

**How the Law is Changing Diversity and Inclusion in Higher Education Admissions and Financial Aid**



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**On June 29, 2023, the US Supreme Court ruled on the case Students for Fair Admissions, Inc. (SFFA) brought against Harvard College and the University of North Carolina**

**First, an understanding of two previous cases** →



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**Overview of SFFA and Related Case Law and Rulings**



Erin Lain, Associate Dean and Professor of Law



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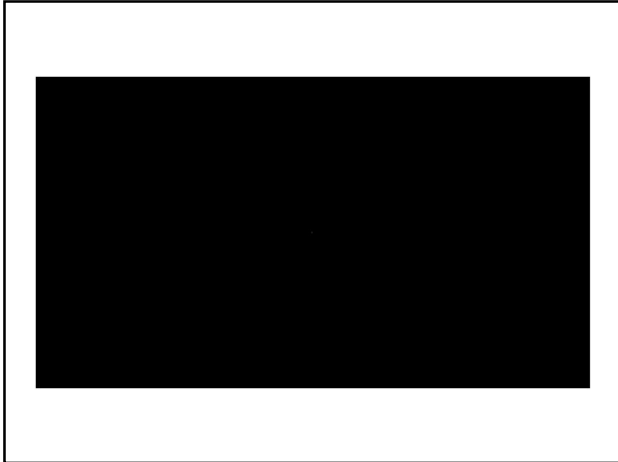
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**What did the law allow prior to the SFFA ruling?**

Except for states with laws that banned affirmative action in college admissions, race could be used as one of many factors in admission.



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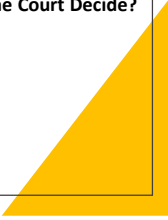

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**Overview of SFFA Case and Ruling**

What did the Supreme Court Decide?



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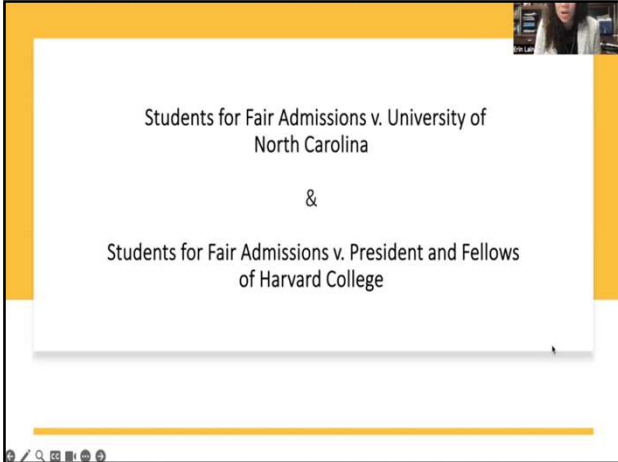
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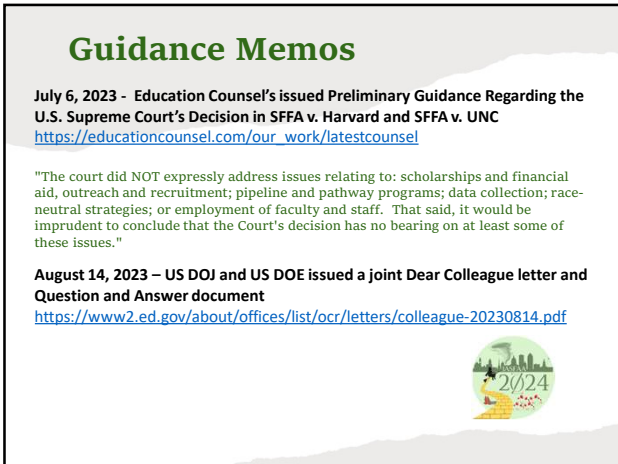
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What does this mean for schools?



Schools must abandon the use of racial categories in the admissions process.



The qualifications that the institution considers must be generally race-neutral, such that no race is advantaged or disadvantaged.



The goal of getting a diverse class is still legitimate, but it cannot be based on racial diversity.



If schools ever argue that use of race in admissions was constitutional, they would have to show a finite time for using race, and it would have to be tied to an achievable goal that the Court will find compelling and will easily be determined when it is satisfied.

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***Points of Significance from The Court's Ruling:***

1. Race may not be used as a factor in admission.
2. An applicant's experiences and background as it relates to their skills, knowledge, character qualities may be considered in a holistic review process.
3. "Universities may define their mission as they see fit."



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**Implications and Considerations**

- Institution Mission Statement
- Admissions Policies
- Admission and Scholarship applications
- Collection of demographic data
- Admission and Scholarship Review and Decisions
- Student Recruitment
- Student Retention Strategies and Programming
- Financial Aid and Scholarship Awarding



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### Future Litigation

- White student who was denied admission, who had similar credentials to students of color that were granted admission
- Proxy for race

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### Now what?

- Be aware of future litigation and outcomes
- Monitor state legislation
- Conduct a periodic review of institutional mission, policies and procedures
- Seek legal counsel




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### Additional Resources



*The Playbook: Understanding the Role of Race Neutral Strategies in Advancing Higher Education Diversity Goals*

<https://higher.ed.collegeboard.org/media/pdf/playbook-understanding-race-neutral-strategies.pdf>

A practical guide to the use of race-neutral strategies in recruitment, admission and financial aid, including emerging practices and institutional examples.




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