

**Session 3. Pursuing DEI Beyond the
Supreme Court Decisions in
SFFA v. Harvard/UNC**

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CERPP CONFERENCE 2023

**Standing on Shaky Ground: Leading
Enrollment Management in 2023**

February 5 - 7

Los Angeles, CA

Session Objectives

**To identify prospective DEI strategies in
light of potential disruptive Court rulings
in the SFFA cases.**



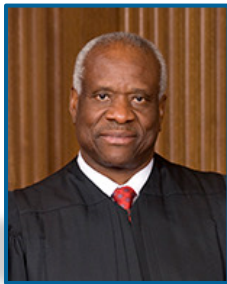
SFFA's Position

“The Constitution
is color blind”

Grutter was
“wrong on the day
it was decided”

The consideration
of race in
admission should
be categorically
eliminated

The U.S. Supreme Court 2022-23 Term



Clarence Thomas



John Roberts
Chief Justice



Elena Kagan



Samuel Alito



Sonia Sotomayor



Neil Gorsuch



Brett Kavanaugh



Amy Coney Barrett



Ketanji Brown Jackson

The SFFA Cases: Possible Outcomes

Harvard & UNC Win

- Harvard/UNC prevail on all substantive issues

A Split Decision

- Echoes of *Grutter/Gratz*, SFFA wins one, loses one

SFFA Wins

- Court decides cases on narrow or procedural grounds—
e.g. specific neutral strategy, process issue

SFFA Wins

- Court significantly limits precedent but permits
consideration of race tied to individual identity/lived
experience (vs. assumptions based on racial status)

SFFA Wins

- Court fully sides with SFFA and any consideration of
race is prohibited

From the Oral Arguments:

The Potential Material Distinction Between **Holistic Review/Consideration of Actual Racial Identity** and **“Check the Box” Racial Status Assumptions**

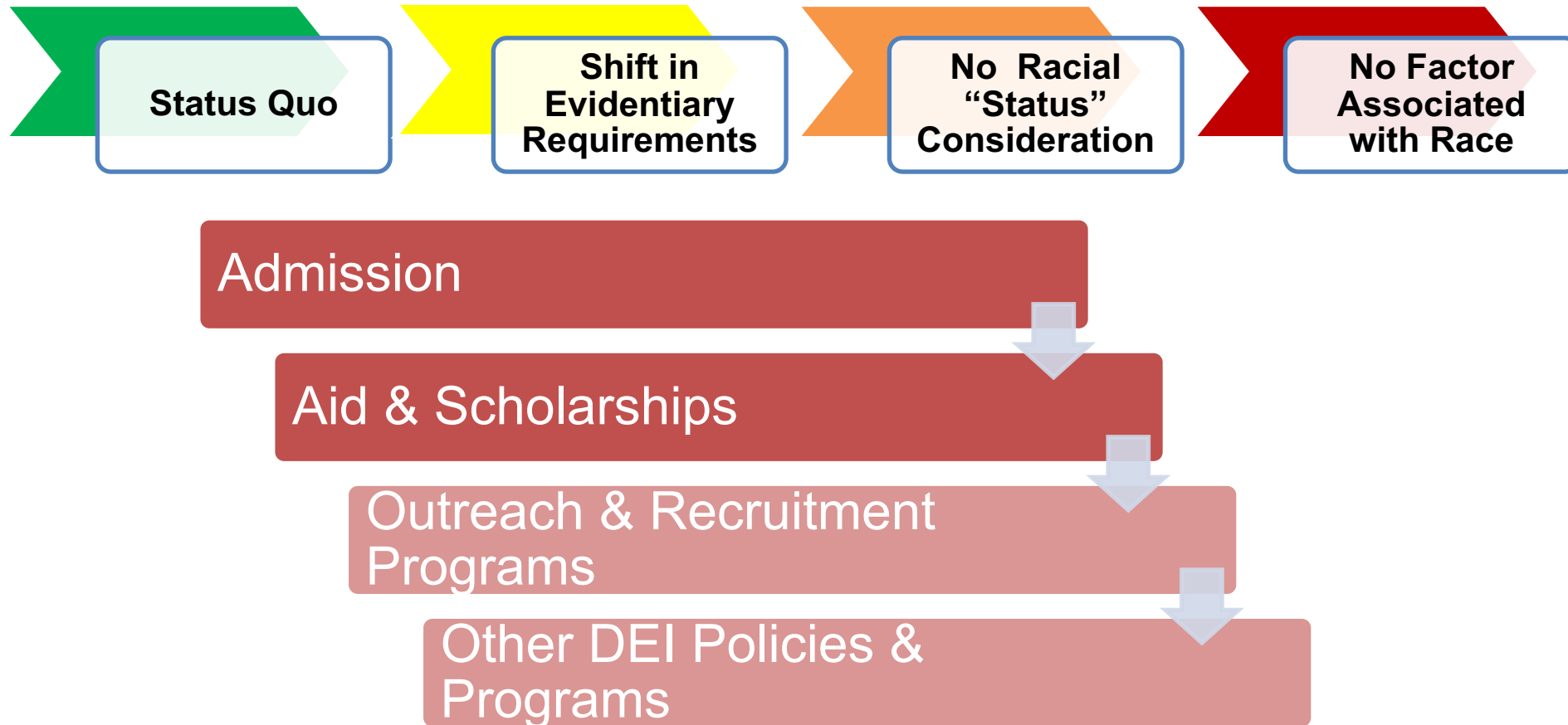


Barrett



Alito, Kagan

Range of Possible Outcomes



Equity Implications in the Wake of the SFFA Decisions



New digital resource contains information on and links to:

- ADC Key Action Guide
- Webinars and Events
- Key Resources for Higher Education
- Court Cases and Analyses

Web Hub to Support Institutional Readiness

The screenshot shows the College Board website's 'U.S. Supreme Court Ruling on Race in Admissions' web hub. The page features a blue header with the College Board logo and navigation links. The main content area is white with a blue background for the title. Below the title, there is a paragraph of text and four circular icons with corresponding text and links.

