Sexual misconduct investigations a joint effort

Christine Temple, News-Leader 6:15 a.m. CDT June 16, 2014

One area college would like to follow the University of Missouri's lead and hire full-time staff to investigate sexual misconduct on campus. Two other Springfield colleges said their current investigation system is working, and another said full-time staff would simply not be needed.

At Ozarks Technical Community College, a team of administration, faculty and staff oversees the school's compliance with Title IX — a federal law prohibiting sex discrimination in education, which includes sexual assault.

Its system is similar to other Springfield schools — Missouri State University, Drury University and Evangel University. There are no full-time staff members dedicated to investigations. Rather, employees with other jobs investigate on a part-time basis.

"They are definitely kept busy," said Karla Gregg, OTC's dean of students. "It is working, we are managing, but it is not optimal."

She said if financial resources were available, she would "absolutely" consider hiring dedicated full-time employees to investigate Title IX reports.

The Columbia Daily Tribune reported Tuesday that the University of Missouri's flagship campus in Columbia, which has approximately 34,600 students, plans to hire a full-time Title IX coordinator as well as a full-time investigator. Previously the responsibility had been handled on a part-time basis by an administrator with other duties, similar to the Springfield universities.

MU Chancellor R. Bowen Loftin vowed in April to make the school "accountable and responsible." That followed an independent review, by an outside law firm hired by university curators, that faulted the university's response to the suicide of a former swimmer who told health professionals before her death that she had been raped by several football players.

OTC has 10 investigators and five administrative support staffers who each investigate an average of two to three reports a year. The most common complaint, Gregg said, is sexual harassment. And in 2013, she said there were two forcible sex offenses. There are approximately 14,800 students at OTC.
Gregg said the way these investigations are handled has been a topic of conversation at the college lately, and she would not be surprised if the college soon moved in the direction Mizzou has taken.

"It is of utmost importance to us that our campus community be a safe place to learn," Gregg said. "We don't want our students or employees to be focusing on their own physical safety or emotional safety. It's a critical piece to our mission."

**How area colleges handle reports**

At MSU and Drury, sexual harassment is also the most common complaint that is investigated through Title IX compliance. Evangel has not received any Title IX-related complaints in recent years.

Wes Pratt, director of institutional equity and compliance, equal opportunity adviser and Title IX coordinator, said MSU takes a collaborative approach to investigating discrimination based on sex. About eight full-time employees from four departments handle student complaints.

Pratt said he would not be against hiring a full-time Title IX coordinator, but he said a full-timer is not needed. The current system is working well for them, and students, he said, adding that all investigations are handled within 60 days.

"We haven't had anything that we couldn't manage in a timely manner," he said. "Missouri State takes seriously these sort of instances."

In 2013, Pratt said MSU had 16 reported cases of sexual harassment and 12 forcible sex offenses. There are approximately 23,800 students at MSU.

A similar, collaborative approach to handling Title IX investigations is taken at Drury.

Scotti Siebert, director of human resources and Title IX coordinator, said a pool of about 14 investigators made up of full-time faculty and staff have been through at least two training seminars.

Siebert said the current investigation system is working well, and she does not see a need to hire full-time investigators and Title IX coordinators. The school's size was cited as the primary reason.

Tijuana Julian, Drury's vice president for student affairs and dean of students, said, "Right now, we're a small place. We only have 1,600 students and as of now, it's manageable. I think we're seeing a lot of institutions hiring full-time positions. (With) more residential students, more reports, then they probably need that."

Evangel's vice president for student development and Title IX coordinator Sheri Phillips said there have been no student reports of discrimination based on sex in recent years.
"We have a very small campus and I think a very close community. I do believe the students watch out for each other," she said. "We've been working really hard this year to create a climate on campus where they could come to us."

Phillips said a full-time Title IX coordinator would not be feasible or practical for the university at this time, but that could change.

"I'm always up for anything we can do to make our campus safer. If I was concerned that we're not able to do a good job, I would certainly advocate for a full-time position," she said.

**Combating sexual misconduct**

Local colleges are reporting that reports of sexual misconduct and sexual harassment are up — but that's not necessarily a bad thing.

