



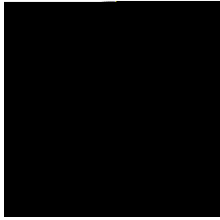
Mission Fulfillment

September 2023

September 7, 2023

9:30 a.m.

Boardroom, McNamara Alumni Center



2023-24 Committee Work Plan

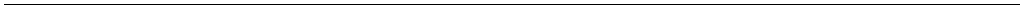
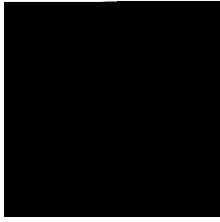


Regent Ruth Johnson
Rachel Croson, Executive Vice President and Provost

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September 7-8 <



**University of Minnesota Board of Regents
Mission Fulfillment Committee
September 7, 2023**

Annual Report on Academic Program Approval

Introduction

As part of its ongoing agenda, the Mission Fulfillment Committee reviews the new academic program approval and academic program changes recommended by the Executive Vice President and Provost. These recommendations are presented to the Committee on the consent agenda at each meeting. This report provides: (1) a summary of the process for approving new or changed academic programs, (2) an account of the changes approved by

support and resources, mission, collaboration, and program duplication. New undergraduate major degree program proposals on the Twin Cities campus are also reviewed by the Campus Curriculum Committee.

The public review period, which occurs in the weeks leading up to the Board of Regents meeting, encourages open communication across colleges and campuses concerning the creation, discontinuation, and change of academic programs; fosters collaboration and productive exchanges across and between departments and disciplines; and prevents inadvertent encroachment upon and duplication of academic programs.

Principles

The principles that guide academic plan approval include the following:

Mission, Priorities, and Interrelatedness

Academic programs should be aligned with the missions, strategic plans, and compacts of

- ◁ Significant changes to a degree or minor, including: adding a subplan, changing a plan or subplan name, changing a degree designation (e.g., B.S. to B.A., M.S. to M.A.), changing the academic home of a plan, merging two or more degrees or minors
- ◁ Discontinuing a degree, plan, or subplan
- ◁ Offering distance delivery of all or substantially all coursework for an existing plan, adding or changing the delivery of a degree program.

Criteria for New Program Proposals

The University uses a standard set of criteria to review proposals for new or changed academic programs. These criteria departmental academic and administrative units.

Mission, Priorities, and Interrelatedness

In what way does the program contribute to the University's mission? the

How will the program contribute to the priorities of the University (SWSP), the campus, and the unit?

How does the program relate to other University academic programs?

What are the implications for other units, colleges, or campuses, including the impact on other units of prerequisites and related courses?

Demand, Development, and Leveraging of Resources

What is the need and demand for the program? Proposals for programs that reach very small numbers of students are discouraged. The following type of evidence is provided, as appropriate:

- Evidence that the program meets societal needs and expectations

- Evidence of consultation with employers or professional organizations, if appropriate

- Employment data, if appropriate (e.g., current and projected availability of jobs for graduates)

- Enrollment data for similar programs

- Data indicating student interest or demand, both short- and long-term

Efficiency and Effectiveness

Have resources been reallocated within the unit to support the proposed program? If so, how?

If additional resources are needed, how will the program leverage existing resources to attract new resources?

What steps will be taken to ensure the program is operated economically and effectively?

Quality, Productivity, and Impact

What are the learning outcomes for the program? How will the outcomes be measured? How often?

How, when, and by whom will program quality be measured?

How will the college, the department, and program instructors continue to improve the teaching and learning in this program?

Is the program subject to review by a specialized accreditation agency? If yes, what agency and what is the review cycle?

How, if at all, faculty recruitment, curriculum, etc.?

Part II. Summary of 2022 23 New and Changed Programs

NEW, CHANGED and DISCONTINUED PROGRAMS 2022 2023

TWIN CITIES CAMPUS

Carlson School of Management

| | |
|---|----------|
| Create a Managing People in Organizations undergraduate minor | Oct 2022 |
| Create an undergraduate minor in Entrepreneurship | May 2023 |

College of Biological Sciences

| | |
|--|----------|
| Create an undergraduate minor in Biotechnology | May 2023 |
|--|----------|

College of Continuing and Professional Studies

| | |
|--|----------|
| Discontinue the Integrated Food Systems Leadership subplan in the Applied Sciences Leadership Master of Professional Studies | Dec 2022 |
| Add a Self-Design subplan in the Applied Sciences Leadership Master of Professional Studies | Dec 2022 |

College of Design

| | |
|---|----------|
| Add a Product Design subplan in the Design Ph.D. | Dec 2022 |
| Add Fashion Design, Technical Design, and Fashion and Technical Design subplans in the Apparel Design Bachelor of Science | Dec 2022 |

College of Education and Human Development

| | |
|---|-----------|
| Create a completely online delivery option in the PK-12 Administration Post-Baccalaureate Certificate | Sept 2022 |
| Create a Master of Learning and Talent Development degree | Oct 2022 |
| Create a Master of Education in Early Care and Education | Dec 2022 |
| Create an undergraduate minor in Special Education | May 2023 |
| Change the name of the Second Language Education subplan in the Master of Education in Curriculum and Instruction to Multilingual Education | May 2023 |
| Change the name of the Special Education Licensure Subplan in the Bachelor of Science in Special Education to Special Education Licensure-ABS | May 2023 |
| Add a new Special Education-ECSE subplan to the Bachelor of Science in Special Education | May 2023 |

College of Food, Agriculture and Natural Resource Sciences

| | |
|--|-----------|
| Create a completely online delivery option in the undergraduate Horticulture minor | Sept 2022 |
| Create a completely and partially online delivery option in the Insect Science minor | Sept 2022 |
| Discontinue the Risk Analysis for Introduced Species and Genotypes graduate minor | Sept 2022 |

| | |
|--|----------|
| Discontinue all subplan options in the Fisheries, Wildlife, and Conservation Biology Bachelor of Science degree | Dec 2022 |
| Create a Master of Professional Studies in Dietetics | May 2023 |
| Change the name of the Master of Science in Agricultural Education to Agricultural Education and Communication | May 2023 |
| Change the name of the Initial Licensure subplan to the Agriculture Education Initial Licensure subplan in the Master of Science in Agricultural Education and Communication | May 2023 |
| Add an Advanced Studies and Research subplan to the Master of Science in Agricultural Education and Communication | May 2023 |
| Discontinue the Nutritional Sciences Master of Professional Studies | May 2023 |

College of Liberal Arts

| | |
|--|-----------|
| Discontinue the subplan options in the Global Health Studies Bachelor of Arts degree | Sept 2022 |
| Change the name of undergraduate minor in Mass Communication to Media and Information Studies | Sept 2022 |
| Change the name of of the Hmong Studies subplan in the Asian and Middle Eastern Studies B.A. degree and undergraduate minor to Southeast Asian Studies | Dec 2022 |
| Change the name of the Classics B.A. and undergraduate minor to the Classical and Near Eastern Religions and Cultures B.A. and undergraduate minor | Dec 2022 |
| Change the name of the Classics Civilizations subplan in the Classics B.A. | Dec 2022 |
| Change the name of the History/Literature subplan in the Theater Arts B.A. degree to History/Dramaturgy | Dec 2022 |
| Discontinue the Greek and Latin subplan in the Classics B.A. | Dec 2022 |
| Add the Modern Hebrew subplan in the Classics B.A. | Dec 2022 |
| Discontinue the Bachelor of Arts degree in Biblical Studies | Dec 2022 |
| Discontinue the Technical Communications undergraduate certificate | Dec 2022 |
| Create an undergraduate Minor in Ensemble Music | Feb 2023 |
| Change the name of the Classical and Near Eastern Studies Master of Arts and Doctor of Philosophy degrees to Classical and Near Eastern Religions and Cultures | May 2023 |

