

## **Report of the Ad Hoc Committee on the Narrow-Tailoring Concept**

Virginia Tech Board of Visitors

06/06/04

### Executive Summary

**Background:** In April 2003, the Virginia Tech Board of Visitors appointed an ad hoc committee to review recommendations regarding steps to bring race and ethnicity conscious activities of the university into compliance with state and federal laws and the rulings of the U. S. Supreme Court. Over the past year, the university has conducted a comprehensive internal review of all activities that considered race or ethnicity in any way and has made recommendations to bring activities into compliance as needed.

**Major Issues:** Following the review of all programs, adjustments were made to some programs and many were deemed to be fully compliant. Five major areas were identified for further analysis in the internal review. These were undergraduate admissions, private scholarships and financial aid, the Multicultural Academic Opportunities Program, the McNair Scholars Program and other selected federally sponsored activities. The administration presented recommendations for modifying or continuing the present practices in these areas to the Office of the Attorney General for their advice and to the ad hoc committee for their approval.

**Recommendations:** Incorporating feedback from the Office of the Attorney General and the ad hoc committee, the university has developed an implementation plan to address each of the five major areas and the broader network of activities that may be targeted to particular students.

- The university will seek to increase the number, quality, and diversity of applicants for admission and will seek to increase the percentage of minority applicants who accept our offer of admission. The recruiting capacity of the undergraduate admissions office will be enhanced and the university will make additional investments in student support programs, pipeline programs, and the Presidential Campus Enrichment Grants scholarship program.
- The university will continue to secure the educational benefits of a diverse student body through its long-standing practice of the narrowly-tailored consideration of race and ethnicity in undergraduate admissions. This practice was confirmed by the 2003 Supreme Court rulings on admissions and a review by the Virginia Office of the Attorney General.
- A joint working group of board members, university administrators, and undergraduate student representatives will annually review the progress of the university in achieving its diversity goals through a comprehensive annual review of all aspects of undergraduate admissions. This working group may make recommendations for incremental changes in admissions practice, policy, or funding to best achieve the goals of the university.
- The development office is working with donors to modify the small percentage of private scholarships that have restricted awards or expressed a preference on the basis of race or ethnicity. These scholarships will now incorporate in the application procedures a personal statement on contribution to diversity or other non-racial, non-ethnic criteria that meet the intent of the donor.

- The Multicultural Academic Opportunities Program has been modified to no longer include race or ethnicity as a selection criterion and will rely on low-income, first-generation status and an essay as part of the selection criteria.
- The university will continue to comply with the provisions of federally sponsored programs that stipulate the involvement of underrepresented groups as a condition for participation. This includes the McNair Scholars Program. The university will not apply restrictions or conditions beyond those required by the sponsoring agency.
- Other activities of the university will be open to students regardless of race or ethnicity in accordance with the university's "Standards for Inclusive Policies, Programs, and Practices" established by the Commission on Equal Opportunity and Diversity. Student support programs and activities may be promoted to various groups of students who may benefit most from the specific program. However, these types of activities are considered components of an overall system of academic support designed to meet the specific needs of all students. A periodic review of existing programs and the needs of students will identify areas of unmet need.

The ad hoc committee approves these recommendations and supports the university's efforts to become a leader in innovative approaches for creating a more diverse campus and obtaining the valuable benefits that students gain from a diverse learning environment.

#### Report of the Ad Hoc Committee on the Narrow-Tailoring Concept

**Historical Context:** The Commonwealth of Virginia is one of several states that operated a racially segregated system of higher education during most of the 20th century. In 1969, the U.S. Department of Education notified Virginia that its segregated system of higher education violated federal law and must end. In response to this charge, the commonwealth prepared a multi-step plan known as The Virginia Plan to dismantle the segregated system and to ensure equal access to education for all citizens of Virginia. The state documented the completion of the various requirements of this plan over the next thirty years and in November of 2001 came to an agreement with the U.S. Department of Education—Office of Civil Rights regarding the completion of the plan.

