

The Impact of the *Students for Fair Admissions v. Harvard* Federal Court Decision on Personal Opinions and Perceived Norms

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Abstract

This experiment builds on the results of Tankard & Paluck (2017) and re-examines the finding that court decisions shift perceived societal norms but not personal attitudes under the context of a new court case. It was hypothesized that the 2019 *Students for Fair Admissions v. Harvard* federal court decision, which addressed whether Asian-Americans were being treated fairly during Harvard's undergraduate admission process, would have a significant impact on perceived societal norms, but not on personal attitudes. 123 participants were recruited through Amazon Mechanical Turk. These participants responded to three waves of surveys, one wave prior to the court decision and two waves following the decision. The results of this study indicate that neither perceived status quo norms nor personal attitudes regarding race-blind admissions significantly changed based on the *SFFA v. Harvard* federal court decision, although there was a nonsignificant shift in perceived status quo norms that matched the pattern seen in the results of Tankard & Paluck (2017).

Introduction

The number of hate crimes in the United States increased in 2015, 2016, and 2017: the first multi-year increase since 2001 ("Hate crime data: the value in expanding our sources", 2019). As reducing prejudice remains a pressing issue, it is imperative to better understand how individuals develop prejudiced ideas and behaviors.

Although people act in part based on personal opinions, they also behave in a way that satisfies the social norm. Social norms encompass what one perceives to be accepted by society, and have a considerable influence on how individuals behave in public. There are three main ways for someone to receive signals as to what the social norms are: social referents, institutional signals, and summary information. Social referents are influential individuals who other individuals seek to model their behavior after. Institutional signals come from respected and established institutions that individuals feel are representative of societal norms. Summary information can come in the form of reports or statistics that indicate what the majority of people are doing. Individuals will shift their behavior so that they are within what the statistics suggests is normal (Tankard & Paluck, 2016).

This experiment focuses on institutional signals, specifically court decisions. If an individual trusts the Supreme Court as an institution and sees its decisions as representative of public opinion in the United States, Supreme Court decisions have the potential to shift the individual's perception of the social norm. This theory was supported by Tankard & Paluck (2017). In this study, individuals were randomly selected and surveyed prior to the *Obergefell v. Hodges* court decision, which legalized gay marriage in the United States. The data showed that although personal opinions regarding gay people and gay marriage did not significantly change, perceived status quo norms and perceived directional norms, that is if one perceives that society is moving towards being more accepting of gay marriage, significantly changed from before to after the ruling in favor of gay marriage (Tankard & Paluck, 2017).

In the following study, the same principle is tested on the 2019 *Students for Fair Admissions v. Harvard* federal court case. Students for Fair Admissions (SFFA) sued Harvard based on the claim that Harvard was discriminating against Asian-American students during their undergraduate admission process (Stempel, 2019). Edward Blum, president of SFFA, said in a statement “This filing definitively proves that Harvard engages in racial balancing, uses race as far more than a ‘plus’ factor, and has no interest in exploring race-neutral alternatives. It is our hope that the court will carefully study the statistical, documentary, and testimonial evidence amassed against Harvard and end these unfair and unlawful practices.” SFFA claimed that Harvard’s affirmative action practices were in violation of Title VI of the Civil Rights Act and advocated for race-blind admissions (“SFFA Files Motion for Summary Judgment Against Harvard”). In the decision released October 2019, the court ruled in favor of Harvard, protecting its admission practices.

It was hypothesized that as a result of the federal court decision, the participants’ personal opinions regarding the treatment of Asian-Americans during the college admissions process as well as their personal opinions regarding race-blind admissions would not change, while their perception of what other Americans think would shift towards believing that supporting race-conscious admission practices is the social norm.

Methods

Three waves of surveys were sent out to test whether the *SFFA v. Harvard* decision corresponded with a positive shift in perceived social norms and attitudes regarding fair treatment of Asian-Americans in the college application process.

Timeline

The first wave of surveys, released 7 months prior to the decision, was sent out on February 28, 2019 to measure baseline opinions. The *SFFA v. Harvard* decision was released on October 1, 2019. The second wave of surveys was released 2 days after the decision on October 3, 2019. The third and final wave of surveys was released four weeks after the decision on October 28, 2019.

