Intro: Thanks for listening to this podcast of APA Compass, the Pacific Northwest's only Asian Pacific American Public Affairs radio show. Our collective focus is on issues relevant to APA communities and features an Angry APA Minute where listeners like you can sound off. We promote social justice, feature APA arts and culture and challenge how APA's are represented in the media. If you have a story idea or would like to contribute, leave us a message on our Facebook page, APACompass Radio. APA Compass airs at 9 a.m. on the first Friday of each month on Portland's KBOO 90.7 FM and at *www.kboo.fm* or you can download podcasts of our program at *KBOO.FM/APACompass*. Thanks again for listening.

Sarika: Good morning and thanks for tuning in to APA Compass. I'm Sarika Mehta and since it's back to school time again, we're discussing education. In its fall session, the U.S. Supreme Court is set to take up the issue of Affirmative Action in higher education in the case of Fisher versus The University of Texas at Austin.

Today we're talking with three college educators about how this case and how Affirmative Action policies affect Asian Pacific American communities.

First, Tricia Brand is Associate Dean of Students and Director of Multi-Cultural Affairs at Lewis and Clark College here in Portland. Previously, she worked with the University of Arizona's Equity and Retention programs and served as Director of Rutger University's Student Support Services. Welcome to APA Compass, Tricia.

Tricia: Thank you so much, Sarika.

Sarika: Toeutu Faaleava is Director of Portland State University's McNair Scholars Program, in which first generation, low income, or underrepresented undergraduates pursue doctoral degrees. He also teaches in PSU's University Studies Program and works with Pacific Islander communities here in Portland. Welcome to the show, Toeutu.

Toeutu: Thank you, Sarika.

Sarika: And by phone, Professor Yoon Pak joins us from the University of Illinois at Urbana-Champaign, where she is an Associate Professor of Educational Policy, Organization and Leadership, specializing in the aculturation of ethnic minorities and immigrant groups in the United States. Thanks for joining us, Yoon.

Yoon: Thank you. Glad to be here.

Sarika: This case, Fisher versus the University of Texas at Austin, highlights the claims of Abigail Fisher, that she was denied admission to the school because she is white and race-conscious admission policies are

unconstitutional. The issues have actually created quite a debate among Asian Pacific American communities and students.

On one hand, some feel that high performing APA students are hurt by race-conscious admissions when schools reach a so-called “critical mass” of Asian American students. On the other hand, some argue that Affirmative Action is still needed, especially for underrepresented groups within the broad Asian American label.

Affirmative Action supporters argue that those who oppose race-conscious admissions policies are falling for the model-minority story. Can you tell us a little bit how this myth works in higher education and how specific ethnic communities are affected by it? Perhaps we can start with Yoon Pak on the phone from Illinois.

Yoon: Hi. Thanks. First and foremost, certainly it's a very complex issue, this whole idea of admissions, who gets in, who doesn't get in, and also the perceptions of different groups that we have of each other.

For Asian Pacific American groups in particular, this whole notion of the model-minority has been problematic, right? Ever since its insurgence in the 1960s during the Civil Rights era where, because we tout the success of Asian Americans in particular at that time, Chinese and Japanese Americans, as kind of making it on their own. It's the whole Horatio Alger story of pulling yourself up by your bootstraps idea....

That notion that is still from the mid-20th Century, of course historians will say it goes much deeper than that, it still carries into not only higher education but how we become educated from the K-12 realm, and how we perceive particular Asian American student populations as being successful, particularly in the math and the sciences and now, engineering. These ideologies in fact have been coming into the higher education realm.

It's not to say that there *aren't* high-performing Asian American students, because there are, but we also need to say, it's much deeper than that. It's much more complex than that, and it doesn't speak for the whole story. Where we may be thinking about maybe two or three high achieving ethnic groups as a whole, we're talking really about Asian American communities that comprise about 40 different ethnic groups.

I know the Census doesn't really count all the 40 different ethnic groups, but scholars certainly have recognized that. The sense in how higher education administrators come to think about Asian American groups, especially at elite public institutions like the University of Illinois, where I'm at, for example. These things have played out in different ways. These types of thinking then result in policies that don't support Asian American

student populations for, let's say, race-based types of programs, for scholarships or fellowships, as well as really under-serving the needs of Southeast Asian community groups who really don't fit "the profile" of the model minority.

How, then, we talk about these complex issues in this way certainly gets muddled into the whole admissions debate, and the admissions of being, some would say, a zero sum aspect in which, well, "I didn't get in because xyz got in." There are so many different factors for the admissions process...

