

From *Brown* to *Harvard*

How did we get here and where do we go next?



PRINCIPLES FOR RACIAL EQUITY IN HIGHER EDUCATION



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW

ABOUT THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

The Lawyers' Committee for Civil Rights Under Law is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to mobilize the nation's leading lawyers as agents for change in the Civil Rights Movement. Today, the Lawyers' Committee uses legal advocacy to achieve racial justice, fighting inside and outside the courts to ensure that Black people and other people of color have the voice, opportunity, and power to make the promises of our democracy real. The Lawyers' Committee implements its mission and objectives by marshaling the pro bono resources of the bar for litigation, public policy, advocacy and other forms of service by lawyers to the cause of civil rights. Among its major areas of work are Educational Opportunities, Fair Housing & Community Development, Voting Rights, Criminal Justice & the James Byrd Jr. Center to Stop Hate, Economic Justice, and Digital Justice.

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Executive Summary

Colleges and universities have a moral, ethical, and legal duty to promote equal opportunity. This has long been the case. It was true during the days of de jure segregation before *Brown v. Board of Education* (1954) declared that the doctrine of “separate was equal” had no place in the nation’s schools. It was true after landmark decisions in *Bakke* (1978), *Grutter* (2003), and *Fisher* (2016) affirmed the value of racial diversity in higher education and established a narrow legal framework to pursue it. It remains true today despite the Supreme Court’s calamitous ruling in *Students for Fair Admissions v. Harvard/UNC* (2023), which traded decades of settled law and progress towards equality and justice for a decision that “blinks both history and reality in ways too numerous to count.”¹ And despite the Trump administration’s recent executive orders, related Department of Education guidance² that egregiously presents a vast and unjustified expansion of the *Harvard* decision, and threats from private plaintiffs to dismantle safeguards that ensure access to equitable education for marginalized communities—particularly Black, Latinx, Indigenous, and low-income students—colleges and universities must reaffirm their commitments to centering opportunity for all.

While the *Harvard* decision has made it more difficult for colleges and universities to engage in race-conscious admissions, it is critical that they understand that they can—and should—still pursue diversity and racial equity through all lawful means. Quite regrettably, some higher education institutions, especially in the face of headwinds from anti-civil rights extremists hellbent on turning back the clock on hard-won progress, are now retreating from their obligations to address persistent racial inequalities. This is unacceptable.

To help advocates and key stakeholders navigate these troubled waters, the Lawyers’ Committee for Civil Rights Under Law has identified five key principles for racial equity in higher education that are foundational to achieving racial justice in colleges and universities across the country that are aligned with strategies and policy changes that are equity-focused, practical, and meaningful:

1. Build learning environments that **advance diversity, equity, inclusion, and justice**.
2. Adopt **holistic and equitable admissions practices** that value and affirm the identities, strengths, achievements, and experiences of all applicants and confront the advantages of wealth and privilege that stifle opportunities for underrepresented students.
3. **Expand access** for all students by making college more affordable, building pipelines with traditionally underrepresented communities, and strengthening transfer policies.
4. Support the **success and wellness of all students** by directing resources that respond to needs inside and outside the classroom.
5. Establish mechanisms for **transparency and accountability for racial equity** that center authentic student and alumni engagement and collaboration with community partners.

These principles and the underlying policy recommendations noted later in the paper are derived from the Lawyers’ Committee’s deep and longstanding engagement in the fight to address enduring racial equity challenges to equal opportunity in higher education. For decades, we have led in this arena—from our work on the REASON Project to advance racial equity in partnership with students, alumni, community stakeholders, and university leaders to our decades-long advocacy for fair and equitable funding for HBCUs, to efforts to defend access and opportunity at the University of Texas-Austin, Harvard, and the University of North Carolina at Chapel Hill in federal courthouses and all the way to the Supreme Court.

Our experience has taught us that there is no silver bullet to ensuring equal opportunity in higher education. Yet, we are confident that with committed leadership and authentic community engagement, colleges and universities can foster more accessible, diverse, and inclusive campuses. The guiding principles and strategies outlined in this paper can serve as guidance to institutional leaders and advocates as they forge fair and just pathways to opportunities for leadership and economic prosperity for students across a broad spectrum of races and ethnicities, preparing them to thrive in an increasingly multiracial democracy.

