

Southern University Conference

Remarks to the Southern University Presidents
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Performance and Access in Texas, Now and in the Future

This presentation focuses on Texas because that's the theater in which I work, but also because the social changes that Texas faces are dramatic, easily demonstrated, and reflective of what the nation at large will face over a longer period of time. The leadership of Texas has an acute focus on the demographic issues that I highlight here, and there is a lot of public and private discussion on what can be done to meet the accompanying challenges. Consequently, there is, for good reason, a Texas-focused part of this presentation, but the aspects of performance and access that I will discuss in that context, will, sooner or later, be relevant to other states, although perhaps in a slightly different shape.

Let us begin with a few pie charts.

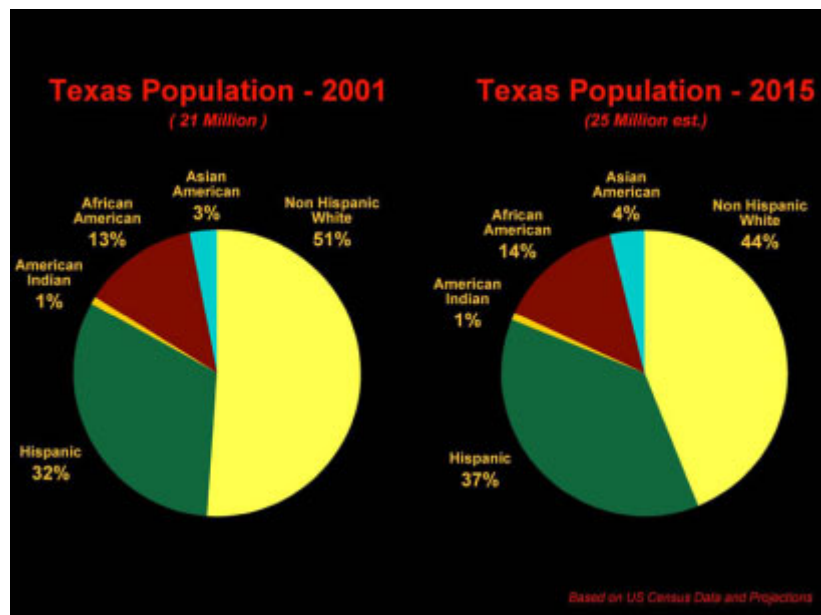


Figure 1

The left side of Figure 1 delineates the Texas population in 2001, when there were about 21 million residents. The Hispanic sector, the rapidly growing sector in this state, had reached approximately one-third of the population. The African-American population in Texas was about 13 percent, and the non-Hispanic white population was just barely a majority. Within four or five years, Texas will become a no-majority state. By 2015, demographers say (Figure 1, right), the Hispanic population will to grow to about 37 percent, the non-Hispanic white population will shrink to about 44%, and the other

sectors, including the African-American sector, will stay within a percentage point, or so, of where they are now.

The growth of the Hispanic sector is a huge factor in Texas, and it is expressed in some dramatic ways. Almost half of the first-graders in the state are Hispanic. That, in itself, reveals the wave that is coming forward. We have to deal with the consequences in a relatively short period of time – about 10 or 12 years – and I will have some things to say about that shortly.

