

Nos. 20-1199 & 21-707

IN THE
Supreme Court of the United States

STUDENTS FOR FAIR ADMISSIONS, INC.,
Petitioner,

v.

PRESIDENT AND FELLOWS OF HARVARD COLLEGE,
Respondent.

STUDENTS FOR FAIR ADMISSIONS, INC.,
Petitioner,

v.

UNIVERSITY OF NORTH CAROLINA, ET AL.,
Respondents.

**On Writs of Certiorari to the
United States Courts of Appeals for the First and
Fourth Circuits**

**BRIEF OF AMERICAN COUNCIL ON EDUCATION
AND 38 OTHER HIGHER EDUCATION
ASSOCIATIONS AS *AMICI CURIAE* IN SUPPORT
OF RESPONDENTS**

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STATEMENT OF INTEREST¹

Amici are 39 associations of colleges, universities, educators, trustees, and other representatives of several thousand institutions of higher education in the United States. *Amici* represent public, independent, large, small, urban, rural, denominational, non-denominational, graduate, and undergraduate institutions and faculty. For decades, *amici* have supported the educational missions and goals advanced by their member institutions. They seek to open wide the gates of higher education to talented and diverse students of all races and backgrounds, believing that doing so benefits all their students and, in turn, this nation and the world.

Amicus American Council on Education (ACE) is the major coordinating body for American higher education. ACE's more than 1,700 members reflect the extraordinary breadth and contributions of America's colleges and universities. ACE's members educate two out of every three students in all accredited, degree-granting U.S. institutions. Since its founding in 1918, ACE has spearheaded programs, advocated for legislation, and led initiatives that have shaped the nation's postsecondary landscape. Among its initiatives, ACE had a major role in establishing the Commission on Minority Participation in Education and American Life, chaired by former Presidents Ford and Carter, which issued *One-Third of a Nation* (1988), a

¹ No party or counsel for a party authored this brief in whole or in part. No party, counsel for party, or person other than *amici curiae* or counsel made any monetary contribution intended to fund the preparation or submission of this brief. All parties have given blanket consent for the filing of *amicus* briefs.

report on minority matriculation, retention, and graduation.

Illustrating the broad and deep concerns about the issues presented by these cases, ACE is joined in this brief by 38 higher education institutions; a list of *amici* can be found in the Addendum. The continued vitality of holistic admissions programs is crucially important to *amici*. The outcome of these cases will have a profound and direct impact on the missions and goals of *amici* and their members, and on the educational experiences they facilitate for students.

Affirmance here will underscore long-held fundamental principles that have enabled the American system of higher education to become the envy of the world. Academic freedom is “a special concern of the First Amendment,” and it is not only the province of individuals; it encompasses the right of colleges and universities to exercise judgment in selecting a student body. *Regents of Univ. of California v. Bakke*, 438 U.S. 265, 312 (1978). Institutions should be able to exercise that freedom to select a diverse student body through holistic admissions programs—programs that account for an array of academic and non-academic factors and afford each applicant a rigorous, individualized review.

Amici believe that a diverse student body is essential to important educational objectives of colleges and universities. Within long-settled judicial parameters, each institution should be able to use holistic admissions to comprise a student body that will advance its own particular mission. *Grutter v. Bollinger*, 539 U.S. 306 (2003), grants institutions the flexibility needed to make these decisions while preventing race-sensitive admissions from devolving into the type of race-

dispositive decisionmaking that withholds from some applicants an equal opportunity for admission. Careful holistic review gives each applicant individualized consideration and reduces no one to his or her race. These principles, taken together with the evidence at both trials, inform *amici's* strongly held view that this Court should affirm the judgments below.

SUMMARY OF ARGUMENT

Students for Fair Admissions' (SFFA) effort to single out race and ethnicity for exclusion from the college admissions process would result in precisely the outcome SFFA says it opposes and that this Court has long prohibited: dual-track admissions that advantage one group over another based on applicants' racial or ethnic identity. Along one track, many applicants will present, and have considered, the full range of their background and lived experiences. On the other, applicants whose lives have been indisputably molded by their race or ethnicity must leave out a key part of their story or present it and have it ignored. Beyond asking this Court to ignore established and sound constitutional legal principles and to reject decades of precedent, SFFA's proposed restrictive-for-some regime would sacrifice long-held First Amendment rights, including principles of academic freedom that undergird American higher education and make it the envy of the world.

SFFA's desired ruling intrudes on core academic freedoms. The First Amendment affords colleges and universities substantial deference on matters involving academic judgment and, as a result, safeguards the role of America's colleges and universities as incubators for creative thought, productive dialogue, and innovative discovery. It is the pluralism of

institutions across the country that makes our system of higher education the greatest in the world.

Academic freedom necessarily encompasses decisions about who to enroll at any given institution. This Court has repeatedly recognized institutions' freedom to design holistic admissions policies that further their own educational missions and the experiences and outcomes they seek for their students. Many colleges and universities have done just that. They provide applicants rigorous, individualized review by accounting for academic credentials, personal background, life experiences, and potential contributions to the student body and the institution. Applicants must be able to discuss, and institutions able to consider who they are and the ways in which an applicant may contribute. Colleges and universities have long exercised their judgment in how best to compose their student body with this Court's blessing—there is no reason to overturn that sensitive balance now.

Judicial deference to colleges' and universities' admissions programs preserves the diverse range of missions that these institutions pursue. Institutions craft their own educational environments and goals, including religion-, service-, and military-based objectives. To meet these goals, colleges and universities require leeway to assess which applicants will enable them to create distinct learning environments and select their student body accordingly. At institutions throughout America, these processes reflect careful holistic review, not mechanistic metrics.

By contrast, mandating that race be scrubbed from the admissions consideration, as SFFA seeks, would chill student expression and deprive a subset of

applicants of the full benefits of holistic review: those for whom racial or ethnic identity plays a role in their life experiences, leadership skills, or potential campus contributions. Under SFFA's desired regime, institutions could seemingly invite some—but not all—applicants to share fundamental information about their lives and experiences. Specifically, students of color would face the unenviable choice of declining to speak of their ethnicity or race or speaking and being ignored. Yet, students discussing socio-economic status, gender, age, disability, or experiences as veterans, musicians, or first generation learners, all could speak freely. This would create a unique, distinct disadvantaging of racial and ethnic minorities and impose unique and impermissible content restrictions on expressive activity. This Court can and should avoid an interpretation of the Equal Protection Clause and, by extension, Title VI of the Civil Rights Act of 1964, that compels such untenable results.

