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**Understanding The Implications of
The SCOTUS Affirmative Action
Decision: A Symposium**



Lessons We Can Learn from Prior Anti-Affirmative Actions Laws in Place: The Work Ahead

David Acosta, M.D., FAAFP

November 27, 2023



Tomorrow's Doctors, Tomorrow's Cures®

Learn

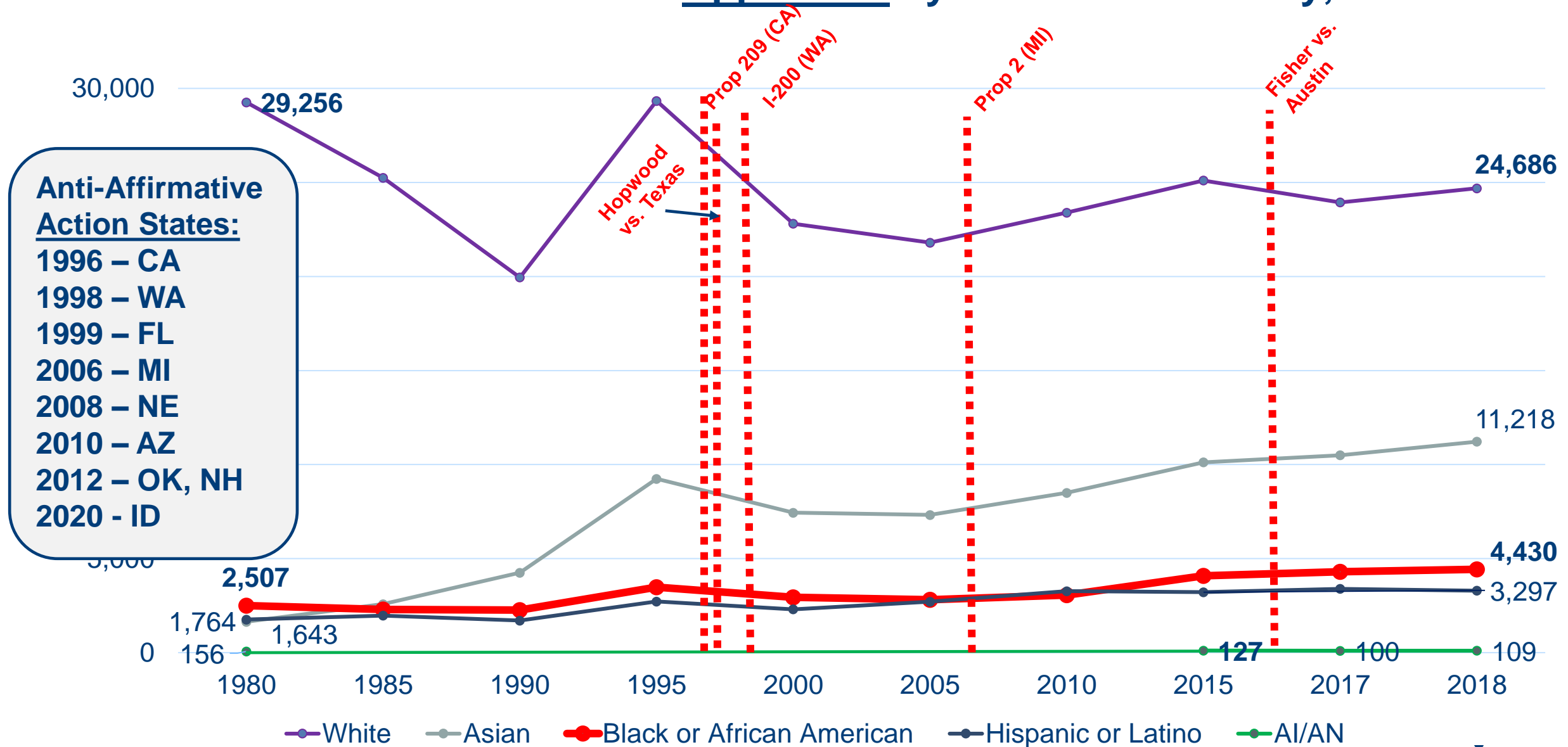
Serve

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Association of
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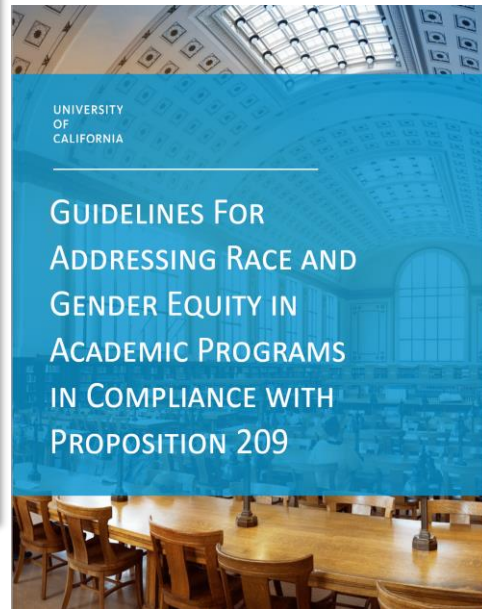
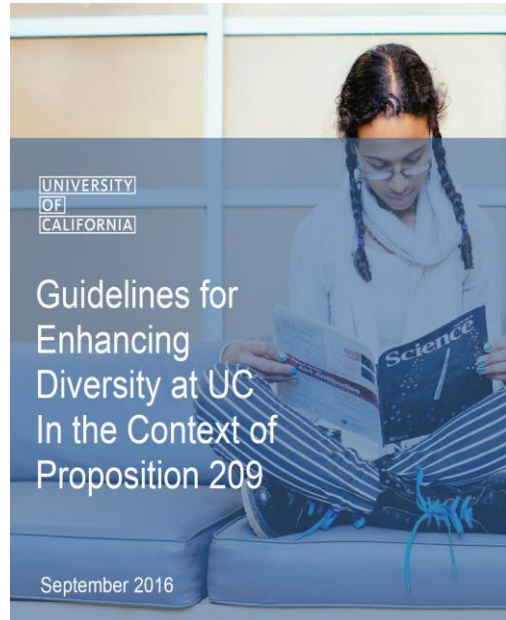
Number of U.S. Medical School Applicants by Race and Ethnicity, 1980-2018



Source: AAMC Data Warehouse: Applicant and Matriculant File, 10/23/2018

Lessons Learned

California - Proposition 209



Washington State – Initiative 200



“The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.”

1. Don't overinterpret the law.

- Understand what the decision actually said...
- *"...can't use race as a deciding factor for admissions."*
- Understand what the decision didn't address...
 - Outreach
 - Recruitment
 - Retention & support services
 - Financial aid
 - Pathway programs

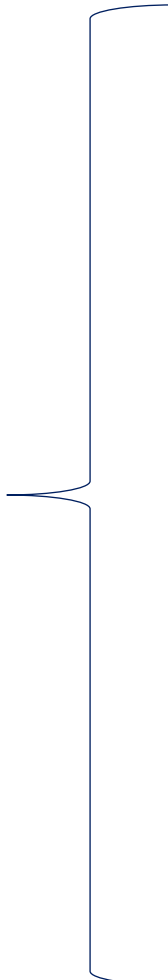
"...DOE has indicated that the legal standard of strict scrutiny would apply to decisions about scholarships and financial aid."

**Students can talk about their cultural identity & lived experiences...
how these have shaped & influenced:**

- Their decision to enter the health professions and/or scientific research career

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- Their decision to enter the health professions and/or scientific research career
- The development of specific characteristics and attributes that would make them an excellent and caring physicians and/or researchers

- 
- Insight
 - Decision-making
 - Relationship-oriented
 - Team-oriented
 - Leadership skills
 - Altruism
 - Service-oriented
 - Integrity
 - Grit
 - Empathy & compassion for others
 - Trustworthiness

Students can talk about their cultural identity & lived experiences... how these have shaped & influenced:

- Their decision to enter the health professions and/or scientific research career
- The development of specific characteristics and attributes that would make them an excellent and caring physician and/or researcher
- Their future plans to serve under-resourced, underserved communities for social change

AAMC Matriculating Student Questionnaire

2020 All Schools Summary Report

Q.25. When thinking about your career path after medical school, how important are the following considerations?

