

# The Role of Race in College Admissions Applications

## Q & A

**On June 29, 2023**, the United States Supreme Court issued a ruling changing its prior interpretation of how race can play a role in college admissions. The plaintiffs in the case were represented by “Students for Fair Admissions (SFFA),” a nonprofit organization that filed separate lawsuits against Harvard College and the University of North Carolina. SFFA asked the Court to overturn its previous decisions upholding the use of race-conscious measures in college admissions as a means to achieve the educational benefits of diversity.



As a result of the ruling in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, colleges and universities may no longer consider a student’s race in and of itself as a factor in the selection of applications for admission. Under the Court’s prior opinions, colleges and universities were permitted to consider an applicant’s race among several other factors to promote and enhance the educational benefits of diversity in their student bodies. The Court has now ruled that the practice of admitting students based on race violates the Fourteenth Amendment of the U.S. Constitution. However, the Court did not prohibit consideration of race in the context of a student’s life experiences. **The Court’s ruling on the use of race has resulted in questions about how school counselors should advise students about completing college applications. The following questions and answers are meant to provide practical tips for counselors and other school staff who support students in the college admissions process.**

### 1 Can students still mention their race when applying to college?

Yes. Whether or not a college application specifically requests or requires an applicant to identify their race, there is no prohibition against a student including that information in the application. Based on the Court’s ruling, there is a chance that racial category check boxes may be revised (or eliminated) on college applications at some point in the future. Students are still free to include information about race and ethnicity, overcoming adversity, and other sources of inspiration or demonstration of resiliency, if there is a place within the application to do so, including within essays.<sup>1</sup> Students should be reminded to explicitly follow the application instructions and there is no guarantee that colleges and universities will consider this information.

<sup>1</sup> U.S. Department of Education, Office of the Under Secretary, “Strategies for Increasing Diversity and Opportunity in Higher Education”, Washington, D.C., p. 20 at [Diversity-and-Opportunity-in-Higher-Education.pdf](#) (Sept. 2023) (ED *Strategies*).

Colleges and universities may place importance on being a first-generation college applicant, geographic representation, and diversity in socioeconomic background without being impacted by the Supreme Court’s recent decision.

### 2 What other information may students include in their applications?

The Court emphasized that individual experiences and achievements—including those that relate to race and ethnicity—are acceptable factors for colleges and universities to consider during admission. Colleges and universities may place importance on being a first-generation college applicant, geographic representation, and diversity in socioeconomic background without being impacted by the Supreme Court’s recent decision. Students should be encouraged to share their story and emphasize whether they are a first-generation college applicant and other unique experiences that demonstrate their personal attributes. According to a joint Question and Answer document by the U.S. Department of Justice and the U.S. Department of Education, “a university could consider an applicant’s explanation about what it means to him to be the first Black violinist in his city’s youth orchestra or an applicant’s account of overcoming prejudice when she transferred to a rural high school where she was the only student of South Asian descent. Similarly, an institution could consider an applicant’s discussion of how learning to cook traditional Hmong dishes from her grandmother sparked her passion for food and nurtured her sense of self by connecting her to past generations of her family.”<sup>2</sup>

<sup>2</sup> U.S. Departments of Justice and Education, “Questions and Answers Regarding the Supreme Court’s Decision in *Students for Fair Admissions, Inc. v. Harvard College and University of North Carolina*”, p. 2, at [SFFA Resource FAQ\\_DOJ Seal ED Seal](#) (Aug. 14, 2023) (DOJ/ED *Q&A*).

### 3 Can high school teachers and counselors refer to a student’s race in their letters of reference or other engagement with college admissions officers?

Yes. Under the Supreme Court’s decision, there is no prohibition on referring to a student’s race, but high school staff should focus on explaining how race has affected a student’s life and experiences. For example, a guidance counselor or other recommender could describe how an applicant conquered her feelings of isolation as a Latina student at an overwhelmingly white high school to join the debate team. Recommenders are encouraged to consider the full range of circumstances a student has faced in achieving their accomplishments, including financial means and broader socioeconomic status; information about the applicant’s neighborhood and high school; and experiences of adversity, including racial discrimination.<sup>3</sup>

<sup>3</sup> DOJ/ED Q&A, p. 2.

### 5 What else can schools do to support students in their preparation for college admission?

**A. Create a college-going culture.** Encourage students to take college level coursework, support students in developing college-level skills, build a college-going culture in high school, and assist students in college and financial aid application processes.<sup>5</sup>

**B. Pathways programs.** Schools should continue to develop and guide students toward college recruitment resources and pathways programs that are developed in collaboration with colleges and universities.<sup>6</sup>

**C. Research schools.** Counselors can help students narrow their choice of schools by encouraging them to research aspects of the university that are important to them. Students can consider the university’s diversity by researching reported enrollment demographics, student clubs and activities, and the extent to which the university values legacy admissions.

**D. Connections with alumni.** Schools should consider providing opportunities for students to interact with alumni and others who have attended colleges so they can ensure that they have an informed opinion and will receive full benefit from the supports that colleges offer.

**E. Financial challenges.** Schools should also encourage students to disclose any socioeconomic challenges they face, including advising them to complete the Free Application for Federal Student Aid or “FAFSA” form. Colleges and universities are not required to withhold preferences for disadvantaged students because of their race.

**F. Individualized consideration.** The Supreme Court emphasized several times that individualized consideration must be given to each applicant. Students, teachers, and counselors should strongly emphasize the individual characteristics of each student in the application and accompanying letters of recommendation.

<sup>5</sup> ED *Strategies*, pp. 12-13.

<sup>6</sup> DOJ/ED Q&A, pp. 3-4.

### 4 How is race likely to be viewed by colleges and universities in the admissions process?

The U.S. Department of Justice and the U.S. Department of Education joint Question and Answer document confirms that colleges and universities may lawfully consider how race has affected a student’s life and experiences: “The Court made clear that ‘nothing in [its] opinion should be construed as prohibiting universities from considering an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise.’ This means that universities may continue to embrace appropriate considerations through holistic application-review processes and (for example) provide opportunities to assess how applicants’ individual backgrounds and attributes—including those related to their race, experiences of racial discrimination, or the racial composition of their neighborhoods and schools—position them to contribute to campus in unique ways.”<sup>4</sup>

<sup>4</sup> DOJ/ED Q&A, p. 2.

### 6 How will the Supreme Court’s decision affect students’ college experience?

Nothing in the Supreme Court’s decision prohibits colleges and universities from continuing to foster a diverse environment for students. “Ensuring that institutions of higher education are open to all includes not only attracting, admitting, and matriculating a diverse student body, but also retaining students from all backgrounds. To that end, it is important that students—particularly those who are underrepresented—feel a sense of belonging and support once on campus. An institution may, consistent with the federal laws [that] the Departments of Justice and Education enforce, foster this sense of belonging and support through its office of diversity, campus cultural centers, and other campus resources if these support services are available to all students. An institution may also offer or support clubs, activities, and affinity groups—including those that have a race-related theme—to ensure that students have a space to celebrate their shared identities, interests, and experiences, so long as the clubs, activities, and affinity groups are open to all students regardless of race. Similarly, an institution may host meetings, focus groups, assemblies, or listening sessions on race-related topics if all interested students may participate, regardless of their race.”<sup>7</sup> Similar activities at K-12 schools are not impacted by the Court’s ruling.

<sup>7</sup> DOJ/ED Q&A, p. 6.

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