



# Affirmative Action and GME Hiring: Implications from Supreme Court Ruling

Donna Lamb, DHSc, MBA, BSN, President & CEO

2024 Annual Meeting of the AIAMC

April 5, 2024

**THE MATCH**<sup>®</sup>  
NATIONAL RESIDENT MATCHING PROGRAM<sup>®</sup>

# Disclosure and Disclaimers

Employee of the NRMP

No financial conflicts

Do not accept honorarium

