

U.S. Supreme Court Effectively Ends Affirmative Action in College Admissions Programs

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On Thursday, June 29, the U.S. Supreme Court issued a historic decision effectively putting an end to affirmative action in college admissions. The decision arose from two cases filed by the Students for Fair Admissions against Harvard College and the University of North Carolina. In the 6-3 decision authored by Chief Justice Roberts, the Court ruled that the admissions programs of both schools violated the U.S. Constitution's equal protection clause.

In so ruling, the Court, citing the admissions programs of both schools, noted that they considered race as part of their admissions programs to achieve the goals of "training future leaders in the public and private sector" and "promoting the robust exchange of ideas." The court found these goals too vague.

Although not explicitly stating it, the Court's decision effectively overruled its 2003 decision in *Grutter v. Bollinger* which upheld the University of Michigan Law School's consideration of race "as one factor among many, in an effort to assemble a student body that is diverse in ways broader than race." Indeed, the Court's decision leaves unclear whether race can ever be considered a factor in admissions. Although stating that a university could consider "an applicant's discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise," the Court warned that such consideration must be "concretely tied" to a "quality or character or unique ability" that the applicant can bring to the university.

In response to the decision, the Biden Administration has ordered the Department of Education to address ways to attract a more diverse student body. Such methods could include consideration of an applicant's financial means, personal experiences with discrimination or hardship in the admissions process. Biden also asked the Department of Education to evaluate practices such as legacy admissions that have the effect of expanding privilege rather than opportunities. The Administration plans to provide resources to college administrators on what practices and programs remain lawful within the next 45 days.

If you have any questions pertaining to the historic decision or how it would affect your institution, please contact [Jennifer Craighead Carey](#) or any member of the Barley Snyder [Higher Education Industry Group](#).

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