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THE FUTURE OF FAIR ADMISSIONS

ISSUE BRIEF 4: LEGACY ADMISSIONS UPDATE

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EDUCATION REFORM NOW | DECEMBER 2023

TABLE OF CONTENTS

In fall 2022, Education Reform Now released "The Future of Fair Admissions Issue Brief 2: Legacy Preferences." This new brief provides substantial updates to what we know about legacy admissions thanks to three significant events since the release of that brief:

1. The Supreme Court's decision in *Students for Fair Admissions (SFFA) v. Harvard University* and *SFFA v. University of North Carolina, Chapel Hill* sparked a national conversation about the fairness of legacy preferences and led several IHEs to end their use.

2. Opportunity Insights released a major research paper that provided significant new insights into who benefits from legacy preferences and the impact of that benefit at elite colleges.

3. The U.S. Department of Education released data from the December 2022 Integrated Postsecondary Education Data Survey (IPEDS), which for the first time asked IHEs to indicate whether they consider legacy status in their admissions processes.

As a result of these three events, we have the most complete picture of which colleges and universities provide legacy preferences and of the harm done by passing an admissions advantage along family bloodlines. This brief uses these new insights to provide clear answers to frequently asked questions about college admissions' most questionable practice.

WHAT IS A LEGACY PREFERENCE?

A legacy preference provides an additional advantage to the relatives of alumni in the college admissions selection process. Some institutions, particularly highly selective ones, extend the benefit only to the children of alumni, while others consider applicants legacies if their grandparents, siblings, and even aunts or uncles attended.

WHAT IS THE ORIGIN OF LEGACY PREFERENCES?

Legacy preferences started appearing at Ivy League colleges between World War I and World War II as a way to limit Jewish enrollment. Institutions like Harvard, Columbia, and Yale moved away from strictly merit-based admission and began to consider lineage a meaningful consideration in admissions decisions. Although it is hard to imagine that this antisemitic impulse remains at the heart of legacy preferences at elite institutions, there is powerful evidence that providing an admissions advantage through family bloodlines effectively works as a deterrent to diversity and rewards families whose lineage go back centuries at some institutions.

HOW MANY COLLEGES AND UNIVERSITIES PROVIDE LEGACY PREFERENCES?

In our previous issue brief on legacy preferences, we relied on data drawn from the Common Data Set (CDS), an annual survey conducted by a consortium of private organizations. We found that 787 institutions reported considering legacy status to the CDS in 2020.

In December 2022, the Department of Education began asking whether an IHE considered legacy status. Valuable as the CDS has been, this new IPEDS data, backed by the federal government's authority, should now be considered the standard for identifying which institutions provide a legacy preference.

Hundreds of colleges and universities used the department's survey to clarify their practices, as the number of institutions reporting they considered legacy to the CDS in 2020 dropped 37% in IPEDS.

According to newly released and adjusted data from the Department of Education, **497 of 1,771 (28%) public and private, not-for-profit four-year colleges in the United States consider legacy status in their admissions process**.

METHODOLOGY

For both briefs, we looked exclusively at four-year institutions that report admissions data to IPEDS and CDS. While the new IPEDS data include all institutions that indicated they consider legacy preference, legacy preferences are unlikely to have any impact on admission at for-profit, two-year, master's, or certificate programs. 37 institutions of these types indicated they consider legacy status. We corrected the response of 13 institutions that have dropped legacy preferences since they completed the survey in December 2022. We corrected the filing of three public Colorado universities that reported they consider legacy status. Legacy preferences are banned at public universities in Colorado. We also corrected Washington University's filing, which erroneously indicated they no longer considered legacy status. Finally, we used the College Scorecard's "Predominant Degree Offered" designation to remove some community colleges from the total data set. We ended up with 1,771 four-year public and private, not-for-profit institutions in our total data set.

Legacy preferences are much more common at private colleges and universities than at public ones. **Just under 13% of public IHEs give the relatives of alumni a leg up in the admissions process, while 35% of private IHEs do**. **A majority of institutions with endowments larger than $1 billion (54%) provide a legacy preference.** Ironically, the wealthiest colleges and universities seem to be the most dependent on maintaining a quid pro quo with alumni, encouraging them to donate with the promise of increasing their children's chances of being admitted to their parents' alma mater (see Figure 1).

