

# Legal Requirements for Institutions Using Race and Ethnicity-Conscious Policies

To meet legal obligations for race-conscious admissions policies, nursing schools should be able to demonstrate the following:

1. A clear statement of the **nursing school's core educational mission**, including central educational philosophies and aims, and the school's view of its role in society.
2. A clear statement that the school has reached a deliberative educational judgment that the **student diversity it seeks is essential to its mission-related goals**, with an explanation of the connection between the two, such that the necessity of race is established.
3. **A showing of the necessity** of considering race and ethnicity in order to achieve the school's mission-related goals, including reviews of the effectiveness of existing race-conscious policies and whether any workable race-neutral alternatives exist.
4. A demonstration that **the use of race or ethnicity is flexible and limited**. The U.S. Supreme Court established a precedent for using race or ethnicity as a "plus" factor in an applicant's file as part of the holistic review process. But the process must not racially type or otherwise label students based on race or ethnicity, must not isolate groups of applicants based on race or ethnicity, must not involve quotas or mechanical point systems, and must not result in the admission of virtually every underrepresented minority applicant.
5. **Nursing school-specific evidence** through regular, ongoing collection efforts that support the connection between the school's mission statement and its race-conscious admissions policy. Nursing schools should be able to explain what success looks like and how they will know when they have achieved it. Several quantitative and qualitative measures may be used, including enrollment, persistence, and completion patterns and anecdotes; data documenting the compositional diversity as well as the quality and quantity of student engagement in academic and co-curricular settings; climate surveys and other stakeholder feedback; reported incidents of discrimination; and alumni and employer surveys that examine the long term health care workforce benefits of diversity.

6. **Evidence from other sources** that affirms and/or corresponds to the institutionally-aligned diversity interests. This should include relevant qualitative social science research, documented experiences at similar schools, and broad-based data that correspond to core educational goals and efforts to achieve those goals.
7. **Periodic review** of race-conscious policies and practices based on school-specific evidence, to determine whether evidence suggests that they continue to be necessary, limited, and effective.

The introductory paragraph and bullet points are adapted from the Association of American Medical Colleges (AAMC) [Roadmap to Diversity: Key Legal and Educational Policy Foundations for Medical Schools](#) (Second Edition, 2014), p. 28.

**Last update: July 12, 2016**