

Closure Activity

How do you feel now... (please raise your hand if you agree with what is said)
 Do you think affirmative action should be banned?
 Do you think affirmative action should be restricted?
 Do you think affirmative action should be upheld?
 Do you think Justices Antonin Scalia, Clarence Thomas, Anthony Kennedy, John Roberts and Samuel Alito will make up the majority vote that causes affirmative action to be limited?

UT Financial Services: Looking for the Next Mountain to Conquer



TheCaseSolutions.com

Path to the Supreme Court



Closure Questions

How do you feel now...(please raise your hand if you agree with what is said)

Do you think affirmative action should be banned?

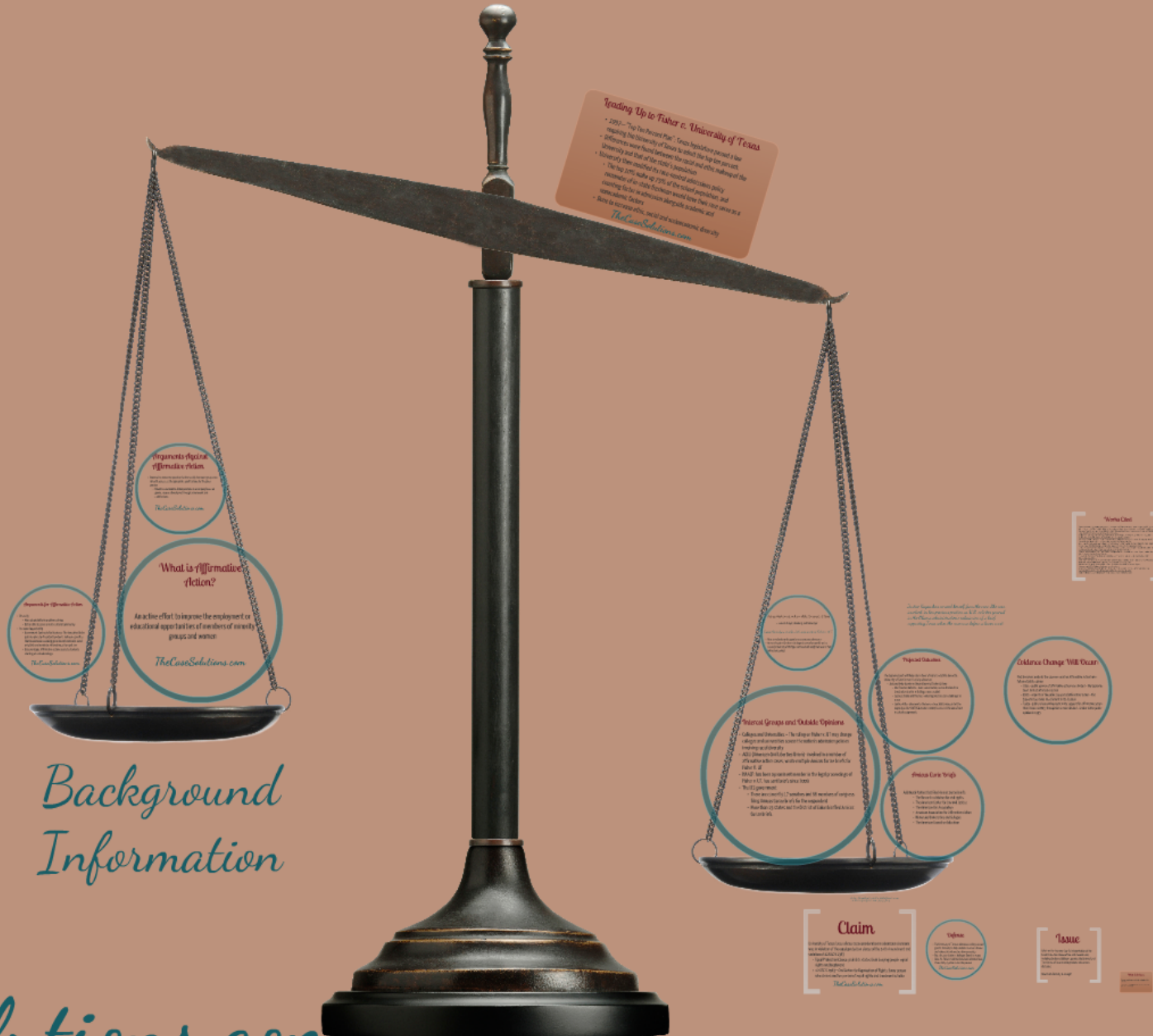
Do you think affirmative action should be restricted?

