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Proposition 16 and a Brighter Future for All Californians: A synthesis of research on affirmative action, enrollment, educational attainment and careers at the University of California

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Proposition 16 and a Brighter Future for All Californians:

A synthesis of research on affirmative action, enrollment, educational attainment and careers at the University of California



Engineering commencement at UC Berkeley

October 2020

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I. Introduction

Between now and November 3rd, California voters are deciding the fate of Proposition 16, which proposes to repeal a 1996 ballot initiative (“Prop 209”) and thereby allow some consideration of race/ethnicity, sex and national origin in public education, employment and contracting so long as such programs are consistent with federal and state equal protection laws. A central question for voters and policymakers is what impact Prop 209 has had on patterns of enrollment, degree attainment and subsequent success/earnings in the workforce for students and graduates of the University of California (UC). This policy brief synthesizes research on enrollment, graduation and career success for traditionally underrepresented students, the benefits

of diverse learning environments including campus racial climate, and the need to increase diversity in UC professional and graduate schools to better serve the health and wellbeing of all Californians.

In racially and ethnically diverse California where one-fifth of the population has limited English proficiency, the ongoing COVID-19 pandemic underscores the compelling need for diverse health professions. Latinx, African American and Pacific Islander physicians are more likely to practice in medically underserved areas. But Prop 209 has depressed diversity levels within UC medical schools for over twenty years, a legacy that unfortunately contributes to worse racial/ethnic health disparities in California today.

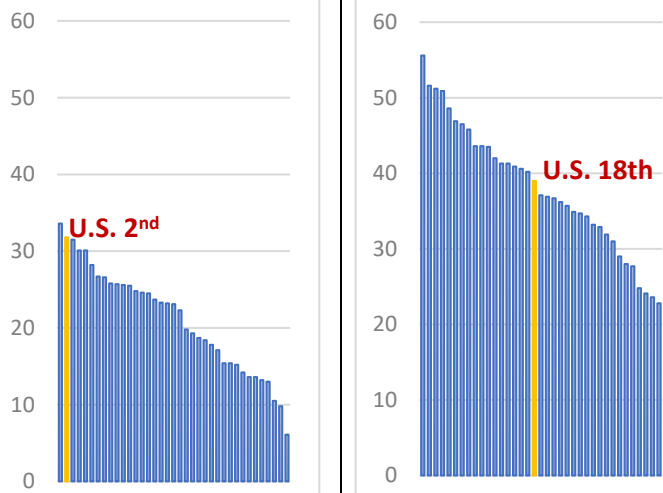
II. Why Prop 16 matters: Next generation opportunity gaps and California’s future

Even before the COVID pandemic, in California full-time workers with a bachelor’s degree or higher earned twice as much (\$81,000) as the typical worker with some college education (\$42,000), and this gap has widened in recent decades. (PPIC, 2020) Those who are able to obtain a high-quality bachelor’s degrees and beyond end up with far lower unemployment levels, higher tax contributions and greater civic participation in the Golden State and elsewhere. (Johnson et al., 2018; Douglass 2016; Douglass & King 2018)

If today’s diverse generation of young people is to continue to propel the economic engine of opportunity that is California, we must reverse some troubling trends. California is slipping behind by national and international standards with respect to “generational progress” – the share of young adults with a BA degree or higher relative to the share of older workers with higher education (Johnson 2016). PPIC estimates that among the 30 largest states, California ranks 21st in generational progress, far behind New York, Illinois and Massachusetts (Johnson 2016).

Adding the context of international competitiveness reveals even greater urgency to this situation (see chart below). For older workers age 55-64, among advanced OECD countries the U.S. ranks second in the world, behind only Switzerland, in higher education attainment. But for younger workers age 25-34 the U.S. ranks 18th among OECD countries because many other advanced nations have progressed faster than the U.S. in their commitment to higher education as a driver of economic opportunity (chart below). The situation will likely be even more difficult for our next generation of Californian workers – students currently in grades 7-12.