History and Context

For many students, achieving a college degree disrupts intergenerational cycles of poverty and open pathways to social and economic mobility. It is among the most powerful and transformative avenues for narrowing disparities in wealth and income, as well as advancing the rights, opportunities, and socioeconomic status of historically underrepresented communities.

But for much of this nation's history, Black students and students of color were locked out of opportunities for higher education and the promises it offered. America's racial caste system reserved admission to most universities almost exclusively for white students. Even in the years following desegregation, colleges and universities, particularly in the South, deployed various means to discriminate against Black students. In addition to racist denials of admission³ and the use of various legal and bureaucratic tactics to delay integration, recalcitrant state officials imposed discriminatory admissions practices like standardized testing⁴ and residency requirements⁵ that limited opportunities for Black students. And for those admitted, Black students often faced isolation and violence,⁶ separate and unequal facilities, and limited access to certain academic programs, scholarships, and extracurricular activities.

To be sure, there were many trailblazers who managed to courageously navigate predominantly white institutions and the systemic disadvantages they faced. And there were others who thrived at historically Black colleges and universities (HBCUs). But this massive resistance to *Brown* stunted the nation's march towards justice and left many Black students and other students of color with few options for higher education and hostile environments when they were reluctantly offered admission.

The snail's pace at which American society and its institutions reckoned with the spirit and letter of *Brown* unleashed a global movement for civil rights that fundamentally transformed the landscape of the United States and higher education. Black students and their allies held protests and sit-ins to challenge Jim Crow and demand equal access to education. Their activism was key in driving a series of executive, legislative, and institutional actions—the Civil Rights Act of 1964, Executive Order 11246, the Higher Education Act of 1965, among others—that ushered in decades of progress including a sharp increase in the enrollment of Black students in predominantly white colleges and universities. Indeed, by 1976, the total number of Black students enrolled in colleges and universities surged from just 282,000 in 1966 to 1,062,000.⁷ Affirmative action and other race-conscious policies, although never a cure for the stark inequalities in our educational system or society at large, helped generations of students of color overcome barriers to entry and gain admission to college.

The ink on these laws and policy interventions had hardly dried, however, before an intense and immediate backlash swept the nation. From the U.S. Supreme Court, decisions like *Bakke v. Regents of California* in 1978 to Proposition 209 in California in 1996 and similar affirmative action bans in various states, to the federal government's reluctance to enforce desegregation orders,⁸ a string of rulings and policy choices began to limit the tools that colleges and universities could use to create more equitable learning environments and more racially diverse student bodies. This shifting political and legal landscape erected additional barriers to racial equity and threatened to ensure that the promise of higher education for Black students remained unfulfilled.

Barriers to Racial Equity Remain

Today, systemic barriers to college enrollment and completion persist for Black students and other historically marginalized students. While many of the explicit roadblocks to access and opportunity have been dismantled and there has been progress in post-secondary outcomes for students of color and women, systemic discrimination and the present-day effects of racial segregation continue to shape the cultures of post-secondary institutions and, most certainly, impact the experiences and outcomes of students, faculty, and staff.

Over the last 20 years, the national high school graduation rate has increased from 71% in 2001 to nearly 87% in 2020, largely driven by significant gains by historically underserved students.⁹ In the last decade alone, the graduation rate for Black students had increased nearly 14 percentage points, up to a historic high of 81% before a slight decrease due to the impact of the Covid-19 pandemic. Yet, despite this growing pool of college-ready and talented Black and Brown students,¹⁰ their enrollment in colleges and universities stagnated or even declined in many states¹¹ and they continue to be underrepresented at the most selective institutions.¹²

Despite their remarkable achievements and contributions to society, American Indian and Alaska Native students are largely rendered invisible, feeding an intractable college access and completion crisis. And while some Asian American groups generally have better access and educational outcomes than others, underrepresented Asian American, Native Hawaiian, and Pacific Islander students continue to face unique and pressing challenges—poverty, language barriers, race-based bullying and harassment, among others—that impede their opportunities.

