1-27-2003

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Court may force IU's hand on affirmative action

"In this country, to this very day, your lived experience is different depending on your race."

Lauren Robel, acting dean of the Indiana University Law School

By Steve Hinnefeld
H-T Staff Writer

Officials at the Indiana University Law School say they're committed to admissions policies that promote a diverse student body, including members of racial and ethnic minorities.

But those policies may have to change if the U.S. Supreme Court rules against the University of Michigan in two affirmative-action cases the court is now considering.

"It depends on what the court does," said Lauren Robel, acting dean of the IU school. "If it says you can't consider race at all, it would change the way the people make decisions in higher education."

At IU, she said, law faculty make admissions decisions on the basis of a variety of factors—race is one of them.

While the approach has widespread support, one law professor has been a vocal critic of considering race as a factor in admissions. Robert Heidt, who served on the school's admissions committee in the 1980s, said the policy is discriminatory and treats applicants as less than individuals.

"You're necessarily stereotyping, assuming this individual is like others in the group," he said.

Robel said it makes educational sense to have admissions criteria that ensure there are African-American, Latino and Asian-American students in each law school class.

"I think, especially in law, it's important to have the kind of diverse viewpoints that come from a racially mixed class."

People are largely the product of their experiences, she said, and like it or not, a person's race and ethnic background are part of that.

"It's not only deeply part of our identity but deeply part of our lived experience," she said. "In this country, to this very day, your lived experience is different depending on your race."

But even if the decision is overturned, he said, it doesn't necessarily mean there can be no consideration of race in college admissions.

"It doesn't have to mean affirmative action is dead," he said. "It just means it would have to be conceptualized differently."

An opposing view

Robert Heidt thinks affirmative action, at least in the form of racial preferences, should die. An IU law professor since 1982, he said college admissions officers should pay no attention to race.

"The moment you do, you're starting to stereotype," he said. "I think I agree it should never be considered."

Heidt has joined a dozen anti-affirmative-action professors from around the country in preparing a friend-of-the-court brief for the Michigan Law School case.

Race-conscious admissions policies amount to "leapfrogging less qualified minorities over more qualified non-minorities." Heidt said.

IU's approach to admissions

While some law schools admit almost no students with low LSAT scores, others—such as some comparative to IU—admit more. At Arizona State, 9.1 percent of applicants had LSAT scores below 150; at Florida, the number was 10.5 percent.

Heidt said he hadn't seen the latest figures but welcomed the change in IU's admissions scores.

Stake, the IU law admissions chairman, said Heidt's criticism is based on a misunderstanding of how the admissions process works.

IU doesn't "leapfrog" applicants with low committee ratings ahead of those with higher ratings to gain diversity, he said. Instead, it uses a two-pronged admissions process that balances overall high standards with the desire for a student body that's diverse in many ways.

Half the admits are selected primarily for having high LSAT scores, he said. The other half are admitted for individual qualities, including grades, job experience, community activity and diversity.

"For those students, we say, 'That test was just one day. Let's not pay too much attention to the test,'" he said.

Stake said the fact that IU has admitted consistent numbers of blacks isn't evidence of a quota any more than a consistent number of wins for the IU basketball team shows a quota. He said law admissions officials try to admit as many qualified African-Americans as they can, and the result doesn't change much from year to year.