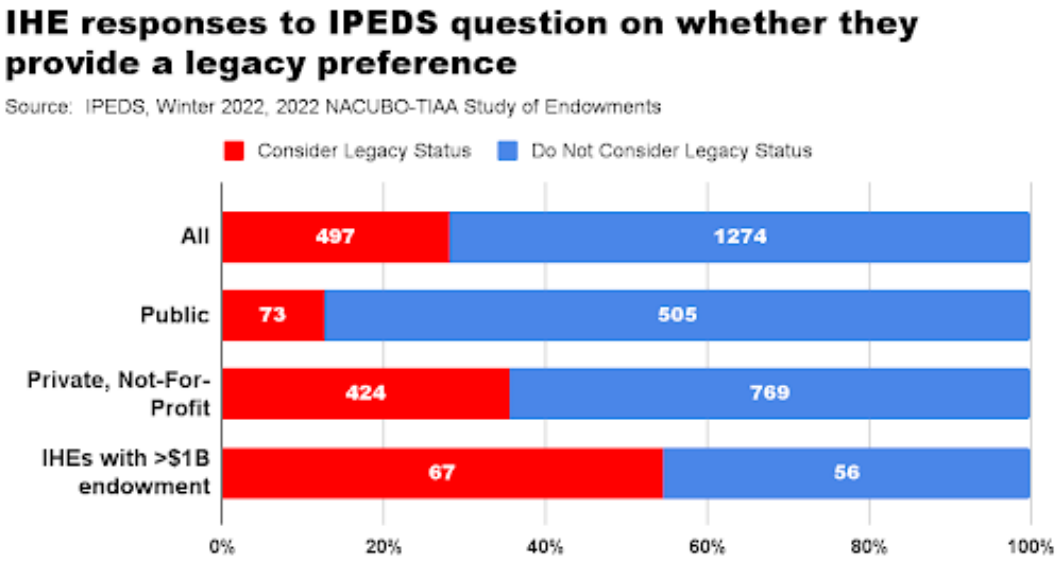


Figure 1

This new IPEDS data establishes that legacy preferences are not at all a norm in college admissions and that they are very rare indeed at public universities. The same cannot be said for the institutions that dominate college rankings and newspaper headlines (see Figure 2). **A majority of the most selective colleges (58%) continue to consider legacy status, but that number is down significantly.** In our 2020 brief, 75% of the most selective IHEs made their admissions process even more difficult for most students by providing an extra advantage to legacies.

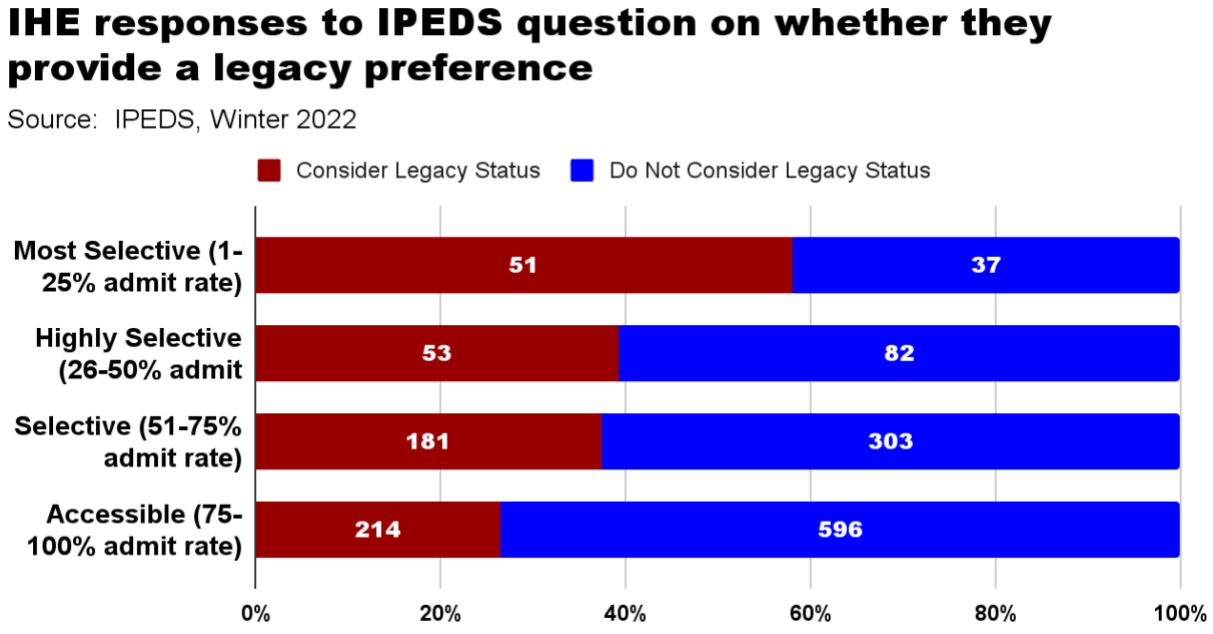


Figure 2

Geography, too, plays a role in how common the use of legacy preferences is. Generally speaking, legacy preferences are more common on the East Coast and in the Northeast in particular, a function of the high number of older, private colleges there (See figure 3).

