



February 2024  
Graduate Program  
Directors Meeting

- February 1st @ 11:30



# Agenda

- Graduate admissions and the Supreme Court ruling on race and admissions
- Graduate Faculty Membership
  - Updating membership criteria
  - Discussion of potential process changes
- Q&A

# Admissions after Students for Fair Admissions v. Harvard & UNC

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February 1, 2024

**The New York Times**

### Supreme Court Rejects Affirmative Action at U.S. Colleges

The Supreme Court ruled that the race-conscious admissions programs at Harvard and the University of North Carolina were unlawful, curtailing...

Jun 29, 2023



### Supreme Court reverses affirmative action, gutting race-conscious admissions

Supreme Court guts affirmative action, effectively ending race-conscious admissions ...  
In a historic decision, the U.S. Supreme Court on Thursday...

Jun 29, 2023




**The Washington Post**

### Supreme Court restricts affirmative action in college admissions

The court first approved the limited use of affirmative action in college admissions decisions 45 years ago, in a decision that illustrated the...

Jun 29, 2023





They have concluded, wrongly, that the touchstone of an individual's identity is not challenges bested, skills built, or lessons learned but the color of their skin. Our constitutional history does not tolerate that choice.

Chief Justice John Roberts, Majority Opinion,  
Students for Fair Admissions, Inc. v. Harvard &  
UNC

# The Road to SFFA v. Harvard & UNC



## REGENTS OF THE UNIVERSITY OF CALIFORNIA V. BAKKE (1978)

- Prohibited use of race-based quotas



## GRUTTER V. BOLLINGER (2003)

- Established diversity as a compelling governmental interest



## FISHER V. UNIV. OF TEXAS (2016)

- Defined the permissible boundaries of race-conscious admissions
  - ▶ Strict scrutiny
  - ▶ Narrowly tailored



# SFFA v. Harvard & UNC

## CASE HISTORY

- ▶ Challenged race conscious undergraduate admissions policies
- ▶ Bench trials in each case upheld the admissions program
- ▶ UNC upheld on appeal
- ▶ Harvard appealed directly to Supreme Court

## BASIS FOR THE CHALLENGE

- ▶ Equal Protection
- ▶ Title VI



## The Decision

- ▶ 6/3 and 6/2
- ▶ Universities' justifications lacked specific, measurable objectives
- ▶ Goals too wishy-washy
- ▶ EPC precludes race from being used as a negative or plus factor in “zero sum” situations
- ▶ No sunset for such programs—when will sufficient diversity be achieved
- ▶ Rejection of diversity as a compelling educational interest



## PRACTICAL IMPLICATIONS

- ▶ Immediate change to admission criteria
- ▶ Use of essay to explore individual qualities gained through life experience
- ▶ Institutions consider race-neutral ways of achieving diversity—e.g. students from certain zip codes or school districts, first generation, did not have internet access at home, Pell-eligible