**Legal Context:** This agreement, referred to as the 2001 Accord (Appendix A), changed the legal basis on which Virginia institutions of higher education could practice affirmative action in higher education admissions and other student programs. Any use of affirmative action must be practiced within very specific legal guidelines because any attempt by states to classify individuals on the basis of race or ethnicity is inherently suspect under the 14th Amendment to the U.S. Constitution. Policies that treat individuals differently on the basis of race or ethnicity are therefore subject to strict scrutiny and may only be practiced when they meet a compelling interest of the state. Prior to the completion of the 2001 Accord, higher education institutions in Virginia could consider race and ethnicity in admissions and other programs in order to address the compelling interest of remediating the lingering effects of past discriminatory practices. With the completion of the Accord, remediation is no longer a legal basis for affirmative action in Virginia higher education.

The Virginia Office of the Attorney General notified universities of the legal impact of the

Accord on admissions and other activities in an April 22, 2002 memorandum (Appendix B). This memorandum stated that the legal rationale of remediation was no longer valid in Virginia and could not be used as a justification for considering race or ethnicity in admissions or any other programs that conferred a benefit. However, an alternative basis for compelling interest—the educational benefit to students of a diverse campus—remained valid. This alternative basis for affirmative action was first outlined by Justice Lewis Powell in *Regents of the University of California v. Bakke* (1978) and was confirmed in July of 2003 in *Grutter v. Bolinger*. Powell held that the educational experiences of university students can be enhanced by the presence of individuals with differing backgrounds, abilities, and experiences and that universities could claim under their broad first amendment rights that there is a compelling interest in creating this type of academic environment. This compelling interest is described in *Grutter* as “the educational benefits that flow from a diverse student body.”

Even so, where a compelling interest is met, programs designed to achieve the benefits of a diverse educational environment through the selective use of race or ethnicity must be “narrowly-tailored.” To meet the conditions of narrow-tailoring, the activity must: consider the feasibility of alternatives that are race and ethnicity neutral and may be used to achieve the same ends; consider the whole individual in making decisions for selections; have a limited impact on third parties; and have a limited duration.

Creation of Ad Hoc Committee on Narrow-Tailoring: The April 22, 2002 memorandum from the Virginia Office of the Attorney General recommended that institution presidents and their boards assess existing programs to determine if narrow-tailoring requirements were being met. On December 15, 2002, the Virginia Tech Board of Visitors passed a resolution affirming that recruitment, admissions, and student support programs at the university should comply with federal and state laws, as well as the advice of the Office of the Attorney General regarding those activities (Appendix C). Following this resolution, the university initiated a preliminary review of activities in January of 2003. University Counsel was the primary group responsible for this review. While awaiting formal feedback from the Office of the Attorney General, the Board of Visitors passed a second resolution effectively eliminating all consideration of race or ethnicity in university activities. This second resolution was rescinded at a special meeting of the Board on April 6, 2003. At that meeting, the Board reconfirmed the university’s commitment to increasing the diversity of the student population and created an ad hoc committee to review recommendations from the university administration on achieving diversity and on the application of narrow-tailoring requirements in existing university programs (Appendix D). The full charge of the ad hoc committee was as follows:

FURTHER BE IT RESOLVED that an ad hoc committee of the Board will be appointed and charged with reviewing the recommendations developed by the university administration regarding the narrow-tailoring legal requirement applicable to race-conscious programs and acceptable steps for achieving diversity in accordance with federal and state laws and rulings of the United States Supreme Court, and for presenting these recommendations to the full Board at a future meeting.

