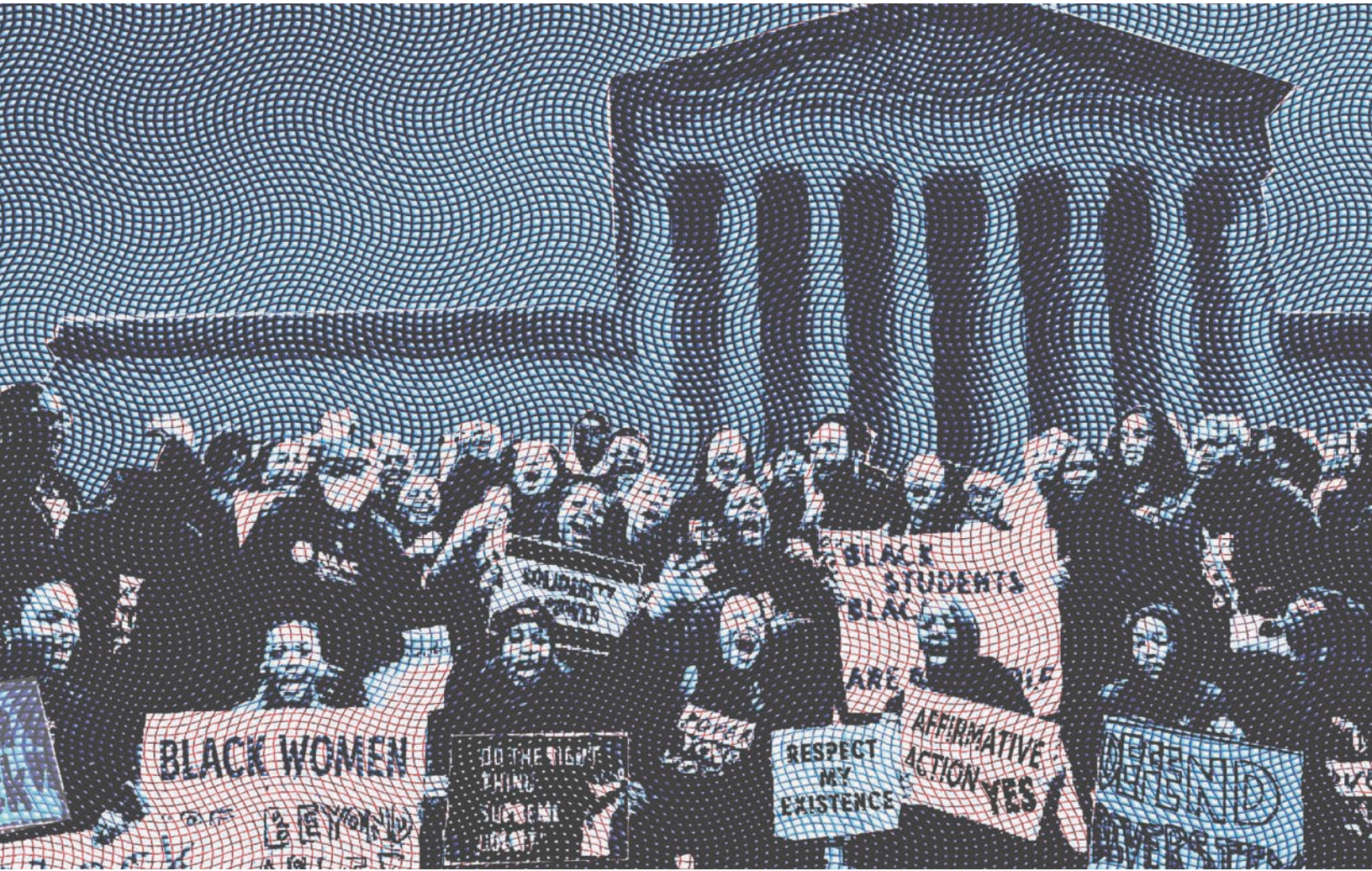




affirming **EQUITY**  
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empowering **ACTION**



# Understanding Key Diversity and Equity Strategies in the Wake of the Supreme Court's Decision on Race-Conscious Admissions in Higher Education

Authored by Art Coleman and Ed Smith, Ph.D. Series Edited by Michele Siqueiros and Vikash Reddy, Ph.D.

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## Preface

Over 50% of American students in our public schools are Latinx, Black, Asian American, Native Hawaiian and Pacific Islander (NHPI), or American Indian/Alaska Native (AIAN). Tapping into their talent and ensuring their access to a college education is essential to our future economic power and the success of our multi-racial democracy. Despite the historical exclusion and current underrepresentation of many Americans in our colleges and universities, in June 2023, the Supreme Court of the United States severely curtailed the use of race in higher education admissions, prohibiting the consideration of an applicant's racial status as part of that process.

Race-conscious admissions helped ensure America's colleges and universities were more diverse. Without it, there is a greater urgency for college leaders and policy makers to review current practices for equity, and to identify solutions that provide a fairer approach to preparing students for college, admitting them, and supporting their success. Towards that aim, the Campaign for College Opportunity is releasing a series of briefs, including this one, as part of our [Affirming Equity, Ensuring Inclusion and Empowering Action](#) initiative. The series will elevate practices that support the college preparation, admission, affordability, and success of Latinx, Black, Asian American, NHPI, and AIAN students, ensuring America does not return to an era of exclusion in higher education.