All institutions—and especially public colleges and universities, which arguably have a mission to serve their state and communities—have an obligation to improve racial equity and ensure their student body population is more reflective and inclusive of the communities they serve. This is not to suggest that universities should

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be racially balancing their student bodies for the sake of racial balancing, but they do have obligations under Title VI of the Civil Rights Act of 1964 to make sure their policies and practices are not unintentionally excluding underrepresented students. Unfortunately, too many flagships and other selective public and private institutions fail to address disparate access issues that exclude qualified Black and Brown students. And institutions that provide greater access to underrepresented students, like Black land-grant universities and other HBCUs, continue to be massively underfunded despite their essential role in educating the next generation of Black leaders and closing stubborn racial gaps in wealth and income.

Moreover, like their predecessors a generation before, the challenges students of color face stretch beyond access. Black students, especially those attending less racially diverse institutions, are more likely to experience implicit and overt discrimination,¹³ feel disrespected and physically and psychologically unsafe,¹⁴ and face disproportionate financial burdens that impede their efforts to graduate.¹⁵

And lastly, the weight of the burden of the student loan crisis is disproportionately borne by Black and Brown borrowers—especially for those who attend for-profit institutions—exacerbating persistent racial wealth and income disparities.¹⁶

The Fight for Racial Equity

In recent years, following the rash of police brutality and murders of Black people at the hands of police officers in the U.S., a vibrant ecosystem of activism and advocacy emerged to confront systemic discrimination and racism and to reshape the troubled terrain of higher education to cultivate greater racial equity. Through protests and campus organizing, students and alumni demanded greater representation of marginalized voices in curricula, on faculty, and in decision-making processes.

State-based and grassroots organizations marshaled their resources to hold local education institutions and policymakers accountable for their commitments to diversity and inclusion. Researchers helped shape policy discourse by shedding light on the structural barriers that hinder equitable educational opportunities and offered evidence-based recommendations for policy interventions and institutional reforms. Coalitions of national, civil rights, and racial justice organizations collaborated with legal scholars, litigators, and social scientists to coordinate legal strategies and bolster the evidence base for race-conscious policy measures. And undergirding many of these efforts was an engaged philanthropic community investing resources to catalyze collective action and impact, capacity building, knowledge sharing, and systemic change.

The Supreme Court Undermines Affirmative Action

This collective action towards racial equity in higher education was transpiring as anti-civil rights extremists were maneuvering to air their grievances before an increasingly reactionary judiciary and conservative Supreme Court. The Lawyers' Committee, alongside our partners, defended access and opportunity in higher education as the race-conscious admissions programs at University of Texas-Austin, Harvard, and the University of North Carolina at Chapel Hill came under attack. In these cases, we represented a diverse coalition of students whose testimony about their campus experiences served as the cornerstone of favorable decisions in federal courts. Despite these victories, the overwhelming evidence of the academic and social benefits of racially diverse and inclusive college campuses, and the clear and settled precedent of the lawfulness of race-conscious admissions, the Supreme Court decided to weigh in yet again.

Although the Court had revisited and repeatedly upheld the limited use of race as a factor in college admissions, it struck a mighty blow to settled law in two cases challenging race-conscious admissions programs: *Students for Fair Admissions (SFFA) v. Harvard* and *SFFA v. University of North Carolina*. Through a tortured interpretation of the law, history, and current-day reality, the Court's decision to strike down the lawfulness of Harvard's and UNC's race-conscious admissions practices threatened to make college less accessible, less equitable, and less attainable for students of color.

While the Court did not outright ban affirmative action, it imposed new constraints that make it more difficult for universities to pursue race-conscious admissions and undermined the spirit and intent of what the Higher Education Act and other civil rights-era legislation sought to achieve. Already, anti-civil rights extremists have attempted to leverage this ruling to advance their agenda, relying on the Court's rhetoric and gross misapplication and distortion of the history and legacy of *Brown* and the Fourteenth Amendment. They have shifted their attacks to race-neutral efforts in K-12 education intended, in part, to create more integrated schools, as well as to DEI programs on college campuses, in corporate America, and beyond.

