

The Students for Fair Admissions Ruling: Understanding Policy the Implications

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A photograph of a courtroom interior, viewed through heavy red curtains that are pulled back to reveal the scene. In the background, a long wooden bench with several black chairs is positioned against a wall of red curtains. Four large, light-colored marble columns support the ceiling. A small clock hangs from the ceiling in the center. The text "The Court's Ruling" is overlaid in white, bold, sans-serif font in the center of the image.

The Court's Ruling

New Rules: What's Changed

- **Decision governs graduate and professional school admissions**
- **Policies among open access institutions may be affected**

No Compelling Interest

- The educational benefits of diversity (previously recognized) are no longer compelling to justify race-conscious action.
- Too “amorphous” & “elusive.” | Not “sufficiently measurable” or “coherent.”

Negative Effect/ Stereotypes

- The “classification” of race was “used as a negative” and impermissibly “stereotyped” applicants based on race.
- College admissions are “zero-sum.” | Admission involved “preferences on the basis of race alone”

No End Point in Time

- Admissions programs “lacked a logical end point.”
- Process of periodic review isn’t sufficient for satisfying durational requirement; need specific end point to the consideration of racial status

The Majority Opinion

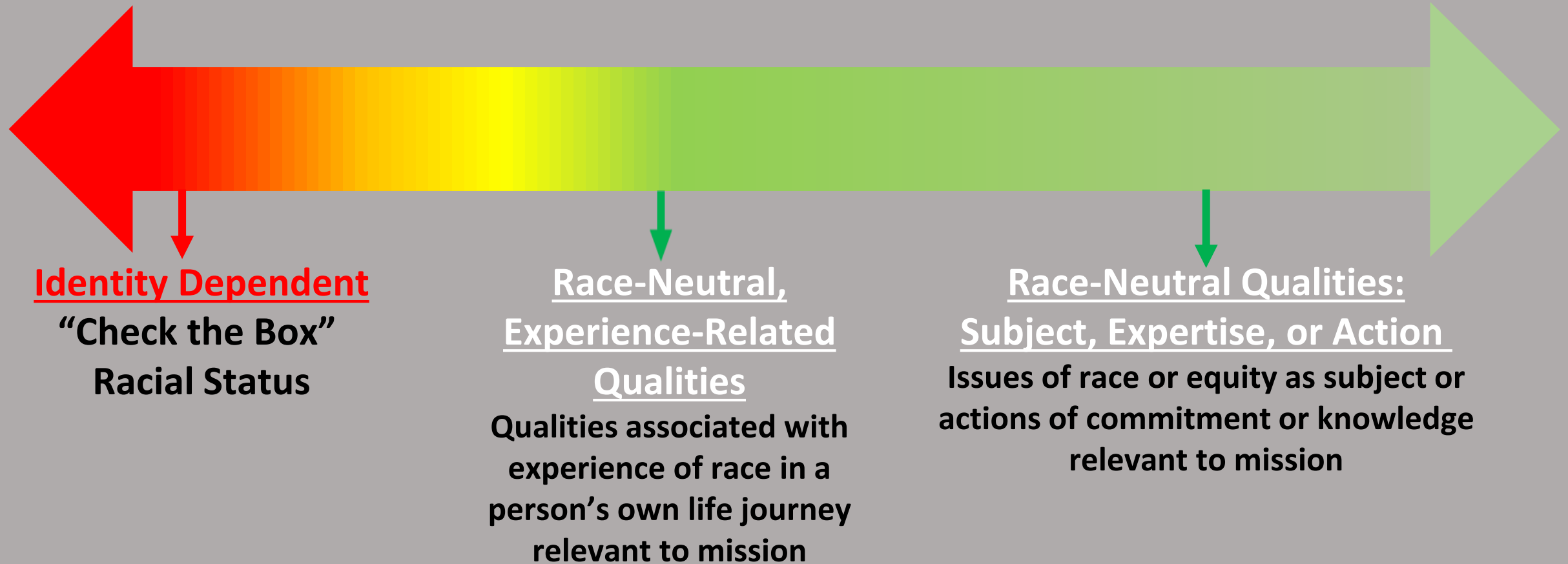
“[N]othing in this opinion should be construed as prohibiting universities from considering an applicant’s discussion of how race affected his or her life be it through discrimination, inspiration, or otherwise.”