Nearly one in five women in college are victims of attempted or actual sexual assault in their undergraduate careers, according to statistics provided by Sen. Claire McCaskill's office. But only a small number of those cases are reported.

Drury's Siebert said she has seen an increase in reports of sexual misconduct on campus.

"I think that's largely due to the fact that we've made not only our students, but our faculty and staff, more aware of Title IX procedures. It doesn't necessarily mean that more of these are occurring, it means that more of these are being reported."

Julian said Drury has many programs in place to educate students about the importance of reporting — both if something happens to them or someone they know.

"Our goal is to educate students from the time they hit our campus as freshman — how to report and how to prevent," Julian said.

Last week Drury hosted a Title IX training event with OTC that was attended by 17 schools from eight states. Representatives from MSU were also in attendance.

MSU's Pratt said he is focused on educating students that sexual assault is always wrong, regardless of whether the student knows the alleged perpetrator.

"I do think sexual misconduct is underreported," he said. "We've got to be able to educate them they don't have to be a victim. They have a right to their education, and that shouldn't be jeopardized by someone's boorish or sometimes criminal behavior."

Gregg, from OTC, said the school offers awareness activities often and encourages people to report possible sexual misconduct if they are bystanders. She said the campus is making a "conscious effort to make reporting easier."
Evangel's Phillips said the school is also working on making reporting easier and letting students know there is no penalty for reporting — even if there were other activities going on during the sexual misconduct that violate the school's code of conduct.

"I don't want them not to report simply because they were drinking," she said. Evangel does not allow students to drink alcohol.

"We want to be supportive and helpful in any way we can," Phillips said. "We really want to provide a place where students can come and tell us something happens and they know they're cared for and supported."

**Online reporting**

Colleges are required to compile an annual security and fire report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Reports include statistics from the past three years available. The report currently available covers 2010 through 2012. The 2013 report will be published in October. A daily crime log is also available online or, for some colleges, upon request at the college's security office.

Find reports at these websites:

- **Drury University:** [drury.edu/security/](http://drury.edu/security/)
- **Evangel University:** [evangel.edu/offices/student-development/public-safety/](http://evangel.edu/offices/student-development/public-safety/)
- **Missouri State University:** [missouristate.edu/safetran/12977.htm](http://missouristate.edu/safetran/12977.htm)
- **Ozarks Technical Community College:** [otc.edu/security/jeancleryact.php](http://otc.edu/security/jeancleryact.php)

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**New MU chancellor makes changes**

Loftin shuffles administration.

By [Ashley Jost](http://www.columbiatribune.com)

**Monday, June 16, 2014 at 2:00 pm**
The University of Missouri gained a much-anticipated new man in charge this year with Chancellor R. Bowen Loftin.

Loftin, the former president of Texas A&M University, joined MU in February and has since made significant changes to the administration.

Before the new chancellor arrived, a handful of top-level administrative positions were vacated by retirements, giving Loftin the chance to start fresh. He is in the process of bringing in a new provost, also called the vice chancellor for academic affairs, with a tentative goal to have that person on board later this fall. The search committee is collecting résumés from candidates now.

For other positions, Loftin chose to do some shifting around, including one big move to bring a UM System-level administrator to campus, creating a dual-position between the two entities. That administrator is Hank Foley, executive vice president of academic affairs for the UM System as well as the senior vice chancellor for research and graduate studies at MU.

Foley's new campus role fills the existing void of a vice chancellor for research. The appointment was a good fit, Loftin said, as Foley has spent the past seven months assessing the research portfolios of all four UM System campuses.

He has an understanding of where MU stands in terms of research power and has goals for the Columbia campus, along with the other three campuses.

"When you hire someone new, you do it all over again," Loftin said. "I was looking at maybe a year and a half before we had an effective leader here for research, if we were to hire someone outside of our current family."

Part of the Foley appointment included getting rid of the Graduate School as it previously existed. Some functions will still operate out of the Office of Graduate Studies, in which Foley plays a part in along with Leona Rubin, associate vice chancellor for graduate studies. Otherwise, much of the graduate programs will operate out of the different colleges on campus.

Loftin also announced another consolidation effort in March: The vice chancellor for administrative services position is now the vice chancellor for operations and chief operating officer, and the budget director will become the vice chancellor for finance and chief financial officer.