Composition of the Ad Hoc Committee: Rector John Rocovich appointed Vice-Rector Ben Davenport to chair the ad hoc committee and appointed the following board members and

student and faculty representatives to serve on the committee: Mitchell Carr, William Latham, Jacob Lutz III, Thomas Robertson, Phillip Thompson, Brian Montgomery, Christian Rieser, and Ed Sewell. On July 1, 2003 the composition of the committee changed due to changes in the student and faculty representation. Student representatives Brian Montgomery and Christian Reiser were replaced by Alan Bradley and Myrna Callison, respectively. Faculty representative Edd Sewell was replaced by Diane Zahm.

University President Charles Steger asked Provost Mark McNamee to work closely with the ad hoc committee and to oversee a complete internal review of programs in coordination with General Counsel Jerry Cain. Provost McNamee asked staff member Ken Smith to structure and manage the internal review and to staff the ad hoc committee.

**Comprehensive Review of Activities:** While a preliminary internal review had been started in January of 2003, a more complete review of all departments and activities was needed to make valid recommendations regarding the applicability of narrow-tailoring on a program-by-program basis. In the interest of resolving possible impacts on existing programs as quickly as possible, the university administration began this comprehensive review immediately and on April 9, 2003, the provost issued a memorandum to all university administrators. The provost asked all departments to review the information submitted in the initial January review and to submit a more complete and updated description of any activities that considered race or ethnicity in any way. This request for information included the questionnaire designed by the Office of the Attorney General intended to identify the legal issues surrounding the use of race or ethnicity in the activity (see last pages of Appendix B). Due to the high level of interest in the area of admissions, the provost requested that the three admissions processes of the university (undergraduate, graduate, and veterinary medicine) submit complete descriptions of their selection processes. In addition, units that had not previously submitted information in the January review were asked to officially document that there were no activities in their area that considered race or ethnicity order to ensure a complete response from all areas. Finally, the memorandum asked that departments avoid the use of race or ethnicity conscious factors in any programs until the university received further legal guidance.

Departments submitted their official responses to the general counsel's office on April 16, 2003. The initial review of the information found that of the 408 departments in the administrative structure of the university, 364 departments reported no race-conscious activities. Forty-four departments reported one or more activities with a race conscious aspect for a total of 71 separate activities.

Committee staff compiled and summarized the submitted information to identify the salient programs and issues. In reviewing programs, staff looked at the detailed description of the program with a particular focus on the use of race or ethnicity as a selection criterion for participation in the program or activity. Where programs were demonstrably open to all eligible participants regardless of race or ethnicity or relied on non-racial factors such as low-income, first-generation, or geographic information to identify and select participants, there was no need for modification. Activities that were open only to racial or ethnic minorities or had selection processes that considered racial or ethnic status were identified for further review or modification. Most programs did not use race or ethnicity as a selection criterion for

participation. In many instances, departments had already recognized the need to modify their programs and had implemented the necessary changes to remove the use of race or ethnicity in selections.

**Findings of the Comprehensive Internal Review:** The internal review of the 71 identified activities sorted them into three broad categories. Most of the identified activities (50) appeared to be acceptable and did not require further review or modification. Sixteen activities that initially identified issues in their selections had been modified to no longer consider race or ethnicity or discontinued altogether. The administration identified five major areas for further review and advice. These five areas were undergraduate admissions, privately funded financial aid programs, the Minority Academic Opportunities Program (MAOP), selected federally sponsored activities, and the McNair Scholars Program.

The university forwarded a summary table of all identified programs and activities, along with a summary description of each activity's treatment of race and ethnicity in selections to the Virginia Office of the Attorney General on May 27, 2003. The university also provided copies of the detailed responses from each department and a cross-referenced log of those responses documenting that all areas of the university had responded to the request for information.

**First Meeting of the Ad Hoc Committee:** On June 1, 2003, the ad hoc committee convened for its first meeting and received a report from Provost McNamee on the status of the internal review. The provost shared preliminary information on the findings of the internal review and the plan for addressing the five major areas. Dr. David Ford, Vice Provost for Academic Affairs, provided an overview of the undergraduate admissions process at Virginia Tech and both Dr. Ford and Ms. Karen Torgersen, Director of Undergraduate Admissions, responded to questions from members of the committee.

