

Jenner & Block Launches Taskforce as Race-Conscious Programs Raise Litigation Risk

News

June 2023

Jenner & Block launched the Organizational Values and Strategy Task Force to support clients across industries as the US Supreme Court looks to rule on *Students for Fair Admissions v. Harvard* and *Students for Fair Admissions v. University of North Carolina (SFFA)*, which challenge the constitutionality of race-conscious admissions programs and the 2003 precedent set in *Grutter v. Bollinger*. If the Court rules against the universities, organizations with policies designed to recruit and advance diverse individuals could face legal risk.

While the immediate impact will be felt by institutions of higher education, any organization with policies designed to recruit and advance diverse individuals could face private lawsuits by organizations eager to push the Court's ruling into other areas, state attorney general investigations, and more. The threat to companies, institutions of higher education, and organizations of all types that use DEI criteria in decision-making cannot be overstated.

"If Grutter is overturned, it will light a fire to systematically remove DEI initiatives from all aspects of society," said Ishan Bhabha, Organizational Values and Strategy Task Force Co-Chair. "Jenner & Block's cross-practice task force is already helping clients with investigating, identifying risks in existing efforts, the redesigning of programs and policies, and shaping strategies that will reduce risk while still promoting diverse, equitable, and inclusive educational and business organizations."

With the Court's decision imminent, now is the time to prepare. Please reach out to our Organizational Values and Strategy Task Force co-chairs if you would like to learn more about how SFFA could impact your organization.

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Related Capabilities

Organizational Values and Strategy Task Force

Alumni Newsletter – June 2023

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