With the change came some reorganization of duties.

The CFO, a post filled by Rhonda Gibler, continues to oversee the budget office but will now work with business services, including accounting, cashiers, contracts and the student loan repayment center, as well.

Previously, as budget director, Gibler dealt with much of the academic side of the university's finances, so building a relationship with the business services side of her new post is necessary. Business services used to be housed under administrative services.
The COO, a post filled by Gary Ward on an interim basis, oversees Campus Facilities, the MU Police Department, Human Resources, Environmental Health and Safety, and MU's multiple service operations, including KOMU, KBIA, Show-Me State Games, the clubhouse and catering, printing services and the golf course.

In addition to the administrative changes, Loftin also has created a good rapport with faculty and staff.

Faculty Council Chairman Craig Roberts said in March he has noticed Loftin is interested in developing a relationship with the faculty and staff, in addition to his emphasis on "it's all about the students." During a Faculty Council meeting, Roberts said "it's not that faculty adore him, but they definitely respect him."

Two museums relocate to 'Mizzou North' home

Backers hope they return to campus.

By Ashley Jost

Monday, June 16, 2014 at 2:00 pm

Two of the University of Missouri's museums have traveled to a new home.

The MU Museum of Art and Archaeology has almost completely moved from Pickard Hall on campus to Mizzou North, 115 Business Loop 70 W., which used to house Ellis Fischel Cancer Center. The university's Museum of Anthropology also started to make its move to Mizzou North, marking its last day in Swallow Hall at the end of April.

The Museum of Anthropology had to move from the 121-year-old Swallow Hall for renovations. The Museum of Art and Archaeology had to move from Pickard Hall because the building is contaminated with radiation from experiments done in the early 20th century.
MU is "currently in the very early stages of testing" for radiation at Pickard, spokesman Christian Basi said in April.

Alex Barker, director of the Museum of Art and Archaeology, said he hopes to have everything moved into the Mizzou North space by midsummer. The majority of the pieces already have been moved, unpacked and placed in the new displays. The museum will likely open in late fall, he said.

The cast collection of Greco-Roman art is open, as well as the gift shops for both museums, he said.

Construction is underway for the Anthropology Museum space at Mizzou North, Anthropology Museum Associate Curator Candace Sall said in April, but no opening date has been set.

The moves have caused an array of emotions across campus, as many on the Faculty Council expressed concerns about faculty having no input in the change. Several faculty and staff members set up a separate not-for-profit group supporting the museums and an effort to bring them back to or close to campus. The group is called the Museum Associates.

"We would like to see it on campus or adjacent to campus to make it more accessible to Mizzou students and a greater cross-section of the community," Barker said.

The museum backers have pledged about $10,000 so far.

There is no set timeline on when the Museum Associates hope to achieve their goal. Barker said they have support from the university, which also doesn't have a timeline or locked-in space for where the museums could go. The associates are working with community and campus leaders to come up with ideas of what the next steps could be.

June 17, 2014

In Boost to Competency Model, Western Governors U. Gets Top Marks in Teacher Ed

By Dan Berrett

NO MU MENTION

Perceptions of a college’s quality can be notoriously difficult to budge.
If a college is well known and expensive, such thinking goes, it must be good, while inexpensive options using lesser-known models like competency-based education offer a meager substitute for the traditional residential experience.

So what does it mean when a college that uses a competency-based model earns top marks in a national ranking?

In what many observers believe to be a first, Western Governors University’s competency-based teacher-education programs have landed at the top of new rankings in a report released on Tuesday by the National Council on Teacher Quality and published with U.S. News & World Report.

Competency-based models of education require students to demonstrate mastery of discrete tasks, or competencies, in order to progress in their studies. Competency-based courses are often offered online and aimed at adult students with work and family commitments. Such students often don’t have time to take traditional courses, which award credits on the basis of seat time.

Western Governors was one of 10 institutions in the country to have elementary- and secondary-education programs both score among the top programs in the council’s review. Its secondary-education program came in first.

"It’s a verification of the fact that competency-based programs, when they’re well thought-out and robust, are capable of achieving true excellence," said Phil Schmidt, dean of Western Governors’ Teachers College.