U.S. Supreme Court Ruling on Race in Admissions
Prepare Now for the 2023 Ruling

The U.S. Supreme Court case on the use of race in admissions is unfolding. Get the information, key resources, materials, and event details you need from the Access and Diversity Collaborative to make strategic decisions and prepare for the Court's decision.

- Start Here: Get Briefed**
Need to become up to speed on the case and its implications for your campus? Prepare for the 2023 decision right now following the ADC's Key Action Guide for Every Institution. [Learn more.](#)
- Join Us: Webinars and Events**
Learn with your peers. Get up-to-the-minute information on the ruling at our webinars and upcoming events. [Browse events and recorded sessions.](#)
- Take Action: Key Resources**
Prepare your campus by using the materials and publications to examine and review your admissions policies. [Explore resources.](#)
- Go Deeper: Court Cases and Analyses**
Need deeper analysis? Review our issue and case briefs related to access and diversity. [See key cases.](#)

<https://collegeboard.org/race-in-admissions>

New ADC Action Guide

New Resource: ADC Action Guide for Higher Education: Preparing for the *SFFA v. Harvard* and *SFFA v. UNC* Decisions



The Access and Diversity Collaborative's Action Guide for Higher Education

Preparing for the *SFFA v. Harvard* and *SFFA v. UNC* Decisions

During the summer and fall of 2022, College Board convened leaders from institutions that sponsor the Access and Diversity Collaborative (ADC) to discuss how colleges and universities can prepare for the U.S. Supreme Court's decisions in the *SFFA v. Harvard* and *SFFA v. UNC* cases on the use of race in admissions. This document summarizes the conversations and highlights the key insights, strategies, actions, and concrete examples leaders shared.

Guiding Insights and Implications

- 1. Take steps now to prepare for the Court's decisions expected by June 30, 2023.**
Although the Court's decisions cannot be predicted with any certainty, higher education leaders can prepare now by evaluating areas where a decision may affect policy and practice. Taking action now will help you be ready to address key issues and make necessary policy adjustments in the wake of decisions in June.
- 2. The decisions are expected to have implications beyond undergraduate admissions.**
It is essential to understand and prepare for potential impacts – not only on undergraduate admissions processes – but also other campus policies and practices; particularly race-conscious graduate and professional school admissions. Collaborating through ongoing conversations with important campus stakeholders in advance of a decision will be key.
- 3. The decisions could impact recruitment and outreach practices.**
Any decision that further limits the conditions by which colleges and universities may pursue race-conscious admissions may result in outreach policies and practices becoming subject to "strict scrutiny".
- 4. Consider how your admissions process – including application design – may need to shift in the wake of adverse decisions.**
Utilize data and the expertise of both internal and external stakeholders to determine how to evaluate current admissions policies and practices under current law, and to gauge potential adjustments that may be called for in the event the Court establishes more stringent legal requirements or rules.
- 5. Financial aid and scholarship policies may be impacted by the decisions.**
Although the two cases are about admissions, the general principles likely to guide Court decisions may affect financial aid and scholarship policies as well.

Other Key Resources and Sources of Information

College Board Access & Diversity Collaborative Website

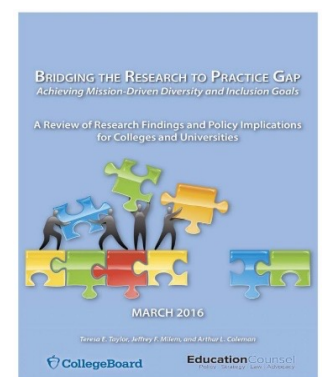
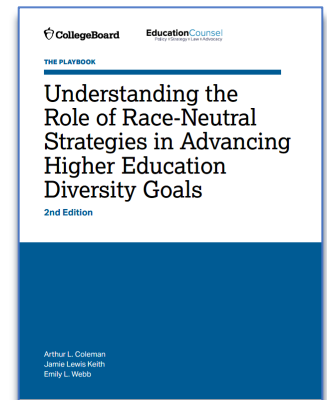
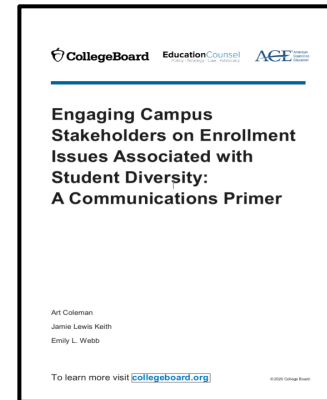
<https://professionals.collegeboard.org/higher-ed/access-and-diversity-collaborative>

NACAC, NASFAA: Toward a More Equitable Future

<https://www.nacacnet.org/about/toward-a-more-equitable-future-for-postsecondary-access/>

AAAS Diversity and the Law Website

<https://www.aaas.org/programs/diversity-and-law>





Questions & Discussion

Q & A

Questions?
Please make your way to an
available microphone.