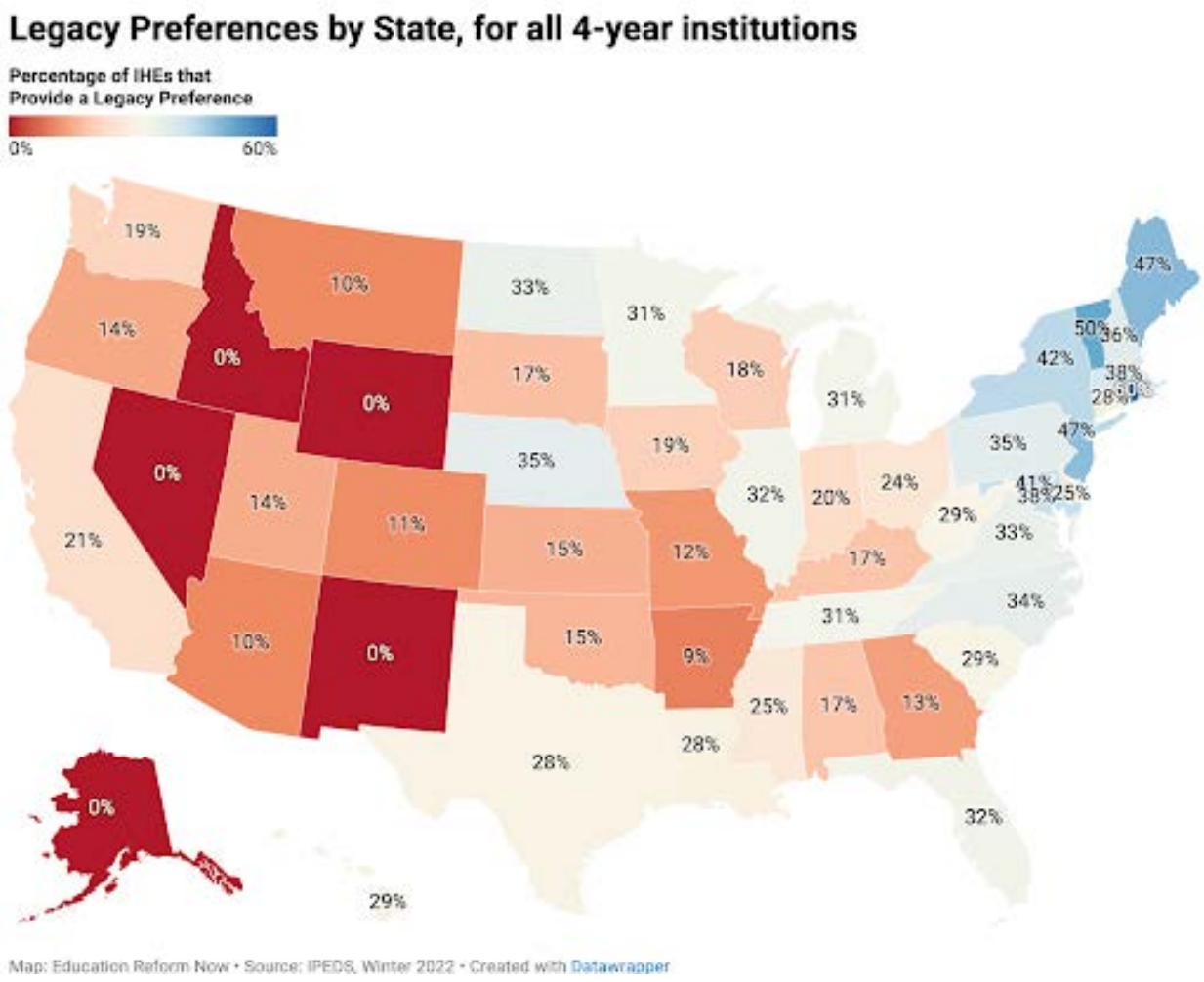


Figure 3

The geographic differences are even more stark if we look only at public IHEs. The Pacific and Mountain time zones are legacy-free in their admissions practices, but passing privilege along family bloodlines persists at surprising rates in some Southern states, much of the Northeast, and the upper Great Lakes region (see Figure 4).