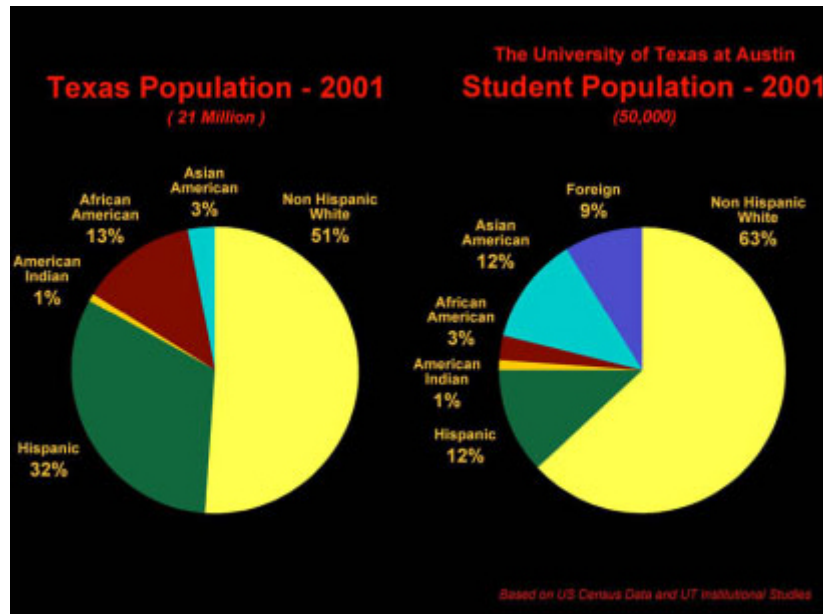


Figure 2

The right side of Figure 2 depicts the demographic breakdown of student population at the University of Texas at Austin in 2001. The left side, describing the population mix in the state, is the same as in Figure 1. The UT student population in 2001 was about 63% non-Hispanic white, 12% Hispanic, 3% African-American, and 12% Asian-American. The point here, of course, is that the university's population is not reflective of the state's population, and I want to talk a little further about the factors that create the differences. Let me address, in turn, the three minority fractions.

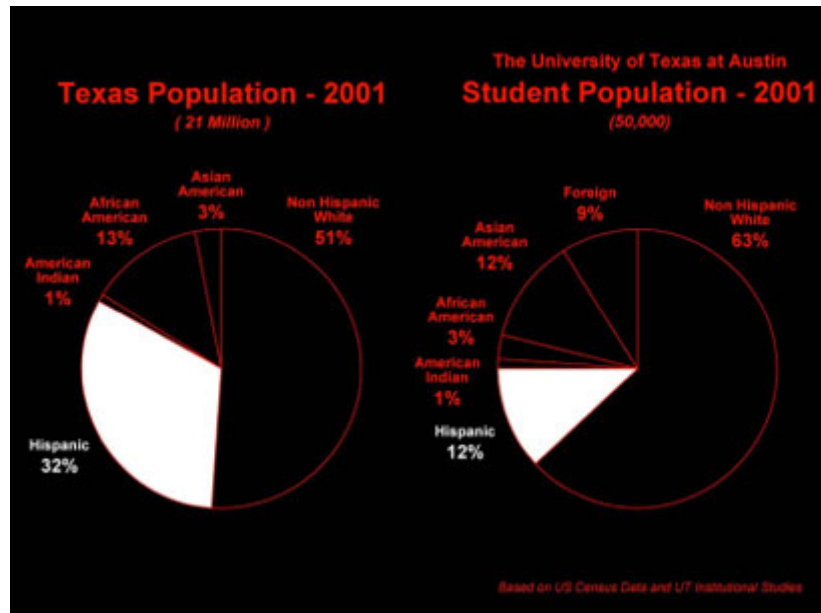


Figure 3

First, the Hispanic fraction: In Texas at large, Hispanics make up about 32% of the total population (Figure 3, left), but only about 12% of the University's students (Figure 3, right). Now, why is that? One of the most important things affecting this picture is high-school graduation rate. The upper quarter of the high-school graduating class, from which we draw essentially all of our students, is only about 16% Hispanic. In other words, the eligible pool of applicants for admission to UT Austin is, fractionally, much less Hispanic than the State's total population. At The University of Texas at Austin, we drew a freshman class this past fall that was about 14 percent Hispanic, so we are recruiting Hispanic students at nearly their fractional availability.

The high-school graduation rate among Hispanics is the lowest among the major population groups in Texas. It's actually just under 60 percent. That is an enormously important factor when you think about the Hispanic wave that will sweep over the schools and the universities in the decade ahead. Recall my earlier point that a large majority of the first graders in Texas are Hispanic. Are we going to retain a situation where only 60 percent of those students graduate from high school?

It is easy to see why the leadership of Texas has placed such a powerful emphasis on public school reform. One can argue—and there was a lot of that in the last presidential election—about whether the right things are being done in Texas; but the leadership of the state fully grasps that effectiveness in K-12 education is an enormous problem and that there is almost no time to fix it. For this reason, The University of Texas at Austin has set a high priority on supporting the improvement of public education in Texas. This is not an arena for an occasional demonstration project, here or there, by a university working with a school; this is a situation in which methods of high leverage and immediate promise must be found for working with millions of schoolchildren and parents and thousands of teachers and schools.

Now let us turn to the picture for African-Americans, as represented in Figure 4.

