

https://www.bgdailynews.com/news/kentucky-colleges-react-to-scotus-affirmative-action-ruling/article_68384aec-18c5-5d96-a630-2ad9ae09c04f.html

Kentucky colleges react to SCOTUS affirmative action ruling

By SARAH MICHELS sarah.michels@bgdailynews.com

Jul 7, 2023



A person protests outside of the Supreme Court in Washington on June 29.

Jose Luis Magana / AP

The Supreme Court on Friday issued a landmark decision ending affirmative action as a factor in college and university admissions processes.

The Court ruled 6-3 in favor of Students for Fair Admissions, a nonprofit that had sued Harvard College and the University of North Carolina over their inclusion

of race as a factor at certain points in their selective admissions processes.

The decision effectively overruled the Court's 2003 decision in *Grutter v. Bollinger*, in which the majority upheld the University of Michigan's use of race "as one factor among many, in an effort to assemble a student body that is diverse in ways broader than race" in its admissions process.

In that case, Justice Sandra Day O'Connor warned that while student body diversity was a compelling government interest, affirmative action policies should not last forever. She opined that it might take about 25 years until "the use of racial preferences will no longer be necessary to further the interest" in diversity.

The Supreme Court waited 20 years. On Friday, it ruled that race-based admissions programs violate the Equal Protection Clause of the 14th Amendment to the Constitution.

Chief Justice John Roberts, writing for the majority, said that Harvard and UNC's use of race did not meet constitutional muster – as in, they did not serve a compelling government interest and were not narrowly focused to achieve that interest.

Roberts argued that the institutions' stated reasons for race-based admissions – "training future leaders, acquiring new knowledge based on diverse outlooks,

promoting a robust marketplace of ideas, and preparing engaged and productive citizens" – were not sufficient because they were not measurable and had no end date.

Daniel Cameron, Kentucky attorney general and Republican governor nominee, called the landmark decision a "huge step toward a more perfect union" in a statement.

"Today's Supreme Court decision reaffirms what the American dream is all about – the promise of freedom and equal treatment for all without regard to race," Cameron said.

"The Supreme Court was exactly right to hold that 'eliminating racial discrimination means eliminating all of it.' Universities are not somehow exempt from this core American value."

Kentucky universities say the decision will have little impact on their admissions.



©Carren County Public Library Summer Reading Program 2023

MAY 22 - JULY 31

EVERYONE who participates in Summer Reading gets a prize and gets entered to win a grand prize of their choice!

warrenpl.org/summer



270.781.4882

“At Western Kentucky University, our admission decisions were already based on an applicant's academic achievement, and those decisions didn't incorporate demographic characteristics, which would include race, when determining applicants' eligibility for admission,” said Jace Lux, WKU spokesperson.

Similarly, University of Kentucky spokesperson Jay Blanton said it's "too early to tell," but that the university doesn't anticipate many, if any, significant changes to its processes. He said that the university is still working through the legal language, and will update parents and students if and when things change.

"The case was brought by institutions that have a highly selective admissions process and do use race in terms of admissions," Blanton said. "We don't quite have those issues in play, but we are going to have to look at how it impacts us."

UK President Eli Capilouto sent a campus-wide email after the decision, letting students know the institution remained committed to being a "welcoming and inclusive" campus for "the broadest range of people possible."

"We will remain focused on our priority as an institution – to be a community of care, compassion and belonging for everyone, regardless of who they are and regardless of how someone defines their humanity and identity," Capilouto said.

Northern Kentucky University interim President Bonita Brown released a similar statement, saying NKU's admissions decisions are made without regard to an applicant's race or ethnicity.

"The ruling in no way dampens NKU's student-recruitment efforts, including those directed to underrepresented minorities," Brown said. "Nor does it require changes to our programs or organizations for students once on campus."

Last November, Council of Postsecondary Education President Aaron Thompson said that the then-anticipated Supreme Court decision ending affirmative action was unlikely to "devastate" Kentucky, like it might in some other places, because the commonwealth had strategically put things in place to protect itself from such a ruling.

"I will focus on equity no matter what the Supreme Court says, and our campuses will also know how we do that," Thompson said.

"They may shape how we do that to some degree, but we're gonna focus on it. My worry is that such a case will get people to say, 'Well, shucks, I don't know if I want to focus on it because of that,' or maybe some people don't want to focus on it anyway and this may give them a reason not to."

– Follow regional reporter Sarah Michels on Twitter @sarah_michels13 or visit bgdailynews.com.

Sarah Michels