Participants

The participants of this study were recruited online through Amazon Mechanical Turk (mTurk). Participant data was only included in the final analysis if they completed all three waves of surveys. There was a 38.5% retention rate from Wave One to Wave Two, and a 80.9% retention rate from Wave Two to Wave Three. Additionally, participants were excluded if they infrequently consumed news (4), identified as Asian/ Asian-American (7), or identified as non-American (1). 123 participants met all criteria. This group was 45.5% female (56), 54.5% male (67), 6.5% Black/ African-American (8), 6.5% Hispanic/ Latino (8), 89.4% White/ European-American (110), and had a median age range of 35-44 years.

Survey Questions

The following questions are based off of those in Tankard & Paluck (2017).

Perceived status quo norms: Perceptions of status quo norms in support of the belief that current college admission practices are fair were measured using the mean score of two items. First, “To what extent do

you think Americans believe Asian-Americans are treated fairly during the college application process?” to which participants responded using a scale from -4 (believe that they are treated unfairly) to 4 (believe that they are treated fairly). Second, the negative score of “To what extent do you think Americans oppose or support omitting race when considering college applicants?” to which participants responded using a scale from -4 (strongly oppose) to 4 (strongly support). (Figure 1)

Perceived directional norms: Perceptions of the direction and speed of social-norm change in support of the belief that current college admission practices are fair were measured using the mean score of two items. The first was “To what extent do you think that Americans’ belief that Asian-Americans are treated fairly during the college application process will or will not increase in the future?” (answered on a scale from -4, will not increase at all, to 4, will increase greatly). The second was the negative score of “How much momentum, if any, do you think the movement to omit race from college applications currently has in America?” to which participants responded using a scale from -4 (no momentum at all) to 4 (strong momentum). (Figure 2)

Personal attitudes: Attitudes in support of believing that current college admission practices are fair were measured using the mean score of two items: “To what extent do you believe Asian-Americans are treated fairly in the college application?”, to which participants responded using a scale from -4 (believe that they are treated unfairly) to 4 (believe that they are treated fairly), and the negative score of “To what extent do you oppose or support omitting race from college applications?”, to which participants responded using a scale from -4 (strongly oppose) to 4 (strongly support). (Figure 3)

Rating of Asian-American people on feeling thermometer: Participants were asked to convey their attitudes towards people who are Asian-American by rating Asian-Americans on a feeling thermometer (“How ‘warm’ or ‘cold’ do you feel towards people who are Asian-American? Please indicate your response by sliding the bar below and leaving it at a particular ‘temperature’. 0 degrees = cold (unfavorable), 100 degrees = warm (favorable)). (Figure 4)

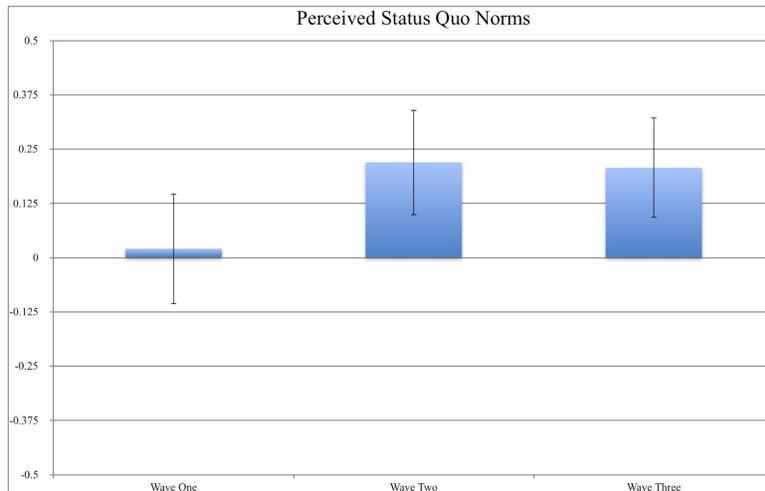
Trust in and perceived representativeness of the federal court system: Respondents’ reported trust in the federal court system and belief that the federal court system represents public opinion was measured using the mean score of two items. The first was “To what extent do you mistrust or trust the federal court system as an institution?” (answered on a scale from -4 (strongly mistrust) to 4 (strongly trust)). The second was “To what extent do you think decisions made by a U.S. federal court do or do not represent public opinion in the United States?” to which participants responded using a scale from -4 (do not represent at all) to 4 (strongly represent).

