resource – like any other resource such as an excellent library or outstanding faculty. To have an impact, students must use the resource of structural diversity, and colleges and universities must encourage actual experience with diversity, as the University of Michigan has done through a wide range of multicultural curricular and co-curricular programs. The University has a deliberate policy, not only of building a diverse student body, but also of promoting diversity experiences for students that in turn are related to edu-

cational outcomes. This is not a policy of simply recruiting a diverse student body and then neglecting the intellectual environment in which students interact. To do so would be irresponsible. Like all resources, structural diversity must be used intelligently to fulfill its potential.

If structural diversity *by itself* were sufficient for achieving desired outcomes, then having good buildings, high faculty salaries, and good libraries would all be sufficient to ensure a good education. No one with the responsibility to run a university would make such an argument, precisely because the nature of educational activities and the extent to which students avail themselves of these resources are crucial to achieving an excellent education. Similarly, students must be engaged with diverse peers if we expect learning and development to occur. A diverse student body is a resource and a necessary condition for engagement with diverse peers that permit higher education to achieve these educational goals.

We showed in the Expert Report in the national sample of 184 institutions provided by CIRP that students more frequently had informal interactions and classroom diversity experiences on those campuses that were racially and ethnically diverse. Other scholarship supports this conclusion, showing that dating, dining, studying, and interacting in class with diverse peers were the most frequent on the most diverse campuses (Chang 1999; Astin, Chang, and Kim, in review). Colleges with greater racial/ethnic diversity had higher intergroup interaction even on campuses with difficult racial climates (Hurtado, Dey, and Trevino 1994). This suggests that interactions are more probable on the most diverse campuses, as individuals become accustomed to dealing with racial/ethnic diversity. Other scholarly work further shows that structural diversity increases the range of student opinions and thus fosters the intellectual diversity (Chang, Seltzer, and Kim, in review) that is so important for students to learn from each other. Finally, structural diversity is important because it increases the number of students who benefit from the effects of informal interactions with diverse peers and from classroom diversity because more of them have those experiences.

The critical point is that structural diversity provides an opportunity for actual interaction with diverse peers who have multiple points of view. Justice Lewis Powell understood that the impact of diversity came from this opportunity. He included in his diversity rationale for the consideration of race in admissions a quotation from William Bowen, then President of

Princeton University, that makes clear that the impact of diversity comes from actual interaction with diverse peers.

The president of Princeton University has described some of the benefits derived from a diverse student body: '(A) great deal of learning occurs informally. It occurs through interactions among students of both sexes; of different races, religions, and backgrounds; who come from cities and rural areas, from various states and countries; who have a wide variety of interests, talents, and perspectives; and who are able, directly or indirectly to learn from their differences and to stimulate one another to reexamine even their most deeply held assumptions about themselves and their world. As a wise graduate of ours observed in commenting on this aspect of the educational process, 'People do not learn very much when they are surrounded only by the likes of themselves.' Bowen, Admissions and the Relevance of Race, Princeton Alumni Weekly 7, 9 (Sept. 26, 1977).

The role of structural diversity has been *the* major focus of disagreement between us and our critics from the National Association of Scholars. In website reports and *amicus* briefs in behalf of the Plaintiffs to the District, Circuit, and Supreme Courts these critics of our work and of affirmative action have argued that percent minority on a campus must have direct effects on students' educational outcomes (Wood and Sherman 2001; Wood and Sherman 2003; Briefs of the National Association of Scholars 2003). We have responded at length to those criticisms (see Gurin 2003), including showing major statistical errors in their analyses that purportedly but wrongly tested the impact of structural diversity. The bottom line is that students cannot have experiences with diversity, especially actual interaction with diverse peers, in a racially/ethnically homogeneous institution. One cannot have experience with diversity without diversity. And it is the experience that leads to educational outcomes.

Actual Experience with Diversity

In the Expert Report for the lawsuits we used measures of actual experience with diversity in the three datasets that we examined for the two lawsuits. (These measures are laid out in detail in both the Expert Report and in an article published in the *Harvard Educational Review* (Gurin et al. 2002).

