



Litigants and Their Main Arguments

SFFA v. Harvard and SFFA v. University of North Carolina

Below is a summary of the litigants and their main arguments.

Private University Affirmative Action Case: *Students for Fair Admissions v. Harvard*

Students for Fair Admissions (SFFA) is a non-profit organization that includes applicants, prospective college applicants, their parents, and others. Their mission is “to defend human and civil rights secured by law, including the rights of individuals to equal protection under the law, through litigation and any other lawful means.” (See Briefs and lower court opinion.)

Harvard specifically refers to the President and Fellows of Harvard College, along with the Board of Overseers of Harvard College.

SFFA makes four basic arguments:

1. Harvard’s admissions process intentionally discriminates against Asian Americans;
2. Harvard’s admissions process wrongfully tries to balance the percentage of students from different races;
3. Harvard uses race as more than just a factor to boost a person’s application; and
4. Harvard could use race-neutral processes to achieve its goals but fails to do so.

Harvard argues that:

1. SFFA should not be able to bring this case against them because they have not been personally harmed by any of Harvard’s policies;
2. Their admissions process correctly uses race to promote diversity among their student body;
3. They have tried to test and come up with race-neutral processes, but the research suggested that these attempts were not helpful.
 - a. They also argue that the processes that they have tried have supported that research.

Private University Affirmative Action Case:
Students for Fair Admission v. University of North Carolina

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University of North Carolina (UNC) specifically refers to the UNC’s Board of Governors, President, Chancellor, Executive Vice Chancellor and Provost, Vice Provost for Enrollment and Undergraduate Admissions. The defendants in this case also include a “racially diverse group of underrepresented students of color who applied, attended, and/or recently graduated from UNC.” (See Lower Court Opinion.)

SFFA makes two arguments that were addressed during the trial of this case:

1. UNC uses race as more than just a factor to boost a person’s application;
2. UNC could use race-neutral processes to achieve its goals but fails to do so.

The University of North Carolina argues:

1. Their use of race in the admissions process provides educational benefits and a diverse student body, which justifies their use of race;
2. Race is only one fact in their holistic review of applications; and

They have considered race-neutral alternatives in their admissions process, but none of them would successfully preserve the educational benefits or diversity that they see now without excessive expenditures by the administration.