It is profoundly concerning that some higher education institutions are wavering in their commitment to diversity and opportunity and retreating from their obligation to address persistent racial inequalities. Some institutions have fallen prey to a conservative anti-civil rights movement determined to reverse progress and ban programs that advance diversity, equity, and inclusion. For example, some selective Ivy schools and public flagships have not only dropped race as a factor in admissions but are reinstating mandatory college entrance exams, like the SAT and ACT, which tend to under-identify talented Black and Brown students.¹⁷ Others have abandoned race-conscious scholarships and financial aid without considering other options and without exploring whether their requirements for so-called merit-based scholarships might reinforce entrenched racial and economic inequalities.¹⁸ And some are overreading *Harvard* and resorting to completely colorblind admissions and recruitment practices, settling for rhetorical equality at the expense of justice and opportunity for all.¹⁹

This retreat was concerning before the Trump administration, mere moments in power, unleashed a torrent of attacks on racial justice and the very ideals of democracy. Through a number of executive actions and public statements, President Trump instructed federal agencies and departments to terminate all efforts related to diversity, equity, inclusion, and accessibility, reframing these critical policies as somehow demeaning, immoral, and illegal. His actions have threatened corporations, colleges, non-profits, and large philanthropies with possible litigation and loss of government contracts if they fail to join him in dismantling the very tools and mechanisms that have all helped all of society address historic and ongoing racial inequities in education, in the workplace, and in our communities.

Moving Toward Justice

Now, perhaps more than ever since the civil rights movement of the 1960s, the moral, ethical, and legal duty

of colleges and universities to promote equal opportunity must be pursued through all lawful means. It is imperative that universities not overreact and deny highly talented students of color opportunities in the process because of the misapplication of *Harvard*. Nor should they cower in the face of pressure from anti-civil rights extremists to become more exclusionary and misguided federal, state, and local efforts to ban DEI initiatives that build on long-standing and widely-shared values to create fair opportunities, diversify our institutions, and ensure that everyone is included.

Instead, they should work in partnership with their students, faculty, and communities to ensure comprehensive admissions plans are adopted and implemented to make certain that students across races and ethnicities can access their universities and be supported in meaningful ways.

The REASON Project

Building on the rich history and tradition of inclusive, multi-sector collaboration as a means for addressing complex social problems, the Lawyers' Committee, in partnership with the Joyce Foundation, launched the REASON Project in 2021 to advance racial and socioeconomic equity at flagship universities in the Great Lakes region.

The mission of the REASON Project is to build coalitions of education leaders, policy experts, civil rights allies, and students and alumni in Illinois and Ohio and amplify their strengths and resources to drive change at flagship institutions in their respective states. The project's cornerstone is an equity-based framework, focused particularly on:

- Recruitment
- Equity-In-Practice
- Accountability
- Opportunity Culture
- Networks

The framework was devised as an inquiry and organizing mechanism to coalesce key stakeholders, guide the exploration of higher education policies and practices at the flagship institutions, and inspire innovative solutions.

For two years, we worked with researchers and scholars to conduct a thorough review of qualitative and quantitative data on student, alumni, and faculty experiences, as well as recent data on access, recruitment, retention, and completion. Through rigorous analysis and critical engagement with community members and student advocates, each coalition synthesized their findings into a set of recommendations aimed at enhancing campus climate and improving the recruitment and retention of underrepresented students. Along the way, we engaged in critical conversations with key university leaders to establish a collaborative process and foster shared understanding around the goals of the REASON Project and the eventual recommendations.

Through deep and intentional work—comprehensive racial equity analyses, focus groups and surveys with students, faculty, and staff, and discussions and negotiations among community stakeholders and university leaders—our engagement with university leaders helped create space for dialogue, engagement, and policy change to foster more accessible, diverse, and inclusive campus communities. Our REASON Project serves as a model for similar advocacy efforts across the country as attacks on equity in higher education intensify and the progress of recent decades faces an existential threat.

Principles of Racial Equity in Higher Education

From our deep experience fighting for and alongside Black students and other students of color inside and outside the courts, the Lawyers' Committee has identified a core set of principles that can help chart the path toward racial equity and justice in higher education. Each principle is aligned with strategies and policy changes that are equity-focused, practical, meaningful, and that can help foster more accessible, diverse, and inclusive campus communities.

