News



Activists demonstrate in Washington, D.C., Oct. 31, 2022, as the Supreme Court hears oral arguments on a pair of cases that could decide the future of affirmative action in college admissions. (AP/J. Scott Applewhite)



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Officials at Catholic colleges and universities have their eyes on two U.S. Supreme Court cases that likely will alter how they admit students as they strive to build diverse learning communities.

At stake is whether the schools can consider race in their admission decisions.

The cases, heard by the court Oct. 31 in two hearings that lasted a marathon five hours, focus on two institutions specifically: Harvard and the University of North Carolina.

However, the outcome is expected to affect admissions practices at institutions — private and public — nationwide.

"We all expect there to be a ruling that peels it [the consideration of race] back. The question is, how far and where the guardrails are put, if anywhere," Eric Spina, president of the Marianist-led University of Dayton, told NCR.



Vincentian Fr. Dennis Holtschneider of the Association of Catholic Colleges and Universities (Courtesy of Dennis Holtschneider)

Vincentian Fr. Dennis Holtschneider, president of the Association of Catholic Colleges and Universities, an umbrella organization of some 225 institutions of higher education in the U.S., Canada and a few other countries, described his group's members as being in "waiting mode."

"We're just waiting to see how it's decided and what language is put to it because it could be decided very specifically in a way that has less effect or it could be decided in a very broad manner where it has much more extreme effect," Holtschneider said.

During the October hearings, a majority of a divided court appeared ready to overturn more than 40 years of precedent that has consistently upheld race as one factor among many that admissions staffers can use in evaluating applicants. Several justices expressed skepticism over arguments by attorneys representing Harvard and the University of North Carolina about their affirmative action policies.

The two cases were filed by Arlington, Virginia-based Students for Fair Admissions on behalf of Asian American applicants at the two schools. The lawsuits specifically challenged the Supreme Court's 2003 decision in *Grutter* v. *Bollinger*, which determined that institutions can include race as a factor in the admissions process.

Students for Fair Admissions' founder, Edward Blum, has long worked to overturn affirmative action policies overall.



A Black Lives Matter sign is seen near the main entrance to Xavier University of Louisiana in New Orleans in 2020. (Wikimedia Commons/Natemup)

Civil right advocates opposing the cases have maintained that Blum has no interest in seeing more Asian Americans enrolled at Harvard or elsewhere, but that his effort falls in line with his long-standing goal of ending affirmative action policies in any setting.

Blum was unavailable for comment on this story.

In another case, the Supreme Court in 2016 denied a challenge to the University of Texas at Austin's affirmative action policy.

Still, the Supreme Court agreed to revisit affirmative action in higher education admissions after lower courts had rejected Students for Fair Admissions' challenges.

The court split the cases into separate hearings after Justice Ketanji Brown Jackson recused herself from the Harvard case because she recently completed a term on the university's board of trustees.

The court's rulings are expected in the spring or early summer.



People visit the campus of Santa Clara University, a Jesuit school in California, in February 2018. (Dreamstime/Andreistanescu)

Holtschneider, the Association of Catholic Colleges and Universities leader, expects that schools that are "highly selective" of the students admitted for enrollment will more readily feel the impact of the court's ruling. It's those schools that more likely consider race as a factor in admissions in order to diversify their student body.

He suggested that schools will find the way students are recruited will have to change and that how financial aid is awarded also will have to be adjusted to meet any court ruling that rolls back affirmative action.

"They're going to probably rethink the time that their high school recruiters spend in schools with large populations of underrepresented students. It's building relationships, not just with students and their parents, but with their counselors, with their principals. You build relationships over time," Holtschneider explained.

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As Holtschneider surmised, higher education officials are weighing adjustments to their admissions policies. Several officials at Catholic institutions expressed concern that the court would limit or even eliminate race-conscious decisions in admissions.

The officials said that while they may ultimately disagree with a decision to end affirmative action efforts, they will follow the law.

"We don't know how it's [the court decision] going to result, but what's important for our student population is for them to be in a vibrant community where there's diversity in all its forms. Racial and ethnic diversity is also important," said Eva Blanco Masias, vice president for enrollment management at Santa Clara University in California.



Eva Blanco Masias of Santa Clara University (Courtesy of Eva Blanco Masias)

She said her school's mission requires that it weigh race among the multiple factors in forming a campus community that is open to everyone, especially the underserved because of the socioeconomic or racial status.

