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Abstract

This article applies neoinstitutional organization theory to uncover the central role of university officials in institutionalizing aggressive, race-based affirmative admissions procedures at three selective public universities from the late 1970s until the early 1990s. During this second stage of affirmative action, admissions and diversity officials at the University of California, Berkeley, the University of Texas at Austin, and the University of Wisconsin–Madison began to increasingly emphasize the diversity rationale and the method of individualized review. At a time of increasing judicial and executive scrutiny and skepticism of affirmative action, university officials defended and transformed race-conscious admissions in innovative ways when they could have instead chosen to contribute to its demise.

Keywords

affirmative action, higher education, university admissions, racial policy, diversity, organizational behavior, organizational theory

Conventional analyses hold that affirmative action became endangered and weakened during the second stage of the policy from the late 1970s until the early 1990s. According to this view, a near demise of affirmative action resulted from unfavorable decisions by federal courts stacked by conservative Republican appointees, from hostile actions by Republican lawmakers in general (and the Reagan and Bush I administrations in particular), and by conservative “color-blind” entrepreneurs who organized legal and political campaigns against affirmative action (for example, see Anderson 2004). “Colorblind” activists saw great success in attacking affirmative action by reframing the policy as “reverse discrimination,” constructing whites as the new racial victims.

Nonetheless, the much-predicted demise never came to be during the second stage (for an in-depth study relying on this periodicization of affirmative action, see Anderson 2004), as affirmative action instead showed remarkable resilience. This article suggests that the second stage of affirmative action was instead a time of development and expansion in affirmative admissions at selective universities despite a national political climate of legal and political hostility. I seek to understand how and why university officials at three flagship campuses—the University of California,

Berkeley (UC-Berkeley), the University of Wisconsin–Madison (UW-Madison), and the University of Texas at Austin (UT-Austin)—crafted and developed their affirmative admissions practices over time in light of developments in the admissions profession as well as broader political trends. These affirmative action programs are voluntary, and the universities could have simply decided to phase out such race-conscious inclusion policies.

Although the demise never came during the second stage, affirmative action did experience a roller coaster of victories and defeats before federal courts over this time period. In his *Regents of the University of California v. Bakke* opinion, 438 U.S. 265 (1978), Justice Powell banned the use of racial quotas as a tool to achieve the educational goal of diversity. Instead, his *Bakke* opinion encouraged the use of racial preferences to achieve educational diversity. While his opinion banned preferences or quotas that were rooted in the goal of correcting

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“societal discrimination,” his support for the diversity rationale sustained race-conscious inclusion policies. Meanwhile, affirmative action largely remained off the political agenda of legislators, presidents, and governors. With few exceptions, elected officials showed very little interest in actively seeking to eliminate affirmative action; rather, they largely hoped that the issue would remain off the political agenda (Hochschild 1998; Skrentny 2001).

Executive officials in various agencies under the Reagan administration did curtail enforcement of equal opportunity and affirmative action policies during the 1980s, and these cuts in the regulatory system took their toll (Orfield 1998, 6). However, from the vantage point of the actual organizations—including corporations, universities, and even executive agencies—that devise, enact, implement, and reform race-conscious diversity measures, the second stage was a period in which such practices became more aggressive and more entrenched as they evolved into instrumental diversity policies (Dobbin and Sutton 1998; Frymer and Skrentny 2004; Kelly and Dobbin 1998). Herein lies the paradox of affirmative action in its second stage—how and why did affirmative action policies remain so resilient during the Reagan era of cutting civil rights enforcement and stacking the federal courts with conservative judges?

To explain this paradox, it is necessary to broaden political analyses of policy development beyond the study of conventional political actors—that is, voters, legislators, chief executives, agency officials, judges, political parties, and interest groups (for example, see Chavez 1998; Keck 2006; Kellough 2006; Klinkner and Smith 1999; Parikh 1997)—and also analyze the policy-making role of organizational professionals (in this case, university officials) who devise, enact, defend, and retheorize affirmative action. Little scholarship has been conducted on the development of race-conscious inclusion policies in higher education from the vantage point of organizational behavior. Few scholars of affirmative action politics venture into the halls of the administrative buildings on their very own campuses as a site of systematic research (for notable exceptions, see Berrey forthcoming; Douglass 2007; Karabel 2005; Merelman 1995; Moore 2005; Pusser 2004; Welch and Gruhl 1998). In contrast, sociolegal and organizational sociology scholars have long recognized the central political role organizational professionals—especially in the business sector—play in shaping and transforming law and policy. This article provides a preliminary inquiry into the paradox of affirmative action’s resilience from the late 1970s to the early 1990s by incorporating the insights of neoinstitutional organizational theory into conventional theories of policy development.

The campuses’ convergence on similar race-conscious admissions policies cannot be fully explained by prevailing theories of policy making. Understanding the resilience of

affirmative action in the 1980s requires more than understanding the power of executive, legislative, and judicial actors. And it did not occur only for conventional economic or rational reasons; rather, the resilience was also shaped by a powerful combination of normative, mimetic, and coercive pressures within the organizational fields of admissions and diversity affairs. University officials emphasized the educational value of diversity in part as a response to court decisions (coercive isomorphism) along with the shared civil rights commitments and backgrounds of university administrators (normative isomorphism) at a time of increasing professionalization of the organizational fields of admissions and diversity affairs (mimetic isomorphism).

