

Affirmative action intact at UNC

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Months after the U.S. Supreme Court sent *Fisher v. University of Texas* back to a lower court, federal departments have clarified that public universities with race-conscious admissions, like UNC, can leave their policies intact for now.

The U.S. Departments of Education and Justice sent a joint letter of guidance last week to university leaders that addressed affirmative action practices.

The letter said the court justices' ruling affirmed that achieving a diverse student body is a compelling interest for universities, and therefore race can be used as one of multiple factors in college admissions.

Steve Farmer, vice provost of enrollment and undergraduate admissions at UNC, said the letter doesn't force UNC or other universities to make immediate changes.

Still, he said the letter makes clear that admissions offices must be able to justify their use of race as a factor in the future.

"I think where the *Fisher* decision really provided some useful guidance is it reminded us that any race-conscious practice in admissions has to be able to withstand strict scrutiny — the toughest kind of scrutiny that the judicial system can provide," Farmer said.

But Roger Clegg, president and general counsel of the conservative Center for Equal Opportunity, said the guidance offered by federal officials in the letter is misleading.

"The federal government has no expertise in whether there really are any educational benefits to using racial preferences in college admissions," Clegg said.

He said he hopes schools won't rely on the letter to dictate admissions standards, and that the center will continue to encourage challenges to race-conscious admissions.

"I'm hopeful that more and more schools are going to conclude that it doesn't make sense as a legal or policy matter to discriminate on the basis of race or ethnicity among applicants," Clegg said.

Farmer said UNC's advisory committee on undergraduate admissions is committed to investigating race-neutral alternatives — like socioeconomic class-based affirmative action — and seeing if they produce the same diversity in the student body.

Neal McCluskey, associate director of the Center for Educational Freedom at the Cato Institute, a libertarian think tank, said he does not have a problem with affirmative action at private universities because it's not a government decision.

But he said public institutions shouldn't be allowed to use race as a factor in admissions.

“I think that affirmative action in a public college or university is wrong, and that it should be eliminated,” McCluskey said.

He said the Cato Institute will continue to press cases against affirmative action.

“If the principle is equal treatment under the law, affirmative action does not do that.”