The committee also invited external consultants to provide different perspectives on the importance of diversity in higher education. Dr. David Colburn, Provost and Senior Vice President of the University of Florida, related the experiences of that university in moving to a totally race-neutral admissions policy. Mr. M. Farook Sait, Special Assistant in the Office of Civil Rights at the U.S. Department of Agriculture, provided a historical context for the importance of continued affirmative action efforts in college admissions. Mr. Charles (Chip) Blankenship, a Virginia Tech alumnus and engineer with the General Electric Corporation, provided an overview of the amicus curiae brief submitted in the Michigan case by Fortune 500 industries, including General Electric. Mr. Gerald Parks, Manager of Fair Employment Practices at General Electric, provided additional information regarding the corporate level equal opportunity programs at that company.

Chairman Davenport closed the first meeting by charging the administration to move quickly to develop recommendations for both narrowly-tailored and race-neutral practices in the five major areas.

**Detailed Review and Recommendations in the Five Major Areas:** The provost asked each senior manager overseeing the five major areas of review to form a working group to consider the activity in detail and to determine the feasibility of using non-racial and non-ethnic criteria for

selections or whether the program could be modified to meet narrow-tailoring requirements or otherwise brought into compliance with state and federal laws and the advice of the Office of the Attorney General. During the period in which each working group was preparing its recommendations, the U. S. Supreme Court announced its rulings in the Michigan university admissions cases. To ensure that these latest rulings were fully incorporated into the recommendations, Mr. Mel Gillespie, director of the university Office for Equal Opportunity, and Mr. Fain Rutherford, an attorney in that office, provided legal assistance to each of the working groups.

Groups completed their review and recommendations by mid-July. The provost mailed a written summary of the recommendations in the five major areas to the ad hoc subcommittee on July 18, 2003. On the same day, the detailed recommendations were sent to State Solicitor General William Hurd for review and advice. The university requested preliminary feedback prior to the next planned meeting of the ad hoc committee in late August.

**Second Meeting of the Ad Hoc Committee:** The ad hoc committee reconvened for its second meeting on August 24, 2003 and received an update from Provost McNamee on the status of the review and the recommendations that had been forwarded to the attorney general's office. The provost shared two broad principles that guided the university in its on-going review and modification of activities. The first principle was that the activities and benefits of the university should be open to all, regardless of race or ethnicity, and there should be no activities where a student feels they need not apply to participate because of their race or ethnicity. Second, while a diverse student body is important to the educational environment at Virginia Tech, the narrowly-tailored use of race or ethnicity in selections should be limited to those activities most critical to creating a diverse campus environment. These principles are parallel to and were ultimately subsumed into the Standards for Inclusive Policies, Programs and Practices approved by the Commission for Equal Opportunity and Diversity in April of 2004 (Appendix E).

Committee discussion at this August meeting focused on the need to increase the number and quality of diverse applicants to Virginia Tech, as well as the percentage of qualified minority candidates who accept our offer of admission. Chairman Davenport stressed the importance of cooperative actions with K-12 education providers to improve the "pipeline" of potential applicants to the university. President Steger highlighted the university's on-going cooperation with the Virginia Office of the Attorney General. The committee also planned an open forum for all Virginia Tech faculty, staff, and students to learn about and ask questions regarding the internal review and the overall issue of diversity at the university.