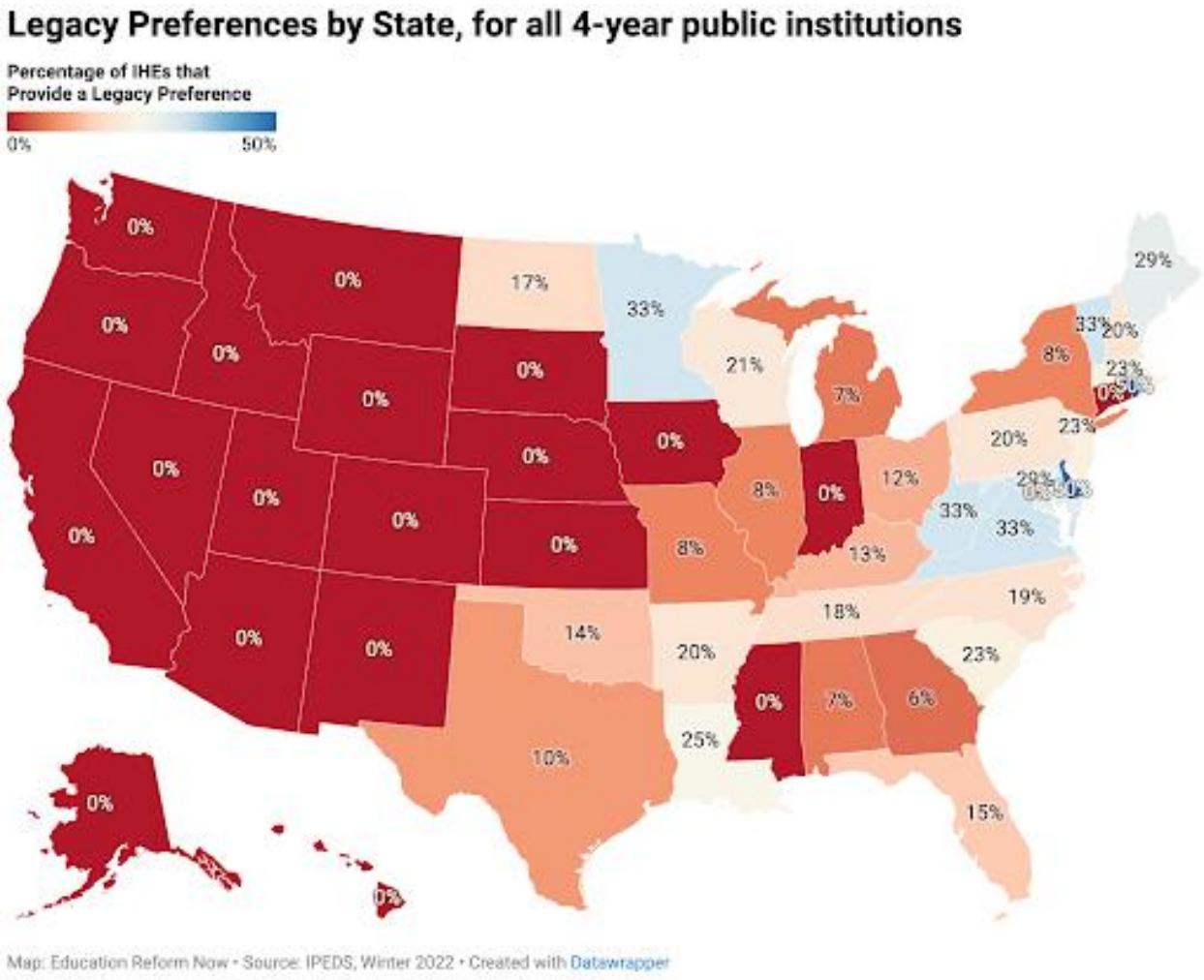


Figure 4

DO LEGACY PREFERENCES GET THE RELATIVES OF ALUMNI AUTOMATICALLY ADMITTED?

It is highly unlikely that anyone is admitted to a college simply because they are a legacy, if only because no one, other than perhaps a small number of extraordinary athletes at Division I universities, is admitted to college based on a single factor.

HOW DO LEGACY PREFERENCES HELP THE RELATIVES OF ALUMNI GET ADMITTED?

The more selective an institution is, the greater the impact legacy preferences are likely to have on who is admitted.

Most four-year colleges admit more applicants than they reject. Being a legacy at a highly accessible institution likely has a small impact on an applicant's chances of getting in, which raises the question of why almost 400 colleges that admit more applicants than they deny even bother to consider where an applicant's parents went to college.

At more selective institutions, however, legacy preferences can play a decisive role. No one gets into an Ivy League college simply because they are a legacy, but it can make all the difference at a

college where there are many more highly qualified applicants than spots available. In a pool loaded with talent, small differences can have large effects. Living in a low-population state, being the first in your family to go to college, applying for majors that need enrollment, and a host of other factors can all increase the odds of an academically gifted student getting into a highly selective institution. So, too, can being a legacy.

One of the hollowest defenses of legacy admission is that legacy status is just a tiebreaker. Even if that is accurate, it obscures the crucial point: at highly selective colleges, tiebreakers are everything. These colleges have to reject many highly qualified applicants every year, and the decision often comes down not to grades or test scores but institutional priorities, such as enrolling a diverse class or recruiting athletes. The question college presidents and board of trustees need to ask themselves is whether protecting family bloodlines should be a priority.

Another common defense that admissions officers provide for legacy preferences is that admitted legacies are among their most qualified applicants. It is not surprising that legacies make for strong applicants at highly selective colleges. After all, their parents enjoyed all the financial, social, and educational benefits that come with an elite degree, and most likely work very hard to make sure that their children are well positioned to do the same. The obvious question is, why does a college want to put a thumb on the scale for students who grew up with so many helping hands? Why not let them get in on their merits rather than their bloodline?

HOW MUCH DO LEGACY PREFERENCES BENEFIT THE RELATIVES OF ALUMNI?