To view university officials largely as implementers who comply with judicial decisions (Canon and Johnson 1999) distorts the picture of the development of affirmative action. Whereas law and politics scholars conventionally examine affirmative action and colorblind policies in universities by examining the impact of judicial opinions (for example, see Ball 2000; Welch and Gruhl 1998) and ballot measures (for example, see Brown and Hirschman 2006; Chavez 1998; Conrad and Sharpe 1996; Gibbs and Bankhead 2001; Ong 1999; Orfield and Miller 1998), this conventional impact-of-law framework runs the risk of artificially positioning formal law (e.g., judicial decisions and/or ballot measures) as the central independent variable driving changes in “organizational rights practices” (Barnes and Burke 2006). In contrast, neoinstitutional scholars have found that civil rights and diversity professionals in corporations and government agencies have played a much more active role not only in implementation but also in creation, interpretation, diffusion, and construction of the very compliance benchmarks that courts later apply (Edelman, Uggen, and Erlanger 1999). In short, one cannot understand the resilience of race-conscious inclusion policies without understanding the central role of the professionals who develop, enact, defend, and retheorize these policies.

The Three Stages of Affirmative Action

This research focuses specifically on the second stage of affirmative action, which spans the late 1970s through the early 1990s. Before probing this second stage, I will highlight the first stage. Scholars trace the origins of hard race-based affirmative action to the late 1960s (Anderson 2004; Graham 1989, 1992; Skrentny 1996, 2002; Sugrue 2004). More recently, Stulberg and Chen (2008) have traced the origins of race-based admissions in higher education to the early 1960s. In the first stage of affirmative action—from the mid-1960s through the mid-1970s—the development of the policy occurred at a time of political upheaval (Anderson 2004; Karabel 1989; Katznelson 2005; Skrentny 1996, 2002; Sugrue 2004). The growth of the civil rights movement was countered by the rise of racial conservatism (Anderson 2004; Carmines and Stimson 1989). The

successes of the civil rights movement contributed to the institutionalization of equal opportunity offices and procedures in large organizations. A small number of campuses initiated affirmative action as a result of desegregation consent decrees or court orders. But most universities began voluntarily to institute their own varieties of affirmative action policies rooted in various combinations of rationales, including the instrumental goal of promoting racial diversity, the egalitarian goal of countering societal discrimination, and the inclusive goal of aiding the socially and economically disadvantaged (Douglass 2007; Karabel 2005; Skrentny 2002; Welch and Gruhl 1998). Diversity as a concept was not yet well developed, carefully operationalized, or systematically assessed. The development of voluntary, race-based affirmative action policy in American universities was made possible by the increase in the number of equal opportunity officials within universities and other large organizations at a time of dynamic American political development, one marked by the decline of the Solid South, the successes of the civil rights movement, and the countervailing rise of racial conservatism.

The article begins by integrating the neoinstitutional approach into numerous conventional political science approaches to the study of policy development. The following two sections describe the case selection, research design, and data sources. Finally, the main section analyzes the interview and archival data from the three campuses to assess how well neoinstitutional theory explains the resilience of affirmative action in the 1980s. The article concludes by examining the implications of neoinstitutional theory for future research on affirmative action and in other policy areas.

Neoinstitutional Organization Theory

To understand the process of policy development, scholars have developed a wide range of theoretical approaches. One approach—involving principal-agent rational actor models—emphasizes the power of external interests on the functioning of particular institutions. One strand of this approach envisions bureaucratic institutions as easily captured or co-opted by organized interests. Other strands view bureaucrats as relatively autonomous actors seeking to further self-interested goals within the confines of institutional rules and incentives (Moe 1984). A second approach emphasizes the impact of law and conceptualizes the behavior of institutions as “implementing populations” complying with the requirements of judicial opinions, ballot measures, and other legal reforms (Canon and Johnson 1999). A third approach views the policy-making process in terms of a “garbage can” model of organized chaos in policy streams (Kingdon 1984; March and Olsen 1976). In rare circumstances, a convergence of three policy streams—problem recognition, policy proposals, and political action—occurs at critical junctures, enabling the enactment and

implementation of major reforms (Kingdon 1984, 92). A fourth approach by Skocpol (1992, 41-7) is rooted in a “structured polity” model for explaining middle-level processes. In contrast to competing bodies of scholarship rooted in resource mobilization theories and rational actor models, Skocpol argues that the structure of political institutions and historically contingent political contexts and processes play important roles in shaping policy development.

A fifth, “policy transfer” approach has synthesized the above approaches to explain “policy learning” (Dolowitz and Marsh 1996; Heclo 1974; Sabatier and Jenkins-Smith 1993), “lesson drawing” (Rose 1993), and “policy diffusion.” Policy transfer can come in voluntary, negotiated, and direct coercive transfer forms (Evans 2006, 480-81). Voluntary policy transfer—which has also been called “lesson-drawing”—can involve several processes such as copying, making a hybrid, synthesizing, and inspiring innovation (Rose 1993, 30).