## Introduction

On June 29, 2023, in *Students for Fair Admissions vs. Harvard* and *Students for Fair Admissions v. University of North Carolina*, the U.S. Supreme Court ruled in a consolidated opinion that Harvard University and the University of North Carolina (UNC) violated federal non-discrimination law<sup>1</sup> by considering race as one factor among many in their undergraduate admissions programs in order to promote the educational benefits of a diverse student body. Much has been written about this ruling. The purpose of this paper is to go behind the headlines to address the ruling's practical implications for higher education institutions. Our aim is to highlight what is clearly permissible in light of the new admissions restrictions imposed by the court. We also provide an overview of enrollment strategies not addressed by the court that should be central to these higher education institutions' efforts to advance diversity, equity, and inclusion and to mitigate the harm stemming from the ruling.\*

## Background

The Supreme Court's ruling against Harvard and UNC did not, as the plaintiff, Students for Fair Admissions (SFFA) had asked, expressly overrule the 45 years of precedent, which recognize that the compelling interests in the educational benefits of diversity could justify the limited consideration of race in higher education admissions. The court did, nonetheless, eviscerate past court rulings by rejecting —

\*Please note: Nothing in this document should be construed as providing institution-, organization-, or individual-specific legal advice. This guidance has been prepared to provide information to inform higher education diversity, equity, and inclusion policy and legal conversations, which are inherently fact- and context-specific.

as legally “compelling interests” — the educational benefits of diversity advanced by Harvard and UNC in line with past precedent, such as improved teaching and learning, better workforce preparation, and enhanced civic readiness.<sup>2</sup>

The court’s decision comes at a time when diversity, equity, and inclusion [DEI] efforts among higher education institutions are under attack from many political actors on the far right who are seeking to outlaw DEI goals, and the strategies and policies designed to advance those aims.<sup>3</sup> Notably, legislative and similar efforts to defund or otherwise eliminate the ability of higher education institutions to pursue their DEI-related, mission-based goals undermine a critical facet of institutional excellence: the advancement of principles of equal opportunity and inclusion that help assure all students, regardless of background, are provided meaningful opportunities to engage, challenge, and shape the views of their peers as they learn and grow —and to achieve success academically, professionally, and in civic life.

This challenging landscape should not divert institutional attention from what colleges and universities can do to advance their missions and fulfill their societal roles. If higher education leaders are to actualize the rhetoric of institutional missions that embrace access and inclusion goals for all, how might we think about the strategies and actions that are warranted in the wake of the court’s decision — particularly as we seek to mitigate the adverse consequences of the ruling in legally appropriate ways?



# Key Legal Principles

For starters, those strategy and policy decisions should be informed by the principles and practices the court unambiguously affirmed as permissible.

## **HIGHER EDUCATION INSTITUTIONS CAN DEFINE THEIR MISSIONS — INCLUDING WITH RESPECT TO DEI INTERESTS**

With respect to the articulation and pursuit of institutional aims, the court reaffirmed a long-standing truth grounded in decades of precedent — that “[u]niversities may define their missions as they see fit.”

Indeed, nothing in the court’s decision should affect higher education’s central role in society as an engine of social mobility and its core commitment to educational equity and excellence — including for Latinx, Black, Asian American, NHPI, and AIAN students. The court, while finding the diversity-related goals of Harvard and UNC to be insufficiently precise and concrete to justify the consideration of an applicant’s racial status in admissions, recognized that those goals were “commendable” and “plainly worthy.” Thus, the court’s ruling sets the stage for higher education decision-makers and institutions to demonstrate leadership, not retrenchment, in pursuit of their educational missions in comprehensive, thoughtful ways that, of course, also satisfy the law. This includes fostering access and inclusion and building equitable learning environments that are imperative to preparing a diverse set of leaders to take on the greatest current and future challenges of our nation and world.



“[u]niversities may define their missions as they see fit.”

– *Chief Justice John Roberts’ Majority Opinion*

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## **STUDENTS MAY DESCRIBE THEIR EXPERIENCES, EXPERTISE, AND INTERESTS WITH SPECIFIC REFERENCE TO THEIR RACE**

With respect to strategies and the establishment of policies to achieve those goals, the court admonished that “nothing in [its] 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.” Favorable consideration in admissions for a student who overcame racial discrimination, for example, “must be tied to *that student’s* courage and determination;” and “a benefit to a student whose heritage or culture motivated him or her to assume a leadership role or attain a particular goal must be tied to that student’s unique ability to contribute to the university.” (emphasis in original).<sup>4</sup> Thus, institutions can and should consider the mission-aligned skills, knowledge, and character qualities central to considerations of student merit, which may include consideration of race-specific factors associated with an individual applicant’s racial identity.

