

# *Pursuing Diversity in U.S. Higher Education: Empirical Evidence and the “Mismatch” Hypothesis*

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In the *Fisher v. University of Texas at Austin* case currently before the U.S. Supreme Court, a small number of scholars and advocates filed amici briefs arguing that race-conscious admission policies result in harmful outcomes for beneficiaries. However, the weight of peer-reviewed social science research provides little support for this so-called “mismatch” hypothesis.

As discussed in detail in another amici brief filed by a group of eleven leading empirical scholars at top universities, the research claiming mismatch runs contrary to better-designed research, some of which is described below.<sup>1</sup>

The evidence shows that race conscious admissions policies are associated with net positive outcomes for underrepresented minority students at highly selective U.S. institutions, including better college and university graduation rates, higher rates of enrollment at graduate and professional school programs, higher leadership contributions, and better prospects in the labor market.

## Higher College Graduation Rates

A substantial body of recent social science research confirms that the opportunity to attend a highly selective institution is associated with African American and Latino undergraduates achieving *higher* graduation rates than would otherwise be the case if these students were redirected to less selective institutions:

- Alon & Tienda (2005) employed multiple analytical methods and three major data sets in

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<sup>1</sup><http://www.utexas.edu/vp/irla/Documents/ACR%20Empirical%20Scholars.pdf>.

concluding that “the mismatch hypothesis is empirically groundless for black and Hispanic” students and that “affirmative action practices both broaden educational opportunities for minority students and enable minority students to realize their full potential.”<sup>2</sup>

- Small and Winship (2007) found that “selectivity increases the probability of graduation,” especially for African American students. They concluded, that the “strong effects of selectivity demonstrate a clear benefit of Affirmative Action in elite institutions.”<sup>3</sup>
- Fischer & Massey (2007) analyzed the academic records of freshmen in 28 selective colleges and found and reported that their “estimates provided no evidence whatsoever for the mismatch hypothesis.”<sup>4</sup>
- Bowen, Chingos & McPherson (2009) analyzed 21 public flagship universities and university systems in four states, finding a positive graduation rate effect for those attending more selective institutions. Their evidence showed that African American and Latino students with the same high school GPA or SAT scores graduated at higher rates if they attended more selective institutions.<sup>5</sup>
- Melguizo (2008) studied a wide range of colleges and universities, concluding that the “selectivity of an institution attended has a positive and significant impact on the college completion rates of minorities.”<sup>6</sup>

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<sup>2</sup> Sigal Alon & Marta Tienda, *Assessing the “Mismatch” Hypothesis: Differences in College Graduation Rates by Institutional Selectivity*, 78 *SOCIOLOGY OF EDUCATION* 294, 309 (2005).

<sup>3</sup> Mario L. Small & Christopher Winship, *Black Students’ Graduation from Elite Colleges: Institutional Characteristics and Between-Institution Differences*, 36 *SOCIAL SCIENCE RESEARCH* 1257, 1272 (2007).

<sup>4</sup> Mary J. Fischer & Douglas S. Massey, *The Effects of Affirmative Action in Higher Education*, 36 *SOCIAL SCIENCE RESEARCH* 531, 544 (2007).

<sup>5</sup> WILLIAM BOWEN, MATTHEW CHINGOS, & MICHAEL MCPHERSON, *CROSSING THE FINISH LINE: COMPLETING COLLEGE AT AMERICA’S PUBLIC UNIVERSITIES*, 106-08, 208-16, 313-14 n.7 (2009).

<sup>6</sup> Tatiana Melguizo, *Quality Matters: Assessing the Impact of Attending More Selective Institutions on College Completion Rates of Minorities*, 49 *RESEARCH IN HIGHER EDUCATION* 214 (2008).