Sarika: That's a good point, actually. Let me interrupt you for one second. Actually, Toeutu Faaleava, Yoon was talking about how this plays out in the University of Illinois. Do you see this playing out at Portland State University and what are some of the ways Affirmative Action policies or this model minority myth affects different APA student groups out there?

Toeutu: I think Yoon did a really good job of laying out the typical or the effects that are there that come with the model minority myth. That applies to PSU as well in some cases, but PSU has quite a wonderful staff at the Admissions that are pretty clear about the need to disaggregate the big Asian lump.

For example, they have very specific programs, outreach for Pacific Islanders for example. They also disaggregate the data and work with students who are from the lower ends of that big huge block, lumped together. That's what I see at PSU, is that we are aware of the problem and there are people on the staff that look specifically at these issues.

Sarika: Which we heard about in the previous interview. Now, opponents of Affirmative Action Admissions argue that these policies discriminate against highly-qualified Asian American and white students in favor of less-qualified African American and Latino students. Are there statistics that back up this claim? What do you think of this argument, Toeutu?

Toeutu: What was the, sorry, they claim that this helps or does not help. They think Affirmative Action hurts or advantages Asian Americans? Is that what you're asking me? I think that's a very false notion. I don't want to preempt the question later, but I think the notion that by ending Affirmative Action there will be more spaces for Asian American, that just hasn't been shown as true in the data that we have.

Actually, it helps the white students more than Asian students. This is where we get to the notion of “negative action”, where an equally qualified Asian American is penalized and given the spot to an equally qualified white student, so this notion that ending Affirmative Action will help Asian American students isn't really supported by data.

Sarika: We will talk more about “negative action” in a moment.

I'd like to bring Tricia Brand of Lewis and Clark College into the conversation. There's a broad range of how universities currently implement Affirmative Action admissions policies. Could you briefly give us a sense about that range and tell us from your perspective, having worked at several institutions, what makes the most sense in terms of campus diversity and equity?

Tricia: Yes, absolutely. I think that this connects really neatly with the previous conversation, because in terms of whether or not providing additional opportunities for highly-qualified AAPI students to enroll in colleges and universities, having some impact on especially black and Latino student enrollment in colleges is ... I don't think the data really holds up for two reasons. This is why I think the way that we approach diversity and equity in higher ed needs to be a much broader conversation.

The bottom line is, we don't have as many African American and Latino and Native American students persisting through the K through 12 system in order to be college-ready and to be successfully enrolled in our four-year colleges and universities, even in many cases our two-year colleges. What we really need to be thinking about, and part of my roll in previous institutions in supporting student success on campus, was to always think about what is the picture in terms of who is getting access to our colleges and universities. I think there has to be a three-pronged approach to diversity and equity in higher education.

Working both at a public institution, several public institutions, and now a private institution, there has to be very clear partnerships between higher education institutions and the K through 12 system, particularly in school districts where we know that students are not persisting and receiving their high school diplomas and are not necessarily getting rigorous higher education prep. I think that's really important.

There has to be opportunities for community-based organizations and for other funded programs to provide college preparation, pipeline programs such as many Trio Programs. Toeutu represents the McNair Scholars Program. There are programs within the Trio framework that are supporting middle school and high school students. I think the third piece is looking specifically at what kinds of targets institutions are thinking about in terms of diversifying their student body.

Sarika: Thank you.

If you're just joining us, you're listening to APA Compass on KBOO. I'm Sarika Mehta and we're discussing race-conscious admissions policies in higher education institutions. Joining me in the studio are Trisha Brand from Lewis and Clark College and Toeutu Faaleava from Portland State

University. By phone we have Yoon Pak from the University of Illinois at Urbana-Champaign.

A brief filed in support of Affirmative Action admissions highlights the difference between Affirmative Action and negative action, as we had previously begun to discuss. What do these terms really mean and why is the distinction so important to the argument as made by the Asian American Legal Defense and Education Fund, as well as 70 other groups that filed the brief?

Yoon, would you like to speak on this topic?

Yoon: Certainly. I think the previous panelists talked about this before, so I don't want to talk about it too much, but they are distinct points in that Affirmative Action is really about affirming, right? Providing opportunities for all groups. Everybody does benefit, whether we may think about it or not.

The negative action has really been targeting Asian American students in particular for higher education admissions, let's say, where an equally qualified candidate between whites and Asians, the white student will typically win out.