College of Science and Engineering

| | |
|---|-----------|
| Discontinue the business and management, product design, and interdisciplinary design subplans in the Bachelor of Computer Engineering and Bachelor of Electrical Engineering | Sept 2022 |
| Create a Post-Baccalaureate Certificate in Electrification Engineering | Oct 2022 |
| Create an undergraduate minor in Management of Technology | Dec 2022 |
| Create a Post-Baccalaureate Certificate in Technology Leadership | Feb 2023 |
| Create a graduate Minor in Financial Mathematics | Feb 2023 |
| Create an integrated BS/MS subplan with Rochester campus (also listed under Rochester) | May 2023 |

College of Pharmacy

DULUTH CAMPUS

College of Education and Human Professions

| | |
|---|----------|
| Create a Bachelor of Applied Science in Health and Physical Education | Feb 2023 |
| Discontinue the Community Health Education/Promotion subplan in the Public Health Bachelor of Applied Sciences degree | Feb 2023 |
| Discontinue the Early Childhood Studies Bachelor of Applied Sciences degree | Feb 2023 |
| Discontinue the Unified Early Childhood Studies Bachelor of Applied Sciences degree | Feb 2023 |

College of Arts, Humanities, and Social Sciences

| | |
|---|----------|
| Create the Global History, History and Social Science, and Specialist History subplans in the undergraduate Bachelor of Arts in History | May 2023 |
| Discontinue the undergraduate minor in Lesbian, Gay, Bisexual, Transgender, and Queer Studies | May 2023 |

Swenson College of Science and Engineering

| | |
|---|----------|
| Create an undergraduate Certificate in Project Management | Feb 2023 |
| Create a Bachelor of Science degree in Earth and Environmental Science | May 2023 |
| Create a Bachelor of Arts degree in Earth and Environmental Science | May 2023 |
| Add a new Medical Laboratory Science subplan to both the Bachelor of Arts and the Bachelor of Science degrees in Biology (partnership with Medical Laboratory Sciences in College of Pharmacy, Twin Cities) | May 2023 |

Labovitz School of Business and Economics

Create a Bachelor of Business Administration (BBA) in Risk Management and

MORRIS CAMPUS

| | |
|--|----------------------|
| Change the name of the Management B.A. and undergraduate minor to the Business and Management B.A. and undergraduate minor | Dec 2022 |
| Discontinue subplans in Financial and Organizational Management, and Global Business in the Management B.A. degree (as part of curricular restructuring) | Dec 2022 |
| Add new subplans in Philosophy, Standard; Philosophy, Computer and Data Studies; Philosophy, Legal Studies; and Philosophy, Politics and Economics to the Philosophy B.A. degree | Dec 2022 Feb 2023 |

ROCHESTER CAMPUS

| | |
|---|----------|
| Create an integrated BSHS/MS subplan with College of Science and Engineering (Twin Cities campus) | May 2023 |
|---|----------|

Part III. Academic Degree Program Trends

Five-Year Comparison

Listed below are the number of degree programs by general degree type. The numbers in parentheses represent the number of degree programs in September of 2019 and the numbers to the left of the parentheses represent the current count as of September 2023.

* Graduate degrees granted by the Twin Cities campus, with the administrative home of the program on the Rochester campus.

Twin Cites Graduate Master's

| | | | | | | |
|--------------------------------|----|----|----|----|----|----|
| Int Thpys & Hlg Practices Cert | 13 | 12 | 10 | 9 | 9 | 53 |
| Public Health Core Concepts | 12 | 8 | 10 | 8 | 11 | 49 |
| Technical Communication | 7 | 10 | 9 | 13 | 7 | 46 |
| Nonprofit Management | 19 | 7 | 5 | 5 | 6 | 42 |
| Hlth Care Dsgn & Innov Cert | 6 | 10 | 6 | 11 | 3 | 36 |

Duluth Doctoral

Annual Report on Academic Program Changes

Board of Regents | Mission Fulfillment Committee | September 2023

Rachel Croson

Executive Vice President and Provost

Administrative Policy

Adding, Changing, or Discontinuing Academic Plans

Departments, colleges, and campuses have the authority to establish, change, and discontinue academic programs that may appear on official University transcripts, subject to appropriate consultation with other units and **subject to the final authority of the Board of Regents.**

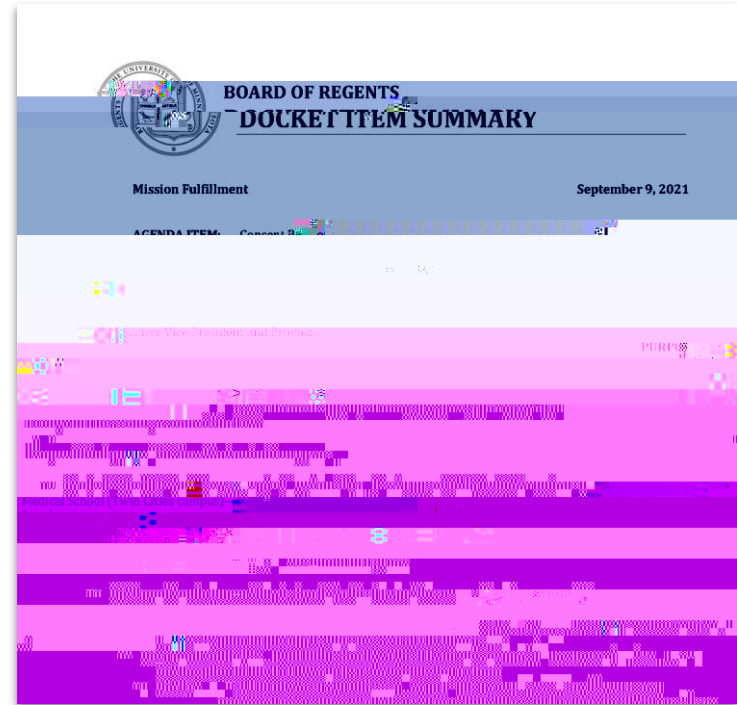
This applies to: undergraduate, graduate, and professional credit-bearing degrees, majors, minors, and certificates

Board of Regents Approval

In general, degree plan changes that need Board of Regents approval are:

Changes that would be reflected on the transcript

Changes related to accreditation requirements/notifications





Principles

Mission, Priorities, and Interrelatedness How does the program support the

Demand, Development, and Leveraging of Resources What evidence shows student or industry demand?

Uniqueness and Comparative Advantage What are the characteristics of the program that make it particularly appropriate for the University?

Efficiency and Effectiveness
resources?

Quality, Productivity, and Impact How will program quality be measured? How will student learning outcomes be assessed?

Examples from 2022-2023

New programs:



Driven to DiscoverSM

UNIVERSITY OF MINNESOTA

Approval Levels and Process Overview

Additive, with special points of emphasis at each stage

Consultation

within the unit
among colleges
posting for public review



Faculty, Depts & Programs

Colleges and
Campuses

EVPP

Board of Regents





New, Revised, and Discontinued Programs

2022 2023

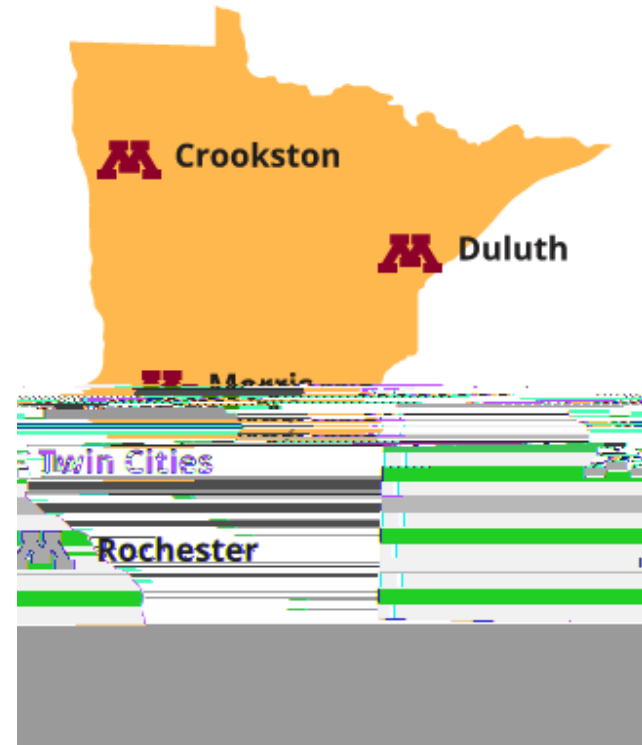
| | New | Revised | Discontinued |
|-------------|-----|---------|--------------|
| Twin Cities | 28 | 23 | 6 |
| Duluth | 6 | 3 | 3 |
| Morris | | 2 | 1 |
| Crookston | 1 | | |
| Rochester | 1 | | |