All of these approaches have led to important insights into the policy-making process. By focusing attention on strategic behavior of individual actors, the role of organized interests, the role of the state, the role of learning and diffusion, and the importance of agenda setting and problem definition, policy scholars have honed compatible analytical models for understanding the development of a wide range of public policies. Nonetheless, these approaches are insufficient for this research project because of their underexamination of organizational behavior and their acceptance of the artificial distinction between policy makers and policy implementers. By focusing on elected officials, government bureaucrats, and judges, this scholarship misses out on the central role of organizational professionals. In contrast, neoinstitutional organizational and sociolegal scholars have developed approaches to organizational behavior that fill in this missing link by analyzing the role of organizations in crafting, mediating, diffusing, retheorizing, and recasting policies.

Neoinstitutional theory emphasizes the isomorphism across organizations that often occurs through professionalization in organizational fields (DiMaggio and Powell 1991, 64-65). Instead of viewing particular organizations as being isolated from one another and vulnerable to rapid change resulting from external pressures, neoinstitutional theory expects to find organizations’ policies and practices to evolve glacially and to converge due to the cross-fertilization of professional norms (normative isomorphism), to imitative practices (mimetic isomorphism), and to formal and informal pressures being exerted by other organizations (coercive isomorphism) or by societal expectations (DiMaggio and Powell 1991, 67).

According to neoinstitutional theory, organizational actors have substantial discretion in creating, modifying, diffusing, and implementing policy because the state issues ambiguous mandates, changes its rules in response to political and legal pressure, and enforces its rules in

indecisive and highly fragmented ways (Dobbin and Sutton 1998, 442). Paradoxically, the weakness of the regulatory state tends to produce its normative strength (Dobbin and Sutton 1998, 443). Because the terms of compliance are unclear, organizations devote significant resources to demonstrate compliance efforts. This creates a niche for ambitious professionals to retheorize regulatory mandates as instrumental efficiency measures.

Case Selection

My selection of cases for this research project was driven by the goal of making heuristic use of the cases to initiate a “plausibility probe” (George and Bennett 2005; Heclo 1974, 289) that will serve as an initial inquiry into the comparative analysis of university policy development. I make no claim that my findings from three campuses can be generalized to the population of all higher education institutions. The sample size of three is clearly too small for such an endeavor, and the campuses are not intended to be representative samples. I chose to focus on a small number of campuses because it was necessary to study administrators in depth and pay careful attention to the details of admissions procedures to understand the nuances of affirmative action reform.

Thus, the decision to choose these three campuses was not rooted in the objective of generalizing to all universities, to all public universities, or even to all selective public universities. Despite differing regional and demographic contexts, all three campuses—and the cities in which they reside—have reputations as liberal havens. The development of aggressive race-conscious admissions policies during the 1980s at these three campuses may for this reason seem unremarkable. Further studies that focus on campuses with less liberal reputations may be needed to be able to assess the generalizability of affirmative action’s resilience—and the causes of this resilience—during the 1980s (for one study of more than fifteen hundred postsecondary institutions, see Grodsky and Kalogrides forthcoming).

That said, this article provides many reasons to expect that further research would find that the resilience of affirmative action in the 1980s extended across a wide range of selective campuses, both public and private. In an age in which occupational mobility and professional socialization have become commonplace in a wide range of organizational fields, it should not be surprising to learn that admissions policy makers across the nation’s selective universities follow “best practices,” attend the same conferences, network with each other and copy each others’ policy models, and come to accept similar norms through professional socialization (Berrey forthcoming; Grodsky and Kalogrides forthcoming; Lipson

2007). As compared to earlier periods marked by greater levels of organizational isolation, the period encompassing this article has been one influenced by greater degrees of cross-pollinating via mimetic, normative, and coercive isomorphism.

Instead of choosing campuses with the goal of generalizability, I chose the three cases precisely because all three campuses are selective and prestigious public universities with established histories as leaders in higher education policy reforms. Of the three cases, the University of California system—and UC-Berkeley in particular—has played the most established role as higher education leader, for example, in mandating that applicants take the SAT subject tests during the 1970s (Lemann 1999).¹ UC-Berkeley has long been considered—by *U.S. News & World Report* and other sources—to be the premier public university, or at least one of the very top public universities, in the nation.

The University of Texas system—and UT-Austin in particular—also has a national reputation as a top public university. UT-Austin has one of the largest student bodies of any American university, and it has been at the center of attention regarding racial diversity policy making from as early as *Sweatt v. Painter*, 339 U.S. 629 (1950), striking down racial segregation at the University of Texas School of Law; through *Hopwood v. Texas*, 78 F.3d 392 (5th Cir. 1996), a half century later, striking down the very same law school’s race-conscious admissions policy. Likewise, the University of Wisconsin system—and UW-Madison in particular—has a history of leadership in higher education policy making, with its diversity plans drawing national attention (Schmidt 2007; Selingo 1998a, 1998b).

I decided to study public rather than private universities because of my interest in connecting national and state political development with campuses’ affirmative action policy development. Public universities are much more influenced by national, and especially state, politics than are private universities. I chose the flagship campuses because the role of, and the effects of, race-based affirmative action policy are greatest at the most selective campuses (Bok and Bowen 1998; Kane 1998, 21-22). Less competitive schools admit such high percentages of applicants that race-based affirmative action is much less of a factor there (Bok and Bowen 1998).