That's where these distinctions need to also be made. It's really not about being opposed to Affirmative Action. It's really looking at the other side of the coin to say, there's something else going on here, but of course it's easier to kind of blame Affirmative Action for all these other types of policies or things that we think on a personal basis are unfair. That's my basic description of that distinction. I think maybe the other panelists may want to talk about that some more.

Sarika: Toeutu, would you like to add a little bit more?

Toeutu: I think that Yoon has done a great job, and the distinction is clear that Affirmative Action initially was to alleviate all the discrimination, prevent discrimination and then help people move on. Then, we see the negative action as input now is a very clear act to penalize being Asian in the process of admission.

Sarika: Fisher vs UT Austin is not the first Affirmative Action admissions case to come before the Supreme Court. Can you tell us a little about the precedent set by Grutter versus Bollinger at the University of Michigan back in 2003. Yoon, would you like to take this question?

Yoon: Certainly, I can start. Basically, the crux of that, saying that you can use race as one of many factors in admissions, that it can't be the sole factor. Certainly, many institutions follow that model, because there is a compelling interest as the Courts mention. There is a compelling interest

to be had for increasing diversity in institutions. It's not something that may not be able to be quantified, let's say, but it's about the quality of experience. It's about to say, what does it mean that for so many students, you are entering an institution of higher learning where you're surrounded by people who are different from you, their learning styles, their languages, just even their physical appearance. How is that going to translate, not just in the what many people would say, the global workplace, but also just us as human beings, as citizens, right? In our society.

How can we become fuller individuals and citizens by being exposed to so many different ideas? That's the basic notion that we do still need to have a race-conscious admissions policy where it is one of many different factors that come into play.

Sarika: Tricia, would you like to add anything to that?

Tricia: Sure. I think what's really interesting about what's also known as the Michigan Decision is how important it was for the U.S. to think about how higher education is the last place for a free exchange of ideas, to really not only be protected but to really thrive. The benefits of an educationally diverse learning environment is critical.

There were several of us who felt very strongly after the Michigan case was completed and Affirmative Action was upheld, that we were hoping that this could be an opportunity for the discussion to shift and for more higher education administrators and college presidents to start thinking about how to set some really clear goals and markers for obtaining that kind of diversity in learning environments. What occurred after that happened to be, especially in many states in the west, were ballot initiatives.

At the University of Arizona, I was in a state where Arizona passed a ballot initiative, Prop 107, which did actually ban Affirmative Action for any public entities that might actually support any kind of consideration based on gender, race, ethnicity, including public colleges and universities.

That ballot initiative really created for us a need to look at what were those race-neutral policies and how could we enhance those race-neutral policies, both in admissions as well as in how we supported students to be successful once they were in the higher education pipeline.

The bottom line is the best and brightest students are going to want to be at colleges and universities where they know they are going to have that free exchange of ideas and they're going to be in a diverse learning environment. So, it's even a bottom line issue in terms of how colleges will survive.

Sarika: Toeutu, would you like to add?

Toeutu: Absolutely. I was a graduate student at Berkeley when Proposition 209 for California was passed. Immediately, the following year there was a huge drop, about a 50 percent drop in entering students of color ... we're talking about African Americans and Latino...Hispanic students, that population dropped. But the campus seemed more diverse as we saw more Asian students making up the ... so, we ended up with an entering freshman class that was I think for the first time a majority of students of color.

Now, today, they argue that things are not back to where they were. The data show that they were never really ... the percentages haven't really gone up to where they were before Proposition 209.

Proponents of 209 say, look, the graduation rates are better, or that the percentages are catching up or even higher. I haven't checked the latest data, but I'll look into that. It was a strange time to be in university and have a proposition come through ... watching things change.

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We were just discussing how we define and measure diversity. What about merit? Opponents of race-conscious admissions often use test scores and GPA's to suggest that Affirmative Action discriminates against high-achieving students. Tricia Brand, what do you make of this argument and how should we be measuring the merit of college applicants?

Trisha: Sure. I think that the idea of merit is both extremely relevant in this conversation but also needs to be expanded, as it relates to what are those sometimes unintentional, but clearly systemic frameworks that can still discriminate based upon race, ethnicity, gender and other forms of systemic structural constraints, when you think about pathways to education.

One of the things that I have been not only a proponent of but often times have been a part of helping to implement at other colleges and universities, is looking at non-cognitive factors that are related to student success in higher education, and to really approach this portfolio model that's related to how students should be considered when they think about joining a particular educational community. Merit based upon SAT scores and merit based upon a variety of other college entrance indicators oftentimes do not tell the whole picture.

