

# The Philadelphia Inquirer

WEDNESDAY, JANUARY 25, 2023

## NEWS

### Colleges are bracing for a court decision on affirmative action. Here's what Princeton's president is doing to prepare.

*"We are going to continue to pursue within the limit of the law the diversity that is essential to the mission of this university," said Princeton president Christopher L. Eisgruber.*

By Susan Snyder

The U.S. Supreme Court this spring is expected to issue a ruling that could ban or alter how local universities consider race when deciding whether to admit students.

Previous cases have ended with colleges still allowed to factor in a student's race in efforts to build a diverse student body — a practice upheld for more than 40 years.

But this is a more conservative court, and colleges that have long championed affirmative action are bracing for the decision and what it might mean for their admission process.

We sat down with Christopher L. Eisgruber, constitutional law scholar and president of Princeton for nearly a decade, to ask how the Ivy League university is preparing.

At Princeton — where about 23% of undergraduates are Asian American, 8% are African American and 10% Hispanic, while 6.8% are multiracial and 12% are international — Eisgruber said that ensuring a diverse student body was essential to its mission. If the Supreme Court rules the school cannot consider race, "that will make our jobs harder."

"It would be great if one could get that diversity without using the tools of affirmative action, but frankly ... we're still in a society where race makes a difference when you're talking about health care, ... when you're talking about the job market, ... when you're talking about education," he said. "And therefore, it makes a difference when you're thinking about whom to admit to a university."

Princeton, too, has faced scrutiny when it comes to admissions: After a complaint was filed that it was discriminating against Asian and Asian American students in admissions, the U.S. Department of Education's Office of Civil Rights investigated, and in 2015 announced it found insufficient evidence to support the claim.

Here are excerpts from our conversation with Eisgruber, edited for space and clarity.

**If you were to lose the ability to consider race in admissions, what would that mean to Princeton?**

Let's start by talking about the why. We think it's important to the education we provide because people from different backgrounds can bring different perspectives to the study of history or biology or a wide range of other subjects. And we think it's es-



JOSE F. MORENO/STAFF PHOTOGRAPHER

**Princeton president Christopher L. Eisgruber in his office.**

sential to the impact that we have in the world, because we live in a multicultural world ... and we need students who have been educated in that type of environment and can go out and have an impact on it.

But now to go directly to your question ... We have used race as one factor among others in a holistic admissions process because we have found that essential to achieve the kind of diversity about which we care.

(Princeton has said it also considers standardized test scores, transcripts, grades; teacher and coach recommendations; feedback from alumni interviews; interest in and commitment to a particular field of study or extracurricular activity; exceptional skills and talents, experiences, and background; status as a child of an alumnus or a university staff or faculty member; athletic achievement, musical and artistic talents; geographical and socioeconomic status, ... and national origin; unique circumstances and hardships endured.)

It's hard to speculate about exactly what the impact of a Supreme Court decision will be because we don't know even if they retrench from their current precedents, how they are going to do that.

In a world where race matters in so many different ways, to the life experiences that people have, if we can't take it into account when people are making admissions decisions ... that will make our jobs harder.

We're going to continue to push to achieve the diversity that matters to our mission because it is so critical but it will be more difficult. We're going to be as creative as we can within the boundaries of the law.

**What could that creativity look like?**

Are there questions that you could ask that would help us get at some of the rea-

sons we care about race? An example would be, can you ask questions about how your identity has affected a set of credentials that you are presenting to the university or how you might contribute to the university. People could answer that in all sorts of ways, and under some versions of a jurisprudence, the answers might be permissible even if other ways of using race are not.

We're also thinking about how do you make sure you're getting as many qualified students into your applicant pool as possible.

And we push very hard on socioeconomic diversity. I don't think [that] is a substitute for racial diversity but it does help ... It removes one kind of barrier that might also stand in the way of racial diversity.

So we're looking at all those kinds of options. What we will be able to do is going to depend on exactly what the court says.

**How do you use race? Is it given a percentage worth?**

No, it doesn't factor into any numerical formula. We look at how does this person contribute to the educational community that we want to have and how do we understand more fully ... what they've overcome as they've grown up.

**Given that there's no numeric formula, how can they really stop you from considering race? In a sense it's a subjective process. Princeton has said it rejects more than 80% of valedictorians who apply and more than 50% of applicants with perfect SAT scores.**

I think [Supreme Court justices] Amy Coney Barrett and Brett Kavanaugh at oral arguments were wrestling with the question that you just asked ... I don't know the answer.

**If you ask a question on the application and the applicant answers by talking about race or identity, how do you not consider that?**

I don't know. I'm not aware of any area where someone gives you an honest answer to a question that is relevant to your selection procedure that you then have to ignore. We will do our best to comply, but I sure hope the Supreme Court doesn't ask us to, in the name of equality, single out this one characteristic that is so important to most of our experiences and say 'Hey, you're going to have to pretend that doesn't exist.'

**You've stopped requiring students to submit standardized test scores dur-**

**ing the pandemic and just expanded that policy for three years through fall 2025. Has that helped to diversify your pool?**

Yes. ... One of the most obvious advantages of being test optional is to get people into the pool who might not otherwise allow themselves to be considered ... [by] a very selective place like this.

**So why not just get rid of it?**

We want to see how it affects the paths of students as they come into the university. We want to make sure we are continuing to accurately assess their ability to do the really demanding work that gets done here at Princeton.

**Some have suggested that colleges should stop giving preferences to children of alumni, so-called legacies, to boost diversity. What do you think?**

We do take legacy into account (12.5% of students are children of alumni). We think it's an important part of who we are as an institution that creates a community that persists long after somebody graduates. Legacy works in our admissions process as a literal tie breaker.

... Our alumni body is increasingly diverse, so we have diversity in our alumni. And if you change the legacy preference, it's not going to affect whether students from well-represented groups get in. It's not going to be the difference maker when it comes to racial diversity.

**What about taking students from certain zip codes as a way to ensure more diversity?**

There are people who suggest that one could use more fine-grained zip codes as a kind of proxy for race. We just don't know what the Supreme Court is going to permit.

Personally, I would find it a weird kind of constitutional doctrine that would say we're very concerned about the use of race but it's OK if you use these other proxies which you are using precisely for the purpose of producing the kind of racial diversity that we actually know is important but we're not going to do it directly.

We are going to continue to pursue within the limit of the law the diversity that is essential to the mission of this university and the aspirations of this country. ... If we have to do that through legally permissible proxies than more direct means, we will.