The answer to this question is hard to quantify because we have so little data on the impact of legacy admissions. Most colleges that employ legacy preferences keep their legacy numbers hidden away, as if they might be a source of embarrassment. A handful of private colleges in California provide an annual report on how many legacies are admitted and enrolled each year, thanks to a law passed in 2019, but not one college in the nation publicizes the number of legacies who apply, are admitted, and enroll each year. Without those numbers, it is impossible to determine the admit rates for legacy applicants relative to other applicants at any single institution, which explains why little research has been conducted on the impact of legacy admissions.

What research there has been, however, has shown that legacy preferences have a considerable impact at selective institutions.

- One study, using composite data from 10 admissions offices from the 1990s, found that legacy preferences boosted an applicant's chance of admission as much as increasing their SAT score by 160 points would.

- Another study looked at 30 IHEs in 2007 and found that being a legacy improved an applicant's chances by 45%.

The SFFA lawsuit led to further revelations about the size of the advantage provided by legacy preferences: the children of alumni are almost six times more likely to be admitted to Harvard than the rest of the pool. We need to be careful with that number, however, since it does not account for the fact that there may be significant differences in the academic qualifications of the legacy pool and the rest of the applicants.

Fortunately, this issue was addressed during the SFFA trial.

During testimony in the trial, Harvard's Dean of Admissions confirmed that a 2013 Harvard College report looked at how students who received the highest academic ratings from admissions readers (a score of 1 or 2) fared. The first finding was that getting a high academic rating more than doubled the chances of getting in, although not for Asian American applicants (see Figure 5). That boost was even larger for students considered "low-income" by Harvard. Applicants from households with incomes below $65,000 and a top academic rating were over three times more likely to get in than the total pool of applicants and 60% more likely to get in than their fellow academic stars who were not from low-income households.

That sounds pretty good until you look at the difference it makes if you are a really smart legacy. **Legacies with top academic ratings were almost four times more likely to get in than their equally brilliant fellow applicants who did not inherit a Harvard chromosome from their parents.**

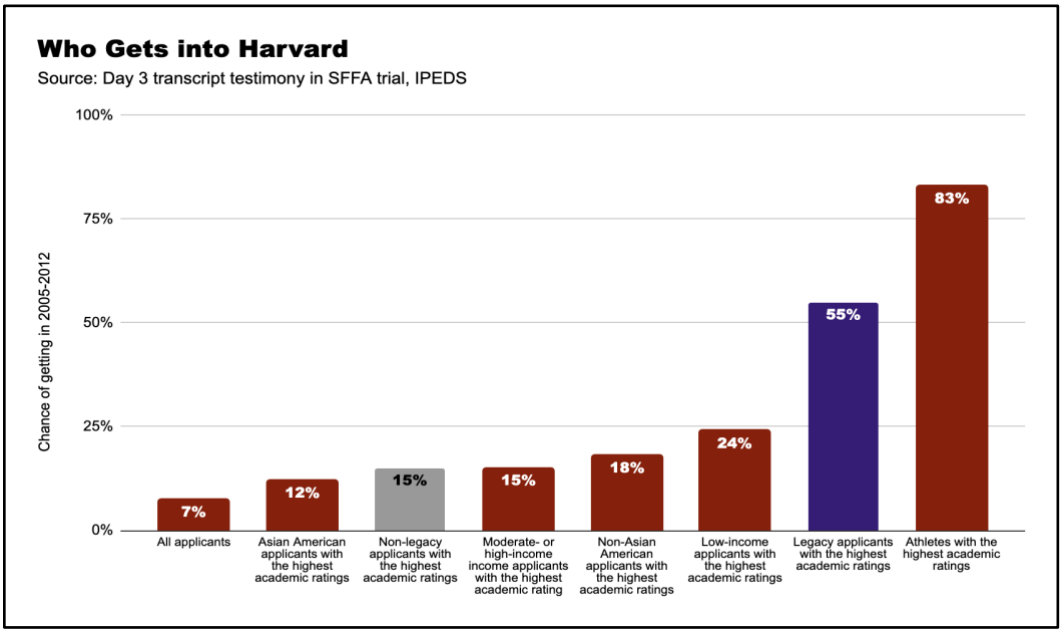


Figure 5

A second, less granular analysis of more recent data yielded similar findings. Harvard's admissions practices show clear and significant advantages for the children of alumni, who make up the majority of the legacies, dean's list, and children of faculty/staff (LDC) category (see Figure 6).