The council’s ratings made their debut last year and sparked an uproar among colleges of education, which the council argued were part of an "industry of mediocrity."

Critics lambasted last year’s report as flawed and methodologically weak. The council rated colleges in 18 categories, based on information from the colleges’ catalogs, websites, and syllabi; graduate and employer surveys; and student-teaching policies.
This year’s report evaluated 2,400 teacher-preparation programs at 1,127 institutions in the same 18 categories. Last year, 98 colleges cooperated with data-collection efforts. This year, 118 did so. Students and faculty members provided the council with most of the data, said Kate Walsh, the council’s president.

She acknowledged that the council ruffled feathers last year by adopting an oppositional stance. This year, Ms. Walsh said, it would take a more cooperative approach, though its conclusions remained grim. "The portrait of an ‘industry of mediocrity’ in last year’s first edition of the review remains accurate," the report’s authors wrote.

‘Light Years Beyond’
Observations of future teachers’ classroom skills have been criticized as lacking rigor in the council’s reviews.

Western Governors’ policies and expectations for such observations earned praise, and were responsible for much of its success on this year’s rankings, said Julie Greenberg, a senior policy analyst for the council.

Western Governors’ students are required to be observed teaching five times. Most need six observations to demonstrate all the required competencies, said Mr. Schmidt, the dean.

The university also requires that the observations be conducted at least a week apart from one another, and it sets clear standards for the ratio of positive teacher comments to students relative to negative ones.

"It’s light years beyond what most programs have," said Ms. Greenberg, describing the form Western Governors uses to conduct classroom observations. The council has posted the form on its website as a model.
Western Governors has "an extremely deep-seated, sincere, internally motivated interest in the type of training" the council values, Ms. Greenberg said. "I have to imagine there’s some there there."

Mr. Schmidt sees such sentiments as evidence of changing attitudes toward competency-based education. A dozen years ago, he said, his institution’s model drew broad skepticism.

Accreditors had their doubts, too, said Clara M. Lovett, president emerita of Northern Arizona University and a founding trustee of Western Governors. "Things have moved a lot," she said, though she didn’t think the council’s new ranking would necessarily change opinions drastically.

It may, however, persuade some people to take a closer look, she said. "A ranking like this may make people stop and say, ‘I know Western Governors is different; let’s find out what they’re doing,'" said Ms. Lovett, who serves on the council’s board.

She has also criticized prestige-driven rankings, like those by U.S. News, for ignoring community colleges, regional universities, and other institutions that she called "unsung heroes of higher education." She celebrated the news about Western Governors, saying she had "jumped up and down" when she learned of it.

But the peculiarities of reputation mean that a top ranking will probably not have a big impact on a teacher-education program, said David W. Strauss, principal of the Arts & Science Group, a strategic-consulting firm serving higher education. Rankings and prestige loom large in determining the reputation and enrollment of professional programs like business and law. Teacher-education programs tend to be chosen on the basis of convenience and proximity.

An institution like Western Governors, which graduates about 2,000 teachers a year, also has other selling points, like flexibility, cost, and availability, said Mr. Strauss.
Ms. Walsh, of the council, doubted that the ranking would budge opinions, especially among the review’s most hostile critics.

"Because they view the review skeptically," she said, "I imagine this isn’t going to change their opinion of Western Governors much."

Giving increases for some sectors, not for others

By DAVID CRARY

NEW YORK (AP) — Wealthy donors are lavishing money on their favored charities, including universities, hospitals and arts institutions, while giving is flat to social service and church groups more dependent on financially squeezed middle-class donors, according to the latest comprehensive report on how Americans give away their money.

The Giving USA report, being released Tuesday, said Americans gave an estimated $335.17 billion to charity in 2013, up 3 percent from 2012 after adjustment for inflation.

Reflecting the nation’s widening wealth gap, some sectors fared far better than others. Adjusted for inflation, giving was up 7.4 percent for education, 6.3 percent for the arts and humanities, and 4.5 percent for health organizations, while giving to religious groups declined by 1.6 percent and giving to social service groups rose by only 0.7 percent.