- Cortes (2010) studied public universities in Texas and estimated that when race conscious admissions policies were banned in the 1990s due to the *Hopwood* ruling, the result was that the gap in graduation rates between underrepresented minority students and other students increased.<sup>7</sup>
- Backes (2012) found that states that banned race conscious policies saw a modest reduction in “black and Hispanic students graduating from four-year, public universities following the bans, and those who did graduate tended to do so from less prestigious universities.”<sup>8</sup>

## Later Success in the Labor Market, Graduate School and Leadership Positions

In an important recent paper, Dale and Krueger (2011) analyzed labor market returns (i.e., earnings) for those who attended selective colleges and universities, finding that although many students did not gain, “For black and Hispanic students and for students who come from less-educated families ... the estimates of the return to college selectivity remain large, even in models that adjust for unobserved student characteristics.”<sup>9</sup> Similarly, Long (2010) found “larger increases in the effects of education on earnings and labor force participation” for African Americans and Latinos who attended higher-quality colleges and universities.<sup>10</sup>

Espenshade & Radford (2009) concluded that race-conscious policies represent a positive tradeoff not only because of better graduation rates, but also in

<sup>7</sup> Kalena E. Cortes, *Do Bans on Affirmative Action Hurt Minority Students? Evidence from the Texas 10% Plan*, 29 *ECONOMICS OF EDUCATION REVIEW* 1110, 1110 (2010).

<sup>8</sup> Ben Backes, *Do Affirmative Action Bans Lower Minority College Enrollment and Attainment? Evidence from Statewide Bans*, 47 *JOURNAL OF HUMAN RESOURCES* 435, 436-37 (2012).

<sup>9</sup> Stacy Dale & Alan B. Krueger, *Estimating the Return to College Selectivity over the Career Using Administrative Earnings Data*, NBER Working Paper No. 17159 (June 2011) available at <http://www.nber.org/papers/w17159>.

<sup>10</sup> Mark C. Long, *Changes in the Returns to Education and College Quality*, 29 *ECONOMICS EDUCATION REVIEW* 338 (2010).

light of underrepresented minorities’ subsequent career and enrollment outcomes at graduate and professional schools.<sup>11</sup> This is consistent with the wider finding (Mullen et al., 2003) that “selective institutions significantly increase the likelihood of going on to graduate programs even after a student's background, educational expectations, and college performance are controlled for.”<sup>12</sup>

Bowen and Bok (1998), Lempert et al. (2000), Chambers et al. (2005) and others document the importance of race-conscious policies in terms of the later career leadership contributions of African American and other underrepresented minorities who attended top universities and law schools.<sup>13</sup>

## Law School and Mismatch Claims

Those advancing the mismatch hypothesis in legal education most often cite Sander (2004),<sup>14</sup> which was published in a student-edited law journal without the peer review that characterizes professional social science journals. Flaws that might have been caught by peer review were highlighted by Chambers, Clydesdale, Kidder and Lempert (2005)<sup>15</sup> Moreover,, as recent reviews of the literature by Kidder (2012)<sup>16</sup> and Camilli &

<sup>11</sup> THOMAS J. ESPENSHADE & ALEXANDRIA WALTON RADFORD, *NO LONGER SEPARATE, NOT YET EQUAL: RACE AND CLASS IN ELITE COLLEGE ADMISSION AND CAMPUS LIFE* 233-36, 259 (2009).

<sup>12</sup> Ann L. Mullen et al., *Who Goes to Graduate School? Social and Academic Correlates of Educational Continuation After College*, 76 *SOCIOLOGY OF EDUCATION* 143, 161 (2003).

<sup>13</sup> WILLIAM G. BOWEN & DEREK BOK, *THE SHAPE OF THE RIVER: LONG-TERM CONSEQUENCES OF CONSIDERING RACE IN COLLEGE AND UNIVERSITY ADMISSIONS* 160-73 (1998).; Richard O. Lempert et al., *Michigan’s Minority Graduates in Practice: The River Runs Through Law School*, 25 *LAW & SOCIAL INQUIRY* 395 (2000); David L. Chambers et al., *The Real Impact of Eliminating Affirmative Action in American Law Schools: An Empirical Critique of Richard Sander’s Study*, 57 *STANFORD LAW REVIEW* 1855, 1896-97 (2005).

<sup>14</sup> Richard H. Sander, *A Systemic Analysis of Affirmative Action in American Law Schools*, 57 *STANFORD LAW REVIEW* 367 (2004).