In all events, this Court should avoid a ruling that sweeps beyond the record in this case and risks unpredictable consequences in higher education. The rulings below were the result of extensive evidence and argument surrounding specific admissions practices of two institutions. SFFA did not challenge any of the ways careful consideration of diversity may influence other types of programs in colleges and universities across the country. Many of these programs implement reasoned university objectives which were unexplored in the records below and should remain undisturbed.

ARGUMENT**I. COLLEGES AND UNIVERSITIES SHOULD CONTINUE TO BE ALLOWED TO PURSUE THEIR EDUCATIONAL MISSIONS THROUGH HOLISTIC REVIEW OF APPLICANTS' BACKGROUNDS AND EXPERIENCES.**

College admissions policies respect and reflect competing rights conferred by federal law. On the one hand, because of the Equal Protection Clause and Title VI, colleges and universities cannot use quotas or other types of preferential treatment that create disparate admissions tracks, or that insulate members of one racial group from individualized review. *Bakke*, 438 U.S. at 319-320 (opinion of Powell, J.); *Gratz v. Bollinger*, 539 U.S. 244, 271-273 (2003); *see also Alexander v. Sandoval*, 532 U.S. 275, 280-281 (2001) (Title VI is coterminous with the Equal Protection Clause). On the other hand, institutions enjoy broad discretion to pursue the educational missions of their choice, including those that pursue the educational benefits of racial and ethnic diversity. *Fisher v. Univ. of Tex.* (“*Fisher II*”), 579 U.S. 365, 388 (2016).

This Court has consistently embraced balancing those rights by affirming that institutions may adopt “holistic,” race-sensitive admissions policies that, as one part of a broader inquiry into each applicant’s experiences and potential contributions to the institution, consider the applicant’s racial and ethnic identity. *E.g.*, *Grutter*, 539 U.S. at 334-336; *Bakke*, 438 U.S. at 317, 320 (opinion of Powell, J.). Institutions have implemented this balancing in myriad ways, which makes sense given the role of universities and colleges in American society. Universities, both public

and private, “serve as ‘laboratories for experimentation,’” *Fisher II*, 579 U.S. at 388 (citation omitted), and each has its own mission and identity. Indeed, it is university autonomy that has allowed America’s system of higher education to attain “global reach and broad esteem.” David F. Labaree, *A System Without A Plan: Emergence of An American System of Higher Education in the Twentieth Century*, 3 Int’l J. Historiography Educ. 46, 46 (2013). The Court should reject SFFA’s efforts to upend the sensitive balance this Court has struck over decades and decline SFFA’s attempt to preclude consideration of race and ethnicity in careful holistic review.

A. The First Amendment affords colleges and universities substantial deference to define their educational missions and select a student body that further those missions.

America’s higher education system is a crown jewel of our democracy. Colleges and universities allow Americans of every background to gain enrichment, social mobility, and economic advancement. The PEW Charitable Trusts, *Pursuing the American Dream: Economic Mobility Across Generations 23-26* (July 2012).² They enable students to create together a university community that is the foundation for their academic experiences and future endeavors. Patricia Gurin et al., *Diversity and Higher Education: Theory and Impact on Educational Outcomes*, 72 Harv. Educ. Rev. 330, 346-358 (2002). They protect bedrock

² Available at https://www.pewtrusts.org/~media/legacy/uploadedfiles/wwwpewtrustsorg/reports/economic_mobility/pursuingamericandreampdf.pdf.

“freedoms of speech and thought.” *Grutter*, 539 U.S. at 329.

Indeed, it is undisputed that colleges and universities “occupy a special niche in our constitutional tradition.” *Id.*; see also Harry Kalven, Jr. et al., Univ. of Chi., Kalven Committee: Report on the University’s Role in Political and Social Action 1 (Nov. 11, 1967) (“Kalven Report”)³ (colleges and universities have “a great and unique role to play in fostering the development of social and political values in a society.”); Keith E. Whittington, *Free Speech and the Diverse University*, 87 *Fordham L. Rev.* 2453, 2464-66 (2019). The specifics of how each institution contributes to society are guided by its own “distinctive mission” and “by the distinctive characteristics of the university.” Kalven Report at 1. But, in the broadest sense, the role of colleges and universities is to facilitate “the discovery, improvement, and dissemination of knowledge.” *Id.*

In turn, the First Amendment guards the right of teachers and students “to inquire, to study, and to evaluate,” *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967) (quoting *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957) (plurality op.)), and preserves the academy’s interest in “autonomous decisionmaking,” *Regents of Univ. of Mich. v. Ewing*, 474 U.S. 214, 226 n.12 (1985); see also *Fisher II*, 579 U.S. at 388 (“Considerable deference is owed to a university in defining those intangible characteristics, like student body diversity, that are central to its identity and educational mission”). Colleges and universities cannot nurture the “robust exchange of ideas” that so typifies the

³ Available at https://provost.uchicago.edu/sites/default/files/documents/reports/KalvenRprt_0.pdf.

American tradition without a continued national commitment to academic freedom. *Keyishian*, 385 U.S. at 603.

Within higher education, there are few places where the need for autonomous decisionmaking is more acute than in the admissions process. *Bakke*, 438 U.S. at 312 (opinion of Powell, J.). One of the “‘essential freedoms’ of a university” is “to determine for itself on academic grounds ... who may be admitted to study.” *Id.* (quoting *Sweezy*, 354 U.S. at 263 (Frankfurter, J., concurring in judgment)). Universities and colleges therefore have a fundamental interest in implementing admissions policies and procedures that align with the institution’s mission and lead to a student body whose credentials, qualities, and life experiences further that mission. *See id.* at 313 (universities have a First Amendment right to pursue “a goal that is of paramount importance in the fulfillment of its mission”). That fundamental interest affords colleges and universities substantial leeway in how they exercise their academic judgment.

