



The Impact of Equality Laws on U.S. Higher Education

Take Affirmative Action as an Example

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Abstract. The United States has led the world in the rapid growth of higher education since the mid-twentieth century. This is due to a series of essential policies introduced at that time, one of which was the Affirmative Action Act. Education is critical to a country's development, and achieving equity in higher education enrollment is also a challenge for education reform. Education policymakers and implementers weigh the pros and cons of lowering admissions standards in favor of equality and rejecting minority students in favor of elitism. The use of equity law in higher education is embodied in policy through affirmative action. This policy compensates for minority and disadvantaged processes on a liberal and egalitarian basis through the redistribution of social resources. This research examines the impact of affirmative action on the implementation of college admissions policies through a combination of documentary and historical research with an equity and justice lens. Affirmative action intends to eliminate social discrimination and distribute social resources equally. Enrollment compensation in colleges and universities can promote diversity in campus culture and improve the hardship of disadvantaged groups, which is also in line with equality and fairness. Admission counselors are not familiar with compensation or preferential treatment for minorities; it is reciprocal and promotes a fair and just social environment through improved social concepts and institutions.

Keywords: Affirmative Action · Equity · Higher education · Minorities · College admissions · United States

1 Introduction

The Affirmation Act can be traced back to the 1960s when President Kennedy was in office and wanted to eliminate racial discrimination in employment. By the 1970s, this policy carried over into higher education. Most scholars worldwide have focused on the place and role of affirmative action in the field of education. The impact of affirmative action on college admissions has been analyzed by many scholars using an interdisciplinary perspective. These include, for example, legal analysis of the legality and fairness of cases related to the policy, sociological discussion of the preservation and distribution of minority rights, and educational studies of the impact of discriminated

minorities on academic achievement. Overall, the existing studies cover the impact of affirmative action on college admissions, analysis of the interests of different groups, and reflections and recommendations on the policy, providing valuable information and evidence for studying the impact of affirmative action on college admissions equity. This paper uses the concept of college admissions as an entry point and the changes in college admissions programs as a clue to examine the impact of affirmative action on the concept of college admissions and the admissions system in the United States. This paper combines documentary and historical research methods to examine the historical development of affirmative action's impact on higher education admissions and analyze the process, effects, and resistance to the policy's implementation. Affirmative action is typical. In college admissions, it broke through the previous admissions philosophy of colleges and universities and changed the rules of free competition for merit-based admissions. As the United States is still mired in systemic racial discrimination, the future development of affirmative action should be focused on the underprivileged who require favorable assistance while maintaining the concept of elite training in higher education.

2 The Development of the Admissions Philosophy of High Schools in the United States

Before the introduction of affirmative action, efficient admissions in the United States were characterized by unrestricted competition and equal treatment. This type of admission was mainly used for elite universities with solid competition and autonomy. These colleges and universities used scores on standardized tests as the primary evaluation tool for admissions and valued applicants' academic ability and developmental prospects, including whether students had the appropriate financial means [1]. After the Act's implementation, there has been a shift in the admissions philosophy of private and public universities in the United States. Private universities in the United States have taken the lead in advocating fair admissions. Harvard University President Eliot delivered his inaugural address in 1869 with the desire for fair admissions, with universities being equally open to all, including those with and without money [2]. The university welcomed students of all economic conditions as long as students had qualities other than wealth, such as ability, motivation, and integrity [3].

By the 1960s and 1970s, private universities voluntarily adopted a compensatory admissions system under the influence of affirmative action programs. Clark Jr., director of the admissions office at Yale University, suggested that students from disadvantaged areas were likely to be disadvantaged on standardized tests so that admissions would take into account the applicant's living environment, home situation, and school background [4]. The director of Princeton University's admissions committee makes a similar point that university admissions assessments should be particularly considerate of disadvantaged students, as previous assessment systems may have hindered access to education for disadvantaged groups [5]. Compared to private universities, public universities, supported by government funding, have a closer relationship with the government and are the main battleground for implementing affirmative action in higher education.