When you think about the other forms of resilience that students may bring into higher education communities and you think about the ways in which their unique perspectives and all of the things that they're balancing in order to be successful educationally, how that will be a predictor of their college success ... you get a very different picture.

Particularly, working at a private college, I can tell you that if we were to look strictly at test scores in terms of students who come in to Lewis and Clark College, you would find that some of our highest achieving students may actually be the students that we have the hardest time keeping at our institution. That may be a variety of factors, but oftentimes it is related to how much are they seeing the higher education environment as being an important pathway to their future? How hard are they willing to work for that? What's the level of engagement at the institution, once they arrive?

We really want to make sure that we are looking at the whole picture for students and to know that in a college environment test scores are great, but there is so much more to what that educational experience is about. We want to expand the concept of merit, knowing that there should always be, of course, some basic criteria for college readiness and college entrance, but beyond that, what else helps to tell the picture in terms of merit and being able to be a suitable candidate for our colleges and universities.

Sarika: Thank you. Yoon Pak from Illinois, what do you make of the argument? How do you feel we should be measuring the merit of college applicants?

Yoon: Thanks. One of the things that we do in our department, we are a graduate department in the College of Education, but what we've done and because departmental leaders in the past are historians of education ... we've really investigated what merit meant in that historical sense, when we used it as a means to exclude largely groups of students of color and females and definitely students with special needs.

Given those factors, and given the understanding that it was really this idea of merit was really used to maintain social capital of a particular elite group of individuals.... How do we, then, in the current day sense help to turn that around, let's say? In our department, for example, we don't really require the majority ... we don't really require GRE scores. There are some divisions within our department that do, but we don't really use that as a factor for graduate school entry. We look at their letters of recommendation. We look at their research statement. That really gives us a clue. We certainly also look at their grade point average to also provide as an indicator. As mentioned, as well, it's a more holistic approach to understanding where and how can students achieve in these different places and for colleges, as well?

The idea of merit we also need to deconstruct, because it's not the sole factor for undergraduate admissions. In elite public institutions, you look at a legacy admissions. Were members of their family also admitted to the university? Can they be future alumni who provide dollars, donations? There are so many different factors that come into play in admissions, but we tend to only focus on merit, so that's the other complicated factor that we should also really begin to uncover more.

Sarika: And Toeutu? What are your thoughts?

Toeutu: I agree. Trisha has laid out, the framework that we need to use to deconstruct merit, and Yoon has covered a wonderful history of merit and how merit was used against students of color. Unpacking merit and looking at what we do at the university is we're looking at a broader holistic picture of the student. We use a threshold. At a certain threshold we know the student, whether he or she is a 3.0 or a 2.8, we know she can do the work. Then we put in all the support services to make sure that they succeed. That's how we try to deal with this merit, this notion of merit, that it's really problematic. Thank you.

Sarika: Speaking of student support, no matter what happens with this admissions case in the Supreme Court, one issue that still needs to be addressed is student support. How do we make sure the students from diverse backgrounds can succeed once they are in the college setting? Trisha?

Trisha: Sure. A couple of things come to mind: A lot of discussion and actually a lot of resources have been provided over the last 25 to 30, even 45 years, when you think about the origin of some of our Title grants through the federal government to provide more access to higher education. Though those are currently being challenged in terms of having additional resources to keep those access programs open, there has needed to be a shift in the conversation, in the dialogue, around what do you do once we actually have created a diverse student body, but we want to see them succeed? You go from access to achievement and success.

I think it specifically speaks to the pipeline issue as we think about it. Is a college degree, is a four-year degree or even a two-year degree sufficient enough today in order to continue to provide some successful pathways, particularly around social and economic progress in our communities?

That being the case, support is really critical. Three things that we have done at Lewis and Clark and pretty similar at the public institutions I was a part of, are connected to providing a certain level of advising, very high level advising for students from diverse backgrounds. Something that ... I want to mention this really briefly ... any kind of support program, any kind of approach you take to increase and improve the success of diverse

students populations in colleges and universities, will *always* be good policies and practices for the greater student body.

What I'm mentioning here is not unique, but I think that the idea of how do you create a culturally competent and a responsive approach to these strategies is what's critical. So, advising is really important.