- **Working for social change**
 - 2.9% Not important
 - 21.8% Somewhat important
 - 41.1% Very important
 - 34.2% Essential
- **75.3% state that working for social change is very important/essential**

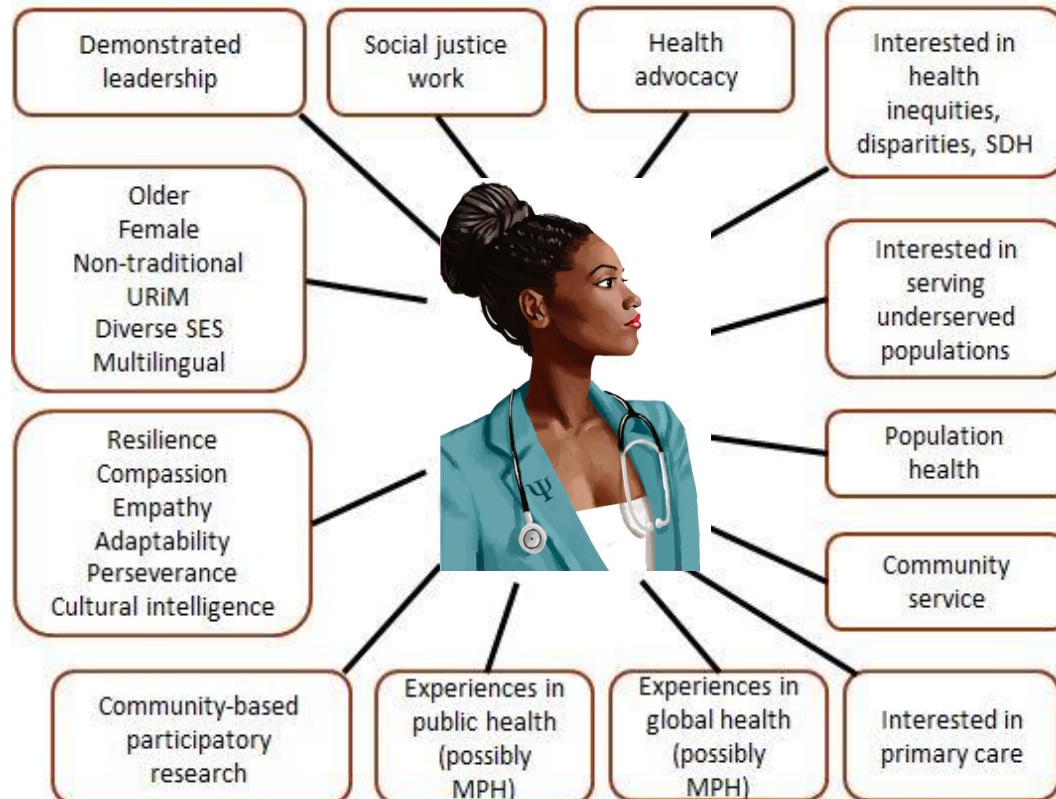
2. Learn from other medical schools in States that have had anti-affirmative action in place...