Colleges and universities must:

- Build learning environments that **advance diversity, equity, inclusion, and justice**.
- Adopt **holistic and equitable admissions practices** that value and affirm the identities, strengths, achievements, and experiences of all applicants and confront the advantages of wealth and privilege that stifle opportunities for underrepresented students.
- **Expand access** for all students by making college more affordable, building pipelines with traditionally underrepresented communities, and strengthening transfer policies.
- Support the **success and wellness of all students** by directing resources that respond to needs inside and outside the classroom.
- Establish mechanisms for **transparency and accountability for racial equity** that center authentic student and alumni engagement and collaboration with community partners.

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America is at its best when we bring down barriers to ensure that all of us can get ahead. It is a national imperative that students from all walks of life learn and grow together in our colleges and universities. And yet, the laws, policies, and practices designed to create diverse college campuses and a more just society are under attack by those who seek to undermine equitable access to opportunity in this country.

History reminds us that this backlash is not novel; rather, it is part and parcel of generations-old attempts to turn back the clock on progress made in civil rights and racial justice. At this critical juncture, colleges and universities must reassert their commitments to racial equity and dismantle policies and practices that reproduce racial inequities across the student experience from recruitment and admissions to campus climate and completion.

The *Principles for Racial Equity in Higher Education* can help guide university leaders and advocates through these perilous times as they work together to build a brighter tomorrow where all students can thrive and pursue their dreams—a future we all deserve.

Key Strategies and Policy Changes

1. Build learning environments that advance diversity, equity, inclusion, and justice.

Building learning environments that advance diversity, equity, inclusion, and justice (DEIJ) is foundational to ensuring equal opportunity and a high quality, meaningful education for all students. DEIJ initiatives—from adopting culturally relevant curricula to ensuring racially diverse hiring pools for faculty to deconstructing systemic barriers—create opportunities for students to engage across different lived experiences and perspectives, which help students develop the skills to be effective leaders in a multiracial democracy.

The strategies and policy recommendations below help guide colleges and universities in creating a healthy campus environment in which all students can thrive.

- Proactively build more inclusive and culturally relevant curricula, programming, and activities across disciplines that are also led and informed by traditionally excluded voices. The curricula should speak to students' diverse lived experiences, and challenge narratives that reinforce racism, classism, ableism, ageism, anti-Black racism/afro-phobia, oppression of Native Nations, xenophobia, homophobia, religious discrimination, and other forms of exclusion.
- Push back against attempts to stifle speech and campus life most central to the college experiences of students of color.
- Strengthen language access for students and families with limited English proficiency.
- Support student and alumni organizations that seek to address the needs of specific racial, ethnic, religious, and gender communities.
- Attract and retain a diverse and inclusive faculty by revising policies and norms around pay equity, creating more pathways to tenure track positions, recognizing and valuing past experiences in teaching diverse students, and ensuring underrepresented faculty are fairly compensated and supported for their service work.
- Ensure classroom teaching methods are fair and inclusive.

2. Adopt holistic and equitable admissions practices that value and affirm the identities, strengths, achievements, and experiences of all applicants and confront the advantages of wealth and privilege that stifle opportunities for underrepresented students.

Colleges and universities should engage in admissions processes that evaluate applicants' demonstrated capacity and strengths in light of the resources and opportunities available to them. It is imperative that they revisit or eliminate policies and practices that artificially exclude students from opportunity, such as consideration of standardized test scores, which tend to under predict the talent and potential of Black and Brown students; and legacy preferences, which function as a modern-day "grandfather clause" by opening doors of opportunity to those whose ancestors had opportunity, while leaving those doors virtually closed to others.

The strategies and policy recommendations below will help institutions address longstanding inequities in admissions and enrollment policies and practices that have limited the chances for admissions for historically underrepresented and excluded students.