The admissions philosophy of colleges and universities is not static. The admissions compensation philosophy of colleges and universities in the 1970s was concise and straightforward. The racial background of students was used as a decisive factor in admissions, and large compensations were given to a single disadvantaged group. This philosophy strongly impacted the original concept of equal opportunity and was protested by some students. In order to ensure the smooth implementation of the policy and to appease the discontent of the community, the admissions philosophy in the early 1980s shifted to promoting diversity among students in colleges and universities, with students' ethnic backgrounds only as an additional factor. The admissions philosophy in the early 1980s shifted to promoting diversity in colleges and universities, with student ethnicity as an additional factor.

By the late 1980s and early 1990s, American politics tended to be conservative. The concept of pluralistic admissions was also rejected by society. Opponents argued that the traditional values and beliefs impacted by the diversity philosophy had led to a loss of direction in moral ethics and a severe decline in the quality of moral education [6]. The concept of diversity was then subjected to unprecedented restrictions, requiring implementation to be subjected to rigorous scrutiny to minimize harm to students outside the scope of policy compensation. This situation only improved in the early 21st century, when the Federal Supreme Court re-affirmed academic freedom and university campus diversity when it heard controversial cases on high enrollment.

In summary, affirmative action, driven by the executive branch and monitored by the judiciary, has changed the original philosophy of college admissions to one of outcome equity to compensate the disadvantaged. The new admissions philosophy has also produced changes with the times. The increase in the percentage of minority enrollment has brought about academic diversity and more profound understanding and integration among ethnic groups, resulting in gains for social justice.

3 The Impact of Affirmative Action on College Admissions

The American academic community considers equity in higher education as a perception of color consciousness developed from race theory to eradicate entrenched racial and gender discrimination in colleges and universities. At the same time, equity in higher education is also considered to be a manifestation of the ability of historically marginalized groups to be represented in admissions, learning processes, and academic activities [7]. Affirmative action is compensation for disadvantaged groups based on equal opportunity and free competition. The essence of this compensation is the compensation of differences. Under the influence of this philosophy, college admissions have produced institutional changes oriented to outcome equity. Overall, four new types of admissions have been developed.

A quota system is an admissions system in which colleges and universities set aside a fixed number or percentage of seats for minority applicants. In order to enroll a sufficient number of minority students, colleges and universities will supplement their enrollment by lowering their admissions standards during the application review even if they do not fill the quota in the first round [8]. The quota system has been in place in American universities since the early twentieth century, but it is very different from the system after

the 1960s. At that time, race and religion were used as factors to limit the percentage of enrollment of specific groups [9], whereas, after the 1960s, colleges and universities increased the percentage of enrollment of specific groups with the idea of disadvantage compensation.

Government-funded colleges and universities have been influenced by affirmative action to create new admissions programs and clear minority admissions targets. These include private institutions, medical schools, and law schools that give low admissions rates to minorities. UC Davis, for example, responded to affirmative action but chose to establish its own admissions program like other schools. At the time, more than a quarter of California's population was the minority, and proportionally, 16 of the 100 students admitted to medical school each year were reserved for these "disadvantaged" applicants. The focus of the quota system in higher education was not on how the quota should be set but on identifying, selecting, and training potentially qualified minorities and women [10]. Quotas based on disadvantage compensation have been effective in increasing minority enrollment and alleviating discrimination-induced racial tensions but are resented by high-achieving white students who are denied admission.

The so-called dual system refers to two different standards of admissions for minority and non-minority students in college admissions. Usually, the admission standard for minorities is lower, which increases the chance of admission for this group of students. Due to the different goals and positioning of the colleges and universities, each college and university takes a different approach to admissions. Colleges and universities that aim to be "less frequently disadvantaged" need to serve the state where the college is located. For example, the University of California at Berkeley has to implement affirmative action in its admissions process following the government's requirements, which requires strict academic performance and overall quality for some of the best applicants while lowering the standards and compensating for the disadvantaged minority students in the state [1]. The dual-track system aims to increase access to disadvantaged groups and promote racial equity. However, in reality, the racial disparities are relatively large across states, so colleges and universities do not adopt the same compensation limits. Enrollment systems with larger compensation limits that result from a greater concentration of minorities are often difficult to implement with understanding support from other groups. In Texas in 1992, there was the Hopwood case in which students sued colleges and universities. Hopwood and four other white men were placed on a waiting list when they applied to law school, but the admissions committee reviewed and rejected the four men's applications, and they subsequently filed a lawsuit in court [8]. This time the judiciary did not endorse the college admissions system, and the Fifth Circuit Court of Appeals ruled that this dual regulation system was unconstitutional. Because the mechanism did not promote a significant government interest [11]. Since the jurisdiction of the Fifth Circuit includes Texas, Mississippi, and California, the limits of compensation for colleges and universities in these states in the admissions process have changed.

