



2024 Hospitality & Retail Practice Group Seminar

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UNITY AND DIVERSITY . . . BEYOND THE UNIVERSITY

The Implications of *Students for Fair Admissions, Inc. v. Harvard et. al.* Beyond The Context of Higher Education and Its Effect On Private Sector Companies

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THE IMPLICATIONS OF *STUDENTS FOR FAIR ADMISSIONS v. HARVARD ET. AL.* BEYOND THE CONTEXT OF HIGHER EDUCATION

The Decision

On July 29, 2023, the United States Supreme Court, in *Students for Fair Admissions v. President and Fellows of Harvard College*, 600 U.S. 181 (2023), held that the admissions programs used by Harvard and the University of North Carolina violated the Equal Protection Clause because both programs lacked sufficiently focused and measurable objectives warranting the use of race, unavoidably employed race in a negative manner, which involved racial stereotyping, and lacked meaningful end points. While training future leaders, acquiring new knowledge based upon diverse outlooks, promoting a robust marketplace of ideas, and preparing engaged and productive citizens were found by the Court to be commendable goals of both admissions programs, these goals were not sufficiently coherent for purposes of strict scrutiny. In addition, it was unclear how the courts were to measure any of these goals, and if they were able to be measured, to know when they have been reached so that racial preferences could come to end.

The Implications of Students for Fair Admissions In Corporate America-How Two Large Companies Reacted To and Dealt With The Decision

Panelists will each share how their respective companies have reacted to the *Students for Fair Admissions* decision. Each will share how their employees reacted to the decision, how management reacted to the decision, and what each company did as a result of the decision.

The roundtable discussion will also include how other companies have reacted and dealt with the *Students for Fair Admissions* decision, as well as how the legal field is dealing with the decision.

What The Future Hold For a Post- Students for Fair Admissions Corporate America

Panelists will also share their thought regarding how Corporate America will look, as far as the future is concerned, with respect to commitments to DE&I values, managing litigation risk and public backlash to perceived discriminatory actions in the private sections, as well as other potential future ramifications as a result of this decision.

A robust roundtable discussion is expected regarding how companies in the private sector will have to make decisions that affect commitments to DE&I, hiring, promotion, and other employment related matters.