



The Case of College Admissions

The Facts of *Students for Fair Admissions, Inc. v. University of North Carolina*:

Students for Fair Admissions, Inc. (SFFA) is a voluntary membership organization that pursues fair and equitable admission practices by colleges and universities on behalf of members who were denied admission. Specifically, SFFA challenges the admission policies of colleges and universities that consider race as a factor in deciding which students are admitted and which students are not.



To help understand the complexities behind this case, it is important to understand its premise. This case originates out of the State of North Carolina. On November 14, 2014, Students for Fair Admissions (SFFA) sued the University of North Carolina (UNC) in Federal District Court for the Middle District of North Carolina, claiming UNC's admissions practices violate the 14th Amendment's [Equal Protection Clause](#) because it uses "race indefinitely and at every stage of its admissions process," ([Brief for Petitioner](#), pg 4) in violation of the precedent set by [Grutter v. Bollinger](#) (2003).

It took eight days and seven more years of litigation before the District Court found that UNC had not violated the 14th Amendment's [Equal Protection Clause](#) because its race based admission practices met [strict scrutiny](#) and were consistent with the U.S. Supreme Court's ruling in [Grutter v. Bollinger](#).

SFFA appealed to the U.S. Court of Appeals for the Fourth Circuit. Before that court issued its ruling, SFFA petitioned the U.S. Supreme Court for [certiorari](#), which it granted on January 24, 2022. The Court heard [oral argument](#) on October 31, 2022. It is being asked to address two questions:



• "Should this Court overrule [Grutter v. Bollinger](#) and hold that institutions of higher education cannot use race as a factor in admissions?"

• Can a university reject a race-neutral alternative because it would change the composition of the student body, without proving that the alternative would cause a dramatic sacrifice in academic quality or the educational benefits of overall student-body diversity?" ([Brief for the Petitioner](#), pg. i).

Supreme Court Precedent Used in this Case:

- [Brown v. Board of Education](#) (1954): The court ruled that separate but equal educational facilities for racial minorities is inherently unequal, violating the Equal Protection Clause of the Fourteenth Amendment.
- [Regents of the University of California v. Bakke](#) (1978): The court ruled that affirmative action programs that take race into account can continue to play a role in the college admissions process, since creating a diverse classroom environment is a compelling state interest under the Fourteenth Amendment. However, the court held that a university's admissions criteria which used race as a definite and exclusive basis for an admission decision violated the Equal Protection Clause of the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964.
- [Gratz v. Bollinger](#) (2002): The court held that the OUA's policies were not sufficiently narrowly tailored to meet the strict scrutiny standard. Because the policy did not provide individual consideration, but rather resulted in the admission of nearly every applicant of "underrepresented minority" status, it was not narrowly tailored in the manner required by previous jurisprudence on the issue.
- [Grutter v. Bollinger](#) (2003): The Court held that the Equal Protection Clause does not prohibit the Law School's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body. The Court reasoned that, because the Law School conducts highly individualized review of each applicant, no acceptance or rejection is based automatically on a variable such as race and that this process ensures that all factors that may contribute to diversity are meaningfully considered alongside race.
- [Parents Involved in Community Schools v. Seattle School District](#) (2007): The Court applied a "strict scrutiny" framework and found the District's racial tiebreaker plan unconstitutional under the Equal Protection Clause of the Fourteenth Amendment. The Court acknowledged that it had previously held that racial diversity can be a compelling government interest in university admissions, but it ruled that "[t]he present cases are not governed by [Grutter](#)." Unlike the cases pertaining to higher education, the District's plan involved no individualized consideration of students, and it employed a very limited notion of diversity ("white" and "non-white"). The District's goal of preventing racial imbalance did not meet the Court's standards for a constitutionally legitimate use of race. The Court held that the District's tiebreaker plan was actually targeted toward demographic goals and not toward any demonstrable educational benefit from racial diversity. The District also failed to show that its objectives could not have been met with non-race-conscious means.

To Think and To Do: In [Grutter v. Bollinger](#), Justice O'Connor wrote, "The Court expects that 25 years from now, the use of racial preferences will no longer be necessary to further the interest (a university's interest in having a diverse student body) approved today." Given the precedents used in this case and your understanding of it, how do you think the Supreme Court will rule? Explain.

Note: SFFA is also suing [Harvard University](#) under the same claims it leveled against UNC. However, the justices separated Harvard from this case after review because it involves a question about [Title VI of the Civil Rights Act of 1964](#). This case, and the Harvard case, both ask that [Grutter v. Bollinger](#) be overturned.

to [Learn MORE](#) about this case, view SFFA's [Petition for Certiorari](#) and the University of North Carolina's [Respondent Brief](#) and the [Cornell Law Explanation of Equal Protection](#)

