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- [Office Contact Information](#)
- [Staff Biographies](#)
- [Pertinent Legal Information](#)
- [Internships & Employment](#)

Office of General Counsel Supreme Court Analysis

- [Fisher v. University of Texas](#)
- [Vance v. Ball State University](#)
- [University of Texas Southwestern Medical Center v. Nassar](#)
- [The Supremes Translated](#)
- [In Brief: A History of Affirmative Action in Admissions at the Supreme Court](#)
- [Contributors](#)
- [Additional Resources](#)

The Supremes Translated

We know that some words and concepts used by the Court sound like legal jargon. [These translations](#) can help as you read about the cases. Click any word for the definition.

- [Concurring Opinion](#)
- [Dissenting Opinion](#)
- [Strict Scrutiny](#)
- [Narrowly Tailored](#)
- [Holistic Review](#)

Message from [Bill Howard](#), General Counsel *Fisher v. Texas*

Access, completion and success are three key goals of SUNY's mission to serve students. And it all starts with access.

Although we like to think that there is at least one good place among SUNY's 64 campuses for every qualified New Yorker who wishes to engage in higher education, it is certainly true that not every aspiring student can have a place at each of the institutions. Thus, at least since *Bakke v. University of California Board of Regents* in 1978, and on to *Grutter and Gratz v. University of Michigan* in 2003, who gets in to certain institutions and what criteria are used for admissions purposes have been questions of supreme importance here at SUNY as across the country. This special edition of the General Counsel Update is intended to bring you the latest news and advice on this topic, in light of the Supreme Court's most recent foray into affirmative action in higher education admissions, its decision in the case of *Fisher v. University of Texas* while also highlighting two other important decisions. The analysis here is only a first step, and the Office of General Counsel will continue to monitor these cases and provide guidance to you, our clients. Please reach out to campus counsel as your campus reviews its admissions programs in light of the *Fisher* decision.



The Supreme Court's opinion in *Fisher v. Texas* vacates a decision of an appeals court and sends the case back for additional process. The Court restated that diversity can be a compelling factor, but clarified that how a college achieves diversity is subject to strict scrutiny.

[Click here to learn more.](#)

Vance v. Ball State University

In *Vance v. Ball State University*, the Supreme Court affirmed a decision limiting who is considered a supervisor for employment law cases. [Click here to learn more.](#)

University of Texas Southwestern Medical Center v. Nassar

In *University of Texas Southwestern Medical Center v. Nassar*, the Supreme Court discusses retaliation in the context of employment law. SUNY policy prohibits retaliation.

[Click here to learn more.](#)

In Brief: A History of Affirmative Action in Admissions at the Supreme Court

Fisher is only the latest in a string of Supreme Court cases that have shifted college and university options in building a diverse student body. Click any case to read a [short history](#).

- [Regents of the University of California v. Bakke](#)
- [Hopwood v. Texas](#)
- [Grutter v. Bollinger](#)
- [Gratz v. Bollinger](#)
- [Fisher v. University of Texas at Austin](#)

Spotlight: Concurring and Dissenting Opinions

Although concurring and dissenting opinions **are not binding**, they can reveal a Justice's alternative opinion. [This section analyzes the opinions of Justices Scalia, Thomas, and Ginsburg.](#)

Writers: [Bill Howard](#), [Marti Anne Ellermann](#), [Joseph Storch](#), [Andrea Stagg](#), [Jim Jarvis](#), [Seth Gilbertson](#), [Anne Williams](#), [Win Thurlow](#), [Nedra Abbruzzese-Werling](#), [Will Versfelt](#), [Mark Lemire](#), Ruchira Podali, & Ilijana Kalezic.

All photos of Supreme Court from www.supremecourtus.gov

What the *Fisher* Decision Means for SUNY

In *Fisher*, the Supreme Court restated the need for a strict review both of the determination of a college that a diverse class is important (though such a review is deferential to the institution) as well as the methods the institution uses to achieve that goal. [Click here to learn more about the decision's meaning for SUNY.](#)



What the *Vance* Decision Means for SUNY

The decision in *Vance* clarifies who is a supervisor for the purposes of discrimination complaints. The Supreme Court has laid out different standards for complaints of discrimination by supervisors and by co-workers, and today's decision is important in illustrating which employees fit into the role of supervisor. [To learn more about the decision's meaning for SUNY, click here.](#)

What the *Nassar* Decision Means for SUNY

The decision in *Nassar* may make it more difficult for plaintiffs to prove allegations of retaliation. That being said, the case also reaffirms the importance of ensuring that alleging discrimination does not affect terms and conditions of employment for the complainant. [To learn more about the decision's meaning for SUNY, click here.](#)

Spotlight: Reviewing SUNY Admissions Practices

Each SUNY Office of Admissions should undertake a review of its policies and procedures, as well as their effectiveness, in building a diverse student body. [This article discusses factors that offices should consider in that review.](#)

Spotlight: Undergrad Admissions

This article [discusses the impact of the case on undergrad admissions.](#)

Spotlight: Graduate Admissions

This article [discusses the impact of the case on graduate admissions.](#)



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