



ASHA Brief: SCOTUS Decision on College Admissions Policies

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On Thursday, June 29, the Supreme Court issued an [opinion](#) that reversed lower court rulings on cases brought by [Students for Fair Admissions](#) against Harvard College and the University of North Carolina (UNC).

Previously, the lower court decisions supported the admission policies at Harvard and UNC, which considered race in admissions consistent with previous judicial rulings. Harvard and UNC defended their admission policies as they reflected affirmative action efforts to support applicants from underrepresented backgrounds. However, the Supreme Court's ruling has now reversed the lower court decisions and found that these policies violate the 14th amendment's equal protection clause.

ASHA was a signatory to an [amicus curiae brief](#) that was led by the American Council on Education and 38 other higher education institutions and associations that was submitted to the Supreme Court supporting the lower court ruling, which argued **that institutions should be able to consider race as a factor in admission policies.**

It is unclear at this moment the full range of practical implications this opinion will have on institutions of higher education. While the decision holds that race cannot be a factor in admissions, and subsequently institutions of higher education will need to look for new ways to achieve diverse student populations, it is less clear how that will be achieved and the extent to which other information provided by prospective applicants that indicate or provide insights on an applicant's race and its impact on their lives can be used in admission determinations.

The Court's opinion notes, however, that "nothing 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."

Chief Justice John Roberts, who issued the majority opinion, wrote that "many universities have for too long wrongly concluded that the touchstone of an individual's identity is not challenges bested, skills built, or lessons learned, but the color of their skin. This Nation's constitutional history does not tolerate that choice."

Justice Sonja Sotomayor, who wrote the dissenting opinion, argued that the decision "rolls back decades of precedent and momentous progress" in race-conscious college admissions and that the decision "holds that race can no longer be used in a limited way in college admissions to achieve such critical benefits."

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