The U.S. was a world leader in higher education a generation ago, but what about young adults today?: How the U.S. ranks among OECD Countries in 2018, % of population with bachelor's degree or higher, workers age 55-64 (at left) and age 25-34 (at right)



Source: NCES/OECD, 2019

As is demonstrated further below, the constraints of Prop 209, in effect for over twenty years, have undermined cumulative higher education attainment opportunities for Latinx, African American and American Indian students in California. Since these “underrepresented” groups now comprise three-fifths of all California public high school graduates, as their future prospects dim or brighten, so too will the interconnected fates of all Californians and California’s economy. This policy brief also provides concrete examples where many underserved Asian American and Pacific Islander communities could directly benefit from the greater flexibility afforded by Prop 16.

In the undergraduate and graduate/professional school contexts discussed below, “race neutral” alternatives are not sufficiently workable substitutes, despite UC’s extensive and commendable efforts in the face of Prop 209 (Long & Bateman, 2020; Orfield et al. 2017; Kidder, 2016, 2013; Alon 2015; Jayakumar & Garces 2015; UC President/Chancellor’s Fisher brief, 2015).

Finally, while opponents of Prop 16 invoke racial dog whistles in claiming that URM students are not “qualified,” note that Prop 16 and affirmative action are about giving full and equitable consideration *among qualified students*, URM or otherwise. Today at UC the number of “admission by exception” cases is exceedingly small –and most of those students are not URMs (e.g., white or international student-athletes, UC Audit 2020). Thus, the policy implications of Prop 16 at the University are really about leveling the playing field and

defining merit in ways so that young people from *all* corners of California have a fair shot at success.

III. UC’s freshmen enrollment pathway

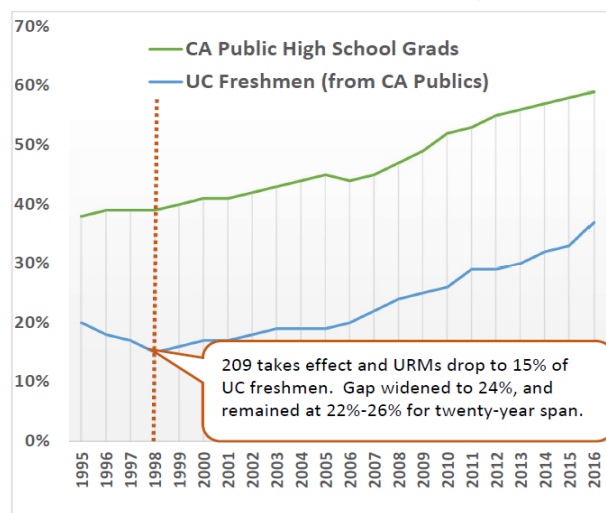
The U.S. Supreme Court declared in *Grutter v. Bollinger*:

In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity. All members of our heterogeneous society must have confidence in the openness and integrity of the educational institutions that provide this training.

Underrepresented minorities (URMs) were 38% of California public high school graduates in 1995 and this increased steadily to 45% by 2005 and 59% by 2016. Before Prop 209, URMs were 20% of UC freshmen from these same California schools in 1995, which dropped by one quarter (to 15%) when Prop 209 took effect in 1998 (see chart below).

While the proportion of URMs in UC’s freshman class has inched back up in subsequent years, as reported recently to the UC Regents, it is still the case that “while the proportion of public high school graduates becomes more diverse, freshman enrollment at the University has not kept pace with the state’s diversity” (UC Regents 2020, p. 5) (see also Long & Bateman, 2020; Kidder & Gandara 2015; Kurlaender et al., 2015:96-97; Kidder 2013:104-105). Bleemer estimates “Prop 209 caused an annual decline in URM UC enrollment of about 800 students in 1998-99, or 14 percent” (Bleemer 2020a: 19 n.65).

URM Students in California and UC, 1995-2016



Source: UC Regents 3/19/20, Item B6 p.5

Compared to the chart of the UC system, Prop 209 had even more of a negative impact on freshmen admissions

and enrollment at the most selective campuses, UC Berkeley and UCLA (using a range of methodologies, see e.g., Bleemer 2020a; Kidder & Gandara 2015; Kurlaender et al., 2015).

Another harmful impact of Prop 209, one which implicates California taxpayers' investments in the young people of this state, is that after Prop 209 URMs admitted to UC as freshmen with top credentials more frequently chose to enroll at selective private universities with affirmative action (Geiser & Caspary, 2005; Kidder 2012; Bleemer, 2020a:2; cf. Grodsky & Kurlaender, 2010).