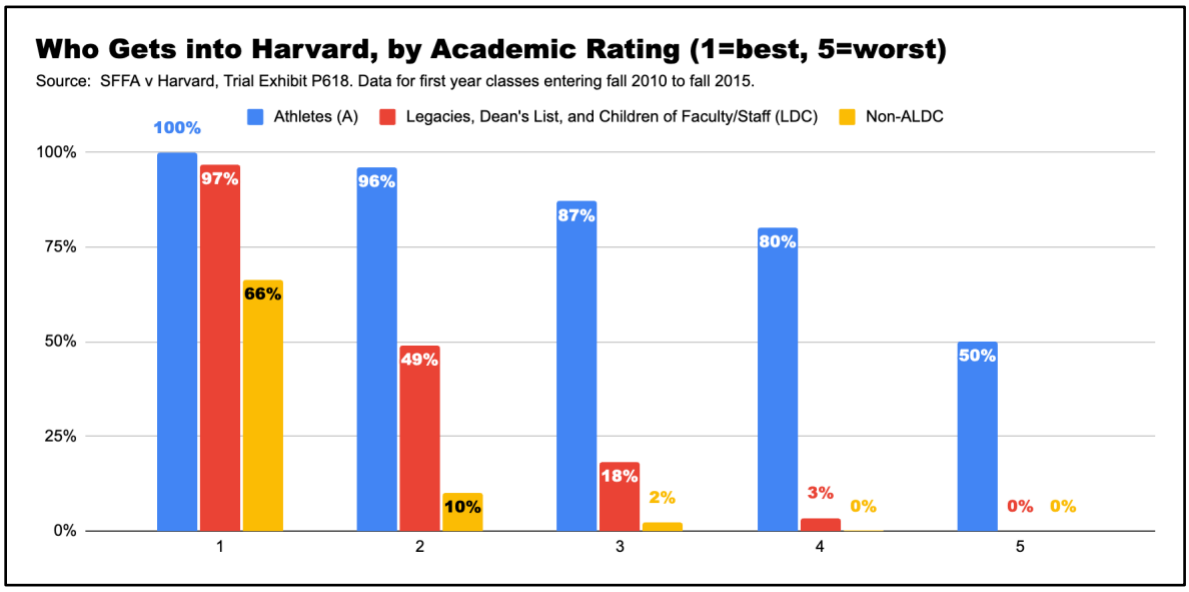
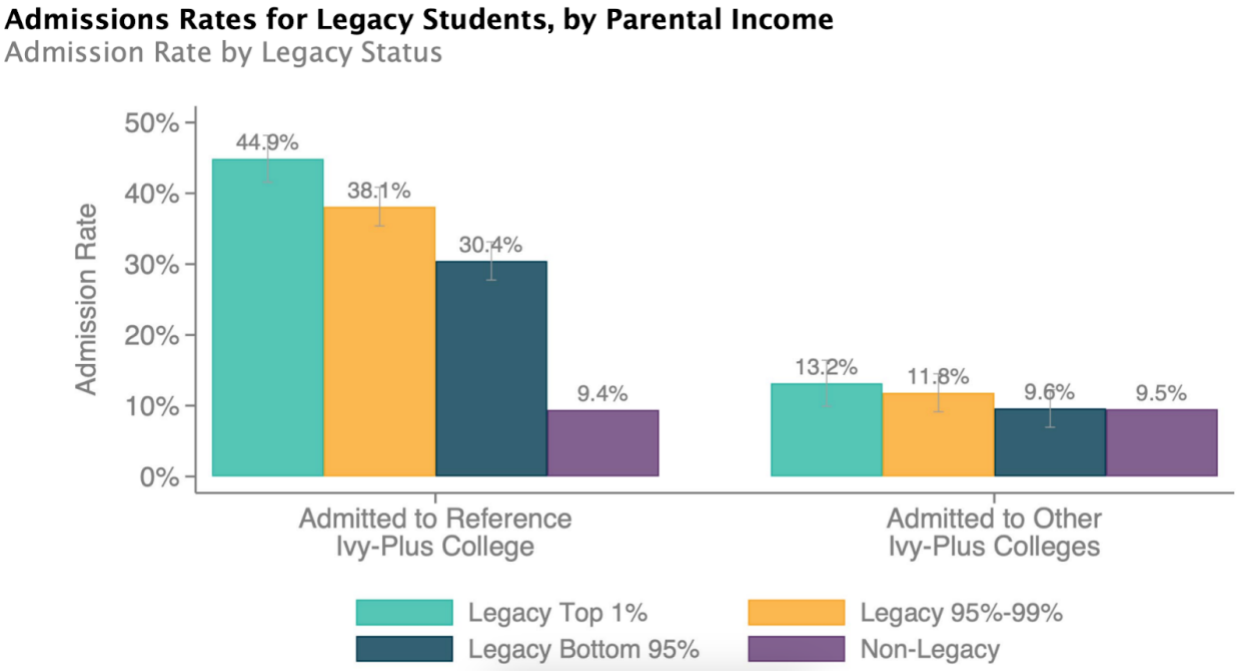


Figure 6

Research from Opportunity Insights released a few weeks after the *SFFA* decision confirmed that the significant advantages enjoyed by legacy applicants in the admissions process are not unique to Harvard. When this team of economists–all of whom work at Ivy League Institutions–looked at Ivy Plus institutions (the Ivy League plus Stanford, Duke, and the University of Chicago; MIT is considered Ivy Plus, but does not use legacy preferences.) they made a series of stunning discoveries about just how much being a legacy improves an applicant's chances of admission:

1. The children of alumni were nearly four times as likely to be admitted to an Ivy Plus college than non-legacy applicants with the same test scores. That advantage was almost five times greater for legacy applicants from the richest 1% of households.
2. When legacy applicants applied to more than one Ivy Plus college, they were three times more likely to get into the institution a parent attended (see Figure 7).
3. Legacy preferences as the single biggest driver of overrepresentation of the very rich at Ivy Plus colleges, where the richest 1% of households make up 15.8% of students
4. Students from families with incomes over $600,000 are 55% more likely to be admitted to an Ivy Plus institution than students from households with incomes between $83,000 and $116,00.
5. Legacy applicants from the richest 1% of households are 50% more likely to get into their parents' alma mater than legacy applicants from the bottom 95% of income. **The richer you are, the more being a legacy benefits you.**



Source: Opportunity Insights, 2023.

Figure 7

WHO BENEFITS FROM LEGACY PREFERENCES?

Once again, answering this question has long been difficult due to a lack of data, but Opportunity Insights' research has confirmed that the vast majority of legacy applicants admitted to highly selective colleges come from the richest families in the nation (see Figure 8):

- Almost 30% of the legacies who apply to Ivy Plus colleges come from the richest 1% of American households by income.

- 65% of legacies who apply to Ivy Plus colleges come from the richest 5% of American households.

- Just 5% of legacies who apply to Ivy Plus colleges come from the bottom 60% of American households by income.

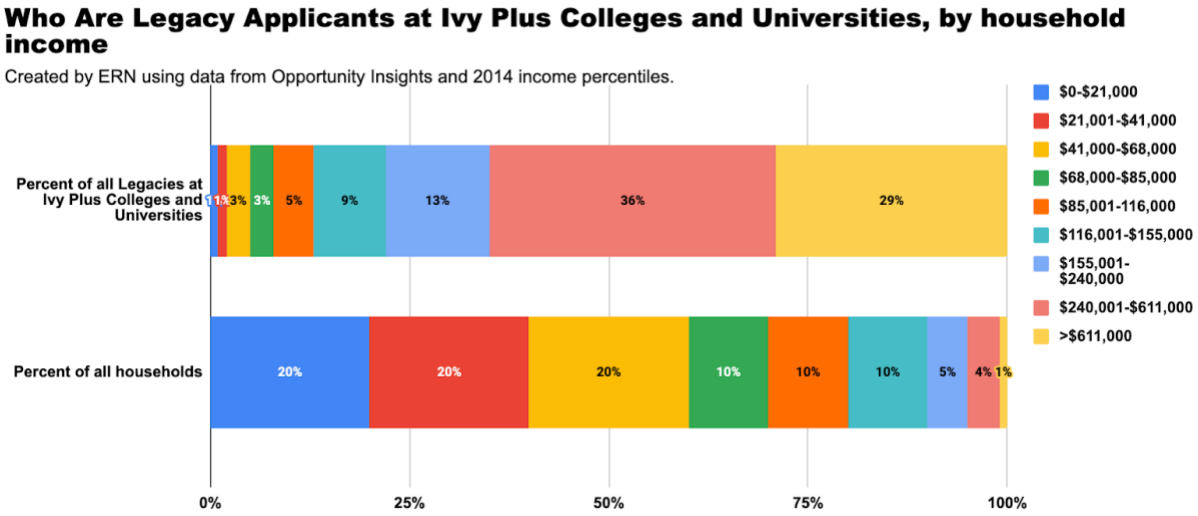


Figure 8

Unfortunately, the Opportunity Insights team did not factor race into their analysis, so it is not possible to know the racial demographics of legacy applicants at elite colleges. The SFFA trial revealed, however, that between 2010 and 2015, around 70% of the legacy applicants admitted to Harvard were White, while just 4% were Black. Given the long history of racism and segregation in the United States and at colleges and universities, it is little surprise that the main beneficiaries of legacy preferences are the people who have enjoyed nearly exclusive access to elite institutions for most of their history.

One of the most problematic defenses of legacy preferences suggests that civil rights groups and college access advocates are only trying to eliminate legacy preferences now that Black, Asian American, and Latino alumni have started gaining access to this advantage granted by birth. Leaving aside the fact that legacy preferences have come under attack since the 1960s, it is a bizarre notion that the way to make a corrupt practice less corrupt is to marginally expand the number of people who benefit from the corruption. We must be careful, too, not to exaggerate the advances in diversity made by highly selective institutions over the past two decades. The Education Trust noted in a recent report that even with the use of race-conscious admissions "most public and private colleges and universities have so far failed to diversify their student enrollment."

ARE COLLEGES ABANDONING LEGACY PREFERENCES?

Between 2015 and 2022, more than 100 colleges stopped indicating that they considered legacy status in their admissions process. When IPEDS asked IHEs whether they considered legacy status for the first time in 2022, 291 fewer indicated they do compared to responses to the CDS in 2020. After the

SFFA decision in June 2023, several more prominent institutions announced they would no longer provide a legacy preference (see Table 2).

