



UT admissions report grounds for Supreme Court review, group says

By Benjamin Wermund

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The U.S. Supreme Court should reconsider the University of Texas at Austin's race-conscious admissions practices after a recent report revealed President Bill Powers intervened in admissions decisions, the libertarian Cato Institute argues in a brief filed this week.

The brief is the latest challenge to UT's admissions process in a long-running battle brought by Abigail Fisher, a white student from Sugar Land who was rejected by the university. The case, which made its way to the Supreme Court once before, but was kicked back to the 5th Circuit, could have broad implications for the consideration of race in admissions at public universities. The 5th Circuit court in November refused to reconsider the case.

The courts have sided with UT multiple times in the case, but the Cato Institute's brief argues that a report released last month unveils important information previously kept out of legal arguments.

The 107-page report released Feb. 11 detailed Powers stepping in at the behest of state lawmakers, regents and influential alumni to make sure certain applicants were accepted. It found that every year "a select handful" of UT applicants are admitted over the objections of the admissions office.

Under Powers, the files of as many as 300 applicants per year have been given one of several designations indicating they should be held for further consideration, mostly at the request of legislators or regents, the report by the Kroll consulting firm, hired by the UT system, said.

"While claiming to evaluate applicants on their academic and personal achievements, as well as race, the University actually admitted substantial numbers of students who were flagged by its president for special treatment, regardless of their 'holistic' scores," the brief says. "Its own report on this hitherto secret track of 'holistic review' concludes that race and ethnicity were an

'important consideration' in these decisions, which resulted in the admission of students with scores and achievements substantially below those of other applicants."

The legal battle centers on whether UT's Austin flagship discriminated in 2008 against Fisher, whose grades did not put her in the top 10 percent of her senior high school class, which would have granted her automatic admission.

Instead, Fisher was considered under separate standards used for a smaller pool of incoming freshmen, as the bulk of students - typically 75 percent - are admitted automatically. Fisher claims UT admitted minority students with worse grades than hers, violating the 14th Amendment in denying her admission.

In July, the 5th Circuit court upheld its previous ruling in UT's favor. Fisher's attorneys have asked the Supreme Court to reconsider the case.

UT officials did not immediately respond to requests for comment.