

# 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.

## Key Strategies and Actions

Regardless of your current planning stage, you can use the following strategies to take proactive steps to help your institution be ready for an array of possible outcomes.

### 1. Determine your office's level of preparedness in the event race can no longer be considered in any capacity in the admissions process.

The first essential step to getting ready is to inventory your current enrollment policies and practices under current law in order to ensure that your internal stakeholders are aligned. Key departments include: the general counsel, office of the president, and communications / public affairs teams. Open and consistent communication is crucial.

Some ADC sponsors noted that their institutions have already engaged in regular conversations about race in admissions due to previous court cases. These consistent conversations allow them to feel prepared to address the prospect of changes to the federal legal framework. Conversely, other institutions expressed that their campuses have engaged less in preparation for the Court's decisions. Some indicated this is due to senior leadership transitions while others report a "wait and see" mindset leading them to wait for the rulings before taking next steps.



#### Action Tip:

*It's critical to educate the broader campus community about the cases and what is at stake.*

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Additionally, some institutions have already begun to formalize conversations about the use of race in their admission process through the creation of campus working groups. In addition to the admissions office, members of these more formal working groups can consist of stakeholders from graduate school admissions, the office of the president, general counsel, financial aid, and others unique to a specific campus's community.



#### Action Tip:

*Establish a working group of internal stakeholders who actively collaborate to determine how to communicate internally and externally what's happening in the legal landscape.*

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### In Practice: A Southern Selective Private

A selective, private institution in the south has held an annual convening of a group including admissions leadership, admissions analytics, the general counsel, and other leaders to discuss race in admissions. These meetings now include scenario planning for changes to their admissions process based on when a decision may be announced.



### In Practice: A Mid-Atlantic Public Flagship

A mid-Atlantic, public, flagship institution has formed a working group with representation from a range of offices including legal; undergraduate admissions; graduate admissions; diversity; equity, and inclusion; and institutional research, planning and assessment. To this point, they have discussed the use of race in admissions overall and are looking toward potential policy and practice changes that might result from a Court decision. The institution is currently using an admissions model based on a previous case decision that seems to be working so far. They also noted they won't do work in advance, but if there is an outcome that changes legal rules, they'll already have a list of tasks that will need to be executed. The institution is also actively working with their strategic communications and marketing teams so they can be positioned to effectively respond publicly.



#### Action Tip:

*As the Court's decision will likely not only impact undergraduate admissions, but graduate admissions as well, it's critical to include graduate school staff in your working group.*

## 2. Conduct an inventory of where race is used, or referenced, in your enrollment process.

An essential piece of preparing for the upcoming Court decisions is evaluating the language regarding race and ethnicity used in documents, materials, and content describing admissions, scholarships, and financial aid policies and programs.



### In Practice: A Midwestern Selective Private Institution

A selective, private, Midwestern institution is in the early stages of conducting an inventory of where race is currently considered in their admissions process. To begin, the admissions office reached out to their campus general counsel for guidance on compliance under federal and state law. In addition, the admissions office has an in-house technology and analytical team who provides insight on how to conduct the inventory using campus systems, particularly Slate.



### In Practice: A New England Public Flagship

At a New England public flagship institution, the general counsel and university foundation offices are working together to help staff educate donors about how the Court's decision may impact foundation-centered capital.



### In Practice: A Midwestern Selective Private Institution

A selective, private, Midwestern institution requires students to demonstrate commitment to social justice and equity issues – either through their own lived experiences or through significant extracurricular, volunteer, or activist work. These scholarships consider race as a factor in decision-making. The institution has identified this scholarship as one that they will seek additional guidance on after the Court’s decisions to determine if they can continue to use current criteria.



#### Action Tip:

*Find out where your foundation and development offices sit within your institution to determine who needs to be brought into the conversation regarding readiness for the Court’s decisions.*

### 3. Assess your recruitment process for potential opportunities to expand or reimagine target geographic areas and high school types as well as cultivate relationships with external stakeholders.

The focus of the Court cases is on the consideration of race in the admissions process. Because recruitment and admission are so closely aligned, ADC institutions are also preparing to reimagine their recruitment processes.



### In Practice: A Midwestern Public Flagship

A Midwest public flagship institution has increased recruitment efforts by adding additional regional admissions counselor positions in a nearby metropolitan city.



### In Practice: A Mid-Atlantic Public Flagship

A public flagship university in the mid-Atlantic region has expanded recruitment efforts to include the southwestern region of the United States and has also further cultivated relationships with community-based organizations. They also have built upon an already excellent record of reaching out to students of color to encourage them to complete their applications.



### In Practice: A Pacific Northwest Public Flagship

A Pacific Northwest public flagship institution strategically targeted first-generation students and students from low-income backgrounds as part of their recruitment efforts and experienced its highest enrollment of Black students in the fall of 2022.



### In Practice: A Southern Selective Private

A selective private institution in the South changed programs traditionally designated for historically underrepresented students, allowing admission from the wider applicant pool. Specifically, they reimagined and rewrote the description for their annual fall fly-in. Now a virtual experience, the event is open to any student with an interest in the lived experiences of historically underrepresented populations. At this new event, they showcased how their institution provides a welcoming environment and champions diversity, equity, belonging, and inclusion. For their admitted student programming that previously served historically underrepresented students, they are focusing on travel grants for students who are from low-income backgrounds instead of all students who identify as historically underrepresented.



### In Practice: A Southern Selective Private

A Midwestern private, selective institution has not adjusted its recruitment strategies yet but is currently identifying where productive recruiting is taking place and determining where there may be opportunities for expanded efforts, particularly in the event of Court rulings that further limit the consideration of race in admission.



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#### Action Tip:

*Make sure your recruitment efforts are aligned with mission-related documents (e.g., university mission, strategic plan, etc.) and that your efforts are not solely utilized for increasing racial diversity. Authenticity regarding mission alignment is key.*

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#### 4. Evaluate your application process to determine if modifications need to be made to the review rubric, application essays, personal statements, or supplemental questions.

Prior to the most recent Court cases, some ADC institutions reviewed their applications to determine where changes had to be made to remain compliant with the current legal framework. Given the prospective Court decisions in 2023, other ADC institutions have begun to engage in the same process. This process can include assessing parts of the application such as the holistic review rubric, application essay questions, and personal statements.



##### In Practice: A Southern Selective Private

A selective, private institution in the South changed their essay question, asking students what perspective and contributions they can bring to the campus. This change serves to assess how applicants can help shape the campus community, often a key element in understanding how they may advance diversity aims.



##### In Practice: An Ivy League Institution

An institution in the Ivy League implemented a new supplemental question for the class of 2027 that asks students to introduce themselves in 250 words or less. This question aims to learn about applicants, which may include facets of their personal identity, from the applicant's perspective.



##### In Practice: A Small Mid-Atlantic Institution

A small, selective, mid-Atlantic institution is currently evaluating their holistic review rubric after they noticed it does not consider that honors or AP<sup>®</sup> courses are not offered at some urban and rural high schools. Similarly, the institution realized some students were penalized for not taking calculus or four years of a foreign language when these course were not offered at those students' schools. Part of this evaluation process includes working with trustees who were former college presidents as well as their campuses' faculty admission committee to implement a new rubric.



#### Action Tip:

*Staff training is integral to a successful application review process and needs to continuously address issues regarding diversity goals, especially where significant staff turnover exists.*