Holistic Review in Admissions	<ul style="list-style-type: none">• Incorporate the principles & <u>ALL</u> the elements• Refrain from modifying to accommodate “business as usual”• Think keyword searches
Re-invent yourselves	
Identify exclusionary practices, processes, policies	

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Holistic Review in Admissions

Profile of New Genre of Medical Students After Holistic Review



- Incorporate the principles & ALL the elements
- Refrain from modifying to accommodate “business as usual”
- Think keyword searches



<https://www.aamc.org/services/member-capacity-building/holistic-review>

- Core principles
- Tools & resources
 - Socially Accountable Admissions
 - Mitigating Bias in Admissions
 - Holistic Considerations in Light of Intersections of COVID-19, Racism, Inequality
 - Holistic Review Primer for Admissions Officers
 - Holistic Review Primer for Program Directors


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Identify exclusionary practices, processes, policies	<ul style="list-style-type: none">• Identify & deconstruct specific manifestations of structural & institutional racism that impact enrollment and sustain inequities

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**Frequently Asked Questions:
What Does the Harvard and UNC Decision
Mean for Medical Education?**

August 24, 2023

The AAMC (Association of American Medical Colleges) has developed this FAQ resource to support medical schools following the June 2023 decision by the U.S. Supreme Court in two cases seeking to end the limited consideration of race or ethnicity in college admissions (*Students for Fair Admissions (SFFA) v. Harvard* and *SFFA v. University of North Carolina*). The Supreme Court has reversed the lower courts' decisions in the Harvard and UNC cases.

This document will be updated as more information is made available.

More information and resources are available at aamc.org/scotusadmissions.


If you have questions or comments, please contact holisticreview@aamc.org.

For media inquiries, please contact press@aamc.org.

Editor's Note: Most of the material in this document tracks the Supreme Court's decision in the SFFA v. Harvard and SFFA v. University of North Carolina cases and may reflect judicial findings specific to those two schools. To learn more about the specific implications of the court's decision for your institution, please contact your institutional leadership, dean's office, or legal counsel.

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**Roadmap to Diversity
and Educational Excellence:
Key Legal and Educational Policy Foundations
for Medical Schools**

Second Edition

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**QUESTIONS AND ANSWERS REGARDING THE SUPREME COURT'S
DECISION IN *STUDENTS FOR FAIR ADMISSIONS, INC. V. HARVARD
COLLEGE AND UNIVERSITY OF NORTH CAROLINA***

OVERVIEW

On June 29, 2023, the U.S. Supreme Court held that Harvard College and the University of North Carolina ("UNC") violated the Fourteenth Amendment of the U.S. Constitution and Title VI of the Civil Rights Act of 1964 ("Title VI") by impermissibly using race in their undergraduate admissions processes. See *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, No. 20-1199; *Students for Fair Admissions, Inc. v. University of North Carolina et al.*, No. 21-707 ("SFFA"). [\[Link to decision\]](#) Specifically, the Court held that UNC's consideration of individual students' race violated the Fourteenth Amendment's Equal Protection Clause, which applies to public colleges and universities. The Court reaffirmed that Title VI requires all colleges and universities that receive federal financial assistance—public and private—to comply with the same requirements imposed by the Equal Protection Clause. And the Court held that Harvard College's consideration of individual students' race violated those requirements as well.

This document provides institutions of higher education with information about the Court's decision. The Departments of Justice and Education will continue to address all complaints of race discrimination by applying the relevant legal standards under civil rights statutes and will vigorously enforce civil rights protections, including prohibitions against racial discrimination. We hope you find the Questions and Answers below to be helpful in implementing lawful admissions programs on your campus, consistent with the recent decision.¹

QUESTIONS AND ANSWERS



**STRATEGIES FOR
INCREASING DIVERSITY
AND OPPORTUNITY IN
HIGHER EDUCATION**

**U.S. Department of Education
Office of the Under Secretary**

September 2023

U.S. DEPARTMENT OF EDUCATION
400 MARYLAND AVE. S.W.
WASHINGTON, DC 20202
www.ed.gov

3. Document your successful outcomes...

- How were the outcomes of who you enrolled in alignment with accomplishing the mission of the school?
- Where are your graduates practicing after training? What types of communities are they providing care for? What patient populations, particularly those that are under-resourced, underserved, are they serving?
- For those graduates that are involved in research, what topic areas are they studying after training, e.g., health disparities for certain population groups?
- What leadership positions did your graduates find themselves in after training?

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Thank you for your attention!

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