All three campuses studied practice moderate to high levels of selectivity in the undergraduate admissions process. While all three have become substantially more selective today than they were during the 1980s, they were already quite prestigious public institutions then, and during the second stage UC-Berkeley became one of the most selective public universities in the United States. In addition to their selectivity and their history of leadership in higher education policy making in general, all three campuses have

been particularly active in the area of race-conscious admissions. The University of California and the University of Texas would be the first two university systems to be banned from using race-conscious admissions during the third stage of affirmative action in the mid-1990s. While race-conscious admissions procedures have not been banned at the University of Wisconsin, leaders of the system and UW-Madison campus have faced numerous lawsuits, threats of lawsuits, and challenges by anti-affirmative-action state legislators as a response to bold diversity initiatives launched by these top campus and systemwide administrators.

Data and Methods

I conducted forty-three semistructured interviews between 1999 and 2004 with thirty-eight actors who have been active in their efforts to reform race-conscious admissions on the three campuses. This included university chancellors/presidents at each campus; regents; top administrators; directors of admissions at all three campuses; faculty who served on or chaired admissions committees at each campus; and other faculty, administrators, and student activists with deep involvements in admissions and/or diversity affairs policies.²

I had planned to wait until near the end to ask respondents their attitudes regarding race-based affirmative action, but most volunteered their stances much earlier in the interview. In California, only one regent, two senior faculty members, and one former student on the admission committee—who became executive director of Ward Connerly's American Civil Rights Institute (ACRI)—expressed their vocal opposition to affirmative action. In Texas, only one law professor I interviewed actively opposed affirmative action. In Wisconsin, only one emeritus professor and one regent spoke out against affirmative action. With the exception of one former admissions committee chair, who did not relay his stance on affirmative action, every other actor ranging from students to admissions directors to university presidents/chancellors voiced their passionate support for race-based affirmative action.

Explaining the Development and Resilience of Race-Conscious Admissions

In this section, I will examine how and why the three campuses developed their affirmative action and admissions procedures in overlapping but distinct ways, and it employs the neoinstitutional approach in conjunction with more conventional political science approaches to understand how and why university officials defended and transformed race-conscious admissions from the late 1970s to the early 1990s at the three campuses. All three faced similar dynamics: limited pro-affirmative-action student mobilization, increasing

demand for admissions slots, and organizational fields of admissions and diversity affairs that saw race-conscious inclusion policies as a core component of the university's mission. UC-Berkeley's admissions policy evolved into a hybrid of formula and individualized review, with the affirmative action procedure taking place through individualized review. UT-Austin's policy was highly formula-based for regular and affirmative action admits. UW-Madison's policy, on the other hand, relied heavily on individualized review, including automatic preferences for African Americans and Hispanics who were deemed to be qualified. Despite these differences in the methods and targets of the policies, the larger trends were quite similar: all three campuses instituted aggressive race-conscious measures for African Americans and Hispanics and limited preferences for socioeconomically disadvantaged applicants. There was strong support for these measures among admissions officials and other top administrators. University officials at these selective campuses could have eliminated race-conscious admissions during this period, when the Reagan administration and federal courts showed hostility. Instead, these officials opted to defend and develop their race-conscious policies to better insulate them from legal attacks.

Conventional law and politics approaches would view university officials as the core "implementing population" charged with the task of compliance with formal law (Canon and Johnson 1999). According to this approach, *Bakke* gave the stamp of approval to the diversity rationale as well as to the use of preferences as a "race-plus" procedure, thus legitimizing existing race-conscious practices (see Welch and Gruhl 1998). However, universities could have just as easily complied with *Bakke* by eliminating race-conscious admissions, so this judicial implementation approach is insufficient to explain why the officials redoubled their commitments to race-conscious diversity policies. In addition, this approach treats organizational professionals too simply as implementers, missing out on the larger roles these professionals play throughout the stages of the policy-making process.

Nor have rational choice approaches thus far explained university officials' commitments to racial diversity and race-conscious admissions policies. Early principal-agent models that sought to explain public administration were rooted in assumptions of bureaucrats seeking to increase their budgets (Niskanen 1971), but supporting race-conscious admissions is not necessarily an issue of budgetary expansion, even if "colorblind" activists are critical of the budgetary expenditures to diversity programs. Moreover, university officials could be arguing for budgetary increases in any number of areas, and such positive theories of institutions (Moe 1984) have not explained why racial diversity is high on the list. Nor have state theoretical perspectives been applied to explain the diversity commitments. These approaches have been applied to explain why certain regents and lawmakers had an interest in intervening in university policy (Pusser 2004, 219), but

these approaches have little to say about why university presidents, admissions directors, and other officials were committed to race-conscious inclusion policies. Indeed, scholars applying these approaches tend to take for granted the university commitment to maintain race-conscious admissions policies. “Colorblind” leaders have often used the language of “capture theory” to explain the resilience of affirmative action, but this explanation falls short because there is neither an identifiable external interest nor any evidence of capture.

Kingdon’s (1984) policy streams model and the policy transfer model have potential for explaining this diversity embrace, but these two models also fall short in explaining the embrace of diversity as they focus primarily on lawmakers (legislators, chief executives, and agency officials) and pay little attention to the role of organizational actors in developing, implementing, diffusing, and defending the policies that these lawmakers become involved in prior to and/or following the organizational decision making. Although useful in explaining how and when officials on one campus borrow policy innovations from officials at another campus, the policy transfer approach has little to say about why any of the university officials embrace race-conscious admissions at all.