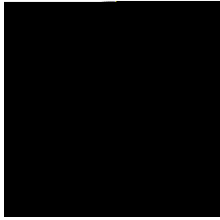


Summary and Discussion

Process ensures that academic proposals before the committee have undergone a rigorous, robust, and thorough review at appropriate levels

Welcome any suggestions or ideas to gauge student demand or industry need





Impacts of the Recent U.S. Supreme Court Decision on Undergraduate Admissions



Rachel Croson, Executive Vice President and Provost
Robert McMaster, Vice Provost and Dean of Undergraduate Education

The purpose of this item is for the committee to learn about adjustments to the undergraduate admissions process to comply with the recent United States Supreme Court ruling regarding use of race in admissions, and how the University of Minnesota continues to advance the MPact 2025 Systemwide Strategic Plan goals around community and belonging.

On June 29, 2023, the United States Supreme Court held that the admissions programs at Harvard College and the University of North Carolina violate the equal protection clause of the 14th Amendment. The cases, which were consolidated for decision, are _____ and _____, --- U.S. ---, 143 S. Ct. 2141 (2023).

Included in the docket are several additional pieces of background information, including:

- < **The** pertinent section of the Supreme Court decision
- < **The United States** Department of Education and Department of Justice Dear Colleague letter and **Frequently Asked Question document**
- < _____ and _____ articles that review and clarify the Department of Education and Department of Justice

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

STUDENTS FOR FAIR ADMISSIONS, INC. *v.*
PRESIDENT AND FELLOWS OF HARVARD COLLEGECERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE FIRST CIRCUIT

No. 20-1199. Argued October 31, 2022—Decided June 29, 2023*

Harvard College and the University of North Carolina (UNC) are two of the oldest institutions of higher learning in the United States. Every year, tens of thousands of students apply to each school; many fewer are admitted. Both Harvard and UNC employ a highly selective admissions process to make their decisions. Admission to each school can depend on a student's grades, recommendation letters, or extracurricular involvement. It can also depend on their race. The question presented is whether the admissions systems used by Harvard College and UNC are lawful under the Equal Protection Clause of the Fourteenth Amendment.

At Harvard, each application for admission is initially screened by a "first reader," who assigns a numerical score in each of six categories: academic, extracurricular, athletic, school support, personal, and overall. For the "overall" category—a composite of the five other ratings—a first reader can and does consider the applicant's race. Harvard's admissions subcommittees then review all applications from a particular geographic area. These regional subcommittees make recommendations to the full admissions committee, and they take an applicant's race into account. When the 40-member full admissions committee begins its deliberations, it discusses the relative breakdown of applicants by race. The goal of the process, according to Harvard's director of admissions, is ensuring there is no "dramatic drop-off" in minority admissions from the prior class. An applicant receiving a majority of

* Together with No. 21-707, *Students for Fair Admissions, Inc. v. University of North Carolina et al.*, on certiorari before judgment to the United States Court of Appeals for the Fourth Circuit.

(Slip

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Syllabus

bers," *Warth v. Seldin*, 422 U. S. 490, 511, an

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Syllabus

quotation marks omitted). The second risk is that race would be used not as a plus, but as a negative—to discriminate *against* those racial groups that were not the beneficiaries of the race-based preference. A university's use of race, accordingly, could not occur in a manner that "unduly harm[ed] nonminority applicants." *Id.*, at 341.

To manage these concerns, *Grutter* imposed one final limit on race-based admissions programs: At some point, the Court held, they must end. *Id.*, at 342. Recognizing that "[e]nshrining a permanent justification for racial preferences would offend" the Constitution's unambiguous guarantee.

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Syllabus

that are plainly overbroad (expressing, for example, no concern whether *South* Asian or *East* Asian students are adequately represented as “Asian”); arbitrary or undefined (the use of the category “Hispanic”); or underinclusive (no category at all for Middle Eastern students). The unclear connection between the goals that respondents seek and the means they employ preclude courts from meaningfully scrutinizing respondents’ admissions programs.

The universities’ main response to these criticisms is “trust us.”

Syllabus

570 U. S., at 311. Respondents' second proffered end point—when students receive the educational benefits of diversity—fares no better. As explained, it is unclear how a court is supposed to determine if or when such goals would be adequately met. Third, respondents suggest the 25-year expectation in *Grutter* means that race-based preferences must be allowed to continue until at least 2028. The Court's statement in *Grutter*, however, reflected only that Court's expectation that race-ba

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Opinion of the Court

selective application processes in the country. Over 60,000 people applied to the school last year; fewer than 2,000 were admitted. Gaining admission to Harvard is thus no easy feat. It can depend on having excellent grades, glowing recommendation letters, or overcoming significant adversity. See 980 F. 3d 157, 166–169 (CA1 2020). It can also depend on your race.

The admissions process at Harvard works as follows. Every application is initially screened by a “first reader,” who assigns scores in six categories: academic, extracurricular, athletic, school support, personal, and overall. *Ibid.* A rating of “1” is the best; a rating of “6” the worst. *Ibid.* In the academic category, for example, a “1” signifies “near-

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breakdown of applicants by race. The “goal,” according to Harvard’s director of admissions, “is to make sure that [Harvard does] not hav[e] a dramatic drop-off” in minority admissions from the prior class. 2 App. in No. 20-1199, pp. 744, 747-748. Each applicant considered by the full committee is

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II

Before turning to the merits, we must assure ourselves of our jurisdiction. See *Summers v. Earth Island Institute*, 555 U. S. 488, 499 (2009). UNC argues that SFFA lacks standing to bring its claims because it is not a “genuine”

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(b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." *Hunt v. Washington State Apple Advertising Comm'n*, 432 U. S. 333, 343 (1977).

Respondents do not contest that SFFA satisfies the three-part test for organizational standing articulated in *Hunt*, and like the courts below, we find no basis in the record to conclude otherwise. See 980 F. 3d, at 182–184; 397 F. Supp. 3d, at 183–184; No. 1:14-cv-954 (MDNC, Sept. 29, 2018), App. D to Pet. for Cert. in No. 21–707, pp. 237–245 (2018 DC Opinion). Respondents instead argue that SFFA was not a “genuine ‘membership organization’ ” when it filed suit, and thus that it could not invoke the doctrine of organizational standing in the first place. Brief for University Respondents in No. 21–707, at 24. According to respondents, our decision in *Hunt* established that groups qualify as genuine membership organizations only if they are controlled and funded by their members. And because SFFA's members did neither at the time this litigation commenced, respondents' argument goes, SFFA could not represent its members for purposes of Article III standing. Brief for University Respondents in No. 21–707, at 24 (citing *Hunt*, 432 U. S., at 343).

Hunt involved the Washington State Apple Advertising Commission, a state agency whose purpose was to protect the local apple industry. The Commission brought suit challenging a North Carolina statute that imposed a labeling requirement on containers of apples sold in that State. The Commission argued that it had standing to challenge the requirement on behalf of Washington's apple industry. See *id.*, at 336–341. We recognized, however, that as a state agency, “the Commission [wa]s not a traditional voluntary membership organization . . . , for it ha[d] no members at all.” *Id.*, at 342. As a result, we could not easily apply the three-part test for organizational standing, which asks

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whether an organization's *members* have standing. We nevertheless concluded that the Commission had standing because the apple growers and dealers it represented were *effectively* members of the Commission. *Id.*, at 344. The growers and dealers “alone elect[ed] the members of the Commission,” “alone . . . serve[d] on the Commission,” and “alone finance[d] its activities”—they possessed, in other words, “all of the indicia of membership.” *Ibid.* The Commission was therefore a genuine membership organization in substance, if not in form. And it was “clearly” entitled to rely on the doctrine of organizational standing under the three-part test recounted above. *Id.*, at 343.

