

The Supreme Court on Campus (Higher Education Roundtable Series)

SEPTEMBER 19, 2023

Two of this year's Supreme Court decisions will have major implications for the operations of our higher education clients. In an effort to help with compliance efforts, Bowditch held two new sessions of the Higher Education Roundtable Series. The moderated discussions offered an opportunity for college and university administrators to talk candidly among each other about common issues and learn from each other's successes and challenges. The roundtables were limited to employees of colleges and universities, and were not recorded, which allowed for robust discussion.

This fall's roundtable focused on two topics:

1. Admissions Strategies for Diversity in a Post-Affirmative Action World

The Supreme Court's decision in *SFFA vs. Harvard* invalidated the approach that many colleges and universities take in considering applicants' race as part of admissions decisions. Many colleges and universities, however, remain committed to the goal of a diverse student body.

This conversation was moderated by Bowditch attorneys, including Brigid Harrington and Ben Hinks, and included discussion on topics such as:

- Defining diversity, and linking it to an educational mission
- Ways in which race can be a factor in admissions
- Strategies within the admissions process for building a diverse student body
- Strategies outside of the admissions process (recruitment, enrollment) for attracting and retaining a diverse student body

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- Affirmative action in hiring – the next challenge

2. Religious Accommodations – Do I need to change my policy?

The Supreme Court's decision in *Groff v. DeJoy* changed the approach that employers must take to considering requests for religious accommodations. This may be especially impactful for institutions that have a vaccine mandate and offer exemptions from that mandate based on religion. Recent precedent in the District of Massachusetts regarding vaccine mandates were also discussed.

Discussion topics included:

- What must a religious accommodations policy state, and what must be included in the process?
- How does this change existing processes with regard to vaccine mandates
- Do changes to religious accommodations in employment affect student academic accommodations?

The discussion was led by Bowditch attorneys Brigid Harrington, Chelsie Vokes and Ben Hinks.

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