Political orientation: Political orientation was measured using a single item (“Where do your political views best fall on the following scale?”), to which participants responded using a scale from 1 (very liberal) to 7 (very conservative).

Results

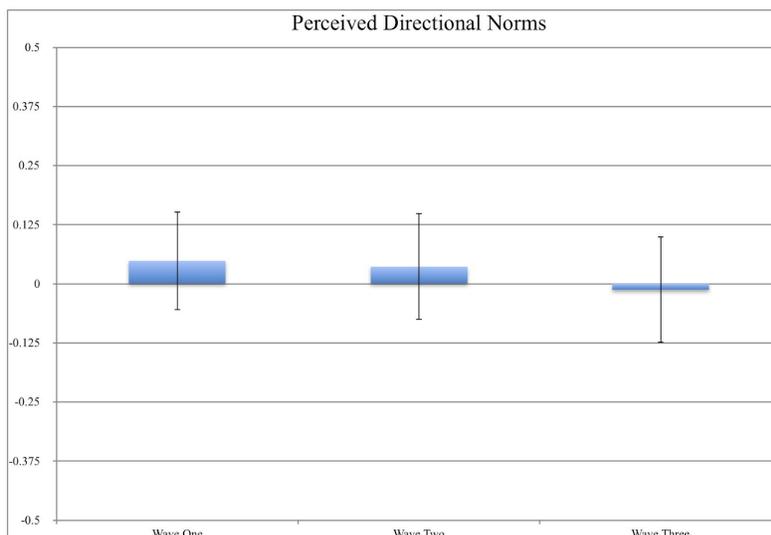
The responses for the first four survey questions are shown below with Waves One, Two, and Three on the x-axis and the mean survey score on the y-axis. Error bars represent the standard error of the mean. Paired-sample t-tests were run to measure significance. One-tailed t-tests were used when there was a directional hypothesis. The p-values are shown for Wave One (pre-decision) and Wave Two (week of decision) comparison as well as for Wave One and Wave Three (four weeks post-decision) comparison.

Figure 1: Perceived Status Quo Norms



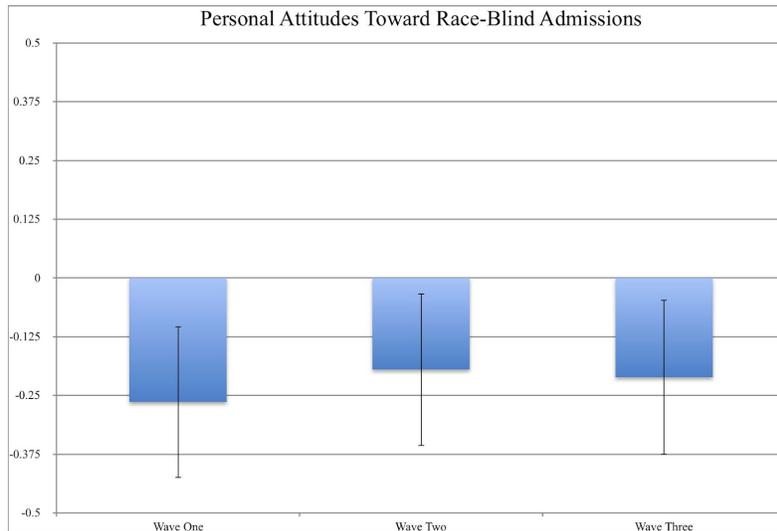
Based on Tankard & Paluck (2017), it was hypothesized that perceived status quo norms would increase after the court decision. Consistent with this prediction, the difference between Wave One and Wave Two trended towards significance ($p = 0.09$, one-tailed), as did the difference between Wave One and Wave Three ($p = 0.09$, one-tailed).