**Additional Guidance and Feedback from the Office of the Attorney General:** On August 27, 2003 the Virginia Office of the Attorney General issued a follow-up memorandum to their April 22, 2002 guidance incorporating the findings of the U.S. Supreme Court in the July 2003 Michigan rulings (Appendix F). The memorandum clarified the conditions necessary to meet narrow-tailoring requirements in admissions programs and recommended that universities intending to continue the use of the narrowly-tailored consideration of race or ethnicity should mirror the admissions processes approved by the U.S. Supreme Court for the Michigan law school. The approved process included a whole file review of individuals without the assignment of points or weights to a person's ethnic background and used a written statement to provide all

applicants an opportunity to identify how they, as an individual, might contribute to the diversity of the educational environment. The memorandum did not expand the application of the high court's rulings to areas other than admissions and specifically recommended against the continued consideration of race and ethnicity in the awarding of student financial aid.

On October 17, 2003, Provost McNamee was invited to Richmond to meet with State Solicitor General William Hurd and Deputy State Solicitor Maureen Matsen to discuss Virginia Tech's internal review and to receive advice on the five major areas of review. A cordial meeting of nearly two hours resolved the outstanding issues in the five major areas of review.

In the area of undergraduate admissions, the university's existing process of an individualized review, where race or ethnicity is one factor out of many considered in determining an applicant's contribution to campus diversity, was found to be in compliance with the recent Supreme Court rulings. Mr. Hurd suggested that the university consider adding an additional written statement to the undergraduate application to allow all applicants to provide information on how they, as an individual, might contribute to campus diversity. In addition to these findings, the university stated that it would seek to increase the number and quality of diverse applicants and to increase the percentage of minority applicants who accept our offer of admission.

In the area of private scholarships and financial aid, the university recognized the need to modify privately-funded scholarships and fellowships that were restricted to or expressed a preference for certain races or ethnic groups. The university agreed to work with donors to modify the donor agreements behind these scholarships and fellowships in a manner that targets the donation toward supporting diversity or the donor's specific area of interest but in a manner that complied with state laws, federal laws, and the advice of the attorney general's office.

The Multicultural Academic Opportunities Program (formerly titled the Minority Academic Opportunities Program) was a key point of discussion. While this activity was originally designed with a remediation focus, over the past several years it had become a key component of the university's efforts to diversify its student body and to ensure the success of students. Since MAOP's inception, the number of colleges participating in the activity has increased, the U.S. Department of Agriculture has provided grant funds to augment the activity, and the selection criteria have expanded to include financial need, first-generation, and geographic considerations.

Given the importance of this program to the university's overall diversity efforts, the administration recommended the continued, narrowly-tailored consideration of race and ethnicity in selections. Mr. Hurd advised against this approach because the narrowly-tailored use of race and ethnicity in non-admissions programs had not been clarified in the high court rulings.

In the area of federally sponsored programs, including the McNair Scholars program and federally-funded aspects of the MAOP program, the university reached agreement with Mr. Hurd that it could continue to comply with federal grant requirements while federal sponsoring agencies modify their programs to comply with the recent legal changes.

Third Meeting of the Ad Hoc Subcommittee: The ad hoc committee reconvened on November 1, 2003. Chairman Davenport opened the meeting citing the good progress that had been made and

the positive feedback received from the Office of the Attorney General. The provost informed the committee of the advice received from the Office of the Attorney General in the five major areas and the plans for implementing changes. Plans for the open forum announced in August and now planned for November 10, 2003 were also discussed.

November 10, 2003 University-Wide Open Forum: The two-hour forum was attended by more than 300 faculty, staff, students, and the local press. Rector John Rocovich, committee chair Ben Davenport and Board member T. Rodman Layman also attended. In the first hour, President Steger opened the forum by confirming the Board of Visitors' and the university administration's commitment to achieving the diversity goals outlined in the university strategic plan. Mr. Davenport discussed the role of the ad hoc committee and its pro-active approach to dealing with the issues identified in the internal review. He also discussed the importance of diversity to the educational environment at Virginia Tech. Provost McNamee presented an overview of the changes in the legal environment, the process and outcomes of the internal review, and the plan for moving forward now that the review was complete. For almost one hour, the provost and Vice President for Multicultural Affairs Ben Dixon responded to questions from those in attendance. (The provost's presentation and questions and responses from the forum are included as Appendix G.)