The indicia of membership analysis employed in *Hunt* has no applicability in these cases. Here, SFFA *is* indisputably a voluntary membership organization with identifiable members—it is not, as in *Hunt*, a state agency that concededly has no members. See 2018 DC Opinion 241–242. As the First Circuit in the Harvard litigation observed, at the time SFFA filed suit, it was “a validly incorporated 501(c)(3) nonprofit with forty-seven members who joined voluntarily to support its mission.” 980 F. 3d, at 184. Meanwhile in the UNC litigation, SFFA represented four members in particular

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III

A

In the wake of the Civil War, Congress proposed and the States ratified the Fourteenth Amendment, providing that no State shall “deny to any person . . . the equal protection of the laws.” Amdt. 14, §1. To its proponents, the Equal Protection Clause represented a “foundation[al] principle”—“the absolute equality of all citizens of the United States politically and civilly before their own laws.” Cong. Globe, 39th Cong., 1st Sess., 431 (1866) (statement of Rep. Bingham) (Cong. Globe). The Constitution, they were determined, “should not permit any distinctions of law based on race or color,” Supp. Brief for United States on Reargument in *Brown v. Board of Education*, O. T. 1953, No. 1 etc., p. 41 (detailing the history of the adoption of the Equal Protection Clause), because any “law which operates upon one man [should] operate *equally* upon all,” Cong. Globe 2459 (statement of Rep. Stevens). As soon-to-be President James Garfield observed, the Fourteenth Amendment would hold “over every American citizen, without regard to color, the protecting shield of law.” *Id.*, at 2462. And in

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Fourteenth Amendment” apply “to all persons,” we unanimously declared six years later; it is “hostility to . . . race and nationality” “which in the eye of the law is not justified.” *Yick Wo v. Hopkins*, 118 U. S. 356, 368–369, 373–374 (1886); see also *id.*, at 368 (applying the Clause to “aliens and subjects of the Emperor of China”); *Truax v. Raich*, 239 U. S. 33, 36 (1915) (“a native of Austria”); *semble Strauder*, 100 U. S., at 308–309 (“Celtic Irishmen”) (dictum).

Despite our early recognition of the broad sweep of the Equal Protection Clause, this Court—alongside the country—quickly failed to live up to the Clause’s core commitments. For almost a century after the Civil War, state-mandated segregation was in many parts of the Nation a regrettable norm. This Court played its own role in that ignoble history, allowing in *Plessy v. Ferguson* the separate but equal regime that would come to deface

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quently recognized, even racial distinctions that were argued to have no palpable effect worked to subordinate the afflicted students. See, e.g., *McLaurin v. Oklahoma State Regents for Higher Ed.*, 339 U. S. 637, 640–642 (1950) (“It is said that the separations imposed by the State in this case are in form merely nominal But they signify that the State . . . sets [petitioner] apart from the other students.”). By 1950, the inevitable truth of the Fourteenth Amendment had thus begun to reemerge: Separate cannot be equal.

The culmination of this approach came finally in *Brown v. Board of Education*. In that seminal decision, we overturned *Plessy* for good and set firmly on the path of invalidating all *de jure* racial discrimination by the States and Federal Government. 347 U. S., at 494–495. *Brown* concerned the permissibility of racial segregation in public schools. The school district maintained that such segregation was lawful because the schools provided to black students and white students were of roughly the same quality. But we held such segregation impermissible “*even though* the physical facilities and other ‘tangible’ factors may be equal.” *Id.*, at 493 (emphasis added). The mere act of separating “children . . . because of their race,

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dedicated belief."); *post*, at 39, n. 7 (THOMAS, J., concurring). The Court reiterated that rule just one year later, holding that "full compliance" with *Brown* required schools to admit students "on a racially nondiscriminatory basis." *Brown v. Board of Education*, 349 U. S. 294, 300–301 (1955). The time for making distinctions based on race had passed. *Brown*, the Court observed, "declar[ed] the fundamental principle that racial discrimination in public education is unconstitutional." *Id.*, at 298.

So too in the 35 years of time. In the 10 years after *Brown*, we began routinely affirming lower court decisions that invali-

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against any citizen because of his race." *Bolling v. Sharpe*,
347 U.

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Eliminating racial discrimination means eliminating all of it. And the Equal Protection Clause, we have accordingly held, applies “without regard to any differences of race, of color, or of nationality”—it is “universal in [its] application.”

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Our acceptance of race-based state action has been rare for a reason. “Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.” *Rice v. Cayetano*, 528 U. S. 495, 517 (2000) (quoting *Hirabayashi v. United States*, 320 U. S. 81, 100 (1943)). That principle cannot be overridden except in the most extraordinary case.

B

These cases involve whether a university may make admissions decisions that turn on an applicant’s race. Our Court first

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272–275. The plaintiff, Allan Bakke, was denied admission two years in a row, despite the admission of minority applicants with lower grade point averages and MCAT scores. *Id.*, at 276–277. Bakke subsequently sued the school, arguing that its set-aside program violated the Equal Protection Clause.

In a deeply

Opinion of the Court

an institution of higher education." *Id.*, at 311–312. And that was so, he opined, because a university was entitled as a matter of academic freedom “to make its own judgments as to . . . the selection of its student body.” *Id.*, at 312.

But a university’s freedom was not unlimited. “Racial and ethnic distinctions of any sort are inherently suspect,”

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made clear—just as Justice Powell had—that the law school was limited in the means that it could pursue. The school could not “establish quotas for members of certain racial groups or put members of those groups on separate admissions tracks.” *Id.*

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IV

Twenty years later, no end is in sight. “Harvard’s view about when [race-based admissions will end] doesn’t have a date on it.” Tr. of Oral Arg. in No. 20–1199, p. 85; Brief for Respondent in No. 20–1199, p. 52. Neither does UNC’s. 567 F. Supp. 3d, at 612. Yet both insist that the use of race in their admissions programs must continue.

But we have permitted race-based admissions only within the confines of narrow restrictions. University programs must, to comply with strict scrutiny, they may never use race as a stereotype or negative, and—at some point—they must end. Respondents’ admissions systems—however well intentioned and implemented in good faith—fail each of these criteria.

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First, the interests they view as compelling cannot be subjected to meaningful judicial review. Harvard identifies the following educational benefits that it is pursuing: (1) “training future leaders in the public and

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diverse." *Parents Involved*, 551 U. S., at 724 (quoting *Grutter*, 539 U. S., at 329). And given the mismatch between the means respondents employ and the goals they seek, it is especially

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B

The race-based admissions

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meaningfully change if race-based admissions were abandoned. And they acknowledge that race is determinative for at least some—

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630, 647 (1993))).

Yet by accepting race-based admissions programs in which some students may obtain preferences on the basis of race alone, respondents' programs tolerate the very thing that *Grutter* foreswore: stereotyping. The point of respondents' admissions programs is that there is an inherent benefit in race *qua* race—in race for race's sake. Respondents admit as much. Harvard's admissions process rests on the pernicious stereotype that "a black student can usually bring something that a white person cannot offer." *Bakke*,

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doing so, the university furthers “stereotypes that treat individuals as the product of their race, evaluating their thoughts and efforts—their very worth as

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at 821–822.

