Top 10% Rule: The Ethics of Admissions

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Affirmative Action is a contested admissions policy many institutions have adapted out of necessity. Colleges and Universities are looking for a legal way to diversify their incoming class. Most policies are being challenged and struck down in court. However, the Top 10% Rule seems to be the one policy surpassing the rest.

Summary

In the State of Texas, an automatic admissions policy gives every student that graduated in the top percentage of their class from a public high school in Texas automatic admissions to any public college in the state. In 2009, the law was amended to say that the automatic admission policy can only fill up 75% of the Texas resident spaces at each institution, and the universities can use their own admissions policies to admit the other 25% of space available. This new policy also changes the top 10% to lesser percentages based on the growing population of top graduates (Roush, 2012). In fact, the University of Texas only offered automatic admission to the top 7% of graduates for the Fall of 2014 and Spring of 2015 (University of Texas, 2014).

The law, known affectionately as the "Top 10% Rule," passed in 1997 in response to the court ruling on *Hopwood v. State of Texas.* This ruling banned an affirmative action admissions policy at the University of Texas School of Law (Pinhel, 2008). This decision established that a college could no longer use race as a determining factor for admissions, however colleges and universities still needed a means to diversify their incoming class. As stated by Ramsey (2012):

> The top 10 rule got around that — because it took the top students from every school, because the school populations are based largely on where people live and because people tend to live around people like themselves. Hispanic neighborhoods have mostly Hispanic students and Hispanic valedictorians. It's no absolute, but it's true enough to work as a functioning and legal alternative to race-based admissions. (para. 9)

The Lumina and Century Foundations report that minority enrollments have increased by 15% at the University of Texas at Austin due to the Top 10 Plan (as cited in New, 2014). Because of this success, other states have begun to follow suit. Both California and Florida use percentage based admissions (Pinhel, 2008).

Admissions policies, especially those that involve affirmative action, have been hotly debated recently. Of all the affirmative action options, the Top Ten Percent policy is the most ethical and fair to all applicants. Jaschik (2014) states, "Because many Texas high schools are segregated, this system results in the admission of black and Latino students," (para. 3). Institutions of higher education have been struggling to diversify their student body through admissions practices. As both Ramsey and Jaschik have explained, this policy is fair to minority applicants while not imposing on those who are not a minority. Admissions are still entirely merit based, without discriminating against minorities who traditionally did not attend the most well-funded schools, and therefore do not take as many AP courses, have as many extracurricular opportunities, or receive as strong test preparation. They are capable students who would otherwise be judged as lower performing based upon their admission credentials, simply because they were not given the same opportunities.

Reflection

Efforts to diversify campus while remaining racially impartial have been working against each other. This plan is the only one I have seen, so far, that has proven effective in both areas. The Top 10% Rule is entirely race-blind, and it is making strides toward a diverse incoming class of students. It overcomes the big issues of race-related admissions, such as minorities receiving a lesser quality of college preparation due to lower-funded public schools. The resources were slightly biased in favor of the policy, but the writers were all representing an

educational source or were involved in higher education, and therefore all favored the law. I have discovered few who are against the policy; however, they perceive to be negatively affected by it. One student went so far as to sue an institution in the recent case of *Fisher v. University of Texas.* However, I agree with the Fifth Circuit of the US Court of Appeals in saying the law is completely legal (Jaschik, 2014). Realistically, admissions based entirely on weighted GPA's and test scores favor those who can afford to reside in a better school district. Students who live in poorer districts do not have the opportunity to take as many AP courses, causing their GPA to be lower. Similarly, they receive very little preparation for standardized tests, and typically can only take the test once, due to the high cost of registration fees. The Top 10% Rule eliminates the de facto discrimination in admissions, and establishes a fair and unbiased means of enrolling qualified students.

Implications

Admissions Offices constantly seek new ways to make their incoming classes reflect the population of their state. Many have sought to do this through imperfect affirmative action strategies. If other states adopt an admissions policy like Texas' Top 10% Rule, it will eliminate the need for any other affirmative action related admissions. This policy is race-blind, need-blind and merit based, which covers all gaps in other affirmative action admissions. The entire incoming class of every state institution would more accurately represent the state's population, achieving their goal using non-discriminatory admissions practices. Over time, this policy has the potential to positively change the face of college admissions.

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