Judicial deference to college admissions decisions also respects the wide range of educational objectives pursued by America’s colleges and universities. Challenges to race-conscious admissions programs often involve highly selective, traditionally academic universities such as Respondents, the University of Texas, *Fisher II*, 579 U.S. at 369; the University of Michigan Law School, *Grutter*, 539 U.S. at 311; and the University of California Davis Medical School, *Bakke*, 438 U.S. at 269 (opinion of Powell, J.). But the world of higher education is not so limited. It includes public and private 4-year universities of varying selectiveness, as well as vocational-technical schools, art

institutes, community colleges, and theological programs, just to name a few. ACE's membership directory underscores the point, listing as members (among others) the United Tribes Technical College, Rhode Island School of Design, Lexington Theological Seminary, and Virginia Military Institute. *ACE Members & Associates Directory*, ACE.⁴

The holding in this case will apply to admissions offices in all manner of colleges and universities, as has been the case from *Bakke* through *Fisher II*. This includes institutions with educational missions that would be substantially undermined if a race-blinded admissions process impaired student diversity within a particular program or an institution as a whole: a Bachelor of Fine Arts program at Fordham that works hand in hand with a historically Black dance company⁵; the country's sole four-year fine arts institution devoted to contemporary Native American and Alaskan Native arts⁶; a historically Black divinity school aspiring to set an example of racial unity for the nation.⁷ These programs should be able to consider an

⁴ Available at <https://www2.acenet.edu/crm/members-directory>.

⁵ *Ailey/Fordham BFA Program*, The Ailey School, <https://www.alvinailey.org/school/professional-division-ages-17-25/aileyfordham-bfa-program>; *Dance Major: Admission Requirements and Procedures*, Fordham Univ., <https://bulletin.fordham.edu/undergraduate/dance/major/>.

⁶ *Admissions*, Inst. of Am. Indian Arts, <https://iaia.edu/admissions/>.

⁷ Tom Steadman, *A Seminary's Changing Face: A Traditionally Black Seminary in Salisbury is Experiencing a Unique Surge in Diverse Enrollment*, News & Record (Mar. 6, 2004), <https://greensboro.com/a-seminarys-changing-face-a->

applicant’s race or ethnicity as one of many factors to ensure that the diversity of their admitted students bears some relation to the mission being pursued. Yet, SFFA’s desired regime risks severely curtailing institutions’ pursuit of these objectives.

B. Holistic review, including review that considers race and ethnicity among many factors, allows colleges and universities to pursue their educational mission within permissible limits.

A broad assortment of colleges and universities have determined that their educational objectives are best served by conducting a “holistic review” of each applicant that allows applicants to discuss, and the institution to consider, how the applicant’s racial identity has influenced the applicant’s experiences, opportunities, or perspectives. This academic judgment does not run afoul of either the Equal Protection Clause or Title VI.

1. At its core, holistic review involves a rigorous and “highly individualized” process that “giv[es] serious consideration to *all the ways* an applicant might contribute to” a campus community. *Grutter*, 539 U.S. at 337 (emphasis added). Particulars vary from one institution to another, but holistic review generally allows a mix of academic, non-academic, and contextual factors to guide institutions’ expert judgments about applicants and the institution’s educational program.

Academic factors may include quantitative metrics, such as class rank and standardized test scores, or

traditionally-black-seminary-in-salisbury-is-experiencing-a-unique-surge/article_42fe6a78-879c-5e7a-96e3-d281783ae2f5.html.

qualitative measures, like “[i]ntellectual curiosity” and “[g]rasp of world events.” Gretchen W. Rigol, Coll. Bd., *Admissions Decision-Making Models: How U.S. Institutions of Higher Education Select Undergraduate Students* 75 (2003) (“College Bd.”) (Appendix D). Non-academic factors may include an applicant’s personal background and life experiences, including family relationship with a faculty member, service in the military, or being the first generation in her family to go to college. *Id.* at 75-77. Religious institutions may prefer members of a particular faith. *E.g.*, *Admission Policy*, Brigham Young Univ. (“The university prefers admitting members of the Church in good standing”).⁸

Non-academic factors also include extracurricular activities, special talents, and student achievements, along with unusual obstacles an applicant may have overcome, such as family problems, health challenges, frequent moves, or responsibility for raising a family. College Bd. at 75-77, 79-81. Colleges and universities may even consider geography, accounting for whether the prospective student is from a disadvantaged area, or a rural community, or went to a high school with few or no previous applicants. *Id.*

Some institutions have as a critical part of their mission helping to better serve the needs of underserved communities. For example, the Stritch School of Medicine at Loyola University Chicago conducts “individualized holistic review,” in which it “consider[s] the life experiences, personal attributes, and educational

⁸ <https://policy.byu.edu/view/admission-policy>.

journey of each applicant,” for this very reason.⁹ Other programs likewise focus on improving outcomes for underserved communities by contributing to a

⁹ *Stritch’s Holistic Admissions Process*, Office of Admissions, Stritch Sch. of Med., <https://ssom.luc.edu/admissions/currentapplicants/applyingtostritch/holisticadmissions/>; *see also Admissions Information*, Baylor Coll. of Med., <https://www.bcm.edu/education/school-of-medicine/m-d-program/campuses-and-admissions> (student diversity is “a prerequisite to accomplishing our institutional mission”); *Diversity in the College of Medicine*, Med. Univ. of S.C., <https://medicine.musc.edu/diversity> (“The diversity mission of the College of Medicine is to create an environment that fosters cultural understanding, cultural competency, and opportunities for individuals of all backgrounds.”); Greer Glazer et al., *Urban Universities for Health, Holistic Admissions in the Health Professions: Findings from a National Survey* (Sept. 2014), <https://www.aplu.org/library/holistic-admissions-in-the-health-professions/File>.

more diverse population of K-12 teachers,¹⁰ dentists,¹¹ and in STEM fields.¹²

2. Many schools that engage in holistic review properly consider how applicants' racial or ethnic identities have affected their path to higher education and how their life experiences will enrich the student body and the university as a whole. History teaches that "[p]eople do not learn very much when they are surrounded only by the likes of themselves." *Bakke*, 438 U.S. at 312 n.48 (opinion of Powell, J.) (quoting William G. Bowen, *Admissions and the Relevance of Race*, Princeton Alumni Weekly 7, 9 (Sept. 26, 1977)). Student diversity, including racial and ethnic diversity, improves learning outcomes and promotes academic success. Deborah Son Holoien, *Do Differences Make a Difference? The Effects of Diversity on*

¹⁰ E.g., Oyin Adedoyin, *Race on Campus: What Colleges Are Doing About the Shortage of Black Teachers*, Chronicle of Higher Educ. (Apr. 19, 2022), <https://www.chronicle.com/newsletter/race-on-campus/2022-04-19> (describing specific schools' efforts to graduate more Black men into the teaching profession because Black students who have one Black teacher by third grade are more likely to graduate high school and enroll in college); Rowan's College of Education, Department of Education *work together to promote diversity in NJ teacher workforce*, Rowan Univ. (Apr. 6, 2022), <https://today.rowan.edu/news/2022/04/mocha-grant.html> (describing program to diversify the teacher pipeline for K-12 teachers).