- *Classroom diversity* was represented in the national database on 184 institutions by responses to whether or not students had taken an ethnic studies class. In the Michigan Student Study we had more information about classroom diversity. We used re-

sponses from seniors about the extent to which they had been exposed in classes to "information/activities devoted to understanding other racial/ethnic groups and inter-racial ethnic relationships," and if they had taken a course during college that had an important impact on their "views of racial/ethnic diversity and multiculturalism." (Their responses likely referred to classes that exposed them to racially/ethnically diverse students as well as to curriculum content. In 1994, when these students were seniors, they had to have taken a course that met the Race and Ethnicity Requirement (R&E). To meet that requirement, the Literature, Sciences, and Arts College had approved 111 courses. We obtained the racial/ethnic distribution of students in those courses for 1993-94, the year that the MSS gathered senior data. Two-thirds of these courses had enrolled between 20 and 80 percent students of color. Thus, there is a strong probability that the majority of classes White students were referring to in the MSS measure of classroom diversity included at least 20 percent students of color.) In the Michigan classroom study, classroom diversity was represented by participation or not in the curricular Program on Intergroup Relations.

- *Informal interaction with diverse peers* was measured in the national study by responses to the extent to which students, over their college years, had socialized with someone from a different racial/ethnic group, had discussed racial issues, and had attended a racial/cultural awareness workshop. In the Michigan Student Study, an index summarized responses to questions asking about both amount and quality of contact with diverse peers, number of multicultural events students had attended, and whether or not they had taken part in an intergroup dialogue during their college years. In the classroom study, participation or not in the Program in Intergroup Relations provided the measure, as these classes are diverse and require participation in intergroup dialogues.

The Impact of Experience with Diversity

Background of the Studies

All three databases (gathered from students in a curricular program called the Program on Intergroup Relations at the University of Michigan campuswide at the University of Michigan, and at multiple institutions on a national level) that we used to test our theory about the impact of diversity on educational outcomes

included longitudinal data. The national study followed the same students (approximately 13,000) at the 184 institutions from 1985 through 1989 during their college years and again through 1994 in the post-college world. The Michigan Student Study followed students (approximately 1200) who entered in 1990 through 1994. The evaluation of the impact of the Program on Intergroup Relations followed students (174) also from 1990 through 1994.

The longitudinal nature of these studies made possible a reasonable approach to controlling for the problem of selectivity. Students who become involved in diversity experiences may have entered these universities in the national sample as well as the University of Michigan already different on the very educational outcomes that we argued were effects of diversity experiences. It was possible, however, to adjust for that possibility by statistically controlling in our analyses their freshman-year responses on nearly all of these outcomes. Thus, when we find an effect of the diversity experiences on students, we can be reasonably sure that it isn't the fact that these students were different even before coming to Michigan and before interacting with diverse peers and having exposure to knowledge about race and ethnicity in their college classrooms. The study of the impact of the Program on Intergroup Relations also exercised another control, making it a quasi-experimental study. The 87 participants were matched with 87 non-participants on gender, race/ethnicity, pre-college residency within Michigan or some other state, and residence hall during the first year of college. (At that time the Program was located in a particular residence hall.)

Effects of Diversity Experiences

In all three databases, our analyses showed effects of classroom diversity and informal interaction with diverse peers on what we called *learning outcomes* and *democracy outcomes*. (See Gurin et al., 2002, for a detailed summary of the effects of diversity experiences in the national multi-institutional study and the Michigan Student Study. See Gurin et al., in press, for a summary of the effects of participation in the Program on Intergroup Relations.)

- Classroom diversity experience and interaction with diverse peers fostered:

Learning outcomes — intellectual engagement, motivation to think actively and deeply about social phenomena, and self-assessed gains on a number of academic/intellectual skills.

Democracy outcomes — commitment to promoting racial understanding, perspective taking, sense of commonality in values with students from different racial/ethnic backgrounds, agreement that diversity and democracy can be congenial, involvement in political affairs and community service during college as well as commitment to civic affairs after college.

- With only minor exceptions, these effects applied to all groups of students: whites, African Americans, and Latinos (and, in later analyses reported in the *Harvard Educational Review* article, Asian American students as well).
- There was great consistency of effects across single-item measures of learning and democracy outcomes and when these single-items were combined into multiple-item indices, the effects were (as expected) larger and still consistent across the multiple institutional study, the single institutional study, and the specific classroom study.

Supportive Research

We summarized the relevant research carried out by other scholars in the Expert Report. These, and other studies conducted since we submitted our expert testimony, are generally supportive of the conclusions we reached. These additional studies are highlighted in two *amicus* briefs to the Supreme Court in behalf of the University respondents. Two were submitted (one for Gratz, one for Grutter) by the American Educational Research Association, the Association of American Colleges and Universities, and the American Association for Higher Education (No. 02-516 and No. 02-241). The third was submitted in both cases by the American Psychological Association (Nos. 02-241 and 02-516).