Prominent Colleges and Universities that Ended Legacy Admissions since December 2022	
American University	University of Maryland
Boston University	University of Buffalo
Carnegie Mellon University	University of Michigan
Carleton College	University of Minnesota
Davidson College (indicated in IPEDS)	University of Pittsburgh
Kenyon College (indicated in IPEDS)	Virginia Tech
Occidental College	Wesleyan University
New York University	

Table 2

WHY ARE COLLEGES ENDING LEGACY ADMISSIONS?

A growing number of institutions do not want to be on the wrong side of history, and they want to boost diversity and social mobility in the wake of the Supreme Court's *SFFA* decision.

Legacy preferences are deeply unfair, so it is no surprise that they are deeply unpopular with Americans.

- A 2022 Pew survey showed that 72% of Democrats and 77% of Republicans do not think colleges should give the children of alumni any extra consideration.

- At highly selective colleges such as Harvard, Cornell, Georgetown, and Princeton, most undergraduates, *including* legacies themselves, oppose passing an admissions advantage along family bloodlines.

- Immediately after the Supreme Court ended the consideration of race in college admissions, members of Congress, the Secretary of Education, and President Biden all called out legacy preferences for, in the president's words, "expand[ing] privilege instead of opportunity."

Additionally, the *SFFA* decision spurred many colleges to look critically at their admissions practices to identify barriers to diversity. Some went further than merely looking and took action. They eliminated legacy preferences because they predominantly benefit white applicants from very rich families and are inimical to diversity.

Eliminating legacy preferences is just one of many reforms needed to make college admissions fairer. It is not a panacea. The reason legacy admission has become a target is that everyone can easily see how unfair it is, particularly when those who receive a legacy preference are already the beneficiaries

of so many other inherited advantages. After the Supreme Court banned colleges from considering race in their admissions process, getting rid of legacy preferences should have been an easy first step in removing barriers to access and diversity.

WHAT EFFORTS ARE UNDERWAY TO LIMIT OR ELIMINATE LEGACY ADMISSIONS?

Increase admissions transparency: Upon the release of this new IPEDS data, Education Secretary Miguel Cardona said, "Access to data on legacy applicants is essential for colleges and universities reevaluating their admissions practices and working to build diverse student bodies in the wake of the Supreme Court's disappointing ruling on affirmative action earlier this year." In 2023, a coalition letter signed by civil rights groups, college access advocates, and academic researchers called on the Department of Education to expand admissions data to include, among other things, the number of applicants who are legacies, the number of legacy applicants admitted, and the number of legacies enrolled. The data should be disaggregated by race at all three points and by Pell eligibility for enrollments. The designation "considers legacy" should be defined to mean that an IHE includes in the materials considered by admissions readers the name of the institutions of higher education attended by any relatives of an applicant. A similar letter was sent by a group of U.S. senators and representatives to the Department of Education.

Civil rights investigation: In response to a complaint filed by Lawyers for Civil Rights, the Department of Education's Office for Civil Rights opened an investigation into legacy admissions at Harvard University to determine whether Harvard's use of legacy preferences disproportionately advantages white applicants.

Legislative action: In 2021, Colorado became the first state to ban public universities from providing legacy preferences. There are at least three states where bills banning legacy preferences in public and private colleges are advancing: Massachusetts, New York and Virginia. A second bill in Massachusetts would impose a penalty on institutions that employ legacy admissions and early decision programs. A bill to ban legacy admissions may be introduced in Pennsylvania. Finally, there are two federal bills that would eliminate the use of legacy preferences. Senator Jeff Merkley (D-OR) and Representative Jamaal Bowman (D-NY) introduced the Fair College Admissions for Students Act, while Senator Todd Young (R-IN) and Senator Tim Kaine (D-VA) introduced the MERIT Act.

CONCLUSION

Legacy preferences operate in the shadows of college admissions. They serve the students who need the least help in gaining access to a high-quality education and exclude the students most likely to benefit from attending a highly selective institution. Colleges that continue to maintain legacy admissions are showing their limited commitment to social mobility and diversity. At the very least, these colleges, which put alumni ahead of first-generation students and students of color and sacrifice fairness and the public's trust in order to increase their endowments, should be forced to come out of the shadows and be held accountable. The Department of Education should begin collecting and publishing disaggregated data on legacy admissions. That exposure, combined with state and federal legislation and civil rights complaints, could finally bring a shameful chapter in college admissions to a close.

EDUCATION REFORM NOW

Education Reform Now (ERN) is a non-partisan, nonprofit think tank and advocacy organization that promotes increased resources and innovative reforms in K-16 public education, particularly for students of color and students from low-income families. We seek forward progress in public education—at the federal, state, and local level—developing and advocating for new, bold ideas and mutually reinforcing policies in elementary, secondary and post-secondary education.