**Readers may also reference the [federal guidance on higher education admissions](#) published by the U.S. Department of Justice and U.S. Department of Education, which states:** “The court in SFFA limited the ability of institutions of higher education to consider an applicant’s race in and of itself as a factor in deciding whether to admit the applicant.” But, “universities may continue to embrace appropriate considerations through holistic application-review processes ... and assess how applicants’ individual backgrounds and attributes [including those related to their race] ... position them to contribute to campus in unique ways.”<sup>5</sup>





To be clear, the court’s ruling prohibiting the consideration of an applicant’s racial status in holistic review to advance educational goals associated with the benefits of diversity imposes important new limits and materially shifts the relevant legal landscape.<sup>6</sup> That altered landscape, however, does not curtail the vast array of often impactful DEI strategies that remain viable.<sup>7</sup> More specifically, several key points bear emphasis, given that the “race-neutral” realm of policy and practice (as defined under federal law) is the essence of the current landscape of permissible enrollment practice for institutions of higher education in the wake of the court’s SFFA ruling.

First, the claims by some that the particulars of the court’s decision categorically eliminate race from the enrollment process are demonstrably untrue. Under the terms of Chief Justice Robert’s majority opinion, as just discussed, the court recognizes that a student’s racial identity can influence that student’s lived experience in ways that are relevant to mission and are permitted to be considered under relevant federal non-discrimination law. A “discussion of how race affected [an applicant’s] life ... through discrimination, inspiration, or otherwise” is expressly countenanced. And Justice Kavanaugh, concurring, similarly recognizes that “racial discrimination still occurs, and the effects of past racial discrimination still persist.” And he added that “universities still ‘can, of course, act to undo the effects of past discrimination in many permissible ways that do not involve classification by race.’”



**“universities still ‘can, of course, act to undo the effects of past discrimination in many permissible ways that do not involve classification by race.’”**

**– Brett Kavanaugh, Associate Justice of the Supreme Court of the U.S.**



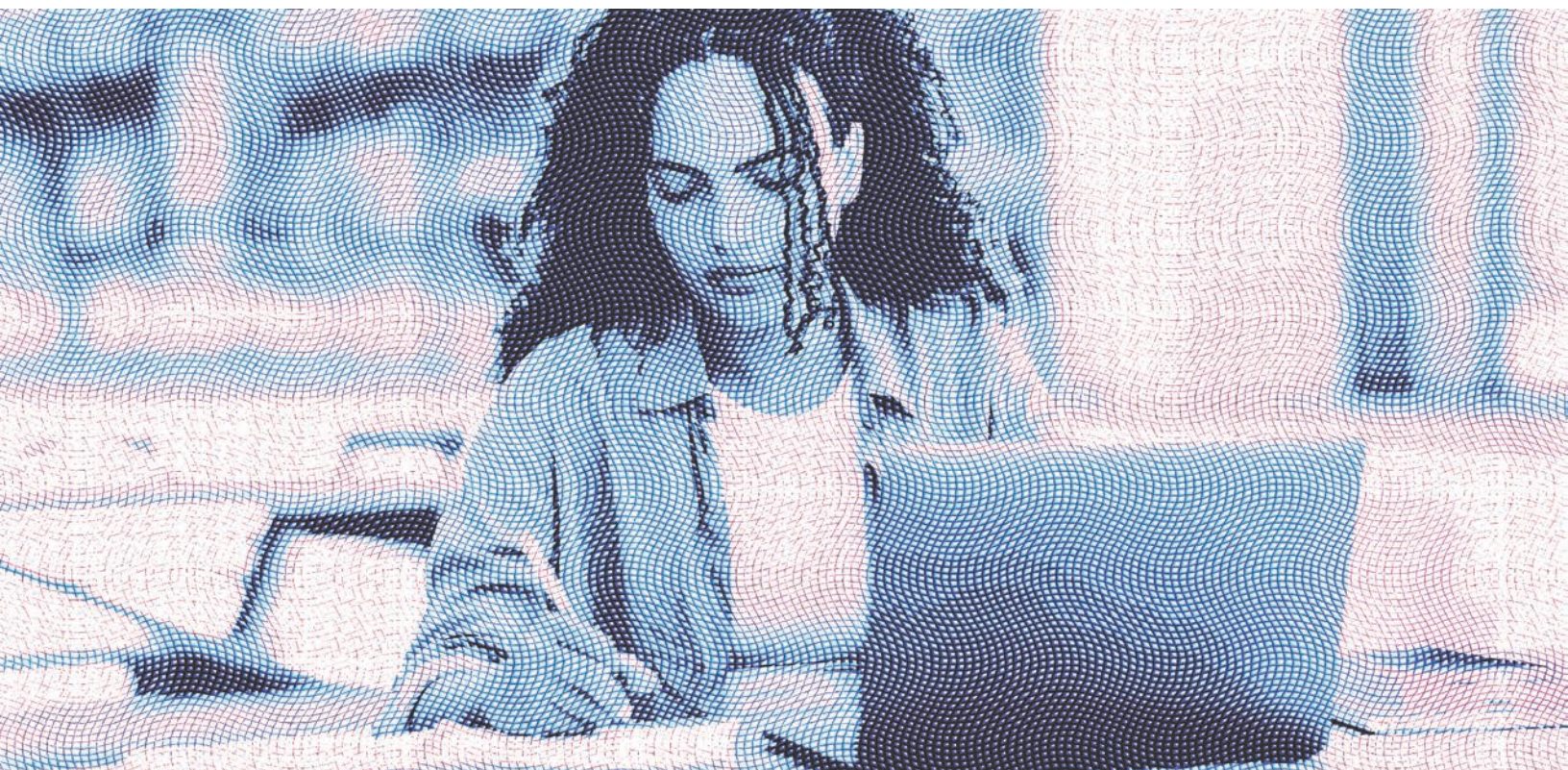
## THE COURT'S SFFA DECISION – HOLDING

The Supreme Court held unlawful Harvard/UNC's admissions policies – finding for several reasons that they did not pass “strict scrutiny,” including that the programs and rationale:

1. Lacked “coherence” and “sufficiently focused and measurable objectives”
2. Used race in a negative manner in “zero-sum” decisions and promoted racial stereotypes
3. Lacked “meaningful endpoints”

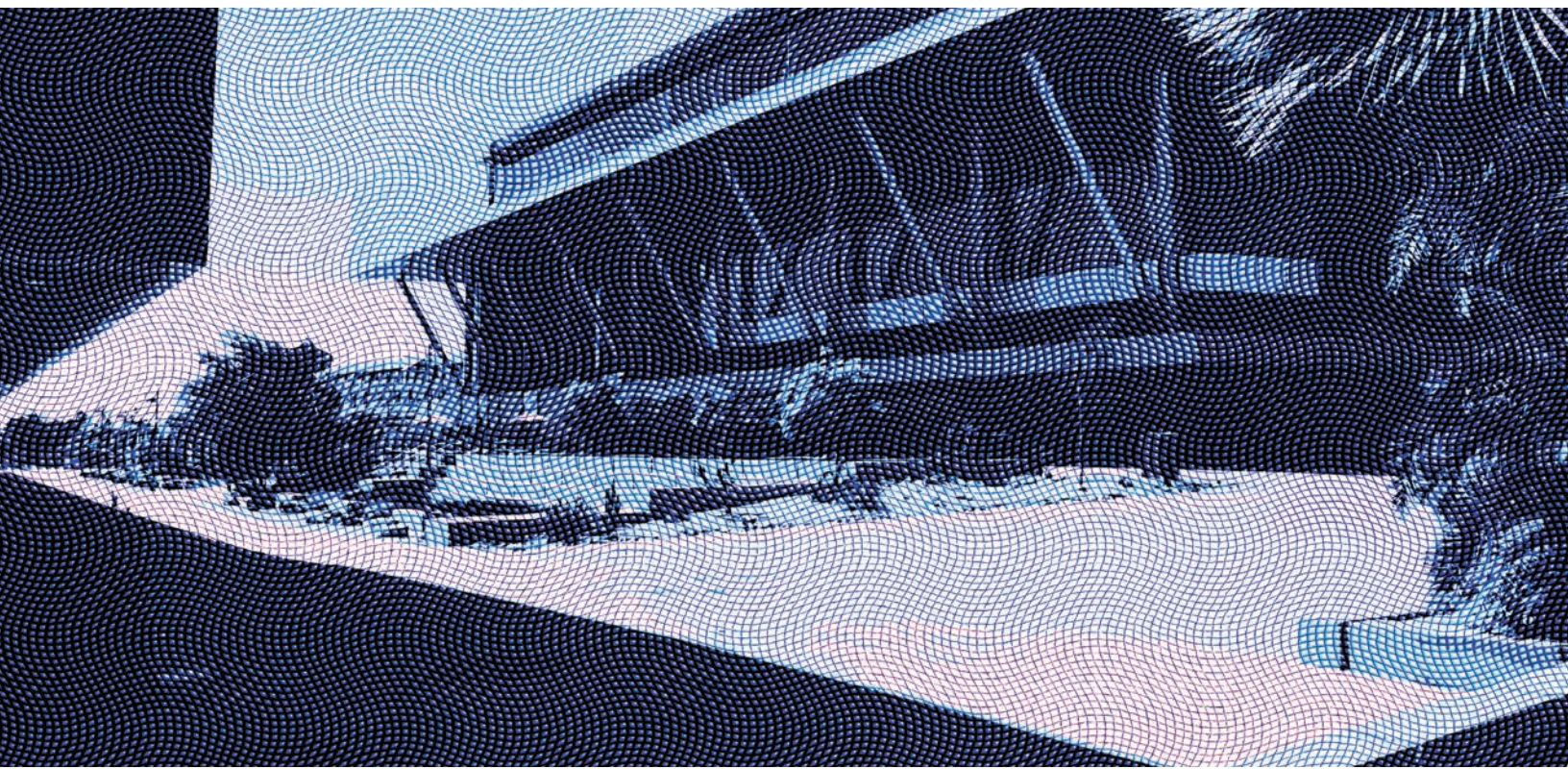
This effectively overruled prior precedent in Bakke, Gratz/Grutter, Fisher, etc., holding that colleges/universities may not consider an applicant's racial status in admissions to advance the educational benefits of diversity.

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Second, and more broadly, the landscape of “race-neutral” practices, as defined under federal law, is vast — and includes efforts that can give some attention to issues of race and ethnicity, in the context of broad diversity and equity aims. Most notably, perhaps, inclusive recruitment, outreach, and pathways initiatives have for decades been sanctioned by federal circuit and district courts, based on the principle that such broad-in-design programs (unlike in admissions or financial aid) do not confer material benefits on some students and not others. As a consequence, such policies and programs do not impose any legally cognizable harm that would trigger federal non-discrimination laws in the first place<sup>8</sup> — even in cases where the design of such programmatic strategies (within broader outreach strategies) involves express consideration of racial and ethnic diversity and equity goals. For example, efforts to newly target certain schools that graduate significant numbers of Latinx, Black, Asian American, NHPI, and AIAN students (within broader recruitment efforts) should be viewed as inclusive, so as not to trigger non-discrimination concerns, even with explicit aims to attract more diverse applicants. This realm of federal precedent was notably left untouched by the court’s SFFA ruling; the court majority did not address the question raised by SFFA about the feasibility of race-neutral strategies not pursued by Harvard and UNC (such as SFFA claimed, viable efforts associated with more expansive need-based aid, shifts in testing policies, or additional investments in outreach and recruitment).