Figure 2: Perceived Directional Norms



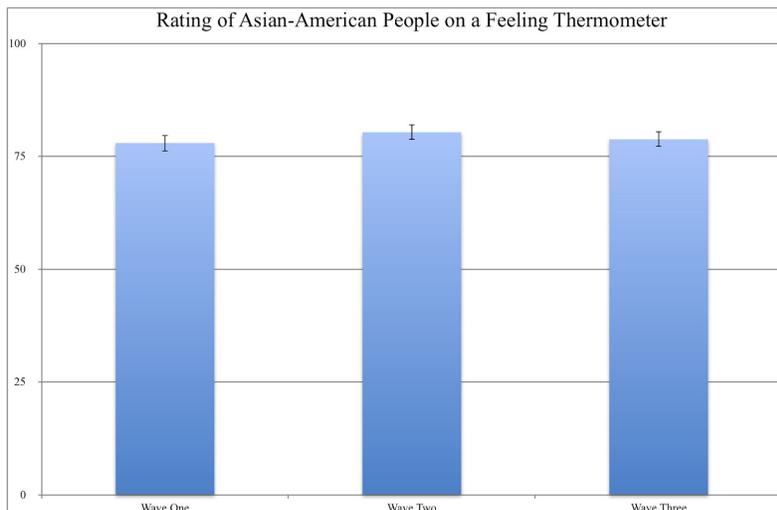
Similarly, based on Tankard and Paluck (2017), it was hypothesized that perceived directional norms would increase after the court decision. The results were inconsistent with this prediction as they trended nonsignificantly in the wrong direction. The difference between Wave One and Wave Two was not significant ($p = 0.54$, one-tailed), and the difference between Wave One and Wave Three was not significant ($p = 0.67$, one-tailed).

Figure 3: Personal Attitudes Toward Race-Blind Admissions



Based on Tankard & Paluck (2017), it was hypothesized that there would not be a significant change in personal attitudes towards race-blind admissions following the court decision. The results were consistent with this hypothesis. The difference between Wave One and Wave Two was not significant ($p = 0.55$, two-tailed), and the difference between Wave One and Wave Three was not significant ($p = 0.67$, two-tailed).

Figure 4: Rating of Asian-American People on a Feeling Thermometer



Based on Tankard & Paluck (2017), it was hypothesized that there would not be a significant change in feelings towards Asian-American people after the court decision. The results supported this hypothesis. The difference between Wave One and Wave Two was not significant ($p = 0.08$, two-tailed), and the difference between Wave Two and Wave Three was not significant ($p = 0.53$, two-tailed).

This experiment is built on the theory that if people see federal courts as trustworthy and representative institutions, federal court decisions will shape perceived status quo norms. Therefore, it was hypothesized that there would be a positive correlation between trust in federal courts and change in beliefs. Participants were assigned a trust in court score based on the sum of their responses to “To what extent do you mistrust or trust the federal court system as an institution?” and “To what extent do you think decisions made by a U.S. federal court do or do not represent public opinion in the United States?”. After running a Pearson Correlation test on the trust in court values and the net change in beliefs regarding perceived status quo norms, no correlation was found ($R = -0.1682$, $p = 0.063$).

Discussion

The results of this study indicate that neither perceived status quo norms nor personal attitudes regarding race-blind admissions significantly changed based on the *SFFA v. Harvard* federal court decision. Although the shift in perceived status quo norms was not significant, the general pattern was consistent with the findings of Tankard & Paluck (2017). The mean score shifted from 0.02 (SD = 1.41) in Wave One (pre-decision) to 0.22 (SD = 1.34) and 0.21 (SD = 1.28) in Waves Two and Three (post-decision). This indicates a positive shift towards thinking that other Americans support current affirmative action processes, which the *SFFA v. Harvard* decision would in theory promote. This positive shift stayed consistent between Waves Two and Three, indicating that the decision’s impact on perceived status quo norms is lasting (Figure 1). The change in perceived directional norms did not fit the expected pattern. It was hypothesized that there would be a positive shift in perceived directional norms between Wave One and Two that would stay consistent between Waves Two and Three. Instead, the mean score nonsignificantly decreased after each wave (Figure 2).

