

**SENATE COMMITTEE ON ADMISSIONS, RECORDS, SCHEDULING, AND  
STUDENT AID**

Resolution in Support of Efforts by Enrollment Management to Continue to Promote Diversity in  
Undergraduate Admissions in Light of Recent Supreme Court Decisions

**(Positional Report)**

Penn State has long sought to increase the diversity of the student population using Affirmative Action. In 1969 the state Educational Opportunity Program (EOP) was established to increase diversity at Pennsylvania institutions. There was also a federal mandate, that expired in 1987, to increase the African American enrollment to reflect the state African American population (12.5%). In the 1990s LatinX were included in the definition of diversity. Despite these programs, mandates and other efforts, Penn State still fails to mirror the state population diversity.

Admission decisions are an area where diversity can be strategically increased when race is considered. This was the focus of the Supreme Court of the United States (SCOTUS) decisions that were announced June 30, 2023. The SCOTUS decisions in both *Students for Fair Admissions, Inc. v. University of North Carolina, et al.* and *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* limit the use of race as a factor in admissions.

At Penn State, race is not used in evaluating students for undergraduate admission to the University. However, prior to the SCOTUS decision race was used in placing students at the University Park campus. In discussions with counsel, it was determined this practice would not likely pass the strict scrutiny test and therefore must be discontinued.

The University may still consider other information in admissions decisions, such as socioeconomic status, first generation status, and disadvantages that students may experience because they reside in lower resourced school districts. Applicants' essays can convey how race has affected their lives, individual identities, perspectives, and lived experiences. However, such reliance on information in the applicants' personal statements will substantially increase the time, effort, and resources required to make consistent and timely admissions decisions.

Enrollment Management (EM), in conjunction with the University General Counsel and other units, has been preparing for the possible outcomes of the SCOTUS decisions for many months. After the decisions were announced, EM began implementing the necessary changes to policies

and procedures. While EM will comply with the SCOTUS decisions, diversity in the student population remains a goal, and efforts will continue towards that aspiration.

The Court ruling did not specifically address:

- Outreach and Recruitment
- Pipeline and Pathway Programs
- Data Collection
- Employment
- Scholarships and Financial Aid
- Race-Neutral Strategies

Thus, efforts currently undertaken across Penn State to identify, engage, attract, retain, and graduate diverse students can continue and can be enhanced/expanded without institutional exposure.

However, these activities may become a focus in the future as people feel empowered to challenge other uses of protected class status. For example, preferences for applicants in protected classes in some Donor Endowed Scholarships, the presence of programs that are gender specific or race specific, the focus on diversity in some recruiting efforts, and even generic Diversity, Equity, Inclusion, and Belonging (DEIB) initiatives, might be scrutinized. In anticipation of such challenges, the associated Offices have also begun preparations to address potential issues.

*To that end, we present the following:*

WHEREAS the University Faculty Senate strongly believes in the educational benefit of diversity in student populations.

WHEREAS the University Faculty Senate supports the principles of affirmative action, and racial, social, and environmental justice.

WHEREAS the University Faculty Senate embraces the goals of Diversity, Equity, Inclusion, and Belonging initiatives.

**BE IT RESOLVED** that the University Faculty Senate supports the efforts of the Office of Enrollment Management to comply with the decisions of the Supreme Court of the United States regarding the use of race in admissions while still promoting diversity in the student population through systemic changes and innovative policies and procedures that enable Penn State to better serve our entire community.

**FURTHER, BE IT RESOLVED** that the University Faculty Senate supports all academic and administrative units throughout the University in their efforts to defend the use of information regarding federally protected classes

**SENATE COMMITTEE ON ADMISSIONS, RECORDS, SCHEDULING, AND STUDENT AID**

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