"We're a Catholic Jesuit university. That's the core of who we are," Blanco Masias said. "It's to be inclusive. It's to support and to love one another. So when I think about where the possibilities of this decision could go, it really goes counter to who we are as an institution, the core values and the core mission."

Although Santa Clara's fall 2021 undergraduate enrollment was 57% people of color, Blanco Masias said the school is cautiously approaching how to adjust its admissions practices should the court reject affirmative action.

Santa Clara was one of 56 Catholic colleges and universities that joined an amicus, or "friend of the court," brief supporting affirmative action filed with the court by Georgetown University in Washington, D.C., on Aug. 1.

The brief, joined by schools large and small, argued that the effort to achieve racial diversity in admissions is "inextricably linked" with Catholic institutions' religious foundations and academic mission, the brief said.

The court filing also maintains that the right to race-conscious admissions is rooted in the free speech and free exercise clause of the First Amendment.



Prospective students tour Georgetown University's campus in Washington, D.C., in July 2013. (AP/Jacquelyn Martin, File)

In announcing the filing of the brief, Bisi Okubadejo, associate vice president of equal opportunity, affirmative action and compliance at Georgetown, said the schools were united in supporting affirmative action and "the sustained ability to create equitable, inclusive and diverse learning environments for our students."

"It's not just the right thing to do. It's critical to our Jesuit mission," Okubadejo said.

Through a spokesman, Georgetown declined additional comment.

Elsewhere, the University of Portland in Oregon said in a statement Feb. 7 that it joined the amicus to underscore "the immense value that diversity — be it cultural, religious, geographic, economic, gender or racial — brings to the educational experience" of students.

"We respectfully urge the Supreme Court to affirm the ruling of the lower courts that allows institutions of higher education to consider diversity as one of many relevant factors in admissions decisions," the school said.



Reynold Verret of Xavier University of Louisiana (Courtesy of Reynold Verret)

At Xavier University of Louisiana in New Orleans, president Reynold Verret said the school joined the brief because it strongly believes that all "talented young women and men" deserve to be educated.

While Verret does not expect the court's decision to directly affect the admissions process at his institution — where 80% of the student population is African American and 8% is Catholic — he said he is concerned that efforts at other schools to create equity in education may be harmed by any court decision to strike down racially conscious admissions policies.

"The presumption that basically we have solved the issue ... of equity [in education], we have not done that yet," he said. "There are so many things that show we are not there yet."

Verret called for broader efforts to create equal opportunities for education.

"The nation must also recognize that the education of all its young people, the talent of its young people, Black, brown, white or whatever way we subdivide ourselves, that talent is what the country needs to embrace. If we choose not to educate all of our young people, especially as we become multicultural and multiethnic and majority minority, the country becomes weaker," Verret said.



Tomarra Adams of Bellarmine University (Courtesy of Tomarra Adams)

Bellarmine University joined the brief as well.

Tomarra Adams, chief diversity, equity and inclusion officer at the university in Louisville, Kentucky, said diversity in enrollment is crucial to the school's mission as a Catholic institution.

"The values of the institution were grounded in making sure that we are creating a diverse community for our campus, that it is inclusive and people feel welcomed, that we are able to fully respond to the needs of our students," Adams told NCR.

"There is a social responsibility as well. Our social responsibility is to be able to advocate for the public good and what we find to be sustainable for our students, and for our faculty and for our staff," she added.

However the court decides, schools such as the University of Dayton, which joined the amicus brief, have turned to broader initiatives to bring students from underrepresented communities on board.



Eric Spina of the University of Dayton (Courtesy of Eric Spina)

Spina, university president, described outreach to 10 high schools nationwide, including three in the Dayton City School District, where 77% of students come from minority backgrounds, as well as a charter school and a Marianist high school in the city.

Similarly, the university has a program called the UD-Sinclair Academy, a partnership with Sinclair Community College that feeds students to the four-year Catholic school.

"When we think about alternative channels [for recruiting], it includes places we've always been, but just specific schools, specific engagements we haven't had in the

past," Spina said.

Such efforts will produce a richer learning environment, he added.

"Without the full set of diversity on our campus, our students will not benefit from hearing other views and testing their own beliefs, their own values and their own knowledge based on what other people are saying," he said.

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