AERA et al. Bring Science to Bear in Major Affirmative Action Case

On August 13, AERA filed an amicus curiae brief in the U.S. Supreme Court case of Fisher v. University of Texas at Austin. The association is joined by seven other scientific societies in urging the Court to consider an overwhelming body of scientific evidence relevant to the case. “AERA has a fundamental interest in the accurate presentation of social science research on these important questions of law. Quite simply, we have a responsibility to enable the Court to make its determinations based on the best scientific evidence available,” stated Felice Levine, the association’s executive director.

The co-signers of the brief are the American Association for the Advancement of Science, the American Sociological Association, the American Statistical Association, the Association for the Study of Higher Education, the Law and Society Association, the Linguistic Society of America, and the National Academy of Engineering. Levine noted, “All seven of these associations bring rigorous scientific and ethical standards to the advancement of knowledge and a commitment to public policies based on the best available science.”

The AERA et al. brief is one of several supporting the university, including the American Social Science Researchers Brief, signed by more than 440 individual social scientists. These briefs have been filed to present the Court with summaries of social science evidence that bears directly on the case.

Fisher v. University of Texas, initiated in 2008, challenges the university’s policy of using race as a factor in admissions decisions. The plaintiff asserts that promoting diversity in education is not a compelling governmental interest, which was a central ruling in the Court’s 2003 decision in Grutter v. Bollinger, in which the Court upheld the race-conscious admissions policy of the University of Michigan Law School. The plaintiff also argues that the University of Texas’s holistic admissions policy is not narrowly tailored to a diversity interest because the university already admits enough minority students through the state’s “top ten percent” policy, which guarantees admission to a state university to high-ranking high school graduates in Texas.

“In determining the constitutionality of the UT-Austin admissions policy,” Levine explained, “the Court’s decision should be informed by reliable research findings as it has in previous landmark decisions.” Accordingly, the AERA brief provides summaries and citations of pertinent studies to aid the Court’s deliberations on whether student body diversity remains a compelling governmental interest and whether the policy is narrowly tailored.

Social science research has consistently found that diverse educational environments yield educational benefits to both minority and majority students. The Court relied on such findings in Grutter v. Bollinger, citing the “Brief of the American Educational Research Association, et al.” in its decision. Because the research literature on student body diversity has continued to progress since 2003, the AERA et al. brief in the Fisher case provides substantial social science evidence to underscore UT-Austin’s compelling interest in diversity.

Recent research, which includes studies relying on increasingly sophisticated mathematical and statistical techniques, has built on an already strong base of scientific evidence supporting student body diversity. Numerous studies demonstrate that student body diversity leads to important educational benefits such as the reduction of prejudice; growth in cognitive abilities, critical thinking skills, and self-confidence; the promotion of civic engagement and skills needed for professional development and leadership; and improved classroom environments and curricula.
Research also shows that significant harms are associated with student bodies and classroom environments that contain only token numbers of minority students. Harmful conditions associated with racial isolation include overt discrimination against minority students and stereotype threat that can compromise minority student achievement. As stated in the AERA et al. brief, research shows these harms are prevalent in settings with low percentages of minority students, such as programs in science, technology, engineering, and mathematics.

The AERA et al. brief also presents recent research undermining arguments that diversity harms minority students. Research shows that purported problems of student stigma and the “mismatch” of minority students—the supposition that minority students will underperform at selective universities because of lesser academic credentials—lack a solid empirical basis. Instead, research shows that stigma is not a significant problem in institutions using diversity-based admissions, and that race-conscious admissions leads to higher academic performance and college completion by minority students.

Finally, the AERA et al. brief summarizes research showing that race-conscious policies are necessary to achieve diversity and that race-neutral policies such as the top-ten-percent plan are, by themselves, insufficient for advancing a diversity interest.

The Supreme Court will hear oral arguments in the Fisher case on October 10 and will release its decision before the summer of 2013.