- Adopt equitable guaranteed admissions policies that ensure college admission to high school students who meet certain criteria such as a minimum GPA or class rank. These policies have been found to encourage talented students from low-income backgrounds to seek selective universities that match their academic credentials.²⁰
- Adopt holistic admissions plans that evaluate a broad range of factors reflecting the applicant's academic readiness including their unique experiences, their personal achievements, and demonstrated potential. A holistic admissions process might solicit and consider:
 - each individual applicant's relevant experiences, including racialized experiences.
 - how an individual applicant's unique heritage or cultural history, e.g., language ability, enrollment in a federally recognized Indian tribe, or status as a descendant of enslaved Africans, contributes to student body diversity.

- whether an applicant is the first in their family to attend college and whether an applicant comes from a socioeconomically disadvantaged background or a low-wealth family, or other measures that may reduce the impact that wealth and other socioeconomic advantages have on GPA and standardized test scores.
 - whether an applicant is from a geographic area, neighborhood, or high school that is underrepresented in the college community.
- Reform selective admissions criteria that give weight to certain extracurriculars and internship experiences that are more readily available to students with greater wealth.
 - Eliminate reliance on standardized testing for admissions and scholarships, which has been shown to unfairly disadvantage underrepresented people of color, students with disabilities, English learners, and students from economically marginalized backgrounds.²¹
 - Abolish early action programs and all other “back door” and “side door” admissions programs which have historically favored the wealthy and well-connected like donor and athlete preferences which systematically disadvantage Black, Latinx, and Asian American students²² and legacy admissions, which is the largest single factor driving wealthy students’ advantage in elite college admissions.²³
 - Eliminate the consideration of arbitrary course requirements that are irrelevant for entry into certain degree programs and majors.

3. Expand access for all students by making college more affordable, building pipelines with traditionally underrepresented communities, and strengthening transfer policies.

Efforts by colleges and universities to achieve racial equity must ensure equitable admissions processes coupled with the expansion of the applicant pool through comprehensive efforts that attract and embrace talented students from all backgrounds. Improving college affordability is critical to expanding access for Black and Brown students who disproportionately bear the burden of the student loan debt crisis.²⁴ Building pipelines with high schools and middle schools from underrepresented communities and developing robust transfer pathways with community colleges has immense potential for advancing equal opportunity in higher education.

The strategies and policy recommendations below will help expand the applicant pool ensuring more students have access to the economic mobility that earning a college degree can offer.

- Build relationships and pipelines with high schools, middle schools, and even elementary schools in underrepresented communities surrounding the institution and across the state.
- Develop pre-college programs that provide exposure to campus and college preparatory opportunities for incoming first-generation, first-year students like summer bridge programs.
- Provide a suite of non-traditional recruitment opportunities, like virtual meetings with admissions counselors and campus tours, for students who cannot visit campus.
- Expand efforts that engage families in the recruitment process to aid in recruiting diverse and first-generation, historically marginalized, and underrepresented students.
- Become a more “transfer friendly” institution—creating a robust transfer pipeline that enables students to move from technical and/or community colleges to four-year institutions.
- Remove barriers for students affected by the criminal legal system, like admissions questions about conviction history not narrowly tailored to admissions eligibility criteria which not only place them at a disadvantage relative to similarly qualified applicants, but also may deter formerly incarcerated potential students from applying to college in the first place.²⁵
- Invest resources to reach and support historically underrepresented groups by deploying diverse alumni for outreach and recruitment efforts in their communities.
- Partner with communities and grassroots organizations interested in supporting a thriving education pipeline from early childhood through postsecondary education and training.
- Increase and expand need-based financial aid and remove financial barriers to enrollment.
- Revisit and redefine “merit-based” scholarships and aid to ensure criteria are not excluding underrepresented students and favoring wealthy students.

4. Support the **success and wellness of all students** by directing resources that respond to needs inside and outside the classroom.

In addition to expanding access, colleges and universities should support the success and wellness of all students by building institutional support systems, staff capacity, and professional development across institutions to meet students where they are. This means investing in the resources and strategies that address students' academic needs, mental and physical health, and socioemotional well-being.

The strategies and policy recommendations below will help colleges and universities eliminate barriers to equity and student success by addressing all the factors that impact the student experience both inside and outside of the classroom.