Neoinstitutional theory provides the missing link to explain the resilience of race-conscious admissions during the second stage. Such scholars have traced the diversity embrace in the first stage—from the late 1960s to mid-1970s—to crisis management concerns and to isomorphism in organizational culture of admissions officials (Karabel 2005; Skrentny 2002). Similarly, the resilience of race-conscious diversity policies in higher education during the second stage—at a time of Reagan’s antiregulatory climate and numerous adverse judicial decisions—can be understood via neoinstitutional organization theory’s focus on isomorphism resulting from the professional fields of admissions and diversity affairs. The following sections analyze the normative, mimetic, and coercive isomorphism in undergraduate admissions at the three campuses.

Coercive Isomorphism: *Bakke* and Its Impact

The first successful attack on race-conscious admissions came in *Bakke* in 1978, when the Supreme Court struck down the race-conscious admissions policy at the University of California, Davis, Medical School. In the split decision, Justice Powell’s deciding solo opinion held that the medical school’s “special program” of reserving sixteen of the hundred seats for students of color³ constituted a quota system that violated the equal protection clause of the Fourteenth Amendment. While Powell’s holding in favor of Bakke

was a decisive victory for the “colorblind” cause, the *Bakke* precedent left by Powell’s opinion nonetheless provided the legal foundation for the defense of race-conscious admissions policies targeting racial minorities via the method of preferences to achieve the goal of diversity (Welch and Gruhl 1998).

While the Supreme Court led the way in chipping away at the constitutionality of affirmative action policy, federal and state governments were also threatening race-conscious inclusion policies on many fronts. Orfield (1998, 6) identified numerous threats arising from the Reagan administration, including cuts in federal funding for higher education, reductions in the Pell Grants, reduction of civil rights enforcement, attacks on affirmative action remedies, and appointment of the majority of federal judges. While “affirmative action” remained legal in all fifty states until the mid-1990s, the attacks and rollbacks throughout the 1970s and 1980s provided the incentives and context for university officials to modify their versions of race-conscious inclusion policies to bolster their policies against future legal and political attacks.

While the three campuses differed in the specific techniques they employed—in particular, the use of formulas versus individualized review admissions—each instituted a more aggressive form of race-conscious admissions during this second stage. One major reason for this policy development appears to be normative isomorphism in the organizational fields of admissions and diversity affairs. During the second stage, these fields became more professionalized, and the professionals cross-pollinated by sharing values and techniques in their professional schooling, by internalizing professional norms both on-the-job and at national conferences, and by becoming exposed to multiple universities by changing jobs. As would be predicted by neoinstitutional organizational theory, admissions and diversity affairs professionals at all three campuses attended national conferences, contacted each other for advice and to keep informed of trends at other campuses, and recruited staff from other institutions.

At a time when the federal government was cutting funding to primary and secondary schools along with college financial aid, the aggressive turn in race-conscious admissions policy counteracted these trends and instead contributed to increases in minority enrollments. While not true of all institutions, American universities in the aggregate from the late 1970s to the early 1990s experienced substantial increases in enrollments of African American, Hispanic, and Asian American students, particularly Hispanics, and “the number of degrees earned by African Americans increased at all levels, including a staggering 34 percent in bachelor’s degrees and 40 percent in master’s degrees” (Welch and Gruhl 1998, 143).

Normative Isomorphism: The Diversity Embrace

One feature of the admissions and diversity affairs professionals serving during this second stage—and the ensuing third stage—of “affirmative action” that stood out in my interviews was that virtually all top officials mentioned their involvements in the civil rights movement and saw their entry into university administration as flowing from their social justice commitments. Admitting students was not merely a technical task; it was a social justice mission to be pursued with zeal via outreach, targeted scholarships, retention, and financial aid. Evidence of this normative isomorphic commitment surfaces across the organizational fields. For example, the National Association for College Admission Counseling (NACAC) conferences have focused on issues of ensuring access to disadvantaged students and increasing racial diversity in higher education. During my interviews, the admissions directors reported a near consensus in favor of affirmative action among admissions staff in each of their campuses (Bob Laird, interview, August 20, 1999; Rob Seltzer, interview, July 20, 2000; R. Bruce Walker, interview, January 18, 2000). Admissions officials confirmed that affirmative action was central to their organizational responsibilities and that this position was largely taken for granted.

Support for racial diversity and affirmative action have become central to the concerns of university presidents, admissions directors, and other top university officials. The diversity embrace among university officials has been documented by numerous scholars of higher education (Douglass 2007; Karabel 2005; Moore 2005; Pusser 2004). Professional organizations involved in the domain of university admissions, such as NACAC, have conducted studies of diversity that find widespread commitments among universities and colleges to the educational value of racial diversity (NACAC 2003). Similar commitments have been voiced by the Association of American Colleges and Universities (AACU; 1995, 1998), the American Council on Education and the American Association of University Professors (ACE and AAUP; 2000), the Association of American Universities (AAU; 1999), and the College Board (Gladieux 1996). Numerous other top college and university administrators (Bok and Bowen 1998; Gurin 2004), including all of the presidents of the Big Ten and the University of Chicago (via the Committee on Institutional Cooperation [CIC; 2001]) have voiced their commitments to affirmative action.

