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Lawsuit Filed Over UT Admissions Policies

The Washington, D.C.-based Project on Fair Representation, a legal group opposed to racial preferences in schools, filed a federal lawsuit this week against the University of Texas, claiming its undergraduate admissions policies violate the Constitution and federal law, reports the Associated Press.

The plaintiff is Abigail Fisher, a white student from the Houston-area who finished in the top 12 percent of her high school class but was rejected for admission to UT-Austin. Had she been in the top-10 percent of her class, she would have been guaranteed admissions regardless of race under the state's "10 percent plan." Students outside of the top 10 percent are considered for admission using a race-conscious, holistic review tailored to comply with the Supreme Court's 2005 ruling in *Grutter v. Bollinger*.

In that case, a divided court ruled that certain affirmative action programs are constitutional so long as done as part of a "holistic review." The decision also instructed public colleges to explore race-neutral alternatives to affirmative action programs prior to explicitly considering race. The suit filed against UT contends that because Texas's "10-percent plan" has been successful in increasing minority enrollment, any additional affirmative action programs violate *Grutter v. Bollinger*.

The flagship campus of the University of Texas system reserved a record 81 percent of its fall admission offers this year to students guaranteed a seat on campus under the state's top 10 percent law. The automatic admissions law was adopted 10 years ago after a federal appeals court decision made affirmative action illegal in Texas college admissions. In 2003, the U.S. Supreme Court ruled that universities could use race as one of many factors in admissions.

UT-Austin's minority enrollment is higher now than any time in the decade since lawmakers enacted the top 10 percent law. The campus enrolled more than 37,000 undergraduates in fall 2007. Of those, 6,700 were Hispanic and 1,700 were black.

The lawsuit argues that the Supreme Court's ruling required universities to try and improve diversity using race-neutral policies before resorting to racial preferences.

Patti Ohlendorf, vice president for legal affairs at UT, said the university is confident that all admissions policies are legal and comply with the Supreme Court ruling.

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