Providing students with the opportunity to feel as if they really understand how the college environment is preparing them for success, both while they're at the institution and also when they're prepared to graduate. Being able to connect students with communities on campus that allow for them to feel not always a sense of “otherness” is really important. Even with some of our most diverse colleges and universities, one of the things that we continue to hear from students time after time is, what does it feel like in the classroom environment where even if outside of the classroom you can find community and you can get involved and engaged, what does it feel like to be the only Asian American in a particular class? The only African American in a particular class? How do you manage some of those peer-dynamics and expectations? How do you respond to some of the rhetoric that is related to this idea that the spot that I hold might have been really reserved for someone who might have had higher test scores or maybe didn't need as much financial aid.

These are actually frameworks that students are thinking about as they come into any of our colleges, particularly our predominantly white institutions.

Being able to provide opportunities for critical dialogue to help students navigate that kind of discourse and sense of isolation that makes ... maybe you've experienced it at colleges and universities ... is really critical.

I think the last piece around support is looking for opportunities to really pipeline many of our students into successful post-baccalaureate experiences, so you're doing well. You're achieving in college. What's next? How do we prepare you to actually be relatively prepared to move on to graduate study? To find a job after you graduate? To manage any particular loan burden that you might have taken on as you have completed this degree? Those are three areas that I think are really critical in terms of supporting underrepresented students.

Sarika: Toeutu, do you have anything briefly that you'd like to add?

Toeutu: Absolutely. The program that I run, the McNair Scholars Program, works with underrepresented students, so we are required to have first generation low income students, two further students for first generation,

low income. It doesn't matter what their race is. A third can be underrepresented.

What we have is a very successful program. Our graduation rate rates from 99% to 100%. Everybody graduates, and then 60% of them go on to programs including doctorate programs. We do that by providing the kinds of support that Trisha has talked about. We collect all the resources on campus. They have counselors and advisers, and each has one or two faculty members who help them do original research. They publish their work. The present their work. They can walk into a Ph.D. program. They are recruited, actually. We have that program that works. We can generalize that to the larger community, depending on funding of course.

We've proven a model and a system that works and Trisha has covered the aspects of those quite well. Thank you.

Sarika: We have to begin wrapping up unfortunately. We have time for just one more question. In your opinions, what can we expect from the Supreme Court when it decides on Fisher versus University of Texas at Austin this fall? If you're not willing to make a prediction, what do you see as a best or worst case scenario for Asian Pacific American communities and university communities more broadly?

Let's start with Yoon Pak from Illinois.

Yoon: I am also very hopeful. I really do hope that they do realize the importance of what it means to provide still race-conscious admission decisions, especially in higher education and beyond, mainly because history has proven with the kind of evidence there that there are outcomes. There are better learning outcomes when we have a diverse learning environment, where you are not the sole person representing your group. We also ... worst case scenario? I don't know that I really want to go into a worst case scenario, perhaps, but I'm really more hopeful. I'm thinking that the swing vote may come from Judge Roberts, based on his decision before, but yet, it is so tricky, right? To try to predict, but that's where I stand. I'm really really hopeful.

Sarika: Thank you, and Trisha?

Trisha: I, too, share Yoon's hopefulness. What I think may also be important in this conversation is what ends up happening with our AAPI communities as the conversation continues? Might there be an opportunity for really creating a little bit more of an opportunity for communities who have historically benefitted from the opportunity to have some race-conscious thinking in admissions, to look for the ways in which that kind of unification and solidarity can continue to provide mutual benefit. If that is part of the

discourse, I'm hoping that that might influence some of the arguments in the Supreme Court case.

Sarika: And finally, Toeutu Faaleava from Portland State?

Toeutu: It will be a split decision, hopefully. I think they will uphold the notion that the state has a compelling interest in diversity. The issue then becomes, how exactly do you do that? They may restrict a few issues at UT, but they will uphold the Constitutionality of the UT Austin Affirmative Action Program. Thank you.

Sarika: I've been speaking with Trisha Brand, Multicultural Director at Lewis and Clark College, Toeutu Faaleava, McNair Director at Portland State University, and by phone, Yoon Pak, Educational Policy Leadership and Organization scholar from the University of Illinois at Urbana-Champaign. We've been discussing race-conscious admissions policies in higher ed institutions.

Thank you all so much for joining us and giving us your insight on this very complex issue in higher education.

Trisha: Thank you.

Yoon: Thank you.

Toeutu: Thank you.

Sarika: The Supreme Court will take the Fisher versus University of Texas at Austin case at the beginning of October this month. I'm Sarika Mehta, and you're listening to APA Compass on KBOO 90.7 FM in Portland.