

Minority Serving Institutions

Especially Hispanic Serving Institutions

In *Bolling v. Sharpe*, the Supreme Court held ...

... that the Fifth Amendment's Due Process Clause prohibits the federal government from engaging in race discrimination.

By contrast, for the states, the prohibition on race discrimination located in the Fourteenth Amendment's Equal Protection Clause.

Either way, the test applied to a law that discriminates by race or ethnicity is called ...

... the **Strict Scrutiny test**.

1. Does the government have a “**compelling interest**” that is served by that discriminatory law?

2. Is the law **narrowly tailored** to serve that interest?/Does the law use the least restrictive means to serve that interest?

Is the HSI program racially or ethnically discriminatory?

Flip it!

How would you feel if Congress granted the subsidies only to colleges that were at least 75% WHITE?

Is there a compelling interest?

1. Help low-income students?

2. Help English learners?

3. Diversity?

4. These exact institutions shortchanged in the past (like HBCUs)?