This diversity commitment is nothing new, but it developed over time from vague and ill-defined support during the first stage of affirmative action to a much more concerted and rigorous defense by the third stage. Thus, while the University of Texas School of Law had been cavalier in its defense when it was sued in *Hopwood* in

the 1990s, when the University of Michigan’s race-conscious admissions policies were being challenged in what would become third-stage Supreme Court rulings, the university assembled a wide range of empirical research to document the powerful and positive effects diversity has on university students (Gurin 2004; Stohr 2004). According to Douglass (2007), “a consensus emerged within the higher education community and among affirmative-action supporters” after *Bakke* in 1978 that this decision gave the green light to universities to continue affirmative action.

Mimetic Isomorphism: The Professionalization of University Admissions Procedures

The study of race-conscious admissions policies in selective universities reveals that, on one hand, each university conducts admissions and affirmative action in its own distinct manner and, on the other, that these universities copy and borrow from each other and follow national trends in race-conscious admissions reform. This section describes and situates the second-stage policies at the three campuses in these broader trends, highlighting the ways in which officials on each campus learned and borrowed from each other in line with expectations of both policy transfer theory and neoinstitutional theory.

At selective universities across the country, the trend in the mid-1990s—during the third stage of affirmative action—would be to deemphasize formula-based admissions and further develop individualized review (Lipson 2001). *Bakke* contributed to race-conscious admissions reforms that combined academic indices with individualized review of applicants. The idea was to end “dual-track admissions in which minority groups were admitted under separate criteria” (Douglass 2007, 123-24). In addition to Harvard University, numerous public universities also had already used such academic indexes, including Michigan State University, Temple University, McMaster University in Canada, and Florida State University, and “these institutions offered constructs on which to build” (Douglass 2007, 123-24). This is consistent with findings that, as to race-conscious admissions in law and medical schools, “most admission officials believed that *Bakke* legitimized existing practices rather than changing them, and where it did change practices, it improved them” (Welch and Gruhl 1998, 75-76).

And when Proposition 209 and *Hopwood* banned UC-Berkeley and UT-Austin, respectively, from employing race-conscious inclusion policies, beginning in the mid-1990s, both campuses would turn to creative, race-neutral policies seeking to restore racial diversity levels to minimize the blow from these formal bans (Douglass

2007; Horn and Flores 2003; Lipson 2001; Orfield et al. 2007; Tienda et al. 2003). In the 1980s, formula-based admissions, which relied heavily on an academic index score that combines grades and standardized test scores to rate students, had endured especially at public universities (Douglass 2007).

Prior to *Hopwood*, admissions officials at UT-Austin had relied heavily on formulas for admissions and affirmative action, particularly on an academic index score that combines grades and standardized test scores to rate students. According to Director of Admissions Walker, “rank and score were about all we cared about” prior to 1996 (Walker interview). Personal statements and other components of the application were examined only in a small proportion of the applications in cases where the admissions officers needed more information to make a decision. This classic model had three main advantages: applicants could generally predict whether their scores would be high enough for admission, the policy was less vulnerable to accusations that admissions officials violated the principle of meritocracy, and the procedures were less costly because universities did not need to hire the army of admissions officers required to read every application closely.

Of course, admission officials have always been concerned with “shaping a class” (Stevens 2007), and simply admitting the students with the highest grades and test scores has never been the mode for filling a class. Most elite universities have had long histories of preferring legacies and athletes, and many also had long histories of partially or entirely excluding women, Jews, and other racial/ethnic minorities (Karabel 2005; Moore 2005). By the first stage of affirmative action, many campuses sought to reverse these histories of exclusion by incorporating race-based affirmative action into the admissions policy. Thus, the notion that admissions policies were ever based entirely on grades and test scores is illusory.

The other two campuses studied were, however, well ahead of the curve as early adopters of individualized review. UC-Berkeley emphasized this holistic approach in the 1980s and even more so in the late 1990s (Douglass 1996; Douglass 2007, 130); while UW-Madison, whose administrators never instituted a formula-based system (White 2002; John Wiley, interview, July 11, 2002), was an early adopter of individualized review. At UW-Madison, the development of race-conscious admissions was driven by a combination of leadership by chancellors, faculty on the admissions committee, admissions officials, and pressure from regents and student activists. The support for race-conscious inclusion policies has been pushed by top administrators since the 1970s in the form of systemwide and campus plans. In 1976, the UW-Madison faculty voted in favor of a statement that expressed a commitment to ending the underrepresentation of minorities by 1979. The

faculty set the goal of eliminating the gap in retention rates by 1981. In 1984, the regents called for the University of Wisconsin System campuses to equalize enrollment and retention rates in four years and equalize minority graduation rates in nine years (Hansen 1999). While progress was made in all of these areas, neither of these goals were met (Hansen 1999).

The University of Wisconsin chose the path of creating its own racial diversity plans with ambitious goals and timetables that it has not achieved. Donna Shalala, a UW-Madison political science professor who became chancellor in the 1980s (before being appointed secretary of health and human services by President Clinton), made headlines when she introduced the 1988 Madison Plan, a ten-year plan that set out to “increase by 100 percent the number of minority freshmen and transfer students who enroll” (Selingo 1998a). The plan also set ambitious, specific goals for minority retention, grants and financial aid; for multicultural curriculum development; and for hiring and retention of faculty of color (Selingo 1998a).