Experts with the Giving USA Foundation and its research partner, the Indiana University Lilly Family School of Philanthropy, said it was the fourth straight year of increased overall giving, and predicted that within two more years the total could match the pre-recession peak of $347.5 billion.
During and immediately after the recession, some wealthy donors shifted their giving to social service groups working to combat hunger and homelessness, according to Patrick Rooney, associate dean of the school of philanthropy. Now, many of those donors — including some making multimillion-dollar gifts — are refocusing their attention on higher education, the arts and other sectors long patronized by the affluent, he said.

The trend is readily apparent in the listings of recent major charitable gifts compiled by the Chronicle of Philanthropy, which provides news coverage of the nonprofit world.

Among the 100 largest recent gifts, which range from $7.5 million to $275 million, the recipients overwhelmingly are universities and hospitals, along with a few arts institutions. Only four of the gifts are to social service organizations and one to a religious group.

Almost all the U.S. income gains from 2009 to 2012 flowed to the top 1 percent of earners, according to tax data analyzed by economist Emmanuel Saez at the University of California, Berkeley. By contrast, median household income was $51,017 in 2012, $4,600 below its peak in 2007, according to the Census Bureau.

"It's the very wealthiest who have recovered the most in terms of the giving potential, and the very wealthiest do tend to give their biggest gifts to colleges and hospitals," said Stacy Palmer, the Chronicle of Philanthropy’s editor.

Those are the institutions that ask more effectively, she added. "They have development offices who offer donors these ambitious plans."

In contrast, she said many social service organizations rely heavily on less wealthy donors who may not yet feel they have fully recovered from the recession. Compounding their struggles, some of those organizations are still experiencing increased demand for services as high unemployment and other social woes persist in many communities, Palmer said.

Rooney noted that many social-service organizations focus on obtaining government contracts and grants, while devoting fewer resources to courting wealthy donors. Universities typically have large, highly professional fundraising staffs, and an easily identifiable pool of potential benefactors.

"For many wealthy alumni, their alma mater is an important part of what made them who they are," Rooney said.

As usual, religious organizations received more donations than any other sector in 2013, with $105.5 billion in gifts. However, Giving USA said that was the lowest portion of total giving — 31 percent — for church groups in four decades.

Rooney said giving to churches has been relatively flat for about 15 years, as many denominations report declining attendance, and polls show a drop in the percentage of Americans who consider themselves religious.
"If you don't attend church, you're not likely to give," said Rooney. "And most churches' fundraising efforts are 'Pass the plate.'" They don't have staff with a more scientific approach."

The Illinois-based research firm Empty Tomb, which tracks religious giving trends, says church members are giving less of their income to their churches than they used to — 2.3 percent in 2011 compared to 3.1 percent in 1968.

One consequence, according to Empty Tomb vice president Sylvia Ronsvalle, is relatively less money available for the churches' social service and missionary programs.

"I fault church leadership for not giving people a vision," she said. "We've left the playing field to these other categories."

The nation's largest Protestant denomination, the Southern Baptist Convention, reported earlier this month that the total of gifts to its churches dropped by nearly 1.4 percent last year.

Bill Townes, the SBC's vice president for finance, said the denomination continued to believe it can carry out its mission, but said of the giving trend, "We'd like it to turn around."

Depending on the means of measurement, both wealthy Americans and those of more modest means can claim credit for their generosity.

According to a 2012 Bank of America study, the wealthiest 3 percent of American households accounted for about 35 percent of all giving by individuals in 2011.

Yet the National Center for Charitable Statistics, citing IRS data for 2011, said Americans with incomes under $100,000 gave away a higher percentage of their income — about 3.6 percent — than those with incomes between $100,000 and $1 million, for whom the figure was about 2.5 percent. Other studies have found that residents of relatively poor states in the South — including Alabama and Mississippi — are among the most generous in the nation in terms of the percentage of their discretionary income that they gave to charity.
June 17, 2014

What Sotomayor Gets Wrong About Affirmative Action

By Richard D. Kahlenberg

Affirmative-action programs at colleges are being squeezed by America’s most democratic mechanism (the voter referendum) and its least (the judiciary.) The two forces merged in late April when the U.S. Supreme Court ruled, 6-2, that Michigan voters have a right to amend their state Constitution to ban racial preferences in admissions at public universities. In so doing, the court affirmed laws in eight states that have 29 percent of America’s high-school population and more than 40 percent of its Hispanic residents.