## OPEN QUESTIONS

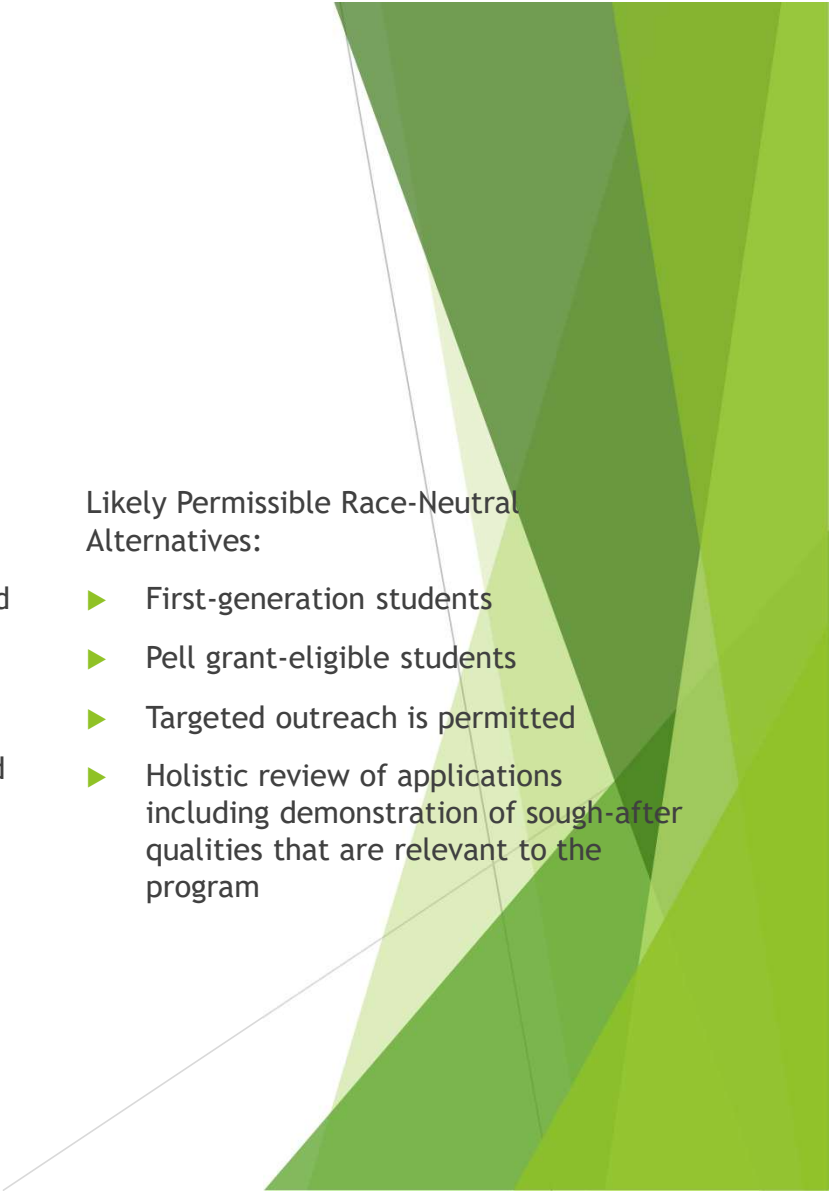
- ▶ Applicability to scholarships, financial aid, employment
- ▶ Native American students

- ▶ “In light of *Harvard*, institutions of higher education and institutional employees must immediately cease considering race when making admissions decisions....[E]mployees of higher education will face personal risk should they consider race during the admissions process.”
- ▶ Ohio Attorney General Dave Yost
- ▶ June 30, 2023



## To do

- ▶ Review and revise all admission policies, procedures, applications, and marketing materials for references to race;
- ▶ Remind admissions officers and committees that race is not permitted to be considered as a factor for admission



### Likely Permissible Race-Neutral Alternatives:

- ▶ First-generation students
- ▶ Pell grant-eligible students
- ▶ Targeted outreach is permitted
- ▶ Holistic review of applications including demonstration of sough-after qualities that are relevant to the program

# Guidance from the U.S. DOJ and DOE

FAQs:

<https://www.justice.gov/opa/file/1310161/dl?inline>



# Thank you!

Please contact me with any questions:

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# Updating Graduate Faculty Criteria

- Current graduate faculty guidelines are old and reflect the pre-2.0 college configurations
- Goal is to begin using the updated criteria beginning in Fall 2024
- There will be a phase in period.
  - Faculty may request a one-year extension of their current membership level if
    - i. they would have met the current qualifications, and
    - ii. Do not meet the new criteria.

# Issues Regarding Criteria

- Qualifications should reflect workload guidelines
- Questions and considerations
  - Should criteria for level 1 membership be higher than the expectations for normal creative scholarship/research output?
  - Should author order matter when determining contributions towards meeting criteria?
    - If it is standard in the discipline or written into the college/department workload policies, then this should be reflected in the graduate faculty membership criteria as well.

# Process Considerations

- **Some PT/adjunct applications go to the committee while others go to the grad dean**
  - For consistency, they should all go through the same route/process
- **Should applicants be required to show proof of peer review/outlet quality?**
  - Should publications in vanity outlets or predatory journals count?
- **Should the process include support letters from department chairs/school directors for FT faculty?**
  - It is often very difficult for the committee to determine whether the accomplishments listed on an applicant's CV and application meet the established criteria.
  - This would match the process for PT/adjunct applicants.





Cleveland State  
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# Questions

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