The UW-Madison policy differed from the UC-Berkeley and UT-Austin policies in having no formulas at all. According to UW Regent President Jay Smith (2001), “There is no cut-and-dried formula, point system or index relied upon to make these decisions.” Instead, decisions about whom to admit or reject are made through individualized review. According to UW-Madison Associate Director of Admissions Keith White, “Not one person is admitted or rejected based on a formula. Every file is reviewed by two or maybe three readers” (White interview). That said, the undergraduate admissions policy at UW-Madison during this time period relied on filtering techniques to reject large proportions of applicants in little time. To gain admission under the “normal admissions” process required graduating in the top half of applicants’ high school graduating class (Wiley 2002). However, the Faculty Senate and regents required that a track for “exceptional” admits exist, so that admissions officers could admit applicants who caught their attention despite lower grade point averages or test scores. Such information would be gathered via applicants’ personal statements, extracurricular activities, and family and educational experiences.

In short, the UW-Madison admissions policy during and beyond this second stage had the following four phases: (1) a first cut to limit the pool to minimally qualified applicants; (2) an individualized review component for all applicants deemed minimally qualified; (3) a further individualized review to decide whether to award “exceptional” admission—which constituted only 1 percent of admission slots—to applicants who failed to meet the minimal qualifications; and (4) automatic admission via individualized review of all targeted underrepresented

minorities deemed minimally qualified. While the race-conscious admissions procedure occurred holistically through the individualized review component, it essentially came in the form of an admissions guarantee for the targeted underrepresented minorities who were deemed “minimally qualified.”

UC-Berkeley also conducted race-conscious admissions as part of an alternative track similar to the “exceptional” track at UW-Madison. In 1979, the UC regents increased the “Special Admits” level to 6 percent, “this time for the purpose of bringing in more racially and socially disadvantaged students” (Karabel 1989). After *Bakke*, President Saxon changed directions so that race-conscious admissions no longer needed to be limited to special action (Douglass 2007, 124).

The admissions officials interviewed were quick to admit that their university could do more. For example, the associate director of admissions noted that “I think the university has lagged behind its competition” (White interview). UW-Madison faces many barriers that make it difficult to raise the levels of African Americans and Hispanics in the student body. First, African Americans in the northern United States tend to reside in cities that are much larger than Madison, and the rural demographics of Wisconsin limit the pool of in-state African Americans and Hispanics (Merelman 1995). Milwaukee is the only big city in Wisconsin, and it is a working-class town without a sizeable African American or Hispanic middle class of color on which the university could draw (White interview).

In addition, the university did not recruit students of color aggressively or adequately during this second stage (Merelman 1995, 178). Moreover, UW-Madison faces a particularly limited budget compared to comparable flagship institutions (Paul Barrows, interview, July 5, 2000; Seltzer interview; White interview). The magnitude of the “special consideration” element was large at all three campuses. At UW-Madison, the university admitted, and continues to admit, all targeted underrepresented students of color who are deemed to have a reasonable chance of success, whereas similarly rated white students are judged on a case-by-case basis (White interview). By the 1980s, these race-conscious admissions policies at UC-Berkeley and the University of California, Los Angeles (UCLA) were aggressive, producing the highest levels of minority enrollments during the second stage. The campuses created two separate tracks for admission—the normal admission was largely for whites and Asian Americans and the admission by exception was largely for African Americans and Hispanics (Douglass 1999, 2007).

In short, the 1980s were a dynamic decade for the evolution of race-conscious inclusion policies. As admissions became more competitive because of surges in the numbers of applications (Pat Hayashi, interview, March 14,

2000; Laird interview; Orfield and Miller 1998), skeptical citizens and organized interests began to scrutinize race-conscious inclusion policies more carefully. At the same time, universities chose to shift their justifications for such race-conscious inclusion policies to further insulate the policy from legal attacks. Colorblind activists put increasing pressure on universities to abandon race-conscious measures via public criticism and lawsuits. Many Asian American activists challenged many universities’ affirmative action policies for particular allegations of “reverse discrimination” against Asian Americans (Takagi 1992). Consistent with the expectations of the state theoretical models of higher education, advocates of affirmative action—including student, faculty, staff, regents, and state legislators—kept the pressure on the administrations to maintain and expand their race-conscious programs.

From the late 1970s until the early 1990s, selective campuses instituted aggressive race-conscious procedures in admissions (and in precollege programs, recruitment, financial aid, housing, and retention). These programs did increase the levels of African American and Hispanic students on campus—the levels would drop substantially when race-conscious inclusion policies were banned at UT-Austin and UC-Berkeley in the mid-1990s (Douglass 2007; Horn and Flores 2003; Orfield and Miller 1998; Tienda et al. 2003). The role of race-conscious policies in universities would become even more salient and controversial in public discourse in the 1990s. But the “invisible preferences” for legacies, athletes, residents, and veterans would continue to go largely unnoticed and uncontested in public discourse (Katznelson 2005; Massey and Mooney 2007; Moore 2005; Skrentny 1996).

Conclusion

This analysis of affirmative action’s resilience from the late 1970s to the early 1990s at three selective public universities points to the central role of university officials in sustaining and transforming a voluntary policy that faced hostility from conservative interests. In some respects, as state theoretical approaches would predict, these admissions and diversity officials faced significant pressure from external constituencies to make their race-conscious admissions policies even more aggressive. Liberal African American and Hispanic state legislators put pressure on the UC-Berkeley and UT-Austin campuses to increase minority enrollments, threatening to reduce state funding if campuses failed to produce results. At UW-Madison and UC-Berkeley, pro-affirmative-action regents put additional pressure on the top administrators. And pro-affirmative-action student activists sought to put pressure on top administrators on all three campuses during this second stage. On the other hand,

conservative judges and the Reagan administration in many instances sought to constrain universities' race-conscious admissions practices.