The data support the hypothesis that the decision would not change what people personally think about affirmative action practices. There was no significant change in personal opinions (Figure 3). Similarly, the data also supports the hypothesis that the decision would not significantly alter personal beliefs regarding Asian-American people (Figure 4). These results are consistent with the findings of Tankard & Paluck (2017).

The decision was hypothesized to impact perceived norms but not personal attitudes. Due to the insignificant change in perceived norms, the data did not support the first part of this hypothesis. However, the data did support the second part of the hypothesis as there was no significant change in personal attitudes.

There are many factors that may explain why the results of this study do not entirely match those of Tankard & Paluck (2017). First, there was a 7 month gap between Wave One and Wave Two. Because the decision was expected to be released in early spring 2018, the pre-decision data was collected in February 2018. However, the decision was released in fall 2018. Because a long period of time went by, there was a lower retention rate among the mTurk participants, leading to a smaller sample size than would be expected if the data was collected within a shorter timespan. Given that the results for perceived

status quo norms were trending in the right direction, it is possible that we would have obtained a significant result with a larger sample.

Additionally, there may not have been a significant change in perceived status quo norms because the *SFFA v. Harvard* decision was less widely broadcasted than the 2015 *Obergefell v. Hodges* decision that legalized gay marriage. The *Obergefell v. Hodges* decision was broadcasted on almost every news platform, whereas the *SFFA v. Harvard* decision had a more limited reach. When the *Obergefell v. Hodges* decision was announced, it was very clear that the court ruled in favor of gay marriage. Although observers may have known that the *SFFA v. Harvard* case was about affirmative action and the treatment of Asian-Americans during the college application process, when it was announced that Harvard won the lawsuit, observers may not have been familiar enough with the case to which side Harvard was on, and therefore which position won.

Similarly, the results of this experiment may have differed from the findings of Tankard & Paluck (2017) because the participants had less concrete opinions regarding affirmative action than they did regarding gay marriage. Most people have made up their mind regarding gay marriage. However, less people may think about affirmative action because it does not explicitly impact as many people. Affirmative action is a multifaceted and often misunderstood process that results in many people being confused as to where they stand. Because opinions regarding affirmative action are less clear, participants may have been less intentional with their responses, leading to nonsignificant data trends.

Also, this experiment only included one pre-decision wave. In the future, releasing multiple pre-decision waves would reduce variability and more accurately establish baseline opinions.

In summary, this experiment obtained results that were qualitatively similar to key findings of Tankard & Paluck (2017), but not significant, possibly due to reduced sample size. Because this experiment is a small piece in understanding the bigger picture of what factors influence perceived status quo norms, it is important to repeat this experiment in new contexts. By using a wide range of cases to observe the impact of court decisions on personal attitudes and perceived status quo norms, we can begin to observe what factors impactful decisions have in common.

Literature Cited

- Hate crime data: the value in expanding our sources. (2019, August 5). Retrieved from <https://usafacts.org/articles/hate-crime-data-value-expanding-our-sources/>
- Tankard, M. E., & Paluck, E. L. (2016). Norm Perception as a Vehicle for Social Change. *Social Issues and Policy Review*, 10(1), 181–211. doi: 10.1111/sipr.12022
- Tankard, M. E., & Paluck, E. L. (2017). The Effect of a Supreme Court Decision Regarding Gay Marriage on Social Norms and Personal Attitudes. *Psychological Science*, 28(9), 1334–1344. doi: 10.1177/0956797617709594
- SFFA Files Motion for Summary Judgment Against Harvard. Retrieved from: <https://studentsforfairadmissions.org/sffa-files-motion-for-summary-judgment-against-harvard/>.
- Stempel, J. (2019, October 1). U.S. judge rejects claim Harvard discriminates against Asian-American applicants. Retrieved from <https://www.reuters.com/article/us-harvard-admissions/u-s-judge-rejects-claim-harvard-discriminates-against-asian-american-applicants-idUSKBN1WG4NF>