The “touchstone of an individual’s identity [must be with respect to] challenges bested, skills built, or lessons learned”—not “the color of their skin.”

The Majority Opinion

**“Universities may define their missions
as they see fit.”**

The Race Continuum: The Relevance of Race In Admissions



Key Outstanding Questions: What the Court Did Not Address

Scholarships and Financial Aid

- Potential distinction with admissions: Not “zero-sum”
- If race conscious (status), need compelling interest.
- Design options to consider include: Pool and Match.

Outreach and Recruitment

- Inclusive practices still viable, even with focus on racial diversity.
- More latitude than, e.g., admissions and aid

Pipeline and Pathways Programs

- Inclusive practices remain legally viable, even with focus on racial diversity; more latitude than, e.g., admissions and aid
- Exercise caution re conferral of material benefits/opportunities

Data Collection

- No prohibition on collection, by race, for research, evaluation, and reporting purposes
- But, exercise care in awareness of trends by admissions officers before class is selected.

Race-Neutral Strategies

- The new landscape.
- Authenticity of mission-aligned interests an imperative. No to proxies.



Strategic Directions and Policy Implications

Comprehensive Enrollment and Engagement Strategy

Recruitment

Outreach
Recruitment
Pathways

Selection

Holistic
Review in
Admissions
Assembling
the Class

Yield

Financial
Aid
Scholarships
Other
Support

Experience

Belonging
Engagement
Success

Selection: *Admissions & Class Composition*

Holistic Review in Admissions

- Do not consider the racial status of applicant
- Consider mission-aligned qualities (skills, knowledge, and interest) associated with specific student experience associated with race
- Frame essay and interview questions in ways that will elicit most relevant background information associated with desired qualities

Monitoring Class Composition

- Assure complete insulation of information regarding rolling admissions trends by race from decision-makers involved in selection
- Nothing prohibits collection of disaggregated data for research, evaluation, reporting purposes, etc.

‘Shaping the Class’

- Avoid ‘shaping the class’ with categorical focus on applicant’s racial status

Recruitment: *Outreach, Recruitment & Pathways Programs*

Big Picture

- The Court's decision did not address or change what is permissible in terms of broad-based recruitment strategies: "Inclusive" programs (no individual student benefit) should remain strategic focus as, even with design involving race interests, they are typically not subject to strict scrutiny

General Direction

- The subset of recruitment programs that confer a tangible/material benefits on students may be subject to strict scrutiny; where selectivity is relevant, consider legally neutral factors, including qualities associated with experience

Design Options

- Consider clustering similarly focused/designed programs under one "umbrella" –recognizing overlapping/intersecting areas of focus

Yield: *Financial Aid and Scholarships*

Big Picture

- Financial aid and scholarship decisions will be informed and shaped by principles in Court's opinion, which eviscerated decades of precedent on compelling interests
- The big challenge on racial status-based awards remain: what compelling interest? A blank slate, legally.

Key Strategies

- Consider full array of traditional neutral factors and adaptation of qualities associated with "experience associated with race" for aid awards
- Focus: qualities associated with skills, knowledge, interests associated with race

Design Option

- For privately endowed scholarships: Pooling and Matching

Student Experience: *Pedagogy and Environment*

Big Picture

- **Academic and student affairs focus on establishing environment of inclusion and welcomeness**

Key Areas of Focus

- **Core messaging of institutional values and commitments**
- **Engagement over time: Student groups and voice**
- **Analysis of research and data associated with student learning, experience, and outcomes**
- **Points of reflection, continuous improvement and accountability**

Key Areas of Focus

Engagement	Engage early with key stakeholders on directional shifts and expected impact
Research & Data	Ground decisions in institutional experience and general research (key data, trends, projections)
Policy Decisions	Make changes re: compliance/legal risk <i>and</i> impact
Documentation	Assure policy clarity regarding any DEI element of policy and practice, with focus on clear distinction between status and experience-related qualities
Training	Develop training materials (guides, tools, power points) that align with/track policy articulation
Communications	Assure that key stakeholders know of policy decisions and directions; and all public discussion of policy/practice (including web site) reflects alignment.