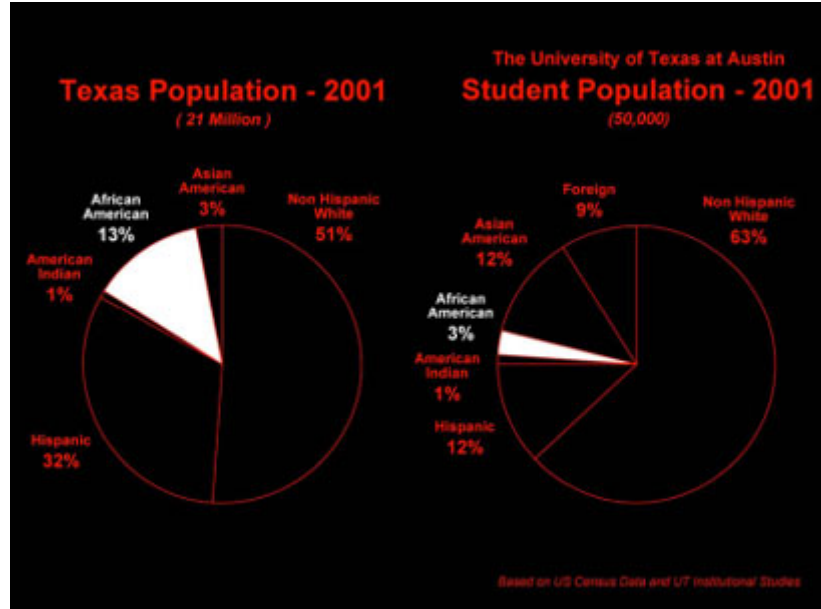


Figure 4

African-Americans make up 13% of the population of Texas, but only 3% of the total UT Austin student population; thus participation in the University is, in proportional terms relative to the state, even lower than for Hispanics. In the 2002 freshman class, African-Americans made up 3.4% of the total; yet about 6% of upper-quarter high-school graduates are African-American. These data describe a situation that is similar to that for Hispanics in one respect and different in another.

The similarity is in the fact that the fraction of upper-quarter high-school graduates is much smaller than the share of the population at large. For both African-Americans and Hispanics, the proportion of high-school graduates in the upper quarter is only about half of the fraction of the state's population. For African Americans, as for Hispanics, this is mainly a reflection of low high-school graduation rates. As discussed above, the solutions must be found soon in the schools and homes of Texas.

An important difference in the picture relating to African-Americans is that UT is significantly under-recruiting relative to availability in the upper quarter of the high-school graduating class. I believe that two factors are involved. First, it is just difficult to attract African-Americans into an environment where they represent only 3% of the population. Second is that African-American students use paths that Hispanic students, by and large, do not. Many African-American students elect HBCUs, either in Texas or elsewhere in the South. Moreover, there is, among African-Americans in the South, a long history of seeking a college education in the Big Ten or in other institutions outside the South. But it is nonetheless true that we at UT Austin are not as effective as we need to be in attracting African-American students, and we must improve our ability to recruit relative to availability.

Now let us consider Asian-American participation, which involves a sizable surprise. The relevant data are shown in Figure 5.

Asian-Americans make up only 3% of Texas at large, but 12% of UT students. This segment represents about 2% of the upper quarter of the high-school graduating class, yet it comprises 17 percent of UT Austin's 2002 freshman class. What one sees here is deliberate focus by a minority population on a single university. Our total of freshman applications from Asian-American Texas residents is approximately equal to the total of Asian-American members in the upper quarter of the whole state's high-school graduating class. Over the years, Asian-American students have begun to come to Austin in large numbers, and now they find it an especially congenial environment. Asian Americans have concentrated so much at UT-Austin that they find it *the* place. This is the flip side of the picture concerning African-Americans, who find UT Austin a place where there is not enough representation to be satisfying.