## THE COURT'S SFFA DECISION – IMPLICATIONS

### The key questions under the 14th Amendment and Title VI:

1. Does the challenged policy confer an individual opportunity or benefit?
2. If so, is it “race-conscious” (on its face or with sufficient evidence of intent)?
3. If so, is it supported by a compelling interest and, as a matter of design, is it “narrowly tailored” to achieve that interest?

### Examples of relatively low-risk policies:

- Mission to advance equity and diversity
- Targeted recruitment and outreach
- Data collection
- Transfer programs
- DEI training programs
- Affinity groups and similar student groups that are not exclusionary
- And much more

## THE COURT'S SFFA DECISION – BACKGROUND

Under the 14th Amendment Equal Protection Clause and Title VI, distinctions based on race are “pernicious,” “odious,” and inherently *suspect regardless of what racial group is favored or disfavored.*

“Race-conscious” actions will only be upheld where they pass “**strict scrutiny,**” which requires “**compelling interests,**” plus “**narrowly tailored**” to achieve that interest.

Prior to SFFA, the Court had found few interests sufficiently “compelling,” but those included remedying policies related to an institution’s own discrimination (not “societal discrimination”) and *promoting educational benefits of diversity in higher education.*

## THE COURT'S SFFA RULING: THE PRACTICAL BOTTOM LINE

### An Applicant's Racial Status

**May not be considered as part of holistic review in admissions.**

Consider status implications in other areas where individual student benefits may be conferred.

### An Applicant's Racial Experience

**May be considered as part of holistic review in admissions.**

In essays, recommendations and interviews, an applicant's racial experience, perspectives and passions may be considered in the context of valued qualities that align with institutional mission.

## WHAT UNDERGIRDS THE SPECTRUM OF LEGAL RISK?



**Prohibited**



**Ambiguous or Undecided**



**Permissible**





## Areas of Strategic Focus

In sum, then, what in practical terms does the court’s relatively narrow and nuanced ruling mean for diversity and equity policy and practice design moving forward? Two imperatives seem clear:

- Invest in and expand pathways toward building applicant pools that are optimally diverse through outreach, recruitment, and pathways programs; and pursue, where viable, all other legally race-neutral strategies, including those that may have not yet received full attention in past policy development conversations.
- Comprehensively re-evaluate all admissions and related enrollment policies and factors to ensure that they advance core mission-related goals in a manner that does not unnecessarily impede diversity and equity goals.

### **BUILD AND EXPAND BRIDGES**

For decades, federal courts have recognized that “inclusive” race-related recruitment and outreach policies (that, by definition, do not involve conferring benefits to individual students based on their racial status) are not subject to strict scrutiny standards, and nothing in the court’s opinion has changed that precedent. Consequentially, renewed examination of strategies and investments in outreach and recruitment activities should be central to institutional planning. Institutional leaders should consider pathways as investments, as well as the enhancement of transfer policies tailored to under-resourced high schools or community colleges. Criteria that are currently associated with overall transfer policies should be examined to consider ways in which they might broaden, rather than unnecessarily and

artificially restrict, access. **In their recent guidance, the U.S. Department of Justice and U.S. Department of Education, have, in fact, explicitly stated that postsecondary institutions “may continue to pursue targeted outreach, recruitment, and pipeline or pathway programs,” involving “active steps” to reach “students from underrepresented groups.”** And, consistent with the court’s opinion, they recognized that nothing in the SFFA decision requires “institutions to ignore race when identifying prospective students for outreach and recruitment,” so long as those efforts do not provide preferences in the admissions process.

The “bridge-building” should not be limited to pathways discussed above, however. There are relevant principles in the design of other enrollment policies that adhere to the court’s explicit permission to consider applicants’ racial experiences when assuring that **full consideration of mission-aligned student qualities allows for applicants to tell their full, unique stories, which may include information expressly related to their racial identities.** Inquiring about and valuing experiences, perspectives, skills, and expertise that may be associated with, for instance, institutional aims to address issues of equity, reflects the kind of practice the court embraced.<sup>9</sup>

In corresponding fashion, full consideration should be given to the array of admissions factors that may be associated with institutional mission and goals, including those related to equity and diversity. As with other policy efforts designed to advance DEI goals through legally race-neutral means, the authenticity of those factors (e.g., socio-economic diversity) is important in establishing that they satisfy conditions for race neutrality under federal law. In general terms, this means that higher education institutions should have sufficient evidence that they would be pursuing those interests with comparable effort, based on their broad interests in diversity and equity — and without dependency on interests in racial diversity alone.<sup>10</sup>



