College Unions International Central Office staff. Prior to entering IU, Tony worked for Kappa Alpha Order, national men's social fraternity, as a travelling consultant and Coordinator of Educational Programming.

Carol McBryde gradauted from the HESA master's program in May, 1997. While at Indiana University, she was an Assistant Coordinator in Foster Quad. She graduated from Texas A&M University in 1995 with a B.S. in Agricultural Development.

Barry Magee is a doctoral student in IU's HESA program. At IU, he has worked as an Assistant Coordinator for the McNutt Residence Center and a Diversity Education Specialist for Residence Life.

Katrina Ross graduated from the HESA program in 1997, and served as an academics assistant in the Department of Intercollegiate Athletics at IU. Previously, she worked for four years ar Metropolitan Collegiate Athletic Conference (Metro Conference) in compliance and communications. She received a B.S. in broadcast journalism from the University of Illinois at Urbana-Champaign in 1990.

Rollie O. Buchanan received his B.G.S. in general studies (1991) and M.S. in higher education and student affairs (1997) from Indiana University. Prior to returning to IU, Rollie served as a residence hall director at the University of Wisconsin - River Falls for four years. At IU, Rollie served as Associate Coordinator for Residence Life & Director of the Thomas I. Atkins Living Learning Center in Ashton Residence Center.

Minority Admissions Policies and the Courts: What's a School to Do?

Ryan Forsythe

Recent legal cases have defined admissions policies which differ for minorities and nonminorities as racist and illegal. This paper examines the challenge of reconciling institutional commitment to diversity with these legal decisions. The options available to institutions are considered, followed by suggested directions for administrators.

In 1992, four applicants who were denied admission to the University of Texas Law School sued the school and claimed that their rights under the Fourteenth Amendment had been violated (Edley, 1996). The law school used different test score requirements for minorities than for non-minorities when making admissions decisions. Based on a "Texas Index" score (a function of LSAT scores and undergraduate grade point average), applicants were divided into three categories: those who would likely be offered admission, those who would likely be denied admission, and those who would receive more scrutiny before a decision was made ("Admissions," 1996). To be in the admit category, white students required a score of 199, while preferred minorities required a score of 189.

The case, *Hopwood v. State of Texas*, was appealed to the U.S. Supreme Court, which refused to hear it. As a result, the decision remained that "the law school may not use race as a factor in law school admissions" (Admissions, 1996, p. 1187). The decision of the court indicated a belief that using a higher criteria for one group of applicants constitutes discrimination.

A closer look at standardized tests reveals that utilizing the same criteria for all individuals may discriminate against members of certain groups. Critics of standardized tests believe the tests are biased (Beaver, 1996). FairTest is an advocacy group that monitors such tests. The group argues that many of the concepts of the Scholastic Aptitude Test refer to elements of white culture with which minority students might not be familiar. They cite a question that over 50% of white students answered

correctly, yet less than 25% of black students answered correctly "thus demonstrating bias against blacks" (Beaver, 1996, p. 37).

Furthermore, some studies have demonstrated that learning test-taking strategies can increase scores on a retest (Beaver, 1996). Some companies claim their strategies can increase scores by at least 100 points. The result is that students who can afford expensive courses are able to increase their scores. In summary, by using the same cut-off scores for all students, universities might be discriminating against low-income students who are unable to afford such courses and against minority students not familiar with aspects of the dominant culture.

Therefore, the use of a single cut-off, regardless of the race or economic background of the applicant, might harm an institution's attempts to maintain a diverse student body. Using differential standards opens schools to charges of overt racism, but using a single standard might provide cause for claims of covert racism. Colleges and universities are searching for a suitable response to this dilemma.

One position taken by some schools is to do nothing until legislation or court decisions clearly state what action is appropriate (Edley, 1996). The issue these schools are dealing with is the apparent contradiction between what appears to be fair and what has been dictated as legal. It may be appropriate for universities to continue policies they believe are fair or beneficial to minorities until courts require them to act otherwise.

However, colleges and universities must not sit by as the courts take away important policies. In the *Hopwood* decision, "the court of appeals held that the law school had presented no evidence supporting a compelling reason to warrant the elevation of some races over other" ("Admissions," 1996, p. 1187). As defendants, colleges and universities must understand their own position and defend the policies with the proper evidence.