With respect to engagement in learning and thinking, research shows an impact of diversity experience on problem solving and self-reported gains in critical thinking and other learning outcomes (Hurtado 2001; Terenzini, Cabrera, Colbeck, Bjorklund and Parente 2001; Chang 1999), more involvement in active and collaborative learning or group skills (Terenzini et al. 2001; Kuh 2003), and consideration of multiple points of view and

thinking about legal problems and solutions (Orfield and Whitley 2001).

With respect to democracy-related perspectives, other scholars also have shown an impact of diversity experience on students' motivation to promote racial understanding and cultural awareness (Astin 1993; Milem 1994; Antonio 2001), self-reported ability to work well with members of other races (Orfield and Whitley 2001), citizenship after college (Bowen and Bok 1998), and longer-term integrated living and relationships (Bowen and Bok 1998). A recent study by Duncan and colleagues (2003) is especially important on the effect of actual experience with diverse peers on longer-term relationships across race. That study examined the effect of an experiment in which students at a midwest university were randomly assigned roommates, with some students being assigned roommates from their own race/ethnicity and others being assigned roommates from other backgrounds. Because random assignment was involved, the findings specifically handle the problem of selectivity and demonstrate the causal relationship between experience and impact. They show that white students randomly assigned roommates of color, as compared to white students randomly assigned white roommates, two to four years later had more personal contact with students of other racial/ethnic groups, and were more likely to report that they interact comfortably with people of other racial/ethnic groups. More white students randomly assigned African American roommates considered the roommate to be one of their best friends during the freshman year, and these white students were more supportive of affirmative action.

Most impressively, these and other relevant studies have been brought together in two major books published since we submitted our expert testimony: *Diversity Challenged: Evidence on the Impact of Affirmative Action* by Gary Orfield and Michal Kurlaender (eds.) in 2001; the forthcoming book, *Compelling Interest: Examining the Evidence on Racial Dynamics in Higher Education* by Mitchell Chang et al. (Eds). In addition, the individual, institutional, and social benefits of diversity as documented in a wide variety of studies are summarized by Jeffrey Milem and Kenji Hakuta in a status report on minorities in higher education (ACE 2000). We have also summarized the work as it relates to college environments and students in higher education research (Hurtado, Dey, Gurin, and Gurin 2003).

Attacks by the National Association of Scholars

Our claims and those of other scholars are not without contest. As already noted, members of the National Association of Scholars have repeatedly attempted to undermine our Expert Report. We have responded to these critiques in great detail on the University of Michigan's website on the admissions lawsuits, which is available at <http://www.umich.edu/~urel/admissions/research/> (especially, Gurin, G. *Point-by-point response to critique of U-M diversity research*, 2003; Gurin, P. *Evidence for the Educational Benefits of Diversity in Higher Education: Response to the Wood & Sherman Critique by the National Association of Scholars of the Expert Witness Report of Patricia Gurin in Gratz, et al. v Bollinger, et al. and Grutter v Bollinger, et al.* 2001; Gurin, P. *Evidence for the Educational Benefits of Diversity in Higher Education: An Addendum (Response to Lerner & Nagai Critique)*, 2001; Gurin, P. *Response to the National Association of Scholars Amicus Brief to the Supreme Court and Addendum by Wood and Sherman*, 2003; Gurin, P., Gurin, G., and Matlock, J. *Response to Diversity Distorted: How the University of Michigan Withheld Data to Hide Evidence of Racial Conflict and Polarization by Robert Lerner and Althea Nagai*, 2003).

Our work has been independently evaluated and validated in the *amicus* briefs (referred to above) that were submitted to the Supreme Court by the American Educational Research Association (and other higher education associations) and the American Psychological Association, as well by two eminent statisticians at Stanford University, Dr. Richard Shavelson, former dean of the School of Education at Stanford, and Dr. Ewart Thomas, former dean of the Stanford School of Humanities and Sciences, for an *amicus* brief submitted by the Stanford Institute for Higher Education Research to the Sixth Circuit Court of Appeals (Nos. 01-1333, 01-1418). Most importantly, as we have shown in the Expert Report and subsequent published articles, our work is supported by studies carried out by other scholars using different data and methodological approaches. The critics continually attack our Expert Report as though supportive evidence provided by other scholars did not exist.

Conclusion: Where Do We Go from Here?

Considerable research is underway by scholars across the country. Our work is being extended in several ways. Sylvia Hurtado has just completed a multi-institutional study, involving before-after assessments

of students' experiences with diversity and their educational outcomes as well as interviews with administrators, focus groups with students, and observations of the campuses. Patricia and Gerald Gurin, along with John Matlock and Katrina Wade, have two studies underway. One is coordinated with the Hurtado multi-institutional study and is following the class that entered the University of Michigan in 2000 through the senior year in 2004 (a year beyond the Hurtado study). This study essentially replicates the Michigan Student Study that was included in the lawsuit — research that assessed students entering a decade earlier in 1990, following them through 1994. The second, in the field currently, follows the graduates of 1994 into their adult lives nine years after graduation. This study provides the opportunity to assess long-term effects (if any) of experience with diversity during college on the extent to which they are living, working, and performing citizenship roles with diverse people and colleagues almost a decade after they graduated.