IV. Graduation rates and career success

Opponents of Prop 16 present thin and cherry-picked evidence to argue that “mismatch” due to affirmative action “reduces minority graduation rates” and that “attending nonelite schools is not harmful to one’s career.” (Sander & Taylor, 2012: chapters 6, 7, 9; see also Heriot 2015)

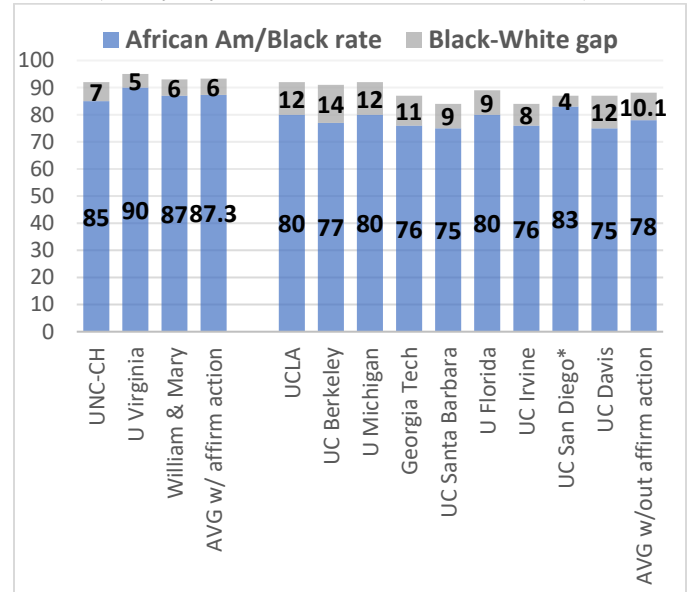
However, a strong preponderance of peer-reviewed research, using a variety of empirical strategies, counters the core claim that affirmative action harms African American and Latinx overall graduation rates at selective U.S. universities or that Prop 209 (net of other trends like changes in UC admissions selectivity¹) was a boon to Black and Latinx degree attainment in California (Dillon & Smith 2020, 2017; Bleemer 2020; Lutz et al. 2018, 2019; Eller & DiPrete, 2018; cf. Goodman et al. 2017; Alon 2015; Kidder & Lempert 2015; Hinrichs 2014; Arcidiacono & Koedel 2014; Golann et al. 2013; cf. Kurlaender & Grodsky, 2013; Cortes 2010; Chang & Rose 2010; Bowen et al. 2009; Espenshade & Radford 2009; Melguizo 2008; Fisher & Massey 2007; Massey & Mooney 2007; Small & Winship 2007; Alon & Tienda 2005; Bowen & Bok 1998; Kane 1998).

In addition to the rather technical research literature on graduation rates and “mismatch” controlling for other factors, a more intuitive “seeing is believing” way of showing the weakness of the “mismatch” hypothesis is with descriptive statistics comparing academically similar public universities with and without affirmative action. The “top dozen” ranked public universities in

¹ Researchers point out that the upward trend in UC graduation rates in the 1990s and 2000s due to factors such as increased admissions selectivity is something to properly distinguish from Prop 209-related changes (Chang & Rose 2010:83; Chingos 2013; Kidder 2013:105-108; Kidder & Onwuachi-Willig 2014: 912-915). Similarly, Bleemer (2020b:

U.S. News & World Report includes six UC campuses and three others that do not consider race as a plus factor affirmative action, as well as three public universities that do allow modest consideration of race. The chart below shows that the top publics with affirmative action have *higher* Black 6-year graduation rates (87% v. 78%) and *smaller* Black-White gaps in graduation rates (6 points v. 10 points) compared to the UCs and other top publics without affirmative action.

