

A Cross-Walk Of Neutral Strategies and Criteria: Mapping Plays from *The Playbook* (2d ed. 2019) to Major Federal Nondiscrimination Cases

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[*The Playbook: Understanding the Role of Race-Neutral Strategies in Advancing Higher Education Diversity Goals*](#) (2d. ed. 2019) highlights nine race-neutral “plays” that can be used to advance mission-based institutional diversity goals. In light of recent litigation regarding the consideration of race in college admissions and the corresponding legal obligation of postsecondary institutions that consider race to evaluate and, where appropriate, pursue race-neutral strategies, this cross-walk illustrates ways in which evidence of neutral strategies and criteria have affected (and may affect) institutional action and court judgments. This table should be read in conjunction with *The Playbook*.

This table is not intended to be a complete description of all actions or every detail conveyed in court proceedings, nor does it constitute legal advice regarding issues covered.

	Plays from the Playbook	<i>Fisher v. University of Texas at Austin (U.S. Sup. Ct)</i> <i>Based on 2016 Supreme Court opinion</i>	<i>SFFA v. Harvard (D. Ct.):</i> Case on appeal <i>Based on 2019 trial ct. opinion</i>	<i>SFFA v. University of North Carolina (D. Ct.):</i> Case set for trial: June, 2020 <i>Based on 2019 order denying summary judgment</i>
Playbook	Race-Attentive and Inclusive Outreach and Recruitment	Significant investment/ Relevant	Significant investment/ Relevant	SFFA proposes; TBD
	Flexible Admissions and Aid Criteria and Test Use	No requirement to alter standards	No requirement to alter standards	UNC’s consideration of different approaches evident.
	Socioeconomic Status	Relevant	Relevant	Record of UNC analysis. SFFA proposes; TBD
	Geography	See % Plan, below.	Relevant SFFA’s recommended “place based quota” not required	SFFA proposes; TBD
	Experience or Service Commitment Associated with Race	Present generally	Present generally	Not evident
	First-Generation Status and Other Special Circumstances	Not evident	Present generally	Not evident

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Playbook	Percent Plans	Texas Top 10% Plan = key underlying element; Court refused to require expansion of % plan	Not relevant	UNC considered/rejected. SFFA proposes: TBD
	Educational Collaboration Agreements	Not evident	Not evident	SFFA proposes; TBD
	Cohort Programs	Not evident	Not evident	Not evident
Other Strategies	Elimination of Early Action	Not evident	Harvard tried and rejected. Court accepted record as sufficient; no requirement of more.	Eliminate Early Action SFFA proposes; TBD
	Elimination of Preferences for Legacies and More	Not evident	Relevant as part of ALDC cluster of students favorably reviewed; Harvard not required to alter approach.	SFFA proposes; TBD
	Increase in Financial Aid	Element of successful defense; UT investment apparent.	Element of successful defense; Harvard investment apparent.	SFFA proposes; TBD