

Resolution No.:	<u>20-250</u>
Introduced:	<u>July 25, 2023</u>
Adopted:	<u>July 25, 2023</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmembers Laurie-Anne Sayles and William Jawando

SUBJECT: Resolution Supporting Racial Equity in Higher Education

Background

1. In her dissent in *Students for Fair Admissions, Inc., v. President and Fellows of Harvard College and Students for Fair Admissions Inc. v. University of North Carolina* 600 U.S. ____ (2023), Justice Sotomayor stated “[F]or more than four decades, it has been [the Supreme] Court’s settled law that the Equal Protection Clause of the Fourteenth Amendment authorizes a limited use of race in college admissions in service of the educational benefits that flow from a diverse student body”.
2. On May 16, 1954, in *Brown v. Board of Education*, 347 U.S. 483 (1954), the Supreme Court, ruled that separating children in public schools on the basis of race was unconstitutional. *Brown*, and its progeny, underscored the need for tailored race-conscious interventions to ensure equal educational opportunity in higher education.
3. The need to use race-conscious interventions to ensure equal opportunity remains especially critical in states like Maryland, where a history of *de jure* segregation in higher education has caused systemic and generational harm.
4. On June 29, 2023, in *Students for Fair Admissions, Inc., v. President and Fellows of Harvard College and Students for Fair Admissions Inc. v. University of North Carolina* the Supreme Court reversed the 45-year affirmative action precedent when it ruled that the affirmative action admissions policies of Harvard and the University of North Carolina violate the Equal Protection Clause of the Fourteenth Amendment. Therefore, race can no longer be used in a limited way to achieve diversity in higher education.
5. In her dissent, Justice Jackson noted, “Do not miss the point that ensuring a diverse student body in higher education helps everyone, not just those who, due to their race, have directly inherited distinct disadvantages with respect to their health, wealth, and wellbeing.” There are numerous educational benefits of a diverse student body in reducing stereotypes and prejudices that lead to discrimination are clearly documented. Research confirms racial diversity on college campuses results in benefits to everyone, benefits beyond academic completion.

6. Race-sensitive admissions policies have increased the number of students who have gone on to assume positions of leadership in academia, business, the government, the military, and every other segment of American life.
7. The Supreme Court's decision in *Students for Fair Admissions, Inc.* will, no doubt, cause immediate and immeasurable harm impacting the social and educational mobility of Black and Brown students. Such policy shifts in institutions of higher education that had previously banned affirmative action at the University of California and the University of Michigan caused a dramatic reduction in the enrollment of students of color at those institutions. The harm will not be isolated and will have enduring consequences beyond higher education for generations to come.
8. Government, business, and leadership in institutions demands a sufficient pipeline of diverse candidates to achieve and maintain diversity. As one of the most diverse jurisdictions in the nation, the Council knows that the diversity of Montgomery County is our greatest strength.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The Council acknowledges the long history of racial inequities in higher education and the admissions process and is committed to continuing to advocate for and support underrepresented communities.

The Council believes that a legal framework for racial diversity in education has compelling educational and social benefits for all, and denounces the June 29, 2023 Supreme Court decision overturning affirmative action in college admissions. This holding will ensure a greater underrepresentation of Black and Brown students in higher education.

The Council acknowledges that colleges and universities are uniquely situated to introduce students to novel ideas, philosophies, and viewpoints, and to prepare students for a diverse democracy. Meaningful interactions with people of all races exposes students to diverse people, cultures, and beliefs, and such interactions assist in breaking down deep-seated racial stereotypes, developing cross-racial insights and understanding, expanding interests and goals, and enhancing critical thinking and decision-making skills.

The Council recognizes the need for diverse learning environments and is fully supportive of public policies and initiatives designed to help eliminate past and present discrimination based on race. As such, the Council will engage in a concerted effort with federal and state lawmakers to advocate for racial equity in higher education.

The Supreme Court ruling reversing affirmative action will not deter the work of the Council toward racial equity and social justice. Persistence is required to overcome the vestiges of the racial history of the United States. The Council is committed to actionable solutions that will produce racially balanced student bodies and address and remedy inequities in the admissions, retention, and graduation processes, including supporting comprehensive college and university access initiatives that provide the necessary support and assistance for students to prepare to enter and succeed in secondary education.

In its *Commitment Statement to Racial Equity and Social Justice* on November 29, 2022, the Council affirmed its commitment to “establishing and advancing an equitable community by striving to ensure that every enacted policy, practice, and system reflects racial equity and social justice.” Our commitment is persistent, continuous, and unwavering.

The Council will continue to advocate for diverse student bodies and equitable educational opportunities.

This is a correct copy of Council action.



Sara R. Tenenbaum
Clerk of the Council