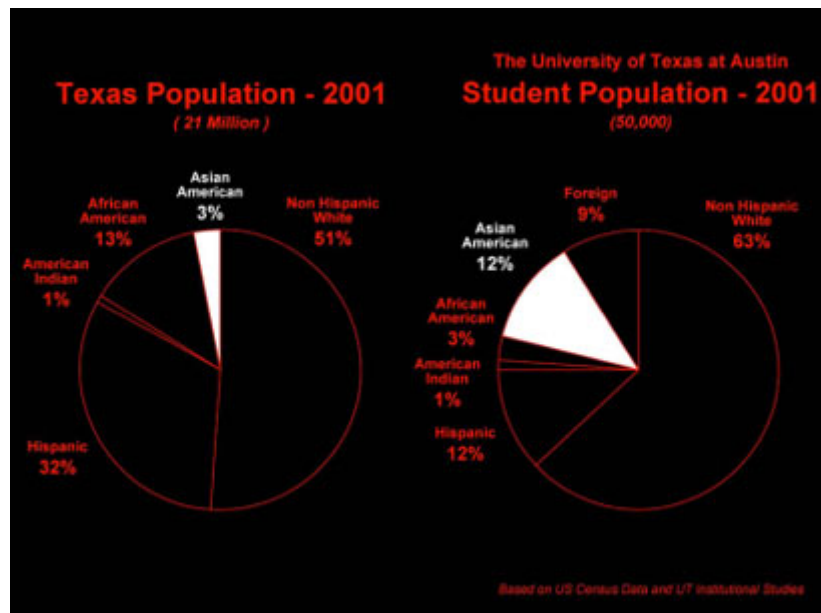


Figure 5

As we in higher education talk about minority participation, we tend to paint with a broad brush. We often speak as though this were a single picture, but it is actually a set of several pictures, each different for a distinct minority population. In moving forward, we have to develop practices and strategies that take those differences into account.

Let me now briefly address *Hopwood*, affirmative action, and the methods that can be used to foster minority participation in higher education. This is a moment when we have a lot about these things in the news, because of the two Michigan cases pending before the Supreme Court. As the date approaches for arguments before the Court, it has seemed to me that not many people have been very interested in the truth. The proponents of affirmative action have not been willing to admit strengths or positives of what we have been able to accomplish in Texas, and those who are supporting the anti-Michigan

position have not been willing to admit the strengths or positives of affirmative action. Perhaps we can talk a little more frankly on this occasion.

We should do that because none of us knows where the Court is going to come down. The world that we will face after the decision will be different from the present, at least in some respects. Either the future is going to be different in Texas, or it will be different in the rest of America. Or, perhaps, it will be different everywhere.

The U. S. Fifth Circuit's *Hopwood* decision of 1996 eliminated race as a factor in admissions and financial aid decisions in the State of Texas. It formally affected a few other states, too, but because of other factors that were involved in their histories and legal environments, they were not operationally affected in the same way as Texas. For the past seven years, we have been unique among states in having a legal environment that has not allowed race as a factor in decisions concerning admissions or financial aid in institutions of higher education, public or private. There are two other states, California and Washington, that have adopted through their own political processes a constitutional amendment that has the same effect for public institutions, but we are the only one under such a broad court-imposed bar. The first important point is that the alternatives to affirmative action adopted in Texas over the past several years have not been matters of election, but matters of adaptation.

The position that UT Austin has taken all along is that the *Hopwood* decision is not about *goals*. It does not modify the need for our university to support all of the people of the state of Texas – all of its populations – and to help them move forward in an equitable way. Goals have not been modified, but *methods* have indeed been changed by the U. S. Fifth Circuit Court of Appeals. Consequently, we have to invent other, race-neutral, methods, and we have tried hard to do exactly that.

In response to the court decision, the Texas Legislature passed, in 1997, the so-called "Top-Ten-Percent Law," which guarantees admission to any state university to any student who graduates in the top 10% of a high school class. It's simple. The questions that have been in the news lately are these: Does it work? Is it a replacement for affirmative action?

Frankly, I believe UT Austin has been as aggressive as any university in America in trying to make that law work, because we refuse to retreat from our goals. We have had some success, and that success has been highlighted in some of the press reports.

Let me delineate the positives. First, we have shown that an institution can, in its undergraduate program, build stronger minority representation on the basis of the Top-Ten-Percent Law – if the institution works at it. I will come back to that last clause. Second, there is a sizable positive associated with the fact that all students are admitted under a uniform admissions process. There is, I think, a healthier academic climate as a consequence. Third, the law has helped us to broaden the service of the University to Texas. We are drawing our freshman class now from more high schools and more

districts than before. I believe that we are, in consequence, doing a better job of what a flagship state university is supposed to do for the communities of the state.

There are some negatives, too. Most important is that the law does not have anything to do with graduate and professional admissions and has nothing to offer in those arenas.

And there is a question mark. We still do not know how far we can go with this law to build minority participation.