This expansive lens on mission-aligned qualities should also align with long-standing key principles of effective [holistic review](#), which recognize that effective judgments about an applicant’s potential success and contribution to the teaching and learning of others should be informed by a context-rich evaluation of the applicant’s achievement judged against that individual’s opportunities. For example, an applicant from an under-resourced school who has not had access to an AP curriculum, but who has excelled in other opportunities, should be evaluated using different metrics when compared with an applicant who has attended a school that offered significant AP opportunities. In short, an applicant’s context is key, and “the quality of that context data is crucial.”<sup>11</sup>

## **REEXAMINE AND ELIMINATE UNWARRANTED BARRIERS**

Correspondingly, a comprehensive review of all relevant policies and practices should include attention to policies and practices that may have — in particular, institutional, and historical contexts — operated to create racial barriers (that began, in some cases, from a place of intentional exclusion) and that now, with a new legal landscape, require recalibration. As an important initial step, a data-driven evaluation should be conducted of whether merit definitions and measures in admissions policies are mission-aligned, have predictive value, and result in discrimination.

More specifically, reconsider (and recalibrate, where called for) criteria associated with merit in admissions, such as grade thresholds; test use practices, such as the establishment of rigid cut-offs; and the extent to which student context is considered part of the admissions decision.<sup>12</sup> **This process should include a meaningful evaluation of the full range of qualities valued by the institution as it assesses admissibility factors. This could include consideration of the details of policies associated with legacy admissions and early decision, which can, in many cases, operate as barriers to diversity and equity goals.**<sup>13</sup> And with a full enrollment lens, the process should also include the examination of relevant financial aid and scholarship policies, particularly with respect to the kind and amount of student support that is designed around need, as opposed to merit.<sup>14</sup> In addition, an assessment of enrichment and other beneficial programs that depend upon merit definitions warrants attention after the exigencies of the current admissions cycle are addressed.

## THREE THINGS THE FIELD MUST DO



### COMMUNICATE

The SCOTUS decision means it is still legal (and important) to make clear and unequivocal statements about the institution's ongoing and renewed commitment to equity and diversity, including the success of students of color in higher education (particularly related to mission).



### ADJUST

Make needed changes to current practices, as needed to comply, with an eye to increasing the law is a design parameter – like many others. Make needed changes to current practices as needed to comply with an eye to increasing equity and diversity, including the success of students of color, but avoid losing ground.



### GO BIGGER

Do more to attract, recruit, and support equity and diversity, including students of color. Identify and remove systemic barriers, invest in transfer and articulation opportunities, provide welcoming and supportive campuses and classes, fund institutions of higher education that serve students of color well, etc.

## A POTENTIAL FRAMEWORK TO PROMOTE ACCESS, DIVERSITY, AND COMPLETION

### System-Level Strategies

- ✓ Increasing investment in institutions of higher education that serve large numbers of students of color/marginalized groups
- ✓ Increasing transparency, timeliness, and amount of financial aid for low-income students
- ✓ Aligning pathways from K-12 through postsecondary education and the workforce

### Removing Barriers and Enhancing Opportunities



#### OUTREACH, RECRUITMENT, AND PATHWAYS

##### Examples:

- Partnerships with community colleges, college access organizations, and employers
- Dual enrollment
- Pre-college counseling
- Pathways and bridge programs



#### ADMISSIONS, FINANCIAL AID AND ENROLLMENT- MANAGEMENT

##### Examples:

- New admissions models
- Legacy preferences
- Early Action/Decision practice
- Standardized tests
- Streamlining transfer