Implementation of Recommendations: The university then moved quickly to implement the recommendations of the internal review and the advice received from the Office of the Attorney General.

Undergraduate Admissions: The administration has developed a three-year resource plan to enhance the recruiting capacity of the undergraduate admissions office, provide support for the implementation of an optional statement by applicants regarding their contribution to diversity, and to strengthen pipeline programs and the Presidential Campus Enrichment Grants that contribute to the diversity of the university. This plan will be incorporated into the university budget, as resources are available.

The university's practice of consideration of race and ethnicity as one component of a whole file review of individuals is an acceptably narrowly-tailored approach for making admissions selections and will continue as long as needed to enhance campus diversity.

At the recommendation of Chairman Davenport, the university has formed an Undergraduate Admissions Advisory Committee consisting of Board of Visitors members, university administrators, and student representatives. This group will convene at the conclusion of each admissions cycle to review current admissions practices and their outcomes and may make recommendations to the provost for evolutionary changes in policy, practice, and funding. This group is intended to address the need for periodic review of the consideration of race or ethnicity in a narrowly-tailored admissions program. Since undergraduate admissions is the only area in which the university intends to continue the narrowly-tailored use of race or ethnicity, this advisory committee will subsume the responsibilities of the ad hoc committee.

Private Scholarships and Financial Aid: In the area of private scholarships and financial aid, the university has developed and reviewed with the Virginia Office of the Attorney General

alternative language for use in modifying donor agreements or establishing new agreements targeted toward diversity. Any modification will be made in cooperation with donors. The following paragraph could replace racial or ethnic preferences and would be in addition to academic, financial, or other criteria.

This fund is intended to assist the university in maintaining and improving the educational benefits that all students receive from a diverse student body. The university defines diversity broadly to include a variety of individual backgrounds, experiences, and characteristics. In making awards from this fund, consideration may be given to students who offer a meaningful potential contribution to the diversity of the campus as demonstrated by a written statement from the applicant.

If this proposed language does not meet the giving goals of the donor, the university will work with them to identify alternative methods within the university and its foundation for achieving their goals without the use of race or ethnicity. If a donor finds this language unacceptable and the donor's intent to include a racial or ethnic preference in the agreement is a mandatory condition of their donation, the university and its foundation will probably be unable to accept and administer the funds on behalf of the donor.

**Multicultural Academic Opportunities Programs:** The Multicultural Academic Opportunities Program has been modified to no longer include race or ethnicity as a selection criterion and will rely on financial need, first-generation status, and a diversity essay in its selection criteria, along with academic and program considerations.

**Federally-Sponsored Programs, including the McNair Scholars Program:** The university will continue to comply with the provisions of federally sponsored programs that stipulate the involvement of underrepresented groups as a condition for participation. This includes the McNair Scholars Program. The university will not apply restrictions or conditions beyond those required by the sponsoring agency.

**Student Support Programs:** In the broad area of student support programs targeted to selected populations of students, the provost asked Dr. Karen Sanders, Director of the Virginia Tech Center for Academic Enrichment and Excellence, to oversee the implementation of a systematic approach to the provision of student academic support. Working through the Academic Support Roundtable (a standing committee of student support providers from the different colleges, student affairs, and central academic administration), Dr. Sanders has identified more than 47 existing programs available to students to address the specific needs of those students. Dr. Sanders and the Academic Support Advisory Committee will continue to work to highlight and promote the wide variety of programs available to all students with needs, regardless of race or ethnicity. This group will also oversee and recommend systematic reviews of student performance and the availability of programs to meet identified student support needs. As comparisons are made, this group will advocate for resources to address unmet needs.