The results of the Harvard admissions process reflect this numerical commitment. For the admitted classes of 2009 to 2018, black students represented a tight band of 10.0%–11.7% of the admitted pool. The same theme held true for other minority groups:

| Class | Black Students | Other Minority Groups |
|---------------|----------------|-----------------------|
| Class of 2009 | 11% | 8% |
| Class of 2010 | 10% | 10% |
| Class of 2014 | 11% | 9% |
| Class of 2015 | 12% | 11% |
| Class of 2016 | 10% | 9% |
| Class of 2017 | 11% | 10% |
| Class of 2018 | 12% | 11% |

Brief for Petitioner in No. 20–1199 etc., p. 23. Harvard’s focus on numbers is obvious.⁷

⁷ The principal dissent claims that “[t]he fact that Harvard’s racial shares of admitted applicants varies relatively little . . . is unsurprising and reflects the fact that the racial makeup of Harvard’s applicant pool also varies very little over this period.” *Post*, at 35 (opinion of SOTOMAYOR, J.) (internal quotation marks omitted). But that is exactly the point: Harvard must use precise racial preferences year in and year out to maintain the unyielding demographic composition of its class. The dissent is thus left to attack the numbers themselves, arguing they were “handpicked” “from a truncated period.” *Ibid.*, n. 29 (opinion of SOTOMAYOR, J.). As supposed proof, the dissent notes that the share of

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them to determine whether they remain necessary. See Brief for Respondent in No. 20–1199, at 52; Brief for University Respondents in No. 21–707, at 58–59. Respondents point to language in *Grutter* that, they contend, permits “the durational requirement [to] be met” with “periodic reviews to determine whether racial preferences are still necessary to achieve student body diversity.”

Opinion of the Court

both opinions are thorough and thoughtful in many respects, this Court has long rejected their core thesis.

The dissents' interpretation of the Equal Protection

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constitutional provision whose central command is equality." *Id.*, at 506.

The dissents here do not acknowledge any of this. They fail to cite *Hunt*. They fail to cite *Crosby*. They fail to mention that the entirety of their analysis of the Equal Protection Clause—the statistics, the cases, the history—has been considered and rejected before. There is a reason the principal dissent must invoke Justice Marshall's partial dissent in *Bakke* nearly a dozen times while mentioning Justice Powell's controlling opinion barely once (JUSTICE JACKSON's opinion ignores Justice Powell altogether). For what one dissent denigrates as "rhetorical flourishes about colorblindness," *post*, at 14 (opinion of SOTOMAYOR, J.), are in fact the proud pronouncements of cases like *Loving* and *Yick Wo*, like *Shelley* and *Bolling*—they are defining statements of law. We understand the dissents want that law to be different. They are entitled to that desire. But they surely cannot claim the mantle of *stare decisis* while pursuing it.⁸

The dissents are no more faithful to our precedent on race-based admissions. To hear the principal dissent tell it, *Grutter* blessed such programs indefinitely, until "racial inequality will end." *Post*, at 54 (opinion of SOTOMAYOR, J.). But *Grutter* did no such thing. It emphasized—not once or twice, but at least six separate times—that race-based ad-

⁸Perhaps recognizing as much, the principal dissent at one point attempts to press a different remedial rationale altogether, stating that both respondents "have sordid legacies of racial exclusion." *Post*, at 21 (opinion of SOTOMAYOR, J.).

Opinion of the Court

missions programs “must have reasonable durational limits” and that their “deviation from the norm of equal treatment” must be “a temporary matter.” 539 U. S., at 342. The Court also disclaimed “[e]nshrining a permanent justification for racial preferences.” *Ibid.* Yet the justification for race-based admissions that the dissent latches on to is just that—unceasing.

The principal dissent’s reliance on *Fisher II* is similarly mistaken. There, by a 4-

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August 14, 2023

Dear Colleague:

On June 29, 2023, the U.S. Supreme Court announced its ruling in [*Students for Fair Admissions, Inc. v. President and Fellows of Harvard College and Students for Fair Admissions, Inc. v. University of North Carolina et al.*](#), holding that the use of race in admissions policies applied by the University of North Carolina and Harvard College violates the Equal Protection Clause of the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964. This decision,

institutions of higher education have been using for decades to provide students the educational benefits that derive from diverse and vibrant campus communities.

Following the Supreme recent decision, the President and Vice President called on colleges, universities, and other stakeholders to seize the opportunity to expand access to educational opportunity for all students and to build diverse student bodies, including by recognizing and valuing students who have overcome adversity.¹

Questions and Answers to help colleges and universities understand the Supreme decision as they continue to pursue campuses that are racially diverse and that include students with a range of viewpoints, talents, backgrounds, and experiences.

The Departments also reaffirm our commitment to ensuring that educational institutions remain open to all, regardless of race. Learning is enriched when student bodies reflect the rich diversity of our communities. Research has shown that such diversity leads to, among other things, livelier and more informative classroom discussions, breakdown of prejudices and increased cross-racial understanding, and heightened cognitive development and problem-solving skills. The benefits of diversity in educational institutions extend beyond the classroom as individuals who attend diverse schools are better prepared for our increasingly racially and ethnically diverse society and the global economy. We stand ready to support institutions that recognize that such

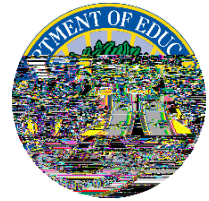
We also acknowledge that fulfilling this commitment will require sustained action to lift the barriers that keep underserved students, including students of color, from equally accessing the benefits of higher education. For decades, our Departments have sought to achieve the original promise of *Brown v. Board of Education* limited by their race. Through that work, we have seen that there are no simple answers for unwinding the entrenched roots and sprawling branches of segregation and discrimination.

For institutions of higher education, this may mean redoubling efforts to recruit and retain talented students from underserved communities, including those with large numbers of students of color. It may likewise mean a greater focus on fostering a sense of belonging for students currently enrolled. Through such efforts, colleges and universities can effectively support and retain students from diverse backgrounds. Colleges and universities can also ensure that prospective students of color know that the schools they are considering are places where all students will be welcome and will succeed. Colleges and universities may also choose to focus on providing students with need-based financial support that allows them not just to enroll, but to thrive. Students should not be waylaid on the path to a degree because they must shoulder crushing ng hours to pay their bills.

Colleges and universities can also play a role in growing the talent pool of college- and career-ready students. Students from disadvantaged backgrounds, who are disproportionately students of color, are more likely to attend PreK-12 schools that lack the particular courses, types of instruction, and enrichment opportunities that prepare students for college, and that colleges and universities seek in their admissions process. By partnering with school districts in underserved communities, supporting improved access to high quality advanced courses, and investing time and resources into programs that identify and nurture potential, colleges and universities can ensure that more students will be prepared to apply to colleges and universities, gain admission, succeed, and graduate. Colleges and universities can also participate in programs that commit them to enroll, support, and graduate students from disadvantaged backgrounds, regardless of race, who are attending or have graduated from community college.

With respect to admissions practices themselves, especially for the upcoming cycle, the Departments encourage colleges and universities to review their policies to ensure they identify and reward those attributes that they most value, such as hard work, achievement, intellectual curiosity, potential, and determination. As described in the attached Q&A document, schools can shaped their lives and the unique contributions they can make to campus. Students should feel comfortable presenting their

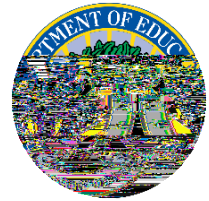
We close by noting our continued commitment to vigorous enforcement of Titles IV and VI of the Civil Rights Act of 1964²



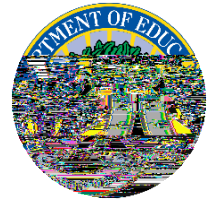
ARVARD
COLLEGE AND UNIVERSITY OF NORTH CAROLINA

OVERVIEW

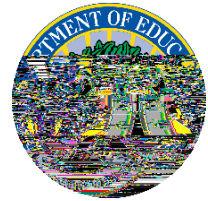
On June 29, 2023, the U.S. Supreme Court held that Harvard College and the University of North Carolina violated the Fourteenth Amendment of the U.S. Constitution and Title VI of the Civil Rights Act of 1964 by impermissibly using race in their undergraduate admissions processes. See *Students for Fair Admissions, Inc. v. President and Fellows of Harvard*



diversity including, among other things, training future leaders, preparing graduates to thrive in an increasingly pluralistic society, promoting the robust exchange of ideas, fostering innovation and problem-solving, and encouraging respect, empathy, and cross-racial understanding were not sufficiently measurable and could not be subjected to meaningful



In short, institutions of higher education remain free to consider any quality or motivation, or determination, even if the application ties that characteristic to their



better position themselves to attain the student body diversity and related educational benefits they seek.