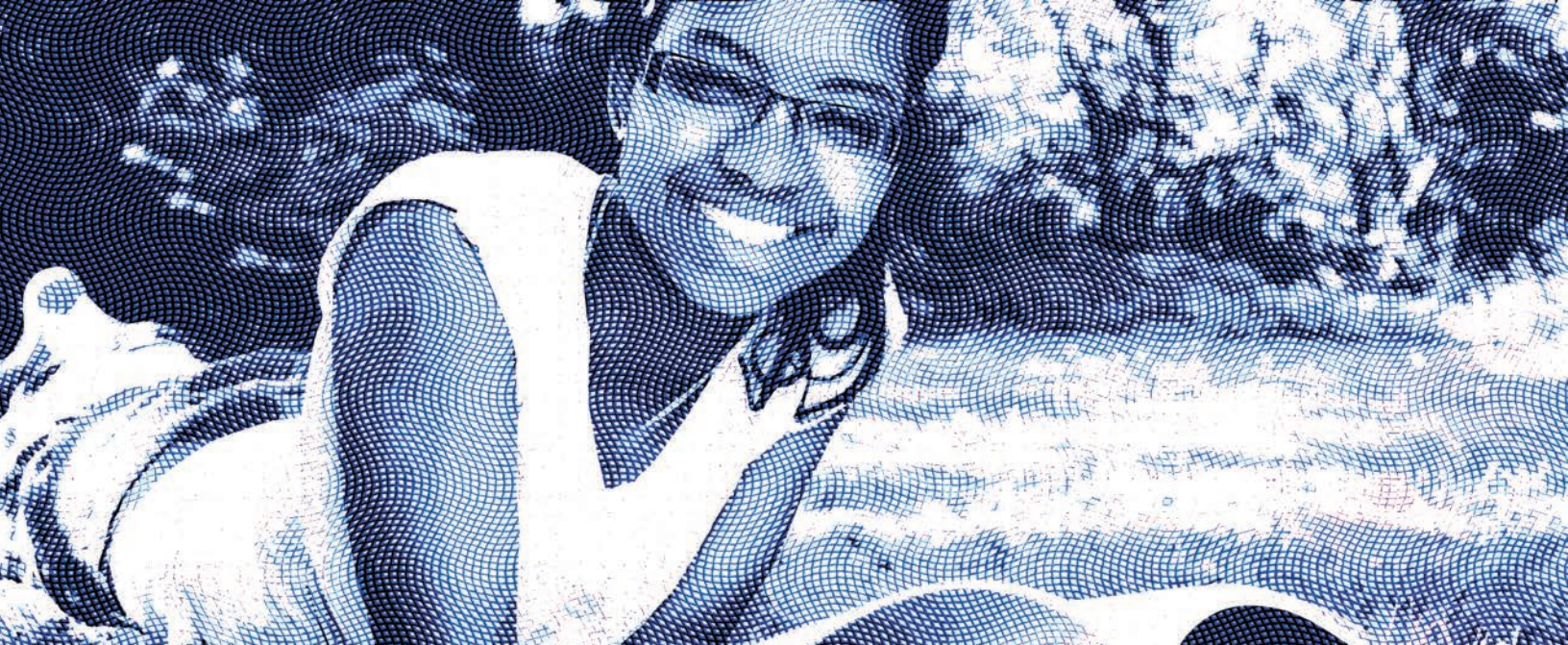


#### SUPPORTS FOR BELONGING AND COMPLETION

##### Examples:

- Culturally-relevant curriculum and pedagogies
- Emergency financial aid
- Campus climate assessment
- Advising, mentorship, and co-curricular engagements





## Conclusion

Fostering diverse and equitable goals and opportunities is a necessary step in addressing a number of societal trends that reflect racialized disparities in all facets of America’s education systems.<sup>15</sup> Thus, even as one tool to advance those goals, for now, has been eliminated, the SFFA decision sets the stage to think anew — and for all institutions to engage beyond the issues of race in admissions to address the systems, policies, and practices that may be untapped, as well as those that continue to pose barriers to student success. To address this moment, higher education leaders must reinforce their commitment to Latinx, Black, Asian American, NHPI, and AIAN, and other marginalized students, and be active leaders in the immediate and long-term advancement of diversity and equity goals for all — with high-impact, evidence-based, and legally appropriate strategies. Indeed, this is a moment for higher education leaders and institutions to demonstrate leadership, not retrenchment, in pursuit of their educational missions and societal role in comprehensive, thoughtful ways that, of course, also satisfy the law.

**For more information from the U.S. Department of Education, including specific guidance in response to the Supreme Court decision noted in this paper, [click here](#).**

# Endnotes

1. Title VI of the Civil Rights Act of 1964, applicable to public and private recipients of federal funds, prohibits discrimination in education on the basis of race and national origin. As a public institution, UNC is also subject to the 14th Amendment Equal Protection Clause, which prohibits discrimination by state actors.  
The court delivered a single decision covering both universities, analyzing their programs under 14th Amendment Equal Protection Clause standards, based on its conclusion that the substantive prohibitions of the Equal Protection Clause and Title VI were coextensive. Justices Thomas and Gorsuch, in separate concurrences, opined that Title VI, alone, embedded a categorical statutory non-discrimination mandate; nonetheless, they joined the court’s majority opinion in full.
2. The court’s ruling was notably limited in scope: It only addressed the issue of holistic review in higher education admissions designed to achieve diversity goals. It did not, for example, specifically address issues, such as those regarding financial aid and scholarships, recruitment, outreach, and pathways programs, or employment.
3. The Chronicle of Higher Education. (2023). The Assault on DEI. Retrieved from: <https://www.chronicle.com/package/the-assault-on-dei>
4. The court distinguished such consideration of the skills, knowledge, and character qualities that an applicant may acquire through their “experiences as an individual” that may tie to experiences of “discrimination, inspiration, or otherwise” from the impermissible consideration of an applicant “on the basis of [their] race.” In other words, according to the court, “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. This critical distinction reinforces the imperative of not stereotyping or making assumptions about an individual based on racial status. Judgments must be made based on an applicant’s specific lived experience.
5. United States Department of Justice and United States Department of Education. (2023, August 14). “Questions and Answers Regarding the Supreme Court’s Decision in Students for Fair Admissions, Inc. V. Harvard College and University of North Carolina.” Retrieved from: [https://www.justice.gov/d9/2023-08/post-sffa\\_resource\\_faq\\_final\\_508.pdf](https://www.justice.gov/d9/2023-08/post-sffa_resource_faq_final_508.pdf)
6. Nothing in the court’s opinion prohibits or restricts the collection of racially disaggregated data by institutions of higher education, which use such data for research, evaluation, and federal/state reporting purposes. However, as the Departments of Education and Justice have cautioned in their post-SFFA guidance, “institutions should ensure that the racial demographics of the applicant pool [in a given year] do not influence admissions decisions” — such as in cases of rolling admissions processes over the course of months.
7. To this point, Justice Kavanaugh’s observation in the October 2022 SFFA case oral arguments proved prescient: Addressing the core of SFFA’s counsel’s claim that the court should eliminate the consideration of an applicant’s racial status and pursue strategies, like those involving the consideration of an applicant’s socio-economic status, he observed: “Your position will put a lot of pressure going forward, if it’s accepted, on what qualifies as race-neutral in the first place.” Transcript of oral argument, pp. 43-44.  
Indeed, this may be among the most important legal questions of the moment. For effective policy development in which attaining positive impact is considered in light of relative legal risk, it is important to recognize that the question “What is race-neutral?” is not as simple as it may first appear: You can’t always judge a book by its cover. For example, a facially race-neutral policy (e.g., an admissions factor addressing an applicant’s wealth, or a percent plan, like the Texas Top 10% Plan, are designed to confer guaranteed opportunities to students in each public high school who are graduating in the top percent of their graduating class) is subject to analysis to determine: [1] whether it has been applied in an intentionally discriminatory manner; and independent of that inquiry, [2] whether it is motivated by a racially discriminatory purpose, with a discriminatory impact. Thus, given the relevance of history and context of such policies, it would be a mistake to assume the legal neutrality of any policy without a more robust understanding of its mission alignment and authenticity tied to broad diversity and equity aims.
8. Title VI of the Civil Rights Act of 1964, applicable to public and private recipients of federal funds, prohibits discrimination in education on the basis of race and national origin. As a public institution, UNC is also subject to the 14th Amendment Equal Protection Clause, which prohibits discrimination by state actors.

