

New guidance on race and admissions following 2023 Supreme Court ruling



In 2023, the Supreme Court of the United States (SCOTUS) heard two cases involving affirmative action in admissions: Students for Fair Admissions (SFFA) vs. Harvard University and SFFA vs. University of North Carolina. The SCOTUS rulings in these cases prohibit the use of race in admissions. A [summary of the rulings](#) and impacts to admissions has been provided by the UW Attorney General's Office (AGO). A few key takeaways from the AGO's guidance with regards to admission and recruiting are:

ADMISSIONS

Initiative 200 (I-200) was approved in Washington State in November of 1998 which prohibits governmental agencies from discriminating or granting preferential treatment based on race, sex, color, ethnicity or national origin in public employment, education, and contracting. By and large, admission processes that were consistent with I-200 are also consistent with the recent SCOTUS ruling. Furthermore, the SCOTUS held that, “nothing prohibits universities from considering an applicant’s discussion of how race affected the applicant’s life, so long as that discussion is concretely tied to a quality of character or unique ability that the applicant can contribute to the university.” The use of race in this context is also consistent with I-200.

The federal Department of Justice/Department of Education offer additional advice:

“Universities may continue to embrace appropriate considerations through holistic application-review processes and (for example) provide opportunities to assess how applicants’ individual backgrounds and attributes—including those related to their race, experiences of racial discrimination, or the racial composition of their neighborhoods and schools—position them to contribute to campus in unique ways. ...In short, institutions of higher education remain free to consider any quality or characteristic of a student that bears on the institution’s admission decision, such as courage, motivation, or determination, even if the student’s application ties that characteristic to their lived experience with race—provided that any benefit is tied to *that student’s* characteristics, and that the student is ‘treated based on his or her experiences as an individual[,]’ and ‘not on the basis of race.’”

SCHOLARSHIPS AND FELLOWSHIPS

The recent SCOTUS decision did not directly address scholarships. Therefore, current procedures consistent with I-200 and federal law and guidance for establishing, curating, and distributing scholarships are not affected by the SCOTUS ruling.

RECRUITMENT

The recent SCOTUS decision did not directly address the recruitment of potential students. Consistent with I-200 and federal law and guidance, recruitment events should not exclude any student's participation based on race, ethnicity, sex, gender, or any other protected category.

IDENTITY-BASED PROGRAMMING

The recent SCOTUS decision did not directly address the creation and delivery of identity-based programming. Consistent with I-200 and federal law and guidance, student-facing programming should not exclude any student's participation based on race, ethnicity, sex, gender, or any other protected category.

The impacts of the recent SCOTUS ruling are well summarized in the AGO's briefing:

"In the wake of the SFFA decision, there is broad disagreement across the nation as to whether the SFFA decision has any effect on areas other than admissions, such as hiring, contracting, student access to programs, scholarships, etc. However, because UW has long been in compliance with I-2001 in all areas, it also finds itself now in compliance with the Court's ruling in SFFA. UW also has the advantage of decades of effort finding effective and meaningful ways to create a diverse and dynamic campus culture while being fully compliant with the race and gender-neutral requirements of state law."