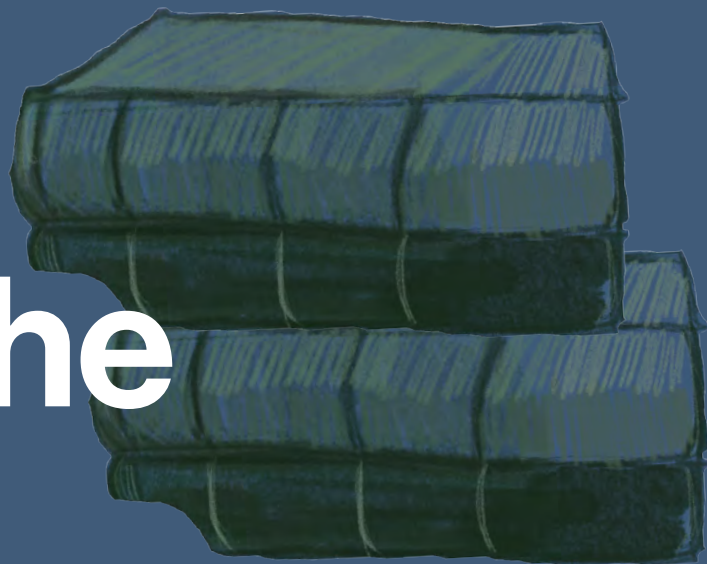


Beyond the Bench



The Aftermath of the Supreme Court's Affirmative Action Ruling

By Eden Weissman



While a new school year typically brings with it a bright optimism for the months ahead, the start of this semester was dampened with news many had hoped would be averted: the number of newly admitted Tufts students of color dropped by nearly 6 percent compared to last year, mirroring similar demographic drops in other schools in the Boston area and broader Northeast. At Tufts, the percentage of Black students fell from 7.3 percent in the Class of 2027 to 4.7 percent in the Class of 2028. Similarly, the number of multiracial students, Asian American, and Indigenous students dropped compared to last year.

This sharp shift in racial demographics comes after the June Supreme Court decision in the *Students for Fair Admissions v. Harvard* and *Students for Fair Admissions v. UNC* cases, which dealt a cutting blow to the use of affirmative action in US college admissions. With a 6-3 decision, the court's conservative majority declared race-conscious admissions practices a violation of the Equal Protection Clause of the 14th Amendment. In the majority opinion, Chief Justice Roberts noted that the schools being sued by *Students for Fair Admissions* had used "racial stereotyping" and were employing "race in a negative manner" in their admissions decisions. The ruling stood in stark contrast to past decisions made by the Supreme Court, which upheld that race could be considered as one factor out of many in holistic admissions decisions.

"I was shocked when the US Supreme Court took [the 2023 cases]," said Natasha Warikoo, a professor of Sociology at Tufts who specializes in higher education admissions and affirmative action. "The court is very conservative right now, but I didn't think there would be any reason for the court to take this case. I thought it was settled law."

Students for Fair Admissions (SFFA), the nonprofit that sued Harvard and UNC, argued that these schools' admissions processes "intentionally discriminated against Asian American applicants based on their race and ethnicity." SFFA was founded in 2014 by conservative activist and litigator Edward Blum, who was the architect of the *Fisher v. University of Texas* case that ulti-

mately failed to get rid of race-consciousness in college admissions.

Both the political makeup of the court and Blum's specific way of framing his Harvard and UNC cases allowed for their success. "I think the way [for Blum] to get his foot in the door [of the Supreme Court] was to say that there is racial discrimination towards Asian Americans," Warikoo said. "I think it was a clever kind of pivot, because now you had a racial minority group that you could say was experiencing racial discrimination, and that perhaps was a little more palatable than saying that whites experience racial discrimination."

This framing of Asian American discrimination draws on the idea that colleges try to fill a specific quota of certain races during their admissions decisions, which is illegal. This misconception often arises due to a lack of understanding about the differences between affirmative action in the workplace versus in higher education. "In the early 1960s, [affirmative action] meant non-discrimination. [Employers] have to take affirmative action to make sure [they] are not discriminating on the basis of race if [they] want to have a government contract," Warikoo explained. "In higher education, [affirmative action] is race-conscious admissions, where you are taking race into account in addition to a whole host of factors."

The 2023 ruling by the Supreme Court has already appeared to have deeply affected the demographics of the Class of 2028 for numerous colleges. When asked about the drop in students of color at Tufts, Tufts Community Union (TCU) and Student Body President Joel Omolade said, "I knew it was going to happen [but] I was surprised it happened so quickly. I guess the dialogue [we'd] been hearing from administration was like, 'We're gonna do our best to still try to be focusing on [students of color] in applications.' And then hearing and seeing the drop was crazy."