With the 2002 freshman class at UT-Austin, we were just about back to where we were in the pre-*Hopwood* era with respect to minority representation. We have been able to rebuild African-American participation; we have been able to rebuild Hispanic participation; and we have continued to build Asian American participation. Right now, in the freshman class we have more African-Americans, more Hispanics, and more Asian-Americans than we had in 1996, the last pre-*Hopwood* year. The current class is bigger than that of 1996, and a close look will show that, in percentage terms, African-American participation is still down relative to 1996. Hispanic participation is about back to where it was in 1996, and Asian-American participation is markedly up vs. 1996. But we are quite significantly ahead, for all groups, of where we were in the first post-*Hopwood* year, 1997, so I can say truthfully that we have been able to restore minority enrollments.

We have done that by building upon the Top-Ten-Percent Law.

I have often said publicly that the law by itself will not address the issues. If an institution simply takes the law as enacted and does nothing operationally to build upon it, the effects are small. One must to use the law as a way of getting at an audience. What the law does first and foremost is to define an audience. It allows a president or an admissions director to go into a school and ask the principal to provide a chance to speak to the top-ten-percent students. The principal will help because he or she knows that these students have a special status under the law. When you address those students, you can tell them that the admission issue is already settled, that they need have no worry about that. The discussion can move straight to how college can be made possible financially, which is typically the most critical question in their minds.

Second, we have targeted some of our financial aid to schools that have not historically sent students to UT-Austin. All of the targeting is done mathematically; race is not a factor. We have chosen schools that have both a low percentage of SAT scores sent to UT-Austin and an average family income for the high-school district below a certain threshold; then we offer one scholarship for every ten SAT scores in deficit relative to the statewide average submission rate to UT Austin. We go into those schools – mostly inner-city schools – and put scholarship money on the table. We say to the students, "This is a scholarship for a worthy top-ten-percent student from this school. The competition for it is in this room." That last line is a posture-changing statement in my experience. It relocates the sense of competition to the students' home base, and that is an important thing.

A magical aspect of this program is that it can multiply the effects beyond the few scholarships that we target to a school. Because of the average family income criterion, we can feed a lot more financial aid into those districts than the one, two, three scholarships that we put on the table to trigger applications.

This has been a strikingly successful program. African-American participation in the freshman class rose 40 percent in the first year. In subsequent years, we have managed to maintain our ability to attract African-American students and Hispanic students, and we have had success in enlarging the flows of students from some of these schools over time.

By the way, not all the scholarships are won by African-American and Hispanic students. There are white and Asian-American students in these schools, and they are successful, too.

The point I want to make is simply that an institution can and must build upon any law defining a "percent plan" like that in Texas. You have to take advantage of the audience that the law defines, and if you do, you can make progress.

I mentioned above that the Top-Ten-Percent Law does not touch graduate and professional admissions. These have been continuing problem areas for UT Austin with respect to minority participation. Since 1996, we have had a steady rolloff of African-American participation in graduate school, and we have had flat Hispanic participation. After *Hopwood*, we experienced a drastic fall in African-American participation in law school – an 83% loss over the three years up to 1999. Through another innovative program we have been able to rebuild that back above 50% of the pre-*Hopwood* number, but there is not space here to describe the details.

Where will we be after the Supreme Court rules on the Michigan case? Well, if the Court supports Michigan fully, then affirmative action becomes legal everywhere in America again. The consequential question raised with me is whether, in that case, UT Austin would reinstate it. The answer is yes, at least in some ways. We would need to reinstate it in admissions and financial aid at the graduate and professional levels. Most likely we would also reinstate it with financial aid at the undergraduate level. Whether we would do it with undergraduate admissions would depend on whether the Top-Ten-Percent Law stayed on the books, because juggling both sets of policies at the same time would be difficult to handle. But we would go back to affirmative action, mainly because it is more effective in certain areas of representation, particularly graduate and professional representation, than methods we've been able to develop in those areas since *Hopwood*. I am confident about the methods we've been able to develop at the undergraduate level, and I believe that in some ways they are healthier than affirmative action.

If the Court goes the other way, then the rest of the country is going to have a Texas-like situation, and I predict there will be a lot more interest in what we have done here. As we have shown at UT Austin, there are approaches that can work at the undergraduate level. Nationwide, higher education would have to do a lot of collaborating on what to do about minority participation in graduate and professional programs.