



NAACP Legal Defense and Educational Fund, Inc.

Fisher v. University of Texas:

Description of the Admission Process at University of Texas at Austin

The University of Texas at Austin utilizes a “blended” admissions system, with two distinct components:

- (1) Automatic admissions through the **Top Ten Percent Plan**; and
- (2) **An individualized, holistic review** of the contents of student applications.

While the combination of these two particular components is relatively unique among schools, it is quite common for colleges and universities to use both facially race-neutral and race-conscious criterion in their admissions processes. In particular, the holistic component of UT Austin’s admissions policy is very similar to those used by many selective colleges and universities throughout the country. If anything makes UT Austin’s policy unique, it is that the University has not only considered, but aggressively utilized, a robust set of race-neutral tools, including the Top Ten Percent Plan.

In her attack on UT Austin’s admissions, the petitioner in the *Fisher* case is singling out race – even in the very modest way it is considered – as the *only* aspect of a student’s background that must be ignored in college admissions. The lawsuit does not challenge the use of any other factor in admissions at UT Austin or other colleges in the United States. In this way, Fisher’s challenge misses the point of a holistic admissions process and fails to heed the constitutional principles established by the Supreme Court in *Grutter v. Bollinger*.

The following pages contain a general description of UT Austin’s admissions policy. These details demonstrate why the policy is wholly consistent with *Grutter* and should be upheld as constitutional.

Top Ten Percent Plan

A large majority of students admitted to UT Austin come through the Top Ten Percent Plan. Created by state law, this plan requires UT Austin and other publicly-funded state universities in Texas to admit all Texas residents who rank in the top ten percent of their high school class.

- In 2008, when Fisher sought admission, 81% of the Texas residents in UT Austin's incoming freshmen class was admitted through this plan. (For the 2011 incoming freshmen class and thereafter, the Texas state legislature has capped Top Ten Percent Plan admissions at 75% of the class.)
- While Texas residents in the top ten percent of their high school class are guaranteed admission to the University (now subject to the 75% cap), they are not assured admission to particular majors and schools within the university.¹
 - Most majors and schools/colleges automatically accept all students admitted under the Top Ten Percent plan. Any remaining spaces are allocated based on UT Austin's individualized, holistic review process.
 - But some majors and schools/colleges, such as the Schools of Nursing and Engineering and the College of Communications, cap automatic enrollment from the Top Ten Percent plan in order to manage their capacity and to allow them to admit some students from outside the Top Ten Percent pool. For any over-subscribed majors and schools/colleges, UT Austin uses its individualized, holistic review process to determine which Top Ten Percent Plan applicants to admit.
 - If a student admitted under the Top Ten Percent plan is not admitted to his or her first or second choice college/major, he/she is accepted as an undeclared liberal arts major.

Holistic Review

For the remainder of the class, admissions decisions are based on the results of a holistic, individualized review of student applications, modeled after the University of Michigan Law School policy upheld by the U.S. Supreme Court in *Grutter v. Bollinger* (2003).

- The individualized, holistic admissions provides flexibility to consider each applicant's unique experiences and backgrounds and to admit students of all races who bring an array of talents and leadership skills that are essential to realizing the benefits of a student body that is not just racially diverse but diverse along all the qualities valued by UT Austin.
- In addition to academic achievement, UT Austin's holistic review process considers many different criteria, such as essays, leadership qualities, extracurricular activities, awards, work experience, community service, family responsibilities, family and school socio-economic status, whether the applicant lives in a single-parent home, whether languages other than English are spoken at home, and the applicant's race or ethnicity.
- The holistic review process does not award any fixed points to racial minorities; nor does it involve illegal quotas or set aside designated admissions slots for minority students. Instead, UT Austin's policy is sufficiently flexible to take into consideration the racial background of any applicant, including white students, based on their unique backgrounds and experiences.

¹ The Top Ten Percent Law does not apply to the School of Architecture, the School of Fine Arts, and some honors programs, due to the special portfolio, audition, and other requirements for those programs/schools.

Important Facts about the UT Admissions Policy

1. The educational benefits of diversity are undisputed.

Promoting diversity at both the campus-wide and classroom levels is consistent with the Supreme Court's decision in *Grutter*, which emphasizes the benefits of diversity at the classroom level: "These [educational] benefits [of diversity] are 'important and laudable,' because 'classroom discussion is livelier, more spirited, and simply more enlightening and interesting' when the students have 'the greatest possible variety of backgrounds.'" The Court endorsed the University of Michigan Law School's effort to attain a level of diversity that "encourages underrepresented minority students to participate in the classroom" and ensures that such students "do not feel isolated or like spokespersons for their race." *Id.* at 318, 319.

2. UT Austin has a demonstrated need for diversity.

After conducting a review of diversity from 2003-04, UT determined that racial isolation was pervasive across the curriculum. Approximately 79% of all UT undergraduate classes had zero or one African-American students. Overall, between 1997 and 2004, when UT Austin did not consider race at the individualized admissions stage, African-American students never exceeded 4.5% of the entering class. This left African-American students isolated in the classroom and undermined the diverse learning environment that the University sought to create for the benefit of all students.

3. UT Austin's admissions policy produces important results.

Although the actual consideration of race in that policy is relatively modest, its impact is meaningful. After the school reinstated race as one of the factors for applicants who are not admitted automatically through the Top Ten Percent plan, the percentage of African Americans among incoming freshman increased. The 2008 freshman class, for which Fisher applied, saw a 25% increase in the enrollment of African American students, growing from 4.5% to 5.6%. Approximately 28% of African-American students admitted to UT Austin from 2005-2008 were admitted through the holistic admissions process.

4. The admission policy does not involve quotas.

The policy does not involve quotas of any sort. Furthermore, UT Austin does not steer the admissions process in favor of underrepresented minorities. For example, UT does not track how many minorities are being accepted in a given year as a mean to alter or impact individual admissions decisions in subsequent years. Instead, the University reviews student body and classroom demographics only *retrospectively*, well after individual admissions and enrollment processes are completed. For instance, this data factored into UT Austin's deliberate and thorough review in 2003-2004, when it determined to add race as one factor among many in its individualized, holistic admissions process to ensure that it obtains the full educational benefits of diversity.

For more information on how the admissions process works at UT Austin, please see the Fifth Circuit Court of Appeals opinion at pages 19-25:
<http://www.utexas.edu/vp/irla/Documents/Revised.Opinion.2.1.2011.pdf>