



American Association for Access, Equity and Diversity Denounces Efforts by the Departments of Education and Justice to Rescind Guidance on the Use of Race in Higher Education Admissions

Association of Equal Opportunity and Diversity Professionals finds that the Administration's efforts contravene the letter and spirit of Supreme Court precedent

Washington, DC, July 3, 2018- The American Association for Access, Equity and Diversity (AAAED), an organization of equal opportunity, diversity and affirmative action professionals, announced its opposition to the reported plans of the U.S. Departments of Justice and Education to rescind the Obama-era guidance on the voluntary use of race to achieve diversity in postsecondary education.

Founded in 1974 as the American Association for Affirmative Action (AAAA), AAAED is a national not-for-profit association of professionals working in the areas of equal opportunity, compliance and diversity. The longest-serving organization of individuals in the equal opportunity and diversity professions, AAAED has 44 years of leadership providing quality professional training to practitioners and promoting understanding and advocacy of affirmative action and other equal opportunity laws.

According to the *Wall Street Journal* the Trump Administration plans to rescind the guidance issued after the U.S. Supreme Court decided that the use of race in admissions furthered a compelling interest under the Constitution. The story notes that "Trump administration officials plan to argue that the documents, published in 2011 and 2016, go beyond Supreme Court precedent on the issue and mislead schools to believe that legal forms of affirmative action are simpler to achieve than what the law allows."¹

Such an argument would be incorrect. Recent Supreme Court cases have upheld the measured consideration of race as a factor in higher education admissions. *Grutter v. Bollinger* (2003) and *Fisher v. University of Texas at Austin* (2016) underscored the permissibility of race as part of a holistic review of a student's application for admission. These cases also emphasized the compelling educational benefits to both students of color and white students that flow from having a diverse student body.

Moreover, Fortune 500 companies have repeatedly filed *amicus curiae* briefs supporting the use of race as a factor in higher education admissions. Their concern is the "business and economic imperative" of being able "to hire highly trained employees of all races, religions, cultures, and economic backgrounds .

¹ <https://www.wsj.com/articles/trump-administration-to-rescind-obama-era-guidelines-on-race-in-college-admissions-1530619273>

. . [who] have had the opportunity to share ideas, experiences, viewpoints, and approaches with a broadly diverse student body."²

AAAED views the Administration's efforts to rescind the guidance, and to continue to investigate the complaints against Harvard University, as an effort to re-visit the Fisher decision. This action is extremely misguided. "The Supreme Court's 2016 decision in Fisher affirmed longstanding law and the Obama-era guidance correctly articulates the Court's views," said AAAED Executive Director Shirley J. Wilcher. "To rescind the guidance is to undercut the Court's ruling and to advance a regressive interpretation of the Fourteenth Amendment and the Civil Rights Laws," she added.

"Our concern is that any action would have a chilling effect on current efforts to promote diversity at selective colleges and universities," said Dr. Richard A. Baker, president of AAAED. "That effect could even extend beyond the consideration of race in admissions, which was upheld by the Court in *Fisher*. Such steps could encompass recruitment, outreach and other intentional programs aimed at broadening opportunities for underrepresented minority students," he added.

"In view of the lack of a justification, factual or legal, to take this action, we can only describe the Administration's reported efforts as unconscionable, harkening back to the *status quo ante* 1964, while the nation's student population and the future workforce are becoming increasingly diverse," Wilcher stated.

###

Media Contact

Name: Shirley J. Wilcher

Title: Executive Director

Phone: 240-893-9475

Email address: execdir@aaaed.org

Web: www.aaaed.org

² *Brief of Fortune-100 and Other Leading American Businesses as Amici Curiae in Support of Respondents, Fisher v. University of Texas*, No. 14-981, at 2-3 (U.S. filed Nov. 2, 2015)