¹¹ Theresa A. Davies et al., *Improving Diversity of Dental Students Through the Boston University Master's of Oral Health Sciences Postbaccalaureate Program*, J. Dental Educ. (Mar. 2019), available at <https://www.bumc.bu.edu/gms/files/2020/09/JDE.Davies2019.pdf>.

¹² E.g., Kim Coy, *Workshops on holistic graduate admissions for STEM fields Feb. 3-5*, Kansas State University (Jan. 30, 2020), <https://www.k-state.edu/today/announcement/?id=60981>.

Learning, Intergroup Outcomes, and Civic Engagement 4-8 (Sept. 2013).¹³ It facilitates informal and varied interactions between students, preparing them for an increasingly diverse workforce and interconnected society. Br. of Fortune-100 and Other Leading American Businesses as *Amici Curiae* in Support of Respondents 9-10, *Fisher II*, 136 S. Ct. 2198 (No. 14-981); Gurin et al., 72 Harv. Educ. Rev. at 351, 353. Students across the racial and ethnic spectrum benefit from new perspectives and a culture of open-mindedness. Patrick T. Terenzini et al., *Racial and Ethnic Diversity in the Classroom: Does It Promote Student Learning?* 72 J. Higher Educ. 509, 527 (2001); Gurin et al., 72 Harv. Educ. Rev. at 351, 359.

Grutter explicitly prohibited admissions programs that make race dispositive—offering different opportunities for review and admission depending on applicants’ race or ethnicity. 539 U.S. at 323 (“[t]he guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color” (quoting *Bakke*, 438 U.S. at 289-290 (opinion of Powell, J.))). First, consistent with strict scrutiny, institutions may only consider race in admissions when there are no “workable race-neutral alternatives that will achieve the diversity the university seeks.” *Id.* at 339. Second, “a university’s admissions program must remain flexible enough to ensure that each applicant is evaluated as an individual” and ensure that no applicant’s race or ethnicity is a “defining feature of his or her application.” *Id.* at 336-337.

¹³ Available at <https://dholoien.people.amherst.edu/papers/Holoien2013Diversity.pdf>.

As a result, *Grutter* protects in all directions—the same rule that prohibits an admissions program from giving any applicants a “bonus[]” for their race, *id.* at 337 (citing *Gratz*, 539 U.S. at 244), proscribes a program which makes the race of any applicant a disqualifying factor, *Brown v. Bd. of Educ.*, 347 U.S. 483, 492–495 (1954). SFFA’s insistence to the contrary—steeped in the notion that race-conscious admissions programs entrench discrimination against Asian Americans—simply cannot be squared with detailed factfinding by two separate courts. *Students for Fair Admissions, Inc. v. Univ. of North Carolina*, 567 F. Supp. 3d 580 (M.D.N.C. 2021); *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 397 F. Supp. 3d 126 (D. Mass. 2019). *Grutter*, which allows institutions to narrowly account for race in ways that afford *all* applicants an equal opportunity to be considered for admission, serves equality far better than SFFA’s desired ruling.

3. Hundreds of *amici*’s members consider the full measure of applicants’ lived experiences, including their racial or ethnic identities. Consider Columbia University—an institution located in one of the most racially diverse big cities in America. Katelyn Newman, *America’s Most Racially Diverse Big Cities*, U.S. News (Jan. 22, 2020).¹⁴ Columbia sees its New York City roots as a reason to “link its research and teaching to the vast resources of a great metropolis.” *About Columbia: University Mission Statement*, Columbia Univ. in the City of New York.¹⁵ To that end, it “foster[s] the free exploration and expression of differing

¹⁴ <https://www.usnews.com/news/cities/slideshows/the-10-most-racially-diverse-big-cities-in-the-the-us?slide=8>.

¹⁵ <https://www.columbia.edu/content/about-columbia>.

ideas, beliefs and perspectives” and “develop[s] curricula that prepare[s] students to be responsible members of diverse societies.” *Diversity Mission Statement*, Columbia Univ. in the City of New York Office of the Provost.¹⁶ “[A] diverse and international faculty and student body” is a necessary component of this educational mission. *About Columbia: University Mission Statement, supra*.

The University of Maryland at College Park similarly understands “[d]iversity amongst [its] students,” to be “essential to its mission.” *Mission and Vision*, Univ. of Md.¹⁷ Maryland’s flagship campus is one of nation’s original land-grant institutions. The university takes seriously this designation and “uses its research, educational, cultural, and technological strengths in partnership with state, federal, private, and non-profit sectors to promote economic development and improve quality of life in the State of Maryland.” *Id.* College Park requires a diverse student body to service the needs of a State whose racial and ethnic demographics span from Baltimore to Bethesda, Mount Rainier to Mount Airy.

Secular 4-year universities are not, however, the only institutions that claim a benefit from racially and ethnically diverse student bodies. At Judson University, a diverse student body is “central to [its] mission as a Christ-centered institution” and includes “an inter-related mix of race, ethnicity, gender, national origin, religion, physical ability, age, geography and

¹⁶ <https://provost.columbia.edu/content/diversity-mission-statement>.

¹⁷ <https://provost.umd.edu/mission-vision>.

intellect.” *Diversity at Judson*, Judson Univ.¹⁸ From Genesis, through the Gospels, to the book of Revelation, scripture is “the primary authority on which Judson University’s commitment to diversity is based.” *Affirmation Statements on Diversity*, Judson Univ. (Sept. 2017).¹⁹ As articulated by the university, a racially and ethnically diverse student body goes hand in hand with Judson University’s mission to “equip[] students to be ambassadors for Christ in this diverse world God has created.” *Id.*

The list goes on. Be it a design school,²⁰ liberal arts college,²¹ or historically Black university,²² *amici’s* members present compelling reasons why racial and ethnic diversity is a necessary component of their educational missions.

4. Colleges and universities are best suited to decide how to compose a student body from among qualified applicants in a manner that achieves an institution’s educational objectives. Depending on the program and institution, the admission process may advance departmental research priorities, curriculum and instructional program objectives, and institutional values—all of which is best managed within careful parameters, *supra* 13-14, at the institutional level.