Despite these external pressures, university officials had substantial leeway during the second stage to develop their race-conscious admissions procedures in ways that meshed with their egalitarian norms and with their broader admissions goals of "shaping a class." While each campus developed its own distinct variety of race-conscious admissions, the policies at all three campuses converged substantially as neoinstitutional theory would predict. Despite the legal attacks on race-conscious inclusion policies, officials at the three campuses triumphed during this second stage by institutionalizing even more aggressive race-conscious admissions. In light of the *Bakke* ruling, the three universities turned to the use of racial preferences as the dominant method of racially inclusive admissions policies in line with judicial implementation theory. Since their inception in the late 1960s and early 1970s, race-conscious inclusion policies targeted not only African Americans, Hispanics, and American Indians, but also—depending on the institution—all or certain subgroups of Asian Americans. And all three universities further emphasized the goals of diversity alongside the goal of aiding the disadvantaged. UC-Berkeley and UT-Austin in particular became more aggressive in their race-conscious admissions practices during the second stage, thereby succeeding in dramatically increasing African American and Hispanic enrollments. Race-conscious admissions at UW-Madison would not become effective at significantly increasing minority enrollments until the third stage beginning in the mid-1990s.

University administrators increasingly emphasized the diversity and disadvantage rationales—and deemphasized the corrective justice rationale—during this second stage of affirmative action for two reasons. In line with judicial implementation theory, the first reason was instrumental: they believed that the federal courts would be less likely to strike down their race-conscious policies if based on the diversity and disadvantage rationales (Elgass 1998). As neoinstitutional organization theory would predict, the second reason for shifting justifications was that the admissions officials intrinsically believed that the diversity and disadvantage rationales are worthy justifications for conducting both admissions and affirmative action. In addition, university officials in their various organizational fields (e.g., admissions, financial aid, diversity affairs, etc.) borrowed from each other, learning about and building upon the various models of diversity policies used at leading campuses through periodic communications with colleagues. During the second stage of affirmative action, university professionals took for granted affirmative action's effectiveness despite little rigorous research to support or challenge this assumption.

Neoinstitutional organizational theory in sociology supplements more conventional political science theoretical approaches to the study of policy development. By focusing on the importance of coercive, normative, and mimetic processes, neoinstitutional theory builds on the policy learning approach, which studies how government bodies transfer policy models to and from one another. This study also benefits from state theoretical approaches to higher education, the policy stream approach to the study of policy making, as well as the "legal impact" and legal implementation approaches to the study of public law. However, neoinstitutional theory adds to these conventional approaches in political science by focusing systematically on the policy-making role of managers and professionals in organizations—in this case, universities. Thus, while this study provides a substantive contribution to the study of affirmative action by tracing how and why university officials transformed race-conscious admissions policy, the theoretical contribution of this research trajectory is to bring the new institutionalism of sociology into closer dialogue with political science debates central to the study of law and policy. While political scientists are well aware that the impact of formal laws and policies depends on whether/how these laws are implemented, our understanding of the actual practice of law and policy can be enhanced by recognizing the neoinstitutional insight that organizational professionals play much more active and central roles in the policy-making process than merely in the implementation phase of the policy-making process.

The empirical findings and theoretical approach employed in this study provide the groundwork for future research on the evolution of affirmative action. Further case studies of larger numbers of universities will be necessary to assess the generalizability of these research findings about the second stage. In addition, further studies can increase understanding of the universities' decisions about which racial minority groups and subgroups were chosen to be affirmative action recipients. As public universities in several states have been banned from practicing race-conscious admissions as a result of "colorblind" state ballot measures (in California, Washington state, Michigan, and Nebraska) and gubernatorial action (in Florida) during the current, third stage of affirmative action, university officials are experimenting further with creative admissions practices that seek to restore minority enrollments without applying the banned race-conscious methods. Further research will be needed to better understand the officials' normative and mimetic responses to these coercive "colorblind" bans as well as the impact of personnel replacement of older university officials who were active in the civil rights movement with younger officials who attended university during or after this Reagan era.

Only time will tell what future affirmative action policy evolutions and accompanying political issue evolutions are in store. Will hindsight show that a partisan issue evolution is currently under way because of an embrace of diversity by the nation's political and business elites? This research on the development of race-conscious admissions policy during its second stage of evolution suggests that the future will depend greatly on the role of university admissions and diversity officials in defending, interpreting, implementing, mediating, and transforming affirmative action.

Notes

1. Effective 2012, the University of California will drop the requirement that students take the SAT Subject Tests (Keller and Hoover 2009).
2. The list of subjects interviewed in addition to further description of the nature of the semistructured interviews can be found as supplemental materials at <http://prq.sagepub.com/supplemental/>.
3. As Justice Powell noted in his *Bakke* opinion, the formal policy also opened these sixteen seats to "economically and/or educationally disadvantaged" applicants, but in practice only applicants of color had been selected for these seats (Welch and Gruhl 1998, 18-19).

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