Do you think affirmative action should be upheld?

Do you think Justices Antonin Scalia, Clarence Thomas, Anthony Kennedy, John Roberts and Samuel Alito will make up the majority vote that causes affirmative action to be limited?



UT Financial Services: Looking for the Next Mountain to Conquer



Leading Up to Fisher v. University of Texas

- 2002 – “Top Ten Private Plan” Texas had the lowest percentage of the University of Texas to which the top ten private
- Differences were found between the quality and the makeup of the University and that of the state’s institutions
- However, the results of the financial administration policy
- The top ten, make up 25% of the total population, only a
- member of the state’s private sector have this year when a
- remaining 75%
- state in its efforts to fund and maintain its state

TheCaseSolutions.com

Arguments Against Affirmative Action

What is affirmative action?

An active effort to improve the employment or educational opportunities of members of minority groups and women.

TheCaseSolutions.com

Background Information

Historical Grievances and Outdated Opinions

Collegiate institutions – The College Board’s 2007 survey shows that 60% of colleges and universities have not taken any steps to improve the diversity of their faculty and staff.

Admission standards – The state’s institutions of higher education have not taken any steps to improve the diversity of their faculty and staff.

Faculty and staff – The state’s institutions of higher education have not taken any steps to improve the diversity of their faculty and staff.

Financial Crisis

The state’s institutions of higher education have not taken any steps to improve the diversity of their faculty and staff.

Admission Crisis

The state’s institutions of higher education have not taken any steps to improve the diversity of their faculty and staff.

Claim

The state’s institutions of higher education have not taken any steps to improve the diversity of their faculty and staff.

Issue

The state’s institutions of higher education have not taken any steps to improve the diversity of their faculty and staff.

Issue

The state’s institutions of higher education have not taken any steps to improve the diversity of their faculty and staff.



What is Affirmative Action?

An active effort to improve the employment or educational opportunities of members of minority groups and women

TheCaseSolutions.com

Arguments for Affirmative Action

- Diversity
 - More adaptability in problem solving
 - Better able to serve a multi-cultural community
- Increased opportunity
 - Government Contracts for Business: The Executive Order put into place by President Lyndon B. Johnson specifies that businesses receiving government contracts must establish and maintain affirmative action policies.
 - Disadvantage: Affirmative actions assists students starting at a disadvantage

TheCaseSolutions.com

Arguments Against Affirmative Action

- Reverse Discrimination penalize the historically dominant group, even when they possess the appropriate qualifications for the given position
 - Minorities and women obtain positions in a company based on gender, race or ethnicity not through achievement and qualifications.

TheCaseSolutions.com

Leading Up to Fisher v. University of Texas

- 1997—“Top Ten Percent Plan”: Texas legislature passed a law requiring the University of Texas to admit the top ten percent.
- Differences were found between the racial and ethnic makeup of the University and that of the state’s population
- University then modified its race-neutral admissions policy
 - The top 10% make up 75% of the school population, and remainder of in-state freshman would have their race serve as a counting factor in admission alongside academic and nonacademic factors
 - Done to increase ethnic, social and socioeconomic diversity

TheCaseSolutions.com

Abigail N. Fisher

- Caucasian
- SAT Score: 1180
- GPA: 3.56 out of 4.00
- 2008: Applied for undergrad admission
 - Not part of the top 10%, so competed for admission with other non-top 10% in-state applicants
- She was denied, as are thousands of applicants each year

TheCaseSolutions.com

Claim

University of Texas's use of race as a consideration in admission decisions was in violation of the equal protection clause of the 14th Amendment and violation of 42 USC § 1983

- Equal Protection Clause: prohibits states from denying people equal rights and treatment
- 42 USC § 1983—Civil Action for Deprivation of Rights: Every person who denies another person of equal rights and treatment is liable

TheCaseSolutions.com

Defense

- The University of Texas's admissions policy pursued greater diversity to help students overcome biases and make contributions to a diverse society.
- Stare Decisis: Grutter v. Bollinger (heard in 2003)
- Also, Ms. Fisher would not have been admitted even if race had played no role in the process.

TheCaseSolutions.com