Top Dozen Public Universities in 2020 U.S. News: Black Graduation Rates with without affirmative action (latest four freshman cohorts combined, n = 9,029)²



Source: NCAA, <https://web3.ncaa.org/aprsearch/gsrsearch>

Where obstacles to graduation do exist, if Prop 16 is passed by the voters, UC will have “more in the toolkit” to take legally permissible and educationally appropriate targeted intervention measures to help all students succeed. For example, closer attention to disaggregated data reveal that UC’s Asian American and Pacific Islander student population is anything but monolithic, and as Ochi and Poon observe, “The most underserved AAPIs need race-conscious admissions policies and disaggregated data to achieve educational equity for all AAPIs...” (2020: 38)

In this light, an underappreciated reality is that for all Hmong students entering UC since 2010 as freshmen and transfers, Hmong graduation rates are consistently lower at UC than for e.g., African Americans and other

46-48) finds that Arcidiacono et al.’s (2014) estimates of Prop 209’s reported positive effect on graduation rates fades away when more robust controls are introduced.

² * In the 2009-12 freshmen cohorts reflected in this chart, UCSD was the only campus that was not in NCAA Division I, but in later years UCSD transitioned to Division I.

traditionally defined URM groups (UCOP 2020) Of equal concern, the number of Hmong bachelor's degree recipients dropped by nearly one quarter since 2017 at a time when overall degrees awarded held steady. (UCOP 2020) Restrictions imposed by Prop 209 can straitjacket efforts to identify, discuss and take action to ameliorate such educational challenges in areas where "race-neutral" and "color-mute" approaches are not working. (Ochi & Poon 2020; Garces 2016; Carbado & Harris, 2008; Pollack 2004) This is especially so for addressing entrenched intersectional challenges of race, gender and beyond, where affirmative action could play more of a positive role in the absence of Prop 209. (Carbado & Crenshaw, 2019)

Turning to earnings as a measure of post-graduation career success, Bleemer recently found that "Prop 209 led URM UC applicants to earn five percent lower average annual wages between ages 24 and 34 than they would have earned had affirmative action continued..." (Bleemer 2020a:3) The weight of peer-reviewed research finds that affirmative action is associated with positive labor market outcomes/earnings for African American and Latinx attendees of selective U.S. colleges and universities, often using a variety of methods to control for selection bias (Dillon & Smith 2020; Dale & Krueger 2014; Long 2010; Daniel et al. 2001). The Dale & Krueger "matching" methodology is notable because it was previously celebrated by leading affirmative action critics (Sander & Taylor 2012:108; Sander 2005:1972). Yet Dale & Krueger found larger wage benefits for African Americans and Latinx students (2014:325-26) than for others. Relatedly, other studies show labor market benefits (for URMs and/or others) of attending a public flagship university compared to similar students attending other institutions, or attending four-year publics versus community colleges, etc. (Andrews et al. 2016, 2020; Smith et al. 2020; Cohodes & Goodman, 2014; Hoekstra 2009; Black et al. 2005).

V. Learning benefits and campus climate

Accentuating the earlier points about enrollment access and positive graduation outcomes, during these difficult times of racial and political polarization, it is important for voters to recognize, as did our U.S. Supreme Court in *Grutter v. Bollinger*, that diversity in higher education "promotes 'cross-racial understanding,' helps to break down racial stereotypes, and 'enables [students] to better understand persons of different races...' 539 U.S. 306, 330 (2003).

In their authoritative synthesis (meta-analysis) of 500+ studies, Pettigrew and Tropp (2006, 2011) show that

greater intergroup contact and cross-racial interaction is associated with lower levels of prejudice. This important finding is very robust in the peer-reviewed research, and a recent replication meta-analysis finds additional cultural factors and that "positive contact most effectively reduces prejudice in high-prejudice individuals" (Kende et al. 2018:893; *see also* Brannon & Walton, 2013; Lemmer & Wagner, 2015; Dovidio et al. 2017).