Many other studies are underway, some using experimental methods, others carrying out large-scale quantitative evaluations, and still others using qualitative methods to examine the impact of diversity. Some of these studies will focus on actual experience with diversity, as we have done, while others will rely on students' perceptions of campus diversity and subjective assessments of the impact of diversity. Some will be specifically relevant to diversity and affirmative action, while others may merely claim such relevance.

A recent study by Rothman, 2003, which received wide media attention for purportedly undermining the diversity argument for affirmative action, is an example of research that neither focused on students' own experiences with diversity nor actually pertained to affirmative action. It claimed, however, to address affirmative action and to discredit the positive impact of diversity.

What did this study actually do? It was a survey of 140 college and universities. The authors correlated an institution's percent African American students with students' satisfaction with their educations, as well as with students', faculty members' and administrators' evaluations of the institution's quality of education, and showed that perceived quality of education and student satisfaction were lower in those institutions that had the largest percentage of African American students. The percentage of African American students across the 140 institutions varied from zero to 43%. Whatever else this study may show (and it is clearly a negative characterization of colleges and uni-

versities with a substantial proportion of African American students), it has no relevance to affirmative action. Affirmative action policies exist only in highly selective institutions that rarely have more than 8-10% African American students. Moreover, the study is not about diversity as it focuses exclusively on African American students rather than on the many racial and ethnic groups that provide multiple bases of diversity. Finally, this study says nothing about the students' own experiences with diversity or, for that matter, nothing about the students' own educational outcomes. It relies nearly exclusively on students' perceptions of institutional quality rather than measuring their educational outcomes. In a letter to the Chronicle of Higher Education that has featured the Rothman et al. study, Stephen Raudenbush (2003) makes the strong statement that conclusions by Rothman and his colleagues are "entirely unwarranted."

Their survey brings no credible evidence to bear on the Michigan case, and indeed, their attempt to use the evidence from their survey for this purpose represents a misuse of social science that would be obvious to any first-year graduate student.

Raudenbush shows why this is so. He cites the central finding of the Rothman et al. study, "that as the proportion of African American students enrolled at an institution *rose* (italics added), student satisfaction with their university dropped, as did the assessments of the quality of their education, and the work efforts of their peers." Raudenbush points out that "any reader who neglected to study the details of the study methodology would reasonably conclude from this sentence that the authors had followed the history of institutions seeking to achieve higher levels of diversity by recruiting more black students, with the finding that increasing diversity in this way harmed educational outcomes. In fact, the authors did no such thing. Instead, they compared 140 institutions *at a single point in time*. Thus, the authors never studied what happened when the percent black of an institution rose."

Scholars launched a concerted and continuous series of attacks on it. Criticisms should have been part of the legal process itself, in which Patricia Gurin could have been cross-examined and responded. Failing to call for a trial on diversity, the Center for Individual Rights and the National Association of Scholars reverted to trying to influence public opinion and to affecting the Court's decision by attempting to create new issues of fact that should have been settled at the District Court level.

The decision by the Supreme Court will not settle the research controversies because they have become highly politicized during the process of litigation. The critiques of our work generated by the critics of affirmative action were explicitly intended to influence the Supreme Court decision outside of the legal process. The lawyers for the Plaintiffs in these two cases provided no rebuttal witnesses for Patricia Gurin.

They agreed that a trial on the matter of diversity was not needed and conceded in oral argument for summary judgment that "diversity is 'good, important, and valuable.'" (Gratz 122 F. Supp.2d at 823) Only after Judge Duggan in the undergraduate lawsuit cited our Expert Report did the critics, largely from the National Association of Scholars, revert to trying to influence public opinion and to affecting the Court's decision by attempt-

ing to create new issues of fact that should have been settled at the District Court level.

These efforts to discredit our work have coincided with reports of new scholarly evidence that generally supports our work for the litigation about how universities may realize the true learning and democratic potential of diversity for both individuals and society. The collective conclusion of nearly all of the empirical research is that educational institutions can and should make diversity central to their educational missions because student experiences with diversity can promote more active, complex thinking and prepare students as citizens in a diverse democracy. Based on the evidence to date, this is essentially what institutions should aspire to achieve.

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