- Invest in systems that make mental health services safe, culturally competent, and quickly and financially accessible.
- Provide dining options that are nutritious, easily accessible, and affordable.
- Expand and streamline assistance programs to address students' basic needs like housing, nutrition, and medical care, and supporting the needs of students with caregiving responsibilities.
- Conduct systematic reviews of the quality of academic advising across colleges and departments, and make the necessary changes to bolster college completion.
- Consider non-policing alternatives for campus safety and well-being to build safer and more empowering campus environments for students, staff, faculty, and surrounding communities such as restorative justice and Good Samaritan policies.

5. Establish mechanisms for **transparency and accountability for racial equity** that center authentic student and alumni engagement and collaboration with community partners.

Colleges and universities should make substantial commitments to holding themselves accountable for racial equity across the student experience from recruitment

In addition to expanding access, colleges and universities should support the success and wellness of all students by building institutional support systems, staff capacity, and professional development across institutions to meet students where they are.

to completion. This includes setting goals for diversity, equity and inclusion, engaging in research and assessment to measure progress on a regular basis, and adopting a culture of transparency and collaboration with students, alumni, and other community stakeholders to achieve those goals through all permissible race-conscious and race-neutral means.

The strategies and policy recommendations below will assist colleges and universities in ensuring a transparent system of metrics and assessment for key indicators for racial equity.

- Create opportunities for more students of color to have their voices and perspectives heard by campus leadership.
- Implement easily accessible online systems to report experiences of bias, prejudice, harassment, and discrimination on campus that are effective and responsive.
- Track and collect racial demographic data throughout the admissions process, as required by federal and state law, to analyze potential barriers to equal access in the admissions process; and analyze retention and graduation rates along racial and ethnic lines to identify potential barriers disproportionately impacting Black and Brown students.
- Conduct institutional climate reviews using validated campus climate surveys and meaningfully addressing survey results.