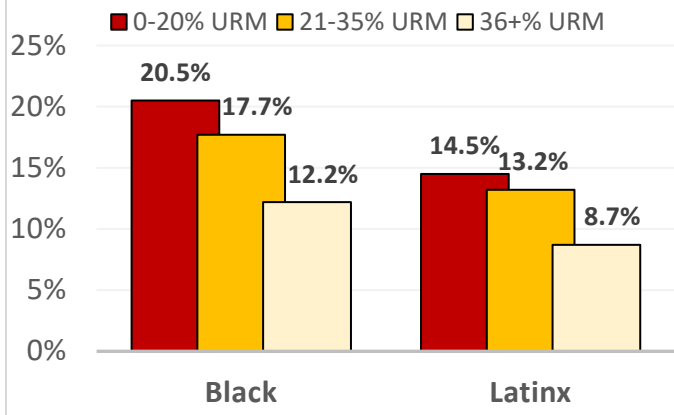
Greater diversity contributes to more cross-group friendships (Davies et al. 2011; Zhou et al. 2019; Fischer 2008). In addition, relevant to the discussion earlier in Section II about California's higher education needs in the global economy, greater diversity spurs growth in cognitive skills (Bowman 2010; Hodson et al. 2018; Chang et al. 2006), academic engagement (Victorino et al. 2019) and innovative problem-solving (Page 2007).

The aforementioned studies confirm significant educational benefits for white and Asian American/Pacific Islander students. As one important study of college seniors found, "Asian students' contact with Hispanics was related to improved attitudes toward Blacks, their contact with Blacks was related to improved attitudes toward Hispanics, and their contact with Whites was related to improved attitudes toward Blacks." (Bowman & Griffin 2012:38)

An additional consideration for voters around Prop 16 is that low diversity levels and affirmative action bans can create more inhospitable learning conditions and racial climate for URM students, including specifically African American and Latinx students at UC post-209 reporting a greater sense of stigmatic harm, racial isolation and not feeling welcome (Kidder 2012; Chapman 2020; Kidder & Onwuachi-Willig 2014; Onwuachi-Willig et al. 2008; Contreras et al. 2018; Solorzano et al. 2002).

The chart below shows results from a study of nearly 8,900 URM students at 58 U.S. public and private four-year universities administering the Diverse Learning Environments (DLE) survey (Hurtado and Alvarado, 2015). Compared to a baseline of 12.6% percent of students reporting discrimination or harassment to a campus authority, on lower diversity campuses where URM students are one-fifth or less of the student body, 20.5% of African American students and 14.5% Latinx students reported at least one discriminatory incident to campus authorities, which the authors describe as "just the tip of the iceberg since most instances of perceived bias and discrimination go unreported." (p.2). The chart also shows that African Americans and Latinx students are less likely to report such discrimination incidents to authorities when there are higher representation levels.

Reported discrimination incident to campus authority, by level of URM in student body



Source: [Hurtado & Alvarado, 2015 p. 2](#)

A healthy campus racial climate for URM students is also one in which White students have better prospects for maturation around experiences of racialized vulnerability and ultimately the “development of anti-racist and humanizing identities and relationships.” (Jayakumar et al. 2018; *see also* Ledesma 2016; Garces & Jayakumar 2014).

VI. Healthy professions and a healthy California

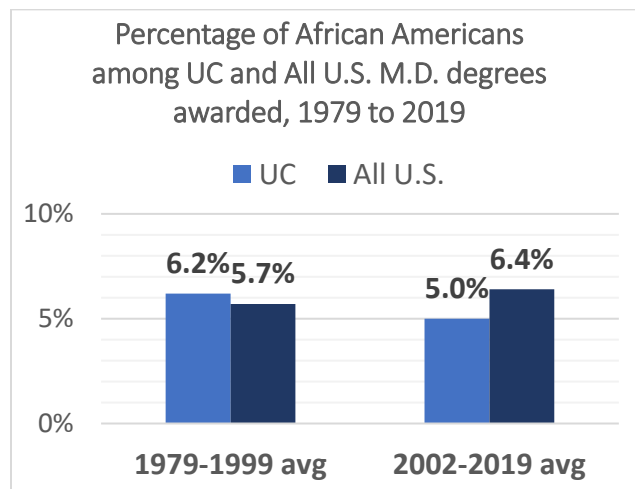
In California across many medical specialty areas African American, Latinx and Pacific Islander physicians in California are more likely (controlling for other characteristics) to practice in medically underserved areas and in areas with shortages of primary care physicians as compared to white physicians (Walker et al. 2012; Grumbach et al. 2008), as is the case more generally across the U.S. (U.S. H.H.S. 2006; Smedley et al. 2001; Komaromy et al. 1996) And for complex sociocultural reasons, in both clinical practice and randomized studies, underrepresented minority patients have better interactions, communications and better health outcomes with physicians from their racial/ethnic background (Saha & Beach 2020; Alsan et al. 2018; Saha et al. 2008; U.S. H.H.S. 2006)