Student affairs administrators have at their disposal data that indicate the educational benefits of having a diverse student population. According to Astin (1993), "there are many developmental benefits that accrue to students when institutions encourage and support an emphasis on multiculturalism and diversity" (p. 431). Student experiences in areas of

diversity positively affect satisfaction, cognitive and affective development, and commitment to promoting racial understanding (Astin, 1993). Providing this information to legislatures and courts may allow them greater understanding of the benefits of a diverse student body. In time, legislation and legal decisions may reflect the influence of this perspective.

Another option for colleges would be to accept the decisions of the courts and create new policies that maintain the spirit of the prior policies. However, few schools have taken this stance. The most appropriate response to the criticisms may be to eliminate the use of standardized test scores as an admission criterion. Beaver (1996) found that of all students taking the SAT, approximately five percent are not admitted to any college. If 95% of students are getting into the institutions that they applied to regardless of SAT scores, then the scores would seem unimportant.

Marchese (1996) indicated that the focus of the college admissions process on test scores and GPAs resulted in student perceptions that these were the most important factors in determining admission. By placing greater emphasis in the admissions process on non-cognitive dimensions of student achievement, such as involvement in extracurriculars, universities will send the message to students, legislatures, and courts, that test scores are not as valuable as once thought. Conceivably, universities will have greater flexibility in admitting students from various racial, ethnic, and socioeconomic backgrounds as a result of relaxing the attention devoted to test scores.

In the wake of the *Hopwood* decision, it is necessary for colleges and universities to examine policies regarding minority students (Marchese, 1996). Institutions of higher education cannot sit idle while courts continue to undermine the progress of affirmative action programs. Colleges and universities must be at the forefront of any discussions regarding their policies. Only then can they insure that their educational missions remain intact.

References

Admissions: Affirmative action using race as factor; Equal protection. (1996, June). *The College Student and the Courts,* pp. 1185-1187.

Astin, A. W. (1993). *What matters in college? Four critical years revisited.* San Francisco: Jossey-Bass.

Beaver, W. (1996). Is it time to replace the SAT? *Academe, 82*(3), 37-39.

Edley, C. (1996). Affirmative action angst: Contemplating campus policy after *Hopwood v. Texas. Change, 28*(5), 12-15.

Marchese, E. (1996). After *Hopwood. Change, 28*(5), 4.

Ryan Forsythe graduated from The Ohio State University in 1996 with a B.A. in English and a B.S. in Psychology. He is a first-year student in the HESA program and is planning a May 1998 graduation. At IU, Ryan has worked as an Assistant Coordinator in the McNutt Residence Center.

Free Speech and Campus Hate Speech Codes

Stephanie Sue Helmers

During the 1980s and 90s the issue of free speech and campus hate speech codes came to the forefront of the student affairs profession. Institutions went to battle in the courts over the issue especially as related to constitutionality. This paper revisits the controversy , the issues involved, and the results of the legal battle over the last few decades. The author asks student affairs professionals to look at their role as educators and use this as a tool to solve this continuing problem.

> Campus racism posed another of the classic 'hard cases' where the free speech advocates are forced to defend the rights of some with utterly despicable points of view. As First Amendment authority Rodney Smolla put it, hate speech posed 'the hardest free speech question of all.' (Walker, 1994, p. 135-136)

The concern with a perceived resurgence of racism on college campuses across the nation has created one of the most highly contested free speech issues in modern society (Laramee, 1991; Walker, 1994). At the center of the debate are terms and concepts such as racism and sexism, hate speech codes, academic mission statements, freedom of speech and equality. Some argue this is the toughest free speech issue which American society has yet to resolve. Others arguing from a pro- (or con-) campus hate speech code stance can see no justification for the tolerance of (or attempts to silence) words that categorize, stereotype, and offend persons based solely on their membership in a certain segment of society.

In order to encourage a greater understanding of the controversy between campus hate speech codes and free speech, this paper examines the key areas of the debate. First, a general introduction to the recent phenomenon of campus hate speech codes is presented. This section includes the search for a common definition of hate speech, a look at what caused the proliferation of hate speech codes, and a discussion of what the codes are designed to do as well as how they have been judged in the courts. The second section explains the arguments of those who support