<sup>15</sup> Chambers et al *supra* note 13.

<sup>16</sup> William C. Kidder, *Misshaping the River: Proposition 209 and Lessons for the Fisher Case*, forthcoming in 39 *JOURNAL OF COLLEGE & UNIVERSITY LAW*, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2123653](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2123653).

Welner (2011)<sup>17</sup> note, a number of other researchers who have sought to replicate Sander's results using the same data (and often more appropriate methods) have not only found his claims are not substantiated but in some cases also report that students who attend the most elite law schools do better in graduating and passing the bar than students with similar credentials who attend less selective institutions. The scholarly consensus that emerges from numerous works -- including Ayres & Brooks (2005); Chambers et al. (2005, 2006); Dauber (2005); Wilkins (2005); Rothstein & Yoon (2008); Ho (2005); Barnes (2011, 2007); and Camilli and Jackson (2011) -- is that reliable evidence of systemic mismatch effects has not been documented.

In addition, the *Fisher* amici brief, signed by some of the country's leading social science methodologists, highlights major methodological flaws in Sander's article on law school mismatch. They conclude that his work along with methodologically similar studies by Williams lacks all persuasive value.<sup>18</sup>

## STEM Fields and Racial Isolation

Several critics claim that race-conscious policies lead to a mismatch and drop-out pattern in STEM (science, technology, engineering, and mathematics) fields. However, such claims overlook the roles that racial isolation and insufficiently supportive climates play as mediating environmental influences that make it more difficult for underrepresented minority students to flourish in STEM programs at predominantly white universities. In other words, ending these policies would do little to remedy the diversity challenge in STEM fields, and may make things worse:

- In a detailed synthesis of the literature, Museus et al. (2011) conclude, "Several studies also demonstrate that less supportive educational environments are related to Black, Hispanic, and Native American college students' departure from the STEM circuit. Although chilly and unsupportive climates are a salient factor that hinders students' success, the cultures of campuses and STEM departments and programs may present equally significant barriers for minority college students." Museus et al. further conclude that the "predominantly White nature of highly selective institutions might be responsible for the negative impact of selectivity on success among students of color."<sup>19</sup>
- Similarly, Chang et al. (2008) find, "There does seem to be a mismatch occurring in science education at the college level. The problem, however, is not only an issue of poorly prepared URM students failing among high achievers, as suggested by the mismatch hypothesis ... even highly capable and talented White and Asian students—who would otherwise continue in a biomedical or behavioral science major at less selective institutions – are leaving the sciences at higher rates at more selective institutions."<sup>20</sup>
- An amici brief in *Fisher* by the American Educational Research Association et al. addresses these points about mismatch and STEM fields (as well as other mismatch claims).<sup>21</sup>

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<sup>17</sup> Gregory Camilli & Kevin G. Welner, *Is There a Mismatch Effect in Law School, Why Might It Arise, and What Would It Mean?*, 37 JOURNAL OF COLLEGE & UNIVERSITY LAW 491 (2011).

<sup>18</sup> <http://www.utexas.edu/vp/irla/Documents/ACR%20Empirical%20Scholars.pdf>.

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<sup>19</sup> Samuel D. Museus et al., *Racial and Ethnic Minority Students' Success in STEM Education*, 36 ASHE HIGHER EDUCATION REPORT No. 6, at 1, 67, 64 (2011).

<sup>20</sup> Mitchell J. Chang et al., *The Contradictory Roles of Institutional Status in Retaining Underrepresented Minorities in Biomedical and Behavioral Science Majors*, 31 REVIEW OF HIGHER EDUCATION 433, 454 (2008). See also Mitchell J. Chang et al., *Considering the Impact of Racial Stigmas and Science Identity: Persistence Among Biomedical and Behavioral Science Aspirants*, 82 JOURNAL OF HIGHER EDUCATION 564, 587 (2011).

<sup>21</sup> <http://www.utexas.edu/vp/irla/Documents/ACR%20American%20Educational%20Research%20Association%20et%20al.pdf>.