9. In this context, it is important not to make assumptions about a student's experience based on the student's racial identity, which the court would consider to be unlawful stereotyping.
10. The court distinguished such consideration of the skills, knowledge, and character qualities that an applicant may acquire through their "experiences as an individual" that may tie to experiences of "discrimination, inspiration, or otherwise" from the impermissible consideration of an applicant "on the basis of [their] race." In other words, according to the court, "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. This critical distinction reinforces the imperative of not stereotyping or making assumptions about an individual based on racial status. Judgments must be made based on an applicant's specific lived experience.
11. Bastedo, M. (2023). "The Urgency of Fair and Equitable Holistic Review of College Applicants." In Siqueiros, M. & Reddy, V. (Eds.). *Affirming Equity, Ensuring Inclusion, Empowering Action* [Series]. Los Angeles, CA: Campaign for College Opportunity. Available at: <https://collegecampaign.org/publication/the-urgency-of-fair-and-equitable-holistic-review-of-college-applicants>; See also Coleman, A.L. and Keith, J.L. *Understanding Holistic Review in Higher Education Admissions: Guiding Principles and Model Illustrations*. Washington, D.C.: (College Board and EducationCounsel. Available at: <https://highered.collegeboard.org/media/pdf/understanding-holistic-review-he-admissions.pdf>; 2018); Lipper, K. & Coleman, A.L. (2013). "Chapter 1: Evaluation 101: Why, What, Where, When, Who, and How?" In Association of American Medical Colleges (Ed.) *Roadmap to Excellence: Key Concepts for Evaluating the Impact of Holistic Review in Medical School Admissions*. Washington, D.C.: (American Association of Medical Colleges. Available at: [https://store.aamc.org/downloadable/download/sample/sample\\_id/198/](https://store.aamc.org/downloadable/download/sample/sample_id/198/), 2013). See generally The College Board's Landscape resource at <https://secure-media.collegeboard.org/landscape/comprehensive-data-methodology-overview.pdf> (describing the information provided about a student's neighborhood, high school, and other relevant contextual factors that can inform the application review process).
12. Park, J. (2023). "Advancing Equity by Rethinking the Use of Tests in College Admissions." In Siqueiros, M. & Reddy, V. (Eds.). *Affirming Equity, Ensuring Inclusion, Empowering Action* [Series]. Los Angeles, CA: Campaign for College Opportunity and the Institute for Higher Education Policy (IHEP). Available at: <https://collegecampaign.org/publication/advancing-equity-by-rethinking-the-use-of-tests-in-college-admissions>
13. Bell, L. & Peters, E.E.. (2023). "Ensuring Fairness in College Admissions: Rethinking Recruitment, Demonstrated Interest Strategies, Early Decision, and Legacy Admissions." In Siqueiros, M. & Reddy, V. (Eds.). *Affirming Equity, Ensuring Inclusion, Empowering Action* [Series]. Los Angeles, CA: Campaign for College Opportunity and the Institute for Higher Education Policy (IHEP). Available at: <https://collegecampaign.org/publication/ensuring-fairness-in-college-admissions-rethinking-recruitment-demonstrated-interest-strategies-early-decision-and-legacy-admissions>
14. In corresponding fashion, a focus on the design of scholarship policies to align with the practical core of the SFFA ruling--prohibiting racial status considerations and approving race experience-related factors-- is warranted. This is especially true given that the Court has, for the moment, eliminated the decades-old legal foundations on which compelling interests associated with student diversity were recognized. In other words, under longstanding, settled precedent, compelling interests must undergird any race status-conscious policy. And, at the moment, there is no clear federal precedent that establishes recognized DEI-related compelling interests, other than the remedial interest that institutions may have to correct for the present effects of their past, documented discrimination.
15. Racialized disparities in K-12 outcomes, postsecondary access and attainment, wealth and income inequality, and labor market participation are interconnected and stubbornly persistent. They require structural, research-informed strategies at all levels of the education ecosystem.


# Acknowledgements

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