In the case, Schuette v. Coalition to Defend Affirmative Action, the court’s only Hispanic member, Justice Sonia Sotomayor, wrote a widely acclaimed dissent, in which she challenged Chief Justice John Roberts’s colorblind approach to college admissions as "out of touch with reality."

A new report that I edited, just released by the Century Foundation and the Lumina Foundation, suggests, however, that the concerns of both justices can be met: Alternatives to race-conscious affirmative-action, if properly structured, would produce more diversity than just concentrating on race.

According to a chapter by Anthony P. Carnevale and his colleagues at Georgetown University in the new report, The Future of Affirmative Action: New Paths to Higher
Education Diversity After Fisher v. University of Texas, using socioeconomic preferences and/or plans that admit a top percentage of students from every high school, if structured properly, could produce even higher levels of black and Hispanic representation at the most selective colleges than racial preferences now achieve. That approach would work because it reflects economic disadvantages that are often shaped by racial discrimination.

Sotomayor’s dissent in Schuette is a strong reminder of the importance of race. "Race matters to a young man’s view of society when he spends his teenage years watching others tense up as he passes, no matter the neighborhood where he grew up," she wrote. "Race matters because of the slights, the snickers, the silent judgments that reinforce that most crippling of thoughts: ‘I do not belong here.’"

Past and present discrimination certainly help explain why black and Hispanic-Americans on average have lower incomes and smaller savings than whites do, and why even middle-class blacks live in neighborhoods with higher poverty rates than low-income whites. It does not necessarily follow, however, that racial preferences are the best response. The plurality opinion in Schuette, joined by the chief justice, observed that the preference system "has the potential to become itself the source of the very resentments and hostilities based on race that this Nation seeks to put behind it."

Fortunately, there are policies that recognize the effects of racial discrimination and growing socioeconomic divisions while also avoiding the toxic use of race in deciding who gets ahead. That third path is essentially what the Supreme Court sought to foster in its 2013 decision in Fisher v. University of Texas at Austin, which affirmed the goal of racial diversity but said that colleges must seek alternative ways of producing it before resorting to affirmative action.

In Schuette, Sotomayor wrote that preferences provide the only realistic path to racial inclusion in higher education, correctly noting that race-neutral alternatives have failed to produce adequate diversity at three high-profile institutions—the University
of Michigan at Ann Arbor, the University of California at Berkeley, and the University of California at Los Angeles.

But Michigan, Berkeley, and UCLA are outliers. In a 2012 study of 10 leading universities where race was banned, my colleague Halley Potter and I found that seven other selective public institutions were able to preserve or even exceed black and Hispanic levels of representation by using race-neutral strategies such as socioeconomic affirmative action.

Why did Michigan, Berkeley, and UCLA fail? Look more closely at Michigan. While the university has taken modest steps to increase socioeconomic (and thereby racial) diversity—by factoring in disadvantage and providing scholarships for students transferring from community colleges—it could be doing much more. For example, it still gives preferences in admission to the children of alumni, something that other colleges facing bans on racial preferences—such as the University of Georgia and Texas A&M University—have stopped doing. Research finds that legacy preferences tend to benefit wealthy and white students. (Berkeley and UCLA have done a better job of promoting socioeconomic diversity and have dropped legacy admissions.) Michigan also still provides substantial "merit" aid to wealthy students, thereby diverting funds from need-based aid. And a recent report found the university to be among the "worst offenders" among institutions showering enormous pay and bonuses on administrators. In all, only 15 percent of Michigan students are eligible for federal Pell Grants, which are need-based, compared with more than 25 percent at public flagship universities nationally.

Moreover, questions have been raised about the data cited by Sotomayor. In 2010 the Education Department changed its methodology for categorizing students by race and ethnicity, requiring colleges to report separately students who are members of two or more races. "So a drop in the number of black students reported at a university from 2009 to 2010," a Chronicle article noted, "doesn’t necessarily mean that there were actually fewer black students."
But the biggest problem in Sotomayor’s analysis is that the three campuses she cites are national universities that compete for talented black and Hispanic students with other prestigious institutions that continue to use racial preferences. A black student who gets into Berkeley without a preference also probably gets into an even more highly ranked private institution, like Stanford University, with a preference. How is Berkeley to compete?