¹⁸ <https://www.judsonu.edu/About/Diversity/Diversity/>.

¹⁹ <https://www.judsonu.edu/affirmdiversity/>.

²⁰ *SEI Accountability*, Rhode Island Sch. of Design, <https://www.risd.edu/about/sei-accountability>.

²¹ *Mission Statement*, Gettysburg Coll., <https://www.gettysburg.edu/about-the-college/mission-statement>.

²² *History and Mission*, Tuskegee Univ., <https://www.tuskegee.edu/about-us/history-and-mission>.

Courts, by contrast, are ill-suited “to evaluate the substance of the multitude of academic decisions that are made daily by [decisionmakers in] public [and private] educational institutions. *Ewing*, 474 U.S. at 226. Moreover, procedural rules of judicial decisionmaking provide courts a clumsy tool for conducting “an expert evaluation of cumulative information” in the higher education context. *Id.* (quoting *Bd. of Curators, Univ. of Mo. v. Horowitz*, 435 U.S. 78, 89-90 (1978)). “[E]xcept for reasons that are exigent and obviously compelling,” *Sweezy*, 354 U.S. at 262 (Frankfurter, J., concurring in judgment), institutions should have substantial leeway to pursue their educational objectives through tailored admissions policies that consider the entirety of each applicant’s lived experiences.

No such “exigent and obviously compelling” reasons exist here, *id.*, because holistic admissions programs do not, as SFFA contends, abridge equal protection principles. The Fourteenth Amendment bars state actors from denying “any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1. Title VI then extends this prohibition to private actors administering “any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d. Together, these protections guard against “intentional” and “illegitimate” uses of race to advance a less than compelling end. *Sandoval*, 532 U.S. at 280-281; *Grutter*, 539 U.S. at 326 (citation omitted); see *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 264-266 (1977). Holistic admissions programs that consider race as one of many factors when race-neutral methods have proven ineffective do not run afoul of this standard.

Harvard College's admissions policy is but one example of a carefully developed admissions review that considers race and ethnicity among a host of other factors. As the district court found, Harvard's interest in student body diversity is not "elusory or amorphous," but "substantial," "compelling," and "sufficiently measurable to permit judicial scrutiny." *Students for Fair Admissions*, 397 F. Supp. 3d at 133-135, 191-192 (citation omitted). What is more, Harvard pursued this compelling interest through narrow means and only after first considering race-neutral alternatives. *Id.* at 177-179, 192-197.

The district court's findings reflect a broader reality that holistic admissions policies, including those that consider race, are not designed to legitimize improper distinctions on the basis of race. To the contrary, these programs—when needed—provide a truer model of race-neutrality than the race-blinded system SFFA proposes. They permit *all* applicants to present the fullness of their lived experiences and allow them to be considered for admission on that basis. *See supra* at 10-13. Unlike a rule that prohibits colleges and universities from considering a component of *some* applicants' identities, *infra* at 22-25, race-sensitive admissions policies place all applicants on an equal footing. *See Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 211 (1995) (equal protection injury is "a 'discriminatory classification [that] prevent[s] the plaintiff from competing on an equal footing.'" (quoting *North-eastern Fla. Chapter, Assoc. Gen. Contractors of Am. v. Jacksonville*, 508 U.S. 656, 667 (1993))).

II. COLLEGES AND UNIVERSITIES CANNOT MEANINGFULLY PURSUE THEIR INSTITUTIONAL MISSIONS BY MECHANICALLY RELYING UPON “OBJECTIVE” CRITERIA.

The implication fueling many criticisms of holistic review is that objective, quantitative metrics are best-suited to determine who is “qualified” for admission into America’s colleges and universities. *See, e.g.*, Petitioner Br. 69 (characterizing holistic review as “[l]owering academic standards at the university level”), 83 (advancing a proposal where UNC “set[s] aside 750 seats ... for high-scoring, socioeconomically disadvantaged applicants and fill the rest of the class with the most academically qualified students”). But many colleges and universities disagree—and for good reason. “Objective,” quantitative metrics are often poor proxies for academic aptitude, insufficiently selective, or wholly ill-fitted for a college’s specialized needs. Colleges and universities, far better than outside critics, understand both the benefits and limits of quantitative criteria.

1. Purportedly objective criteria, like test scores and grade point averages, are imperfect comparators among differently situated students from different schools, and cannot alone be used to divine student success at an institution and beyond. Michael A. Olivas, *Higher Education Admission and the Search for One Important Thing*, 21 U. Ark. Little Rock L. Rev. 993, 996-998 (1999); Kimberly West-Faulcon, *More Intelligent Design: Testing Measures of Merit*, 13 U. Pa. J. Const. L. 1235, 1264-1270 (2011). For many years, colleges and universities have been trending toward test-blind or test-optional admissions policies. Erin

Einhorn, *Inside the Vast National Experiment in Test-Optional College Admissions*, NBC News (Apr. 10, 2022).²³ Although the coronavirus pandemic greatly accelerated this evolution, research over many years has indicated that standardized test scores may say as much about a student's financial resources, family background, and access to information as they do about their academic aptitude, underscoring the need for test scores to be used only as part of a holistic admissions process defined by each institution. *Id.*; Cecilia Capuzzi Simon, *The Test-Optional Surge*, N.Y. Times (Oct. 28, 2015).²⁴ Indeed, all of the major standardized testing companies publish guidelines on the proper use of test results and explicitly state that test scores should not be used in isolation, but as one part of a more holistic review. *See, e.g.*, ACT, *Standardized Testing in College Admissions*²⁵; College Board, *Guidelines on the Uses of College Board Test Scores and Related Data 2* (2018).²⁶

Nonuniform systems of grading across the country similarly undermine grade point averages as a truly objective criteria. *See* Michael J. Higdon, *A Place in the Academy: Law Faculty Hiring and Socioeconomic Bias*, 87 St. John's L. Rev. 171, 189 (2013) (discussing the effects of undergraduate grade inflation on applicant admission into post-graduate schools); Stuart

²³ <https://www.nbcnews.com/news/us-news/college-admissions-test-sat-act-rcna23574>.

²⁴ <https://www.nytimes.com/2015/11/01/education/edlife/the-test-optional-surge.html>.

²⁵ <https://www.act.org/content/act/en/newsroom/standardized-testing-in-college-admissions.html>.

²⁶ *Available at* <https://research.collegeboard.org/media/pdf/guidelines-uses-college-board-test-scores-and-data.pdf>.

