

HOW COLLEGES BRAZENLY GET AROUND SUPREME COURT'S AFFIRMATIVE ACTION RULING

September 30, 2023

By: Rikki Schlott

Now that race-based affirmative action in college admissions has been overturned in a landmark Supreme Court decision, colleges, and universities are scrambling to diversify their student bodies without running afoul of civil rights law. Several top-ranked schools are rolling out a slew of new essay prompts that fish for demographic information with leading questions — and some are going so far as to directly ask about prospective students' race.

Johns Hopkins University in Baltimore asks students to “tell us about an aspect of your identity (e.g. race, gender, sexuality, religion, community, etc.) or a life experience that has shaped you as an individual...” Meanwhile, Rice University in Houston asks applicants: “What perspectives shaped by your background, experiences, upbringing, and/or racial identity inspire you to join our community of change agents at Rice?”

And every single Ivy League school has added an application question about students' backgrounds, according to college admission expert and Ivy Coach managing partner Brian Taylor. It's a clever loophole: ask about race ... without *expressly* requiring students to write about their race.

And some schools aren't even remotely subtle about their motivations. Sarah Lawrence College in Bronxville, New York, even cites the Supreme Court's decision in its essay prompt.

“In the syllabus of a 2023 majority decision of the Supreme Court written by Chief Justice John Roberts, the author notes: ‘Nothing prohibits universities from considering an applicant's discussion of how race affected the applicant's life, so long as that discussion is concretely tied to a quality of character or unique ability that the particular applicant can contribute to the university,’” the Sarah Lawrence application reads. “Drawing upon examples from your life, a quality of your character, and/or a unique ability you possess, describe how you believe your goals for a college education might be impacted, influenced, or

affected by the Court's decision.”

These schools are pushing the envelope as far as possible — and the federal government seems to be egging them on. The Biden Administration's Department of Education is even weighing in, giving colleges tips on how to “enhance racial diversity” in higher education without running afoul of the Supreme Court ruling.

In a report released Thursday, the administration urged schools to increase targeted outreach to non-white communities and give “meaningful consideration in admissions to the adversity students have faced ... including racial discrimination.” **Taylor says these new essay prompts leave many students grasping at straws: “They’re often confused because they think to themselves, ‘If I’m not an underrepresented minority if I’m not a member of the LGBTQ community, how do I answer this question?’”**

Schools are right that diversity is important. We don't want colleges filled only with ultra-privileged students who could afford the best SAT tutors — or whose families forked over a massive donation. However, implicitly asking about race makes students feel pressured to write about their ethnicity rather than their character to help their admissions prospects.

“A number of students are disappointed that they feel they have to write about their race in their essay prompt. And they’re correct to think so,” Taylor said, referring to increasing their admissions odds. “They need to let it be known that they are Black or Latino or Native American, and they need to let it be known how that shaped who they are.”

Bunmi Omisore, a 19-year-old Duke freshman, told The Post she's glad she was in the last class to apply before the ruling for this very reason. “I wrote about things like my family, ‘The Bachelor’ and biking in my application essays,” Omisore said. “But if I were applying now, I think I would have to forfeit writing about some of those parts of my personality and opt for writing about things that I don't really like thinking about, like my experiences with racism or my racial trauma. “You're going to be having a lot of minority students basically telling a single story, and it's not fair because that takes away from the uniqueness of the applicant,” she added.

Not only is this tactic a brazen abuse of a legal loophole — it also reduces students to their immutable characteristics and incentivizes them to performatively boil themselves down to their race. That's the opposite of progress. Abolishing legacy admissions — which disproportionately favor white applicants — and implementing socioeconomic affirmative action, which would boost disadvantaged students of all backgrounds, are two better ways to promote diversity. Colleges need to figure out how to do this without indulging in race essentialism.