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Supreme Court to Again Review Higher Education Affirmative Action Case

Article By:

Laura A. Mitchell

In a week full of front-page news, the United States Supreme Court has agreed to again review the appropriateness of the University of Texas at Austin's race-based admissions process in the case of ***Fisher v. University of Texas at Austin***.

The Supreme Court [first reviewed](#) the school's consideration of race as a component of its admission process almost a year ago and remanded the case back to the Fifth Circuit Court of Appeals for reconsideration. Upon re-review the Fifth Circuit again held the University's practice of using race a factor in its admissions decisions was constitutional. Fisher filed an appeal arguing the Fifth Circuit did not follow the Supreme Court's direction when conducting the subsequent review.

While the ultimate outcome of this case will certainly impact affirmative action programs of institutions of higher education, its effects on other types of non-admissions affirmative action programs, such as though enforced by OFCCP, remains unknown.

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