Rojstaczer & Christopher Healy, *Grading in American Colleges and Universities*, Teachers Coll. Record 1-2 (Mar. 4, 2010) (similar); *see also* Seth Gershenson, Thomas Fordham Inst., *Grade Inflation in High Schools* (2005-2016) 10-11, 15-22 (Sept. 2018)²⁷ (discussing disparate grade inflation across high schools). Similarly, AP and similar courses are not equally distributed across US high schools, rendering students from less advantaged communities with fewer opportunities to earn those credits. Jed Applerouth, *Academic Rigor and the AP Dilemma*, Applerouth (May 15, 2019).²⁸

Moreover, quantitative criteria do not even purport to account for the many ways that college and university missions extend beyond purely academic success. As discussed above, *supra* 10-12, 14-16, the American system of higher education includes a breadth of educational objectives—many of which cannot be reflected by an applicant’s score on a 4-hour exam.

Given these flaws, quantitative metrics viewed in a vacuum are an inaccurate measure of a student’s qualifications or anticipated contribution. Test scores and grades provide some information, to be sure, but the judgment that such metrics are an insufficient measure of qualifications to attend a particular institution is entitled to deference. Colleges and universities should enjoy the freedom to experiment in how to best bring together a student body that furthers the institution’s mission and goals.

²⁷ <https://fordhaminstitute.org/national/research/grade-inflation-high-schools-2005-2016>.

²⁸ <https://www.applerouth.com/blog/2019/05/15/academic-rigor-and-the-ap-dilemma/>.

2. Even in a world where grades and test scores might be “perfect” proxies for achievement, they are insufficient to select among the top applicants to America’s most selective universities. As the record here shows, eliminating race and ethnicity from holistic admissions processes would not change this reality. Roughly 26,000 domestic applicants sought the 1,600 available admission slots for Harvard College’s Class of 2019, yet “approximately 3,500 had perfect SAT math scores, approximately 2,700 had perfect SAT verbal scores, [and] more than 8,000 had a perfect converted GPA.” Mem. in Supp. of Def.’s Mot. for Summ. J. at 3-4, *Students for Fair Admissions*, 397 F. Supp. 3d 126 (No. 1:14-cv-14176-ADB), ECF No. 418. As a matter of math, many thousands of these applicants will not get in.

3. The shortcomings of the number-centric “meritocracy” propounded by SFFA are most evident for non-traditional colleges and universities. Applicants’ scores on the SAT may say very little about their qualifications for Julliard or the Berklee College of Music. And West Point’s interest in an applicant’s military ethic likely overshadows a grade in AP Music Theory. Qualitative assessment is necessarily part of institutions’ admissions programs. A rule that values numbers over reasoned academic judgment may impair some of the country’s premier educational institutions.

**III. A BAN ON RACE-CONSCIOUS
ADMISSIONS UNIQUELY
DISADVANTAGES MINORITY
APPLICANTS AND DISCRIMINATES
AGAINST SPEECH BASED ON ITS
CONTENT.**

The business of colleges and universities is “to provide that atmosphere which is most conducive to speculation, experiment, and creation.” *Sweezy*, 354 U.S. at 263 (Frankfurter, J., concurring in judgment) (citation omitted). Institutions create this atmosphere when allowed to engage in holistic review. They encourage student expression and account for all forms of diversity without reducing applicants to any one characteristic. Not so when institutions are forced to review applicants while wearing blinders to race and ethnicity and disregard applicant expression based on the context of that expression. This Court should preserve *Grutter* and avoid these unnecessary, adverse consequences.

1. Applicants’ race and ethnicity often influence their lived experiences and sense of self. Adrana J. Umaña-Taylor et al., *Ethnic and Racial Identity During Adolescence and Into Young Adulthood: An Integrated Conceptualization*, 85 *Child Dev.* 21, 31-33 (Feb. 2014). SFFA does not contend otherwise. SFFA would nevertheless have this Court dictate elimination of these considerations from the admissions process.

Make no mistake: SFFA’s desired rule is not race-neutral. By barring institutions from considering race, the net effect would be to withhold the benefits of holistic review only from a subset of applicants: those for whom race or ethnicity plays a role in their

life and leadership experiences or their potential campus contributions. For those students, and those students only, schools would be forced to make admissions decisions based on an incomplete and inaccurate presentation of the candidate.

This is not hypothetical. For example, when applicants explain how they “would learn from and contribute to Columbia’s diverse and collaborative community,”²⁹ an institution would be able to consider why one applicant organized an interfaith food drive the first Friday of every month as part of assessing their character or interests. Institutions seemingly could not, however, consider an essay by a multi-racial applicant adopted into an all-white family explaining how his cross-racial upbringing fueled his desire to study sociology,³⁰ or a Honduran applicant who describes how his desire to go to law school grew out of being repeatedly stopped and questioned by police,³¹ or the essay of a Black student describing why he ran to be the president of his high school’s chapter of the NAACP.³² SFFA’s desired ruling requires institutions

²⁹ *Columbia-Specific Application Questions*, Columbia Undergraduate Admissions, <https://undergrad.admissions.columbia.edu/apply/process/columbia-questions>.

³⁰ Asher D. Isaacs, *Interracial Adoption: Permanent Placement and Racial Identity – An Adoptee’s Perspective*, 14 Nat’l Black L.J. 126, 141-151 (1994).

³¹ Elizabeth Davis et al., U.S. Dep’t of Justice: Office of Justice Programs – Bureau of Justice Statistics, *Contacts Between the Police and the Public 12-13, 18-19* (Oct. 2018), *available at* <https://bjs.ojp.gov/content/pub/pdf/cpp15.pdf>.

³² Jasmine D. Collins et al., *Fostering Leadership Capacity among Black Male Achievers: Findings from an Identity-Based Leadership Immersion Program*, J. Leadership Educ. 89-91 (July

to *intentionally* single out race and ethnicity for special exclusion from admissions assessments. This practice would directly disadvantage students from communities that continue to experience overt racism and continued socio and economic harms. It should not be countenanced. 42 U.S.C. § 2000d; *Sandoval*, 532 U.S. at 280-281 (Title VI “beyond dispute” prohibits intentional discrimination on account of race); see also *Barrows v. Jackson*, 346 U.S. 249, 254 (1953) (Equal Protection Clause proscribes the “denial of [a] right by state action” “[s]olely because of [a person’s] race”).

