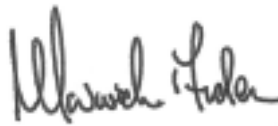


MEMORANDUM

Associate Deans for Academic Affairs
Department Heads
Directors of Undergraduate Programs
Directors of Graduate Programs

FROM: Warwick A. Arden
Executive Vice Chancellor and
Provost



SUBJECT: Recent U.S. Supreme Court Decision and Guidance Regarding Admissions and
Related Guidance

DATE: July 28, 2023

I am writing to provide information about the June 29, 2023 decision by the U.S. Supreme Court in *Students for Fair Admission (SFFA) v. UNC and SFFA v. Harvard* along with guidance for admissions practices going forward. In the decision, the Court held that the race-conscious admissions programs at those universities violate the US Constitution's Equal Protection Clause. **The critical ramification of this decision is that race cannot be a factor in an institution's admissions decisions process.**

Key Takeaways from the Decision

- This is a change from prior precedent – the Supreme Court substantively overruled its prior decisions.
- Institutions are prohibited from considering an applicant's race in the admissions decisions process.
- Institutions also “may not establish through application essays or other means” proxies or indirect consideration of an applicant's race.
- An applicant “must be treated based on his or her experiences as an individual—not on the basis of race.”
- The ruling is effective immediately and does not provide any grace period for compliance.

Current Guidance for Admissions

Based on the above, and also in compliance with Board of Governors Policy 300.5.1, [Political Activities of Employees](#), we are issuing the following guidance.

General Admissions Data

- An applicant's race or ethnicity cannot be considered as a factor at any point in any admissions decision process.
- Applications should not ask the race or ethnicity of applicants or include any related "check boxes." We recognize that programs may use a third party application service (such as the Common Application, Coalition for College application, or VMCAS application) that may collect this data. For

Memorandum

Page 2

July 28, 2023

the upcoming application cycle, any such data should, at a minimum, be firewalled from all personnel who have any role in reviewing and evaluating applications.

- Admissions may pursue a variety of race-blind admissions goals, such as socioeconomic status, first-generation status, or geographic diversity. However, such criteria cannot be used as a proxy for race.
- The admissions process cannot be used to achieve goals for racial diversity, including mirroring racial demographics of the state, communities of service, or other aggregate targets of racial composition.
- Racial status of applicants should not be collected or used during the admissions decision process for the purpose of assessing the racial composition of the incoming class.
- Applications may not solicit or request any statements of commitment to any particular views or require any applicant to opine about their own beliefs or any particular belief on matters of contemporary political debate or social action.

Essay Questions on Applications

- Essay prompts cannot be used to solicit an applicant's race or to credit the applicant's racial identity. Essay prompts must also use race-blind criteria that are applied and considered equally for all applicants, regardless of race. If an applicant discusses race in the context of a lived experience, that response may be considered only if connected to a separate, race-blind quality or criteria that does not operate as a proxy for race.
- Examples of essay prompts may include the following, however, they may not be used as a proxy for race:
 - Describe career goals and research interests, work experience and academic experience and how such goals, interests, and experiences demonstrate the applicant's potential for study in a particular program or course of study.
 - Describe the key learning objectives they hope to achieve if admitted to a particular program of study.
 - Highlight how the applicant's talents, experiences, and interests may contribute to the university community and/or demonstrate other defined, race-blind criteria.
 - Highlight any challenges that the applicant has overcome and how they prepared for this next opportunity.

Programs that have questions regarding essay prompts should contact the Office of General Counsel to discuss their specific questions.

For Graduate Admissions

- Applicants to all graduate programs are required to complete a general application through the

Graduate School. Graduate programs are encouraged to review the information already requested by the required Graduate School general application.

- Specific graduate programs may seek additional information beyond what is requested in the general Graduate School application (e.g., a supplemental application question), but the supplemental request(s) must be consistent with the general Graduate School application, the BOG policy, the law, and this guidance.

Memorandum

Page 2

July 28, 2023

Next Steps

All programs should review their application processes. The Office of General Counsel is working with the Provost's Office, the Graduate School, College of Veterinary Medicine, and EMAS to set up follow-up meetings to discuss questions, materials, and processes specific to individual applications and programs.

Required Training for Admissions Professionals

All personnel who have any part in reviewing applications for admission to the university and/or to a specific program must attend and participate in a mandatory training prior to reviewing application materials. We intend to make this training available starting in late August, and more details will be forthcoming.

Please share this guidance within your units as appropriate. We continue to follow all developments closely, and we continue to review the decision for any impacts in financial aid/scholarships, recruiting, and other processes. We expect that we will provide additional or updated guidance in the future. If you have questions, please reach out to the Office of General Counsel at 919-515-3071.

Cc: W. Randolph Woodson, Chancellor

Allison B. Newhart, Vice Chancellor and General Counsel