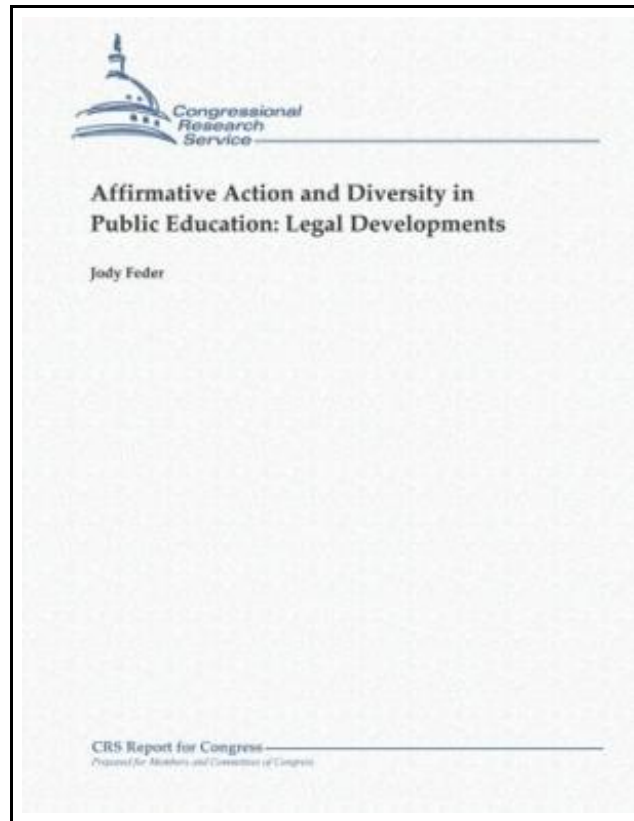


# Affirmative Action and Diversity in Public Education: Legal Developments



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## AFFIRMATIVE ACTION AND DIVERSITY IN PUBLIC EDUCATION: LEGAL DEVELOPMENTS

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Createspace. Paperback. Book Condition: New. This item is printed on demand. Paperback. 34 pages. Dimensions: 11.0in. x 8.5in. x 0.1in. More than three decades after the Supreme Court ruling in *Regents of the University of California v. Bakke*, the diversity rationale for affirmative action in public education remains a topic of political and legal controversy. Many colleges and universities have implemented affirmative action policies not only to remedy past discrimination, but also to achieve a racially and ethnically diverse student body or faculty. Justice Powell, in his opinion for the *Bakke* Court, stated that the attainment of a diverse student body is a constitutionally permissible goal for an institution of higher education, noting that the atmosphere of speculation, experiment, and creation so essential to the quality of higher education is widely believed to be promoted by a diverse student body. In subsequent years, however, federal courts began to question the Powell rationale, unsettling expectations about whether diversity-based affirmative action in educational admissions and faculty hiring is constitutional under the equal protection clause of the Fourteenth Amendment. After a series of conflicting lower court rulings were issued regarding the use of race to promote a diverse student body, the Supreme Court agreed to review the race-conscious admissions policies used by the undergraduate and law school admissions programs at the University of Michigan. In *Grutter v. Bollinger*, a 5 to 4 majority of the Justices held that the University Law School had a compelling interest in the educational benefits that flow from a diverse student body, which justified its race-based efforts to assemble a critical mass of underrepresented minority students. But in the companion decision, *Gratz v. Bollinger*, six Justices decided that the University's policy of awarding racial bonus points to minority applicants was not narrowly tailored enough to pass constitutional scrutiny. The...



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