JT Duck, the Dean of Admissions at Tufts, said in a written statement that he "was disappointed in the decline in the percentage of the incoming class that identified as students of color. [While the department] had hoped that the Supreme Court would... continue to uphold race-conscious admissions practices as it had done for decades, we were not optimistic.

As such, we began preparing well in advance of the Court's ruling." He explained that the department trained admissions readers on how to comply with the new Supreme Court guidelines after the decision was announced.

Some students expressed similar feelings to Omolade and Duck when they heard about the drop in students of color. Mofe Akinyanmi, a fourth year student in the Tufts-NEC dual degree program, said, "I was honestly really disappointed. I just feel like [the drop] is proof of how people who have been historically oppressed in this country have struggled getting into schools. It's honestly a very painful thing, because there are so many deserving students who simply don't have access to the same resources to prepare themselves for college admissions and applications."

Duck noted that Tufts has made and will continue to make efforts to increase diversity in its accepted classes. "These efforts have ranged from expanding outreach to school counselors that work at high schools sending many African-American and Hispanic/Latinx students to college, to supporting the work of a greater number of college access organizations. We [spend more time recruiting] in rural and small towns, more time in the US South and Southwest, and more time in metropolitan Boston," Duck said. Duck noted that the Supreme Court's decision came at a time when the percentage of US applicants to Tufts who identified as students of color increased from 45 percent to 56 percent between 2018 and 2023, and the percentage of incoming US students who identified as students of color shifted from 38 percent to 50 percent in a span of about 5 years.

"I think there's so many benefits to having a larger representation of [students of color]," Omolade said. For example, "the Africana Center has [had] so many events and just amazing things in the past few years, and I think a lot of that is attributed to the high input of students of color that we've been seeing on our campus. We've been seeing more of a focus on cultural events, and cultural organizations. It is a bit nerve-racking to see what the future might look like with a smaller class [of students of color]."

Akinyanmi expressed similar reservations as to what the future of campus life might look like if the decrease in racial diversity continues. “I wouldn’t say that [Tufts] did a particularly good job [of recruiting students of color], but there is a Black community here. I’m concerned that with such a drop in enrollment, [students] will get less support and advocacy simply because there’s less people,” Akinyanmi said. “Just by having fewer Black people you have less people to advocate for you, and we don’t have a lot of Black professors at all. I think that with a huge drop in enrollment, it’s definitely going to be a very difficult thing and feel very isolating, especially for students who are coming from schools that are predominantly Black.”

With these concerns in mind, students like Akinyanmi want to know what steps Tufts will take to try and ensure that both existing and future classes at Tufts see a diverse and thriving student body. Omolade said that he and other student senators have been working with the administration to have more student input on faculty hiring decisions so that more faculty of color can be recruited to Tufts. Many students have stressed the importance of having faculty demographics mirror student demographics so that students of color can feel adequately supported in their academic pursuits. He emphasized that TCU would work to make students of color on campus feel welcome through initiatives like granting more funding to cultural organizations, and increasing cultural programming. Duck said that the admissions department will continue to promote programs like Voices of Tufts Diversity Experience, which is designed for high-school seniors from underrepresented backgrounds who are interested in seeing the campus before applying.

“I’m excited to hear about those proposals [to promote diversity on campus],” Akinyanmi expressed. “However, I am a little skeptical, because it still doesn’t change the number of students [of color] that there are. And some of the damage has already been done.”

Warikoo expressed a similar sentiment, saying that “the overall trend I see [from 2024 college admissions data], is that, on average, the percentage of Black students has gone down, and that’s very

troubling. The other thing is that the percentage of Asian American students also hasn’t gone up across the board. This is what Edward Blum was looking for. He was looking to end a policy that was designed to increase racial equity, particularly for Black Americans.”

Duck emphasized that one point that could be affecting demographic data this year is the number of students who chose not to disclose their race or ethnicity on applications. “We are accustomed to seeing about 3 to 4 percent of our class leave questions [about their race/ethnicity] blank. This year, that number doubled to more than 7 percent, which has the potential to depress any of the other statistics meant to illuminate the racial composition of the first-year class,” he said. It’s not known exactly what accounts for the rise in students who are choosing not to disclose their race or ethnicity; Warikoo noted that it could potentially be from applicants of color who are reluctant to disclose their race on applications after the Court’s decision.

Both Warikoo and Duck noted that Tufts can and should do more to try and retain diversity while working within the law. Even then, it’s unclear how much diversity programs can shift demographics back to where they were before. “Will [these programs] move the needle? Yes. Will it get us back to pre-ban levels? I don’t know,” said Warikoo.

While the future remains uncertain, it’s clear that the Supreme Court’s decision has been one of the most consequential events in higher education in recent times. Universities face a bleak legal landscape in which they must work within the constraints the Court has set for them and still try to attract underrepresented students. It remains to be seen what Tufts will continue to do within its legal power to shift future classes’ demographics back to their previous upward climb. 