Today California has a worse ratio of Latinx resident physicians to the Latinx population as compared New York, Texas and Florida, including in internal medicine, obstetrics/gynecology and pediatrics (Bustamante et al. 2020: 21-22). Relatedly, there is a strong need for more

³ Nationwide URM enrollments to U.S. medical schools dropped after 1996, which corresponds to passage of California’s Prop 209 and other developments weakening affirmative action (Cohen 2003).

physicians in California with proficiency in several non-English languages spoken in California, most acutely Spanish but also with Tagalog, Thai/Lao and Vietnamese (Hsu et al. 2018:2; Garcia et al. 2019), and the “increased difficulties with in-person access to care during the COVID-19 health crisis have further complicated health care for linguistic minorities.” (Ortega et al. 2020)

All of these conditions were predictably worsened by Prop 209 in California and the relative decline in underrepresented minorities admitted to UC medical schools (Mickey-Pabello & Garces 2018; Garces & Mickey-Pabello, 2015; Smith et al. 2009; Saha & Shipman 2008; Steinecke et al. 2007).³ As shown in the chart below, for medical school graduates who entered in the twenty years before Prop 209, African Americans were awarded 6.2% of the M.D. degrees at UC, higher than the national average for all AAMC medical schools (5.7%). For all the post-209 cohorts graduating between 2002 and 2019, African Americans dropped to 5.0% of UC’s M.D. degrees, even as the figure for U.S. medical schools rose (to 6.4%). Thus, in the two decades before Prop 209 UC had a Black M.D. production rate (109%) that exceeded the average of U.S. medical schools, but in the last two decades with Prop 209 UC’s M.D. production rate for African Americans dropped to 78% of national figures.⁴



Sources: UCOP; CPEC; AAMC

Given the example that for African American men in Oakland, a recent randomized study estimated that “black doctors would reduce mortality from cardiovascular disease by 16 deaths per 100,000 per year, accounting for 19% of the black-white gap in

⁴ The chart is a conservative benchmark for comparison, as the national average for 2002-2019 incorporates affirmative action bans in several other states.

cardiovascular mortality”(Alsan et al. 2018), the cumulative impacts of Prop 209 on vulnerable communities of color in California are far from “race-neutral” and exacerbate racial/ethnic health disparities.

Moreover, similar to the discussion earlier in Section V, better racial diversity within medical school can create “win-win” conditions that accentuate the cross-cultural competencies/learning and lessen implicit bias for medical students who are not necessarily from underrepresented groups (Burke et al., 2017; van Ryn et al. 2015, 2011; Milem et al. 2012), including at UCSF specifically (Whitla et al. 2003).

While the focus above is on medical school and physicians, Prop 209 in fact had a negative impact on underrepresented minority enrollment across all UC professional degree programs combined, which spans law, nursing, pharmacy, dentistry, business, public policy, and so on (Kidder & Gándara, 2015:31). Declines in racial diversity under Prop 209 have been substantial at UC law schools (J.D.s) and business schools (M.B.A.s) (Kidder 2013:118-123). Moreover, academic doctoral degree programs are central to UC’s mission under the California Master Plan, and declines in doctoral student diversity carry the added harm of further eroding long-term progress in diversifying the professoriate (Jayakumar et al. 2018; Kidder & Gándara, 2015:31; Garces 2013).

Finally, adding to the earlier discussion in Section IV about undergraduate “mismatch,” claims asserting law school mismatch (Sander 2004, 2019; *see also* Williams, 2013) are likewise refuted by a strong preponderance of empirical research –including a range of replication efforts – which call into question the soundness of Sander’s findings, conclusions about causal inference and/or methods. (Bjerk 2019; Yoon 2017; Xiang & Rubin 2015; Kidder & Lempert 2015; Empirical Scholars *Fisher v. UT Austin* brief 2013; Camilli & Welner 2011; Camilli & Jackson 2011; Rothstein & Yoon 2008a, 2008b; Chambers et al. 2005; Ayres & Brooks 2005; Ho 2005; Kidder 2005).

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California’s future depends on intergenerational progress in higher education

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