2. Black Americans would be disproportionately disadvantaged by a rule that bars institutions from considering an applicant’s racial or ethnic identity. Three-quarters of Black adults report that their racial identity is “extremely (52%) or very (22%) important to how they think about themselves,” making them more likely than any other racial group to see their race or ethnicity as “central to their identity.” Amanda Barroso, *Most Black Adults Say Race is Central to Their Identity and Feel Connected to A Broader Black Community*, Pew Rsch. Ctr. (Feb. 5, 2020).³³ By contrast, 15% of White adults believe their race to be an extremely (5%) or very (10%) central part of their identity. *Id.* Black Americans, by no slim margin, have the most to lose from an admissions process which intentionally removes racial experience and identity from considerations for admission. *Arlington*

2017), available at https://journalofleadershiped.org/wp-content/uploads/2019/02/16_3_Collins.pdf.

³³ <https://www.pewresearch.org/fact-tank/2020/02/05/most-black-adults-say-race-is-central-to-their-identity-and-feel-connected-to-a-broader-black-community/>.

Heights, 429 U.S. at 260 (“ultimate effect” of discriminatory policy is relevant when combined with intent to differentiate on the basis of race); *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 150-151 (1970) (recognizing “[f]ew principles of law ... more firmly stitched into our constitutional fabric than the proposition that a State must not discriminate against a person because of his race or the race of his companions”).

Universities and colleges cannot reduce these harms to one racial group by other constructs of diversity. *Contra* Petitioner’s Br. 70-71. Petitioners are wrong to suggest that Respondents and other institutions assume “that a university can predict, based solely on race, an applicant’s views or experiences,” *id.* at 52 (quoting *Grutter*, 539 U.S. at 333) (cleaned up). Just the opposite: holistic review recognizes that an applicant’s racial or ethnic identity *may* contribute to the applicant’s experiences and potential campus contributions, just as other factors such as gender, age, religion, military service, first generation educated, or a host of other factors may do so for other applicants.

Moreover, where a Black applicant’s racial identity intersects with another marginalized identity, her experience and potential contributions to student body may differ still. Jourdan Day, Note, *Closing the Loop-hole-Why Intersectional Claims Are Needed to Address Discrimination Against Older Women*, 75 Ohio St. L.J. 447, 474 (2014) (“The intersectionality of two immutable characteristics is not the same as simply possessing two separate characteristics.”). Applicants’ racial or ethnic identities can intersect with their faith or sexual orientation, with each intersecting identity having “the potential to influence another.” Sara Lillian Blair, *Race Religion: Exploring the Intersections*

of Race and Religion and the Implications for Student Affairs Practitioners, 34 Vermont Connection 8, 9 (Jan. 2013). Race-blinded admission policies, then, do not only overlook an applicant’s racial or ethnic identity, but also the “integrated identity” that results from the intersection of race and another immutable trait. *See id.* The Equal Protection Clause and Title VI surely should not and cannot be read to mandate affirmative discrimination against racial and ethnic minorities.

3. Nor should federal protections against racial discrimination chill applicant expression or compel institutions to penalize applicants based on the content of their applications. Under SFFA’s interpretation, Title VI and the Equal Protection Clause would do both.

“[A]bove all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Police Dep’t of City of Chi. v. Mosley*, 408 U.S. 92, 95 (1972) (collecting cases). Yet, content-based discrimination would surely follow SFFA’s desired ruling. *Reed v. Town of Gilbert*, 576 U.S. 155, 169 (2015) (content-based discrimination when “a speech regulation [is] targeted at specific subject matter). If an institution’s holistic admissions program were race-blinded, then colleges and universities would be constrained to imagining and implementing an admissions decision process that must discount any portion of an applicant’s self-portrayal that suggests or speaks to racial or ethnic identity.

Such a restriction finds no favor with the First Amendment as its “very existence may cause others ... to refrain from constitutionally protected speech or expression.” *Broadrick v. Oklahoma*, 413 U.S. 601,

612 (1973). Knowing that experiences tied to race or ethnicity will be categorically disregarded, it seems inevitable that applicants would avoid writing about meaningful experiences that relate to their racial and ethnic identities. For those who do not self-censor, colleges and universities would have to direct admissions readers to ignore how a student's racial or ethnic identity contributed to their experiences or framed their achievements, in the admissions decision. This all stands to chill applicant expression and impede the exercise of academic discretion. *See Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 835 (1995) (the "danger ... to speech from the chilling of individual thought and expression ... is especially real in the University setting, where the State acts against a background and tradition of thought and experiment").

SFFA ignores these First Amendment concerns, but its *amici* speak volumes. *See, e.g.*, Cert.-Stage Br. *Amicus Curiae* of Pacific Legal Foundation et al. 7 (arguing that the Fourteenth Amendment requires the "abolition" of all distinctions that account for race (citation omitted)); Br. *Amicus Curiae* Claremont Institutes' Center for Constitutional Jurisprudence 6 (arguing that *any* consideration of race in admissions "exacerbates ... discrimination"); Br. *Amicus Curiae* of Gail Heriot and Peter N. Krasnow at 28-29 (arguing applicant preferences are legally and constitutionally suspect if they allude to a person's racial identity); Br. *Amicus Curiae* of David E. Bernstein at 17-21 (arguing that applicants' "self-identified race" is unreliable, unfair, and cannot warrant an "award" of educational opportunities). A rule that prohibits race and ethnicity from being considered would ultimately chill prospective students from discussing their racial or

ethnic identity or relying on recommendations that carry a racial or ethnic valence: leadership in an AME church choir, work for a Black-owned business, or receipt of a scholarship or internship designed to increase minority representation in particular industries or fields of study. But *all* applicants should be allowed and encouraged to talk about their life experiences and how they might contribute to an institution’s educational environment or community commitments.

“Students come to universities at a critical stage of their development” *Grutter v. Bollinger*, 288 F.3d 732, 760 (6th Cir. 2002) (Clay, J., concurring). It is “a time during which they define themselves in relation to others and experiment with different social roles before making permanent commitments to occupations, social groups, and intimate personal relationships.” *Id.* Colleges and universities should not be required to censor some prospective students before they even set foot on a college campus.

* * *

This Court can avoid these undesirable consequences by maintaining *Grutter* in its present form. *Fisher II*, 579 U.S. at 381. Under *Grutter*, a university must engage in a holistic review process that is “highly individualized” and “giv[es] serious consideration to all the ways an applicant might contribute” to a campus community. 539 U.S. at 337. Put succinctly, *Grutter* starts all applicants on equal footing and cabins the role of race without chilling expression—unlike SFFA’s desired ruling. *See id.* at 334, 337.