The extra point system is an admissions process in which colleges and universities convert all applicants into admissions points based on the same review criteria and then grant additional extra points to ethnic minorities to increase their chances of admission. The University of Michigan, for example, converts each applicant's criteria into points

based on indicators. The total score is 150 points. At the same time, to increase the percentage of minority students admitted, the Office of Undergraduate Admissions decided to give this group of applicants an additional care score of 20 points on top of the original admissions score [12]. In contrast, the full SAT score only accounts for 18 points in the applicant's overall score. That is, a student who is not a minority, even if he or she gets a perfect score on the SAT, will have a lower overall score than a minority student with a zero SAT score, all other things being equal.

This admissions system is more controversial because of the weak correlation between the extra credit given to minorities and the percentage of students of each ethnicity. Part of the reason is that various compensation systems under the influence of affirmative action have existed for some time. Compared to some previous admissions compensation systems, the extra credit system is too simplistic to meet real needs. At the same time, due to the growing opposition of some ethnic groups to the enrollment compensation system, the conditions for implementing the extra credit systems are not good, resulting in the implementation of this enrollment system has not achieved the expected results.

4 The Affirmative Action Controversy

In recent years, mainstream Asians are not the only ones who believe that affirmative action enrollment has led to reverse discrimination. African-Americans have been the most direct and primary beneficiaries of the nonviolent confrontational movement for equal rights in the eyes of Asians. Minorities such as Latinos have also been targeted to benefit based on the Civil Rights Act's provision that no one may discriminate against another based on race, color, religion, sex, or national origin [13]. However, Asians, as a minority, not only failed to enjoy admission preference when applying to colleges and universities but also suffered from the distinction against the knife. They began to join the ranks of those who opposed the minority admission preference enrollment.

The policy is effective. Over time, the problems raised by affirmative action in college admissions have come to light. Disparities and unevenness in educational development are inevitable in multi-ethnic countries. Adopting affirmative action and other similarly inclined policies is a standard educational governance strategy that essentially pursues balanced governance goals with unbalanced policy tools [14]. However, the Trump administration's elimination of preferential minority enrollment policies responds to the needs of mainstream ethnicities and Asians to avoid reverse discrimination due to enrollment disparities. However, this shift in educational governance policy is not beneficial to minorities other than Asians. Many of them would have difficulty qualifying for admission without preferential treatment. Minorities are expecting a resurgence of affirmative action. In a survey of a repressed population, 63.1 percent of Asians again expressed support for affirmative action, with only 5.7 percent saying the policy was terrible [15]. Another study surveying those as far as racial factors in the enrollment of Asians also found that not all questioned are opposed to affirmative action [16]. Another study that surveyed Asians who questioned race-based admissions found that not all of those who questioned it were opposed to affirmative action. Most Asians agree that preferential minority admissions policies are fair and just for those who need them.

It is only when they, as a minority, are excluded. Only when they are excluded as a minority and even disadvantaged more than the mainstream does they begin to question the minority preferential enrollment policy.

5 Conclusion

The introduction of any educational policy results from a game among various interest groups, which ultimately balances the educational needs of each interest group to maintain a harmonious development of society [17]. Affirmative action uses historical compensation and equal justice as a door knocker for minority students to the door of higher education. Conceptually, affirmative action is very reasonable. Due to historical oppression and discrimination, the social status and education level of ethnic minorities are low, which makes their development in life difficult. It is difficult to expect them to get rid of the whirlpool of fate through self struggle and improve the status and education level of ethnic minorities in a short period of time, without the need to compensate through external forces based on policies. The purpose of affirmative action is to try to break the vicious cycle of not being able to afford school because of poverty and thus not being able to find a job, which keeps the next generation poor. However, practically speaking, affirmative action is indeed full of obstacles and controversies. The extra compensation given to minorities undoubtedly touches the interests of the traditional middle class, such as whites, not to mention the internal conflicts of minorities in general.

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