**Training for Managers:** In April of 2004, the university sponsored a two-part workshop to provide managers of programs that contribute to diversity with the tools they need to structure, promote, and administer their activities in the current legal environment. More than 80 managers

participated in the two-part workshop and received guidance from external experts, including a representative from the Virginia Office of the Attorney General. In the second session, managers received guidance on issues specific to Virginia Tech programs and the application of the University Standards for Inclusive Programs, Policies and Practices. These workshops were planned and presented jointly by the Office of the Provost, the Office of the Vice President for Multicultural Affairs, the Office for Equal Opportunity, and the Center for Academic Enrichment and Excellence. Staff from these units will continue to plan and provide educational and technical assistance opportunities for managers working in these types of activities.

**Final Meeting and Dissolution of the Ad Hoc Committee:** The ad hoc committee met for a final time on March 28, 2004. Provost McNamee shared the status of implementation of recommendations described above. Committee members agreed that the work of the ad hoc committee could be subsumed into the proposed Undergraduate Admissions Advisory Committee and that the work of the ad hoc committee was complete. The committee challenged the university to continue to implement plans to increase campus diversity through aggressive recruiting and continued cooperation with K-12 providers and to become a recognized leader in methods to successfully achieve the educational benefits of a diverse student body.

With the close of this final meeting, the function of the ad hoc committee was completed. The committee presented this report to the full Board of Visitors at the June 7, 2004 open session, along with the following resolution:

#### Resolution Accepting the Recommendations of the Ad Hoc Committee on the Narrow-Tailoring Concept and Dissolving the Ad Hoc Committee

WHEREAS, in a resolution adopted April 6, 2003 the Board of Visitors created an ad hoc committee to review recommendations developed by the university administration regarding the narrow-tailoring legal requirement applicable to race-conscious programs and acceptable steps for achieving diversity in accordance with federal and state laws and the rulings of the United States Supreme Court and to present these recommendations to the full Board at a future meeting.

WHEREAS, over the past 14 months, the university administration has completed a comprehensive review of all programs and activities that considered race or ethnicity in any way and has made recommendations for modification, continuance, or discontinuance of activities in accordance with state and federal laws and with the advice of the Virginia Office of the Attorney General.

WHEREAS, the recommendations of the administration have been reviewed and approved by the ad hoc committee and are presented to the full Board of Visitors in "The Report of the Ad Hoc Committee on the Narrow-Tailoring Concept."

WHEREAS, the administration has recommended the creation of an Undergraduate Admissions Advisory Committee, to include Board of Visitors members, senior university administrators, and undergraduate students, for the purpose of annually reviewing the admissions process,

including the progress of the university in achieving its diversity efforts through the continued narrowly-tailored consideration of race and ethnicity in admissions selections, and for making recommendations for incremental changes in practice, policy, and funding for undergraduate admissions.

NOW, THEREFORE, BE IT RESOLVED that, the Board of Visitors hereby accepts the recommendations and report of the committee and the ad hoc committee on the narrow-tailoring concept is hereby dissolved.

Appendices A—G are available upon request from the Provost's Office. Contact [Suzie Karlin](#) for further information.

Appendix A—Accord between the Commonwealth of Virginia and the U.S. Department of Education Office of Civil Rights (November 11, 2001)

Appendix B—Memorandum from the Virginia State Solicitor explaining the impact of the Accord on higher education practices in Virginia (April 22, 2002)

Appendix C—Resolution of the Virginia Tech Board of Visitors, directing that the university comply with federal and state laws, and the advice of the Office of the Attorney General with regard to the recruitment, admission, and support of students, and in the application of the university's employment practices for faculty and staff (December 15, 2002)

Appendix D—Resolution of the Virginia Tech Board of Visitors creating the Ad Hoc Committee on Narrow-Tailoring Concept (April 6, 2003)

Appendix F—Memorandum from the Virginia State Solicitor explaining the impact of the U.S. Supreme Court rulings in the Michigan university admissions cases on Virginia institutions of higher education (August 27, 2003)

Appendix G—Presentation and summary of question and answer session from November 10, 2003 open forum.