IV. THE PERILS OF JUDICIAL INTERFERENCE IN EDUCATIONAL ADMINISTRATION WORSEN IF THE COURT REACHES BEYOND ADMISSIONS.

Because *Grutter* properly calibrated the parameters of holistic review, the Court should not further tinker with the mechanics of admissions. And in all events, this Court should avoid a ruling that broadly addresses programming outside of admissions, which would risk unintended consequences for the intended beneficiaries of higher education—students. See *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 450 (2008) (judicial restraint counsels against “formulat[ing] a rule of constitutional law broader than is required by the precise facts to which it is to be applied.” (cleaned up)). The extensive records here, including two trials, exclusively focused on the race-conscious admissions policies and programs at these two highly selective undergraduate institutions, and this Court’s ruling should do the same.

The Court has no record before it on other aspects of college or university life, community, or academic programs that may exhibit some institutional awareness of race or ethnicity. For example, institutions must decide how and whether to fund various student organizations, including those that center on students’ racial and ethnic identities. See, e.g., *Student Organizations*, Brigham Young Univ. (listing as student organizations the Black Student Union, Korean Student Association, and Filipino Club).³⁴ And they must be able to make these decisions on an evenhanded basis and in a way that does not “effect[] a sweeping

³⁴ <https://clubs.byu.edu/clubs#/>.

restriction on student thought and student inquiry in the context of University sponsored [organizations].” *Rosenberger*, 515 U.S. at 836; see *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 109-110 (2001).

Institutions also provide academic, personal, medical/mental health, and cultural support to ensure *all* students can be healthy and successful. See, e.g., *International Student Support*, Univ. of Mich. Sch. of Pub. Health (services designed to assist international students)³⁵; *Counseling and Psychological Services*, Brigham Young Univ. (identity-focused counseling designed to “create a safe environment for students of diverse age, gender, race, [and] ethnicity”)³⁶; *Academic Achievement Programs, The McNair Program: Goals, Mission, & Assessment*, Univ. of Maryland (post-baccalaureate program designed “to increase the number of undergraduates enrolling in graduate school to pursue doctoral degrees”).³⁷ These support programs combine with broader outreach to serve the needs of all students on campus. Allowing outreach and support programs to show some awareness of race and ethnicity enables them to serve the needs of the entire community, and ensures that more vulnerable students are not isolated and left behind.

An overly broad rule circumscribing all race-consciousness in higher education would destructively intrude on programs that support *all* students. The construction and delivery of such programming calls for both academic judgment and intimate familiarity

³⁵ <https://sph.umich.edu/community/student-experience/international-students.html>.

³⁶ <https://caps.byu.edu/>.

³⁷ <https://www.aap.umd.edu/mcnair-goals.html>.

with the particular college or university, and present issues on which this Court has received no record or argument. A decision in this case should be constrained to the limited issues presented in the record below.

CONCLUSION

For the foregoing reasons, the judgments below should be affirmed.

Respectfully submitted,

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AUGUST 2022

ADDENDUM

ADDENDUM—LIST OF *AMICI CURIAE*

- American Council on Education (ACE):
<https://www.acenet.edu>
- American Association of Community Colleges (AACCC): <https://www.aacc.nche.edu/>
- American Association of State Colleges and Universities (ASSCU): <https://aascu.org/>
- American Association of University Professors (AAUP): <https://www.aaup.org/>
- American Indian Higher Education Consortium (AIHEC): <http://www.aihec.org/>
- American Speech-Language-Hearing Association (ASHA): <https://www.asha.org/>
- APPA: Leadership in Educational Facilities:
<https://www.appa.org/>
- Association of American Colleges and Universities (AAC&U): <https://www.aacu.org/>
- Association of American Law Schools (AALS):
<https://www.aals.org/>
- Association of American Universities (AAU):
<https://www.aau.edu/>
- Association of Catholic Colleges and Universities (ACCU): <https://www.accunet.org/>
- Association of Governing Boards of Universities and Colleges (AGB): <https://agb.org/>
- Association of Jesuit Colleges and Universities (AJCU): <https://www.accunet.org/>
- Association of Public and Land-grant Universities (APLU): <https://www.aplu.org/>

- Association of Research Libraries (ARL):
<https://www.arl.org/>
- College and University Professional Association
for Human Resources (CUPA-HR):
<https://www.cupahr.org/>
- Council for Advancement and Support of Educa-
tion (CASE): <https://www.case.org/>
- Council for Christian Colleges & Universities
(CCCU): <https://www.cccu.org/>
- Council for Higher Education Accreditation
(CHEA): <https://www.chea.org/>
- Council for Opportunity in Education (COE):
<https://coenet.org/>
- Council of Graduate Schools (CGS):
<https://cgsnet.org/>
- Council of Independent Colleges (CIC):
<https://www.cic.edu/>
- EDUCAUSE: <https://www.educause.edu/>
- Hispanic Association of Colleges and Universi-
ties (HACU): <https://www.hacu.net>
- Law School Admissions Council (LSAC):
<https://www.lsac.org/>
- Middle States Commission on Higher Education
(MSCHE): <https://www.msche.org/>
- NASPA-Student Affairs Administrators in
Higher Education: <https://www.naspa.org/>
- National Association for Equal Opportunity in
Higher Education (NAFEO):
<https://www.nafeonation.org/>

- National Association of College and University Business Officers (NACUBO):
<https://www.nacubo.org/>
- National Association of Diversity Officers in Higher Education (NADOHE):
<https://www.nadohe.org/>
- National Association of Independent Colleges and Universities (NAICU):
<https://www.naicu.edu/>
- National Association of Student Financial Aid Administrators (NASFAA):
<https://www.nasfaa.org/>
- National Collegiate Athletic Association (NCAA): <https://www.ncaa.org/>
- Phi Beta Kappa: <https://www.pbk.org/>
- Southern Association of Colleges and Schools Commission on Colleges (SACSCOC):
<https://sacscoc.org/>
- The Common Application: <https://www.common-app.org/>
- Thurgood Marshall College Fund (TMCf):
<https://www.tmcf.org/>
- United Negro College Fund (UNCF):
<https://uncf.org/>
- WASC Senior College and University Commission (WSCUC): <https://www.wscuc.org/>