Endnotes

- 1 Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll., 143 S. Ct. 2141 (2023) (Jackson, J. dissenting).
- 2 U.S. Department of Education, Office for Civil Rights. (2025, February). Dear Colleague Letter: Guidance for Educational Institutions Receiving Federal Funds to End Racial Preferences. Retrieved from: <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>.
- 3 Meredith, J. *A Mission from God: A Memoir and Challenge for America*. Simon and Schuster. 2012.
- 4 Cohodas, N. . "James Meredith and the Integration of Ole Miss," *The Journal of Blacks in Higher Education*, 16, 112–122. <https://doi.org/10.2307/2962922>. 1997.
- 5 Chen, A. . "Desegregating Mizzou." *JSTOR Daily*. <https://daily.jstor.org/desegregating-mizzou/>. 2020.
- 6 Philips, W. "University ousts Miss Lucy because of her charges," *The New York Times*. <https://archive.nytimes.com/www.nytimes.com/library/national/race/030256race-ra4.html>. March 2, 1956.
- 7 Hudson, C. "Black Collegiate Education in the United States (1828–2019)." *BlackPast.org*. <https://www.blackpast.org/african-american-history/black-collegiate-education-in-the-united-states-1837-2019/>. January 25, 2022.
- 8 Hooks, B. L., & Bond, J. "The NAACP Announces Opposition To Judge Thomas's Nomination." *The Black Scholar*, 22(1–2), 144–150. <https://doi.org/10.1080/00064246.1992.11413031>. 1992.
- 9 Atwell, M. N., Balfanz, R., Byrnes, V., & Bridgeland, J. M. "Building a Grad Nation: Progress and Challenge in Raising High School Graduation Rates." *Annual Update 2023: The Final Report*. <https://jscholarship.library.jhu.edu/server/api/core/bitstreams/4d78b50a-9b9d-4b8a-bf4a-ee5ea18f13a/content>. 2023.
- 10 Lopez, S., & Hill, C. B. *Underrepresentation of Black and Latino Undergraduates at America's Most Selective Private Colleges and Universities*. <https://doi.org/10.18665/sr.316615>. 2022.
- 11 Hueslman, M. *Social Exclusion: The State of State U for Black Students*, Demos. https://www.demos.org/sites/default/files/publications/SocialExclusion_StateOf.pdf. 2018.
- 12 Nichols, A and Schak, J. *Broken Mirrors: Black Representation at Public State Colleges and Universities*. The Education Trust. <https://edtrust.org/wp-content/uploads/2014/09/Broken-Mirrors-Black-Student-Representation-at-Public-State-Colleges-and-Universities-March-2019.pdf>. 2019.
- 13 Lloyd, C and Brown, C.. "One in Five Black Students Report Discrimination Experiences." Gallup, 9 Feb. 2023 <https://news.gallup.com/poll/469292/one-five-black-students-report-discrimination-experiences.aspx>.
- 14 Newsome, Melba. "Black Students Experiencing Racism on Campus Lack Mental Health Support." KFF Health News, 1 Apr. 2022, <https://kffhealthnews.org/news/article/black-students-experiencing-racism-on-campus-lack-mental-health-support/>.
- 15 The Student Loan Default Divide: Racial Inequities Play a Role Data finds Black and Hispanic or Latino federal borrowers face disproportionate repayment challenges, Pew, 10 Dec. 2024, <https://www.pewtrusts.org/en/research-and-analysis/reports/2024/12/the-student-loan-default-divide-racial-inequities-play-a-role>.
- 16 *Id.*
- 17 Hellman, M. "US Universities Are Reinstating SAT Scores. Experts Say It Will Exacerbate Racial Inequality." *The Guardian*, 20 June 2024, <https://www.theguardian.com/us-news/article/2024/jun/20/university-require-sat-act-test-diversity>
- 18 Douglas-Gabriel, D. "Colleges End Race-Based Scholarships in Response to Affirmative Action Ruling." *The Washington Post*, 9 July 2024, <https://www.washingtonpost.com/education/2024/07/09/college-scholarships-race-affirmative-action/>.
- 19 Associated Press. "UNC-Chapel Hill Officially Bars Use of Race, Sex, Color, Ethnicity in Admissions." *NBC News*, 29 July 2023, <https://www.nbcnews.com/news/nbcblk/unc-chapel-hill-officially-bars-use-race-sex-color-ethnicity-admission-rcna96935>.
- 20 Lincove, J., and Cortes, K. "Match or Mismatch? Automatic Admissions and College Preferences of Low- and High-Income Students." National Bureau of Economic Research, Working Paper No. 22559, Aug. 2016, https://www.nber.org/system/files/working_papers/w22559/w22559.pdf
- 21 Extensive research has documented how the SATs and ACTs are systematically skewed to underpredict the potential of Black and Brown students, hindering upward mobility. See W. Kidder et al., How the SAT Creates "Built-In Headwinds": An Educational and Legal Analysis of Disparate Impact, 43 Santa Clara L. Rev. 131 (2002); Saul Geiser, Norm-Referenced Tests and Race-Blind Admissions: The Case for Eliminating the SAT and ACT at the University of California (2017); Richard V. Reeves Reeves & Dimitrios Halikias, Race gaps in SAT scores highlight inequality and hinder upward mobility, Brookings (2017).
- 22 Arcidiacono, P., Kinsler, J., & Ransom, T. "Divergent: The time path of legacy and athlete admissions at Harvard." *Journal of Human Resources*, 59(3), 653–683. 2024.
- 23 Chetty, R., Deming, D. J., & Friedman, J. N. Diversifying society's leaders? The causal effects of admission to highly selective private colleges (No. w31492). National Bureau of Economic Research. (2023).
- 24 Geiman, J., Taylor, A. S., Disproportionately Impacted: Closing the Racial Wealth Gap through Student Loan Cancellation, Payment Reforms, and Investment in College Affordability. Center for Law and Social Policy (CLASP), & National Consumer Law Center (NCLC). https://www.clasp.org/wp-content/uploads/2022/06/2022_Disproportionately-Impacted.pdf. 2022.
- 25 Rosenthal, A., NaPier, E., Warth, P., & Weissman, M. (2015). Boxed out: Criminal history screening and college application attrition. Retrieved from Center for Community Alternatives, Inc., website: <http://www.communityalternatives.org/fb/boxed-out.html>.



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