Now consider: What would happen if top colleges all played by the same rules?

In their new study, Carnevale, Stephen J. Rose, and Jeff Strohl conducted a simulation of what would happen if race were eliminated from admissions decisions across the board, and colleges instead employed socioeconomic preferences and/or plans that admit the highest-scoring students from every high school. Because of the unfortunate association between race and class in American society, the researchers found that such plans would improve the combined black and Hispanic representation at the top 193 colleges. Moreover, in most cases, the plans could also raise, rather than reduce, average SAT scores at institutions.

As the figures above show, at the most selective 193 institutions, under a system of race-conscious affirmative action, legacy preferences, athletics preferences and the like, 11 percent of students are either black (4 percent) or Hispanic (7 percent). The average combined verbal and math SAT scores for all students at those colleges is 1230.

Shifting to a system of admissions based purely on merit as defined by SAT scores would see an increase in average scores to 1362, but racial diversity would plummet (4 percent Hispanic, 1 percent black).

Under a class-based affirmative-action program, which considers a variety of socioeconomic disadvantages, the combined representation would grow from today’s
11 percent to 13 percent (10 percent Hispanic, 3 percent black.) Average SAT scores would remain high, at 1322.

Under a system in which the top 10 percent of test-takers in every high school were admitted, the combined minority proportion would rise from 11 percent today to 17 percent (11 percent Hispanic, 6 percent black). The combined SAT scores would average 1254, slightly higher than today.

Finally, if a top 10-percent plan were merged with economic affirmative action, the combined minority representation would rise further, to 23 percent (14 percent Hispanic, 9 percent black.) But combined SAT scores would drop from 1230 to 1160. Although this option provides the biggest payoff in terms of diversity, the modest 70-point drop in average SAT scores might have a small impact on graduation rates.

Under these various scenarios, racial diversity would suffer at colleges below the top 193—but it already suffers under racial-preference programs, which increase diversity at the top but decrease it the next rung down.

Shifting from racial considerations would substantially increase socioeconomic diversity. While those in the bottom socioeconomic half currently enjoy access to just 14 percent of seats at selective colleges, that would rise to 46 percent under socioeconomic affirmative action, 31 percent under a top-10-percent plan, and 53 percent under a program combining the two.

Achieving racial diversity by such alternative means is a matter of fairness and equity: While race matters in allocating opportunity, class is an even more significant barrier to success. Although the achievement gap by race used to be twice as large as the achievement gap by income, today the reverse is true.

In the news-media coverage around Justice Sotomayor’s dissent in Schuette, race and class were often conflated. It was noted that she had grownup in public housing, which is part of what makes her story so inspiring. But today most affirmative-action beneficiaries do not fit the Sotomayor mold: At selective colleges, 86 percent of
blacks are middle or upper class, according to one study. At the top 20 law schools, another study finds, 89 percent of black students come from the top half of the socioeconomic distribution, and 66 percent from the top quarter.

Considering socioeconomic disadvantage and geography in admissions implicitly recognizes that race still matters in American society. As the Georgetown University law professor Sheryll Cashin demonstrates in her new book Place, Not Race (Beacon Press), economic disadvantage and neighborhoods are highly racialized. At the same time, Cashin observes that her own black sons are educationally privileged and do not need a leg up in admissions. Moreover, by addressing what she calls a superficial level of "diversity by phenotype," racial preferences can also allow colleges to avoid creating student bodies that are socioeconomically diverse as well.

**Attacks on affirmative action are likely to mount. The Project on Fair Representation is busy recruiting plaintiffs to bring lawsuits against Harvard University, the University of North Carolina at Chapel Hill, and the University of Wisconsin at Madison. Meanwhile anti-preference initiatives are possible in Missouri, Ohio, Tennessee, and Utah.**

It is incumbent upon those who care about social mobility and racial inclusion to come up with alternatives that implicitly recognize that race matters in American society—and that, today, class matters even more.