The decision in *SFFA* does not require institutions to ignore race when identifying prospective students for outreach and recruitment, provided that their outreach and recruitment programs do not provide targeted groups of prospective students preference in the admissions process, and provided that all students whether part of a specifically targeted group or not enjoy the same opportunity to apply and compete for admission. Such outreach and recruitment efforts can remove barriers and promote opportunity for all, and institutions remain able to race when engaged in those efforts.

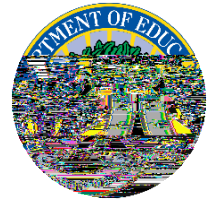
In identifying prospective students through outreach and recruitment, institutions may, as many currently do, consider race and other factors that include, but are not limited to, geographic residency, financial means and socioeconomic status, family background, and parental education level. For example, in seeking a diverse student applicant pool, institutions may direct outreach and recruitment efforts toward schools and school districts that serve predominantly students of color and students of limited financial means. Institutions may also target school districts or high

location (e.g., schools in the Midwest, or urban or rural communities) or other characteristics (e.g., low-performing schools or schools with high dropout rates, large percentages of students receiving free or reduced-price lunch, or historically low numbers of graduates being admitted to the institution).

In addition to outreach and recruitment programs, institutions may offer pathway programs that focus on increasing the pool of particular groups of college-ready applicants in high school and career and technical education programs. The structure and scope of pathway programs vary significantly across institutions. An institution may partner with a particular school or student-centered organization and offer mentoring or other programming throughout the school year to

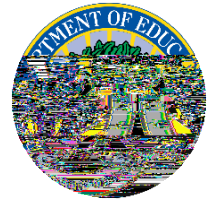
It may also host summer enrichment camps for students attending nearby public schools.

An



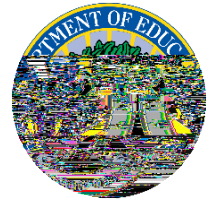
Collection of Demographic Data

student admissions outcomes, and student enrollment and retention provide institutions with critical information related to their programs and objectives. Such data convey a range of



Similarly, institutions may investigate whether the mechanics of their admissions processes are inadvertently screening out students who would thrive and contribute greatly on campus. An institution may choose to study whether application fees, standardized testing requirements, pre-requisite courses such as calculus, or early decision timelines advance institutional interests.

not consider an



If you have further questions, please contact the Department of Rights (800-421-3481 or ocr@ed.gov Section (877-292-3804 or education@usdoj.gov).

Office for Civil

Previous Application Questions (UMTC)

(all three were optional; now 1 and 3 are optional and number 2 is required)

1. Please share a few words about your interest in the major(s)/college(s) you have selected above. Our review process is intended to place students in a college that best matches their interests and academic preparation. Please limit your short answer to 1,000 characters or approximately 150 words.

2. **(Required now for Fall 2024 application):** The University values diversity, broadly defined to include diversity of experiences, perspectives, backgrounds, and talents. Enrolling a diverse community of scholars interested in learning with and from each other fosters discussion and discovery inside and outside of the classroom. Please share briefly how you might contribute to, or benefit from, our community of scholars.

UMTC Recruitment Strategies

Focused on Diversity Broadly Defined

Refocus on

- ◁ Strategic direct marketing approach to elevate awareness about the U of M in critical markets
- ◁ Expanded community group and high school partnerships that support underserved students
- ◁ Continued application workshops and application fee waivers, college fairs, high school visits, Admissions counselor visit at location in community

On-campus Programming

- ◁ Ensuring campus events and visit options are offered outside of M-F to be accessible for more students and families
- ◁ More college exploration programming for younger students in college access programs (9th and 10th graders)
- ◁ Evolved campus experiences and events to ensure underserved students learn about campus climate, programs and opportunities (i.e., Experience Minnesota, Special Receptions, American Indian Visit Day, Transfer Visit Days)
- ◁ Newly formalized group visit program to provide greater opportunity for students to visit with their school or community group.

Partnerships

- ◁ Established a Community Access Partnership Advisory Board to ensure programs and efforts meet student needs
- ◁ Enhanced partnerships with community colleges to expand transfer student outreach
- ◁ Partnership with Ramp-up to Readiness

To recruit **both**

- ◁ Students already knowledgeable about college
- ◁ Students with great potential, but who need more support to explore and pursue post-secondary education

UMN System Holistic Review

Crookston

Primary factors

- ◁ Grade point average
- ◁ Specific high school courses, grade trends, and rigor of academic curriculum

Secondary factors

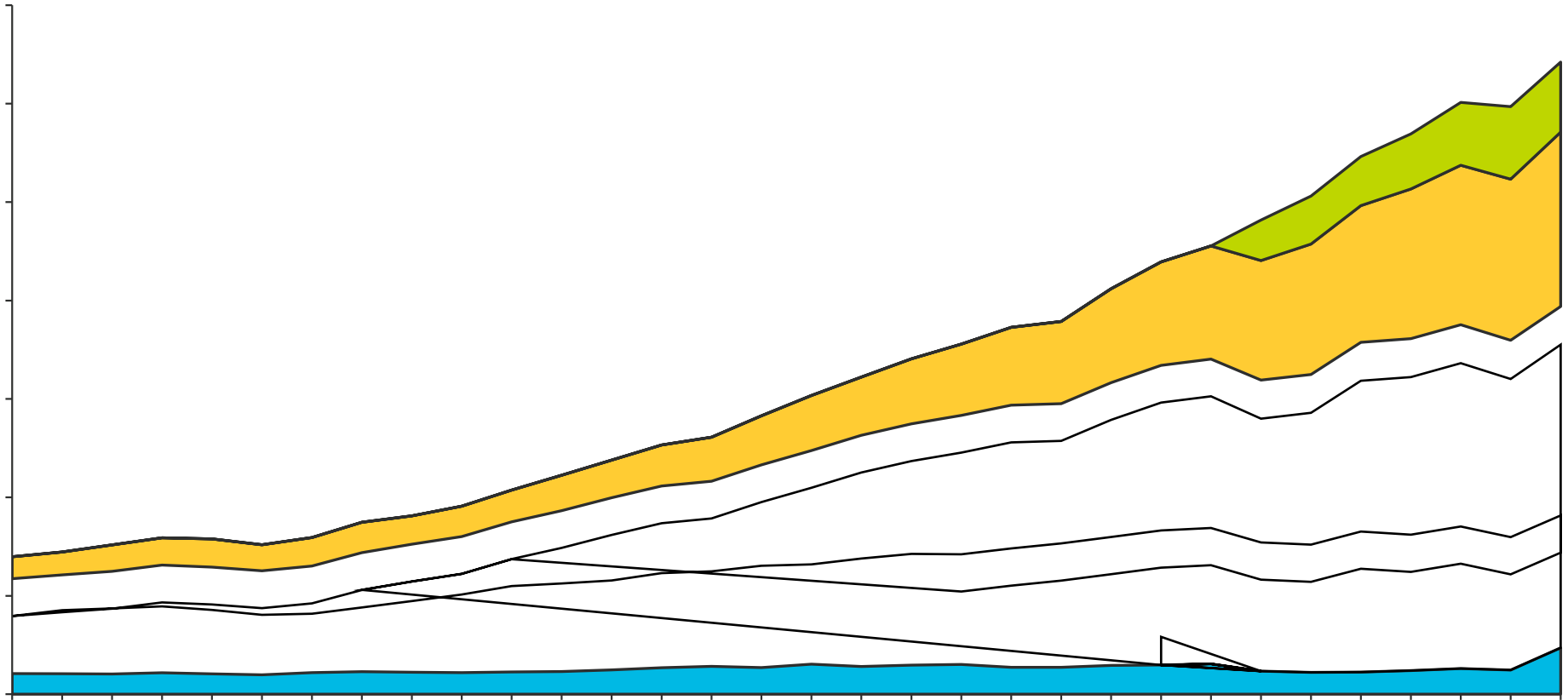
- ◁ College-level coursework completed
- ◁ Demonstrated leadership through extra-curricular activities, employment, or community service
- ◁ Participation in 4-H or FFA
- ◁

Rochester

Primary factors

- ◁ Academic achievement, especially in STEM courses
- ◁ Demonstrated passion for Health Care
- ◁ Experience in a Health Care setting
- ◁ Commitment to community service
- ◁ Evidence of having overcome social, economic, or physical barriers in educational achievement
- ◁ Demonstrated responsibility to family, community, job, or social endeavor
- ◁ Potential to contribute to the campus outside of the classroom

Percentage of Minnesota Public High School Graduates of Color by Race/Ethnicity



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Impacts of the Recent

MPact 2025

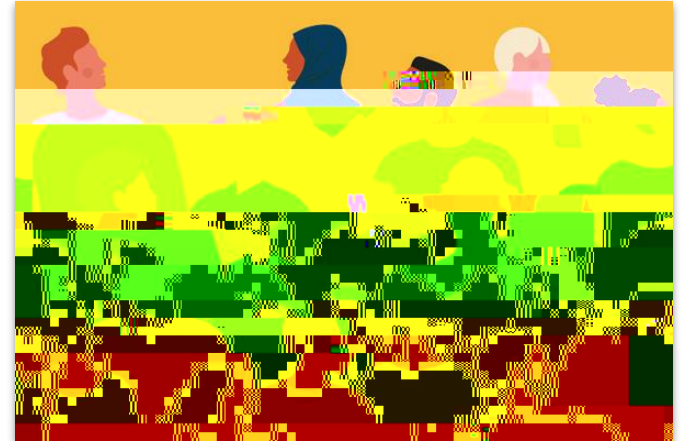
Commitment 4: Community & Belonging

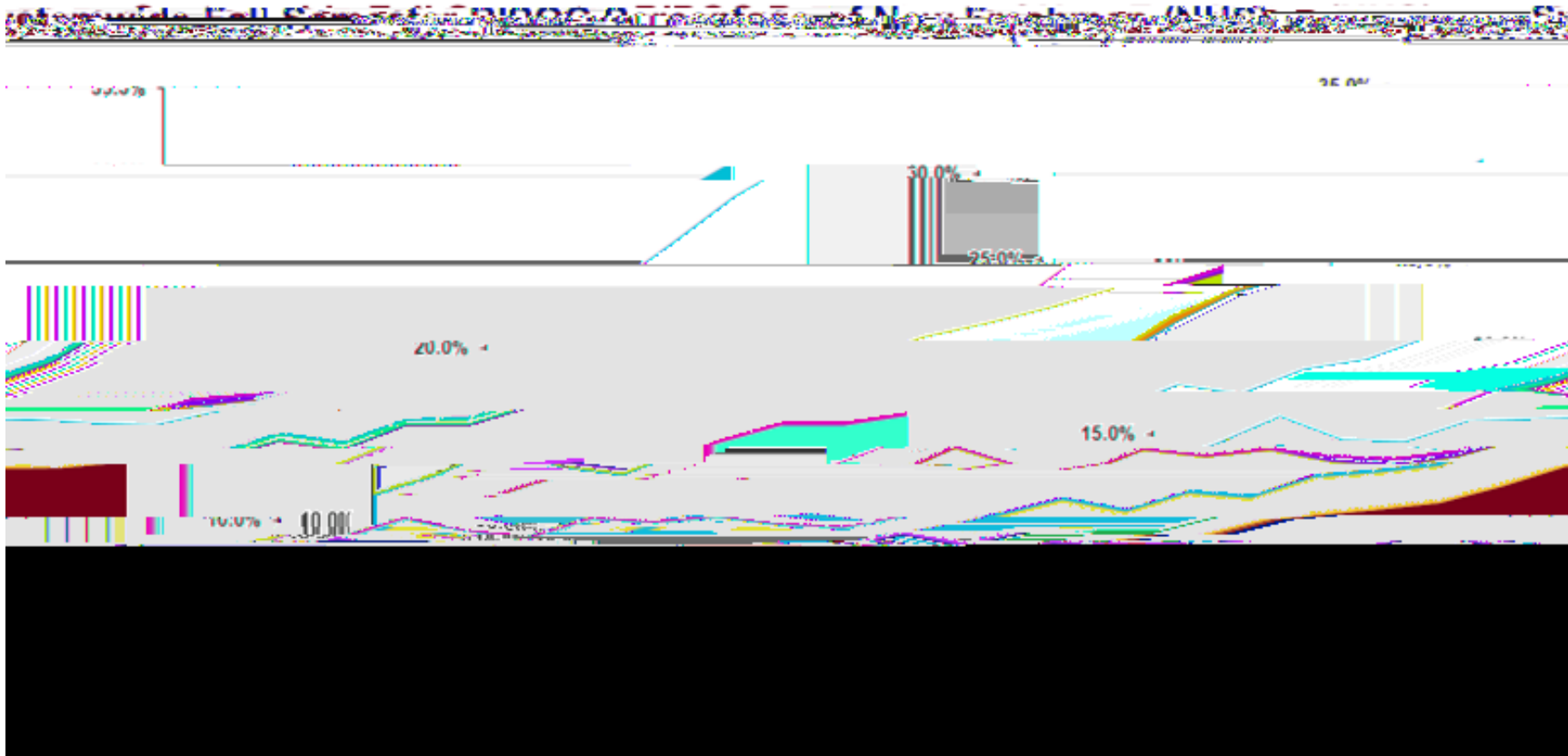
Goal 4.1

Recruit and retain diverse talent

Action

Increase percentage of BIPOC/Underrepresented undergraduate students in the freshman class year over year





June 29, 2023: U.S. Supreme Court Decision

U.S. DOE/DOJ Dear Colleague Letter and FAQ (“DOE/DOJ”)

“Harvard College and the University of North Carolina violated the Fourteenth Amendment of the U.S. Constitution and Title VI of the Civil Rights Act of 1964 (‘Title VI’) by impermissibly using race in their undergraduate admissions processes.”



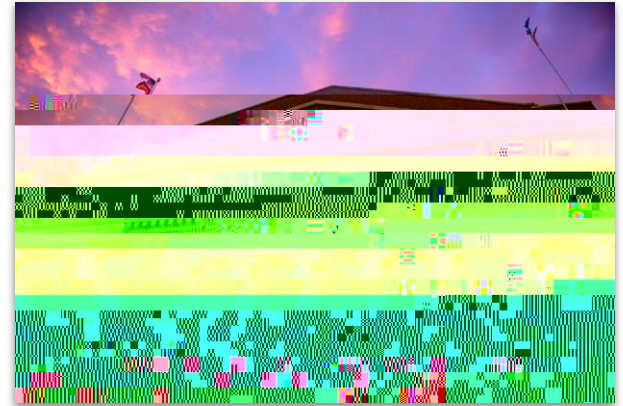
Resources

Docket

- The decision itself
- U.S. DOE/DOJ Dear Colleague Letter and FAQ
- Summaries from Inside Higher Education and Chronicle of Higher Education

Other

- Conversations with Big 10 Colleagues
- Discussions with U of M Office of the General Counsel
- UMN Systemwide SCOTUS advisory group



Undergraduate Admissions



All campuses will continue to collect race/ethnicity data for IPEDS reporting and other purposes, but will suppress in application review

All campuses also continue to collect information about previous family attendance/employment, but will suppress in application review



Application Short Answers (DOE/DOJ)

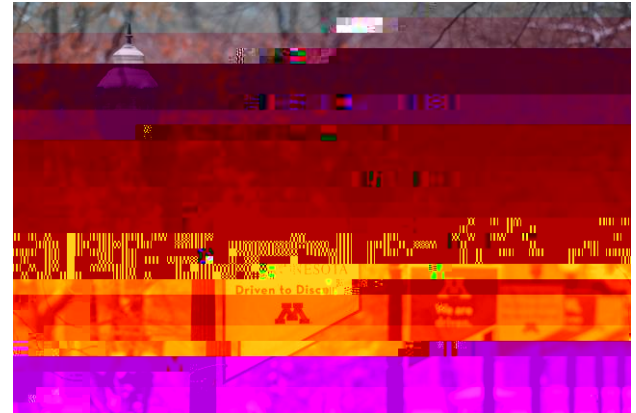
“[N]othing in [its] opinion should be construed as prohibiting universities from considering an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise.”

“In short, institutions of higher education remain free to consider any quality or characteristic of a student that bears on the institution’s admission decision, such as courage, motivation, or determination, even if the student’s application ties that characteristic to their lived experience with race—provided that any benefit is tied to ‘that student’s’ characteristics, and that the student is ‘treated based on his or her experiences as an individual[,]’ and ‘not on the basis of race.’”

Holistic Review: Academic Factors (UMTC)

Because the greatest predictor of college success is academic preparation, the strongest consideration in the decision is given to a student's high school record

- Coursework taken and rigor of curriculum
 - adjusting for what is available in the school
- Grades in academic coursework
- Class rank/Grade point average (if available)
- ACT or SAT scores (if provided)



Revised Application Short Answer (UMTC)

Previously, the application included 3 optional questions, now two are optional and this one is required:

The University values diversity, broadly defined to include diversity of experiences, perspectives, backgrounds, and talents. Enrolling a diverse community of scholars interested in learning with and from each other fosters discussion and discovery inside and outside of the classroom. Please share briefly how you might contribute to, or benefit from, our community of scholars.



50-60 staff members, including seasonal readers and full-time professional staff

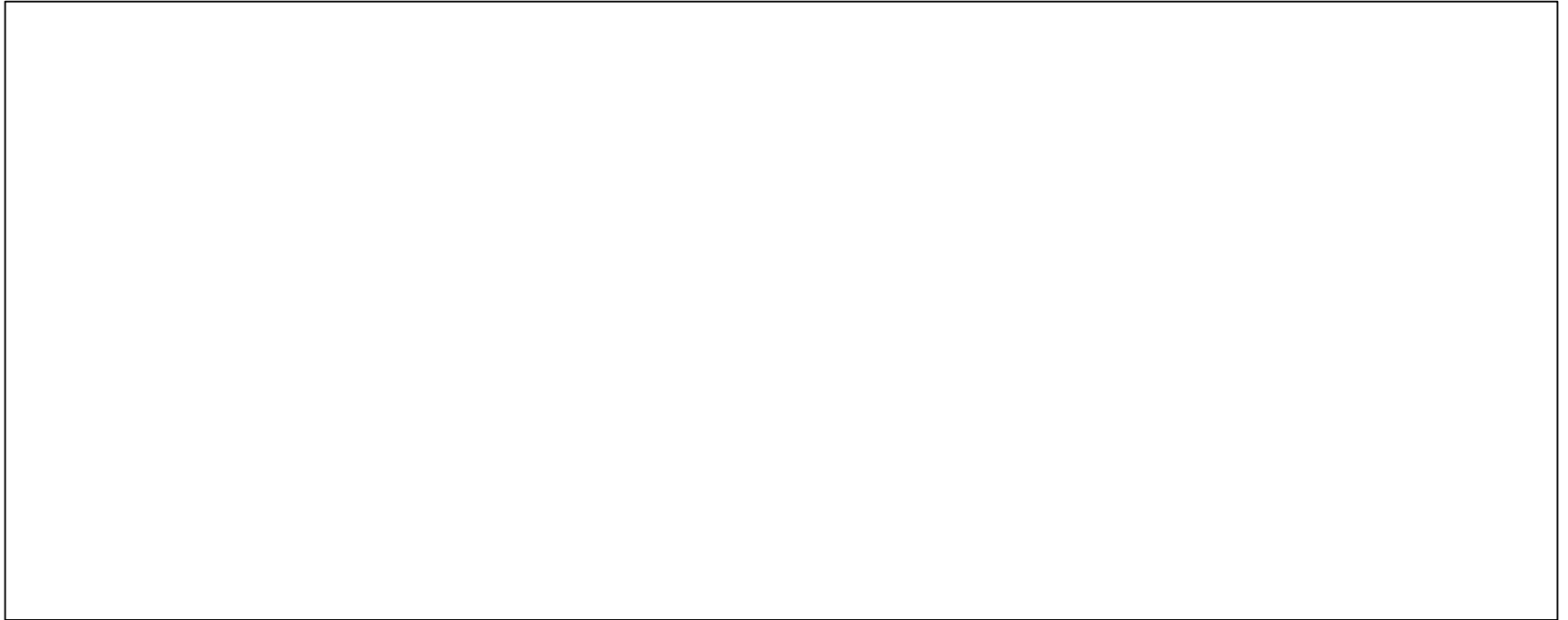
Every application is reviewed individually by multiple readers

Training (including bias training), reader meetings and quality assurance measures

Every reviewer now required to read and acknowledge their understanding of a



Acknowledgment of Guidance Statement (UMTC)



Pathway Programs (DOE/DOJ)

“Institutions may continue to pursue targeted outreach, recruitment, and pipeline or pathway programs (referred to here as ‘pathway programs’).”

“The Court’s decision likewise does not prohibit admissions models and strategies that do not consider an individual’s race, such as those that offer admission to students based on attendance at certain secondary or post-secondary institutions or based on other race-neutral criteria.”



Recruitment Strategies (UMTC)

Focused on Diversity Broadly Defined

Continued and enhanced recruitment strategies

- First-generation students

- Low-income students (free and reduced lunch)

- Specific geographies (enhanced recruitment at urban high schools [e.g. CORE], Greater MN)

- Expanded community group and high school partnerships that support underserved students

On-campus programming

- Ensuring campus events and visit options are offered



Sense of Belonging (DOE/DOJ)

“An institution may, consistent with the federal laws 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 regardless of race or ethnicity.”



Commitment 4: Community & Belonging

Goal 4.1

Recruit and retain diverse talent

Action

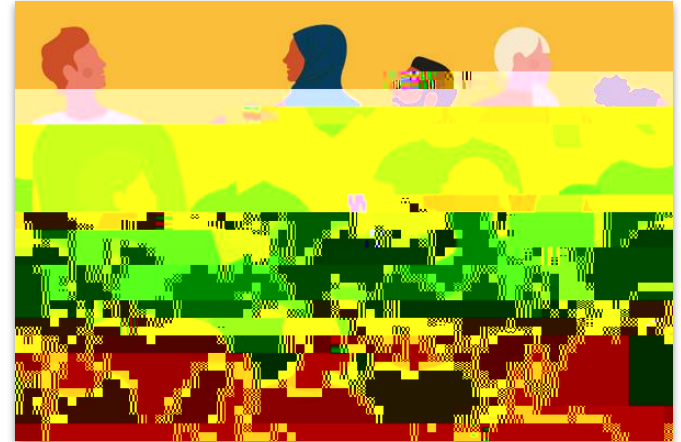
Reduce disparities among underrepresented groups

Goal 4.2

Cultivate a welcoming and inclusive campus climate

Action

Increase percentage of students with a favorable sen-3(lu.IW.5re f5. BD4 0.000010729 0 72 Tm 0 g



Martin Luther King Advising Program

Multicultural Center for Academic Excellence (MCAE)

Living-



Undergraduate Admissions: What has changed?

The factors we consider in our holistic review of undergraduate applications (systemwide)

- Race and ethnicity data suppressed in application review

- Family attendance and employment (legacy) at the U suppressed in application review

One of three formerly optional short answer questions is now mandatory (UMTC)

- Admissions officers trained and confirm how they will use any racial information revealed there

Undergraduate Admissions: What has NOT changed?

Our commitment to diversity, inclusion and access, to remove barriers to higher education and to ensure that all members of our community have equitable access to the University and its resources

Our commitment to an admissions process that carefully looks at everything a student brings to our campus community and that continues to support student success

Multicultural student recruitment, outreach and student success initiatives



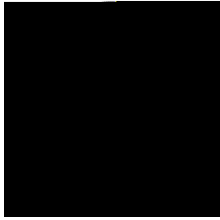
Discussion and Questions

What additional strategies for maintaining/increasing diversity should the U of M consider?

What types of new student success programs might be beneficial for supporting diversity?

How will the U of M measure our success as we implement new policies/procedures?





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INTERIM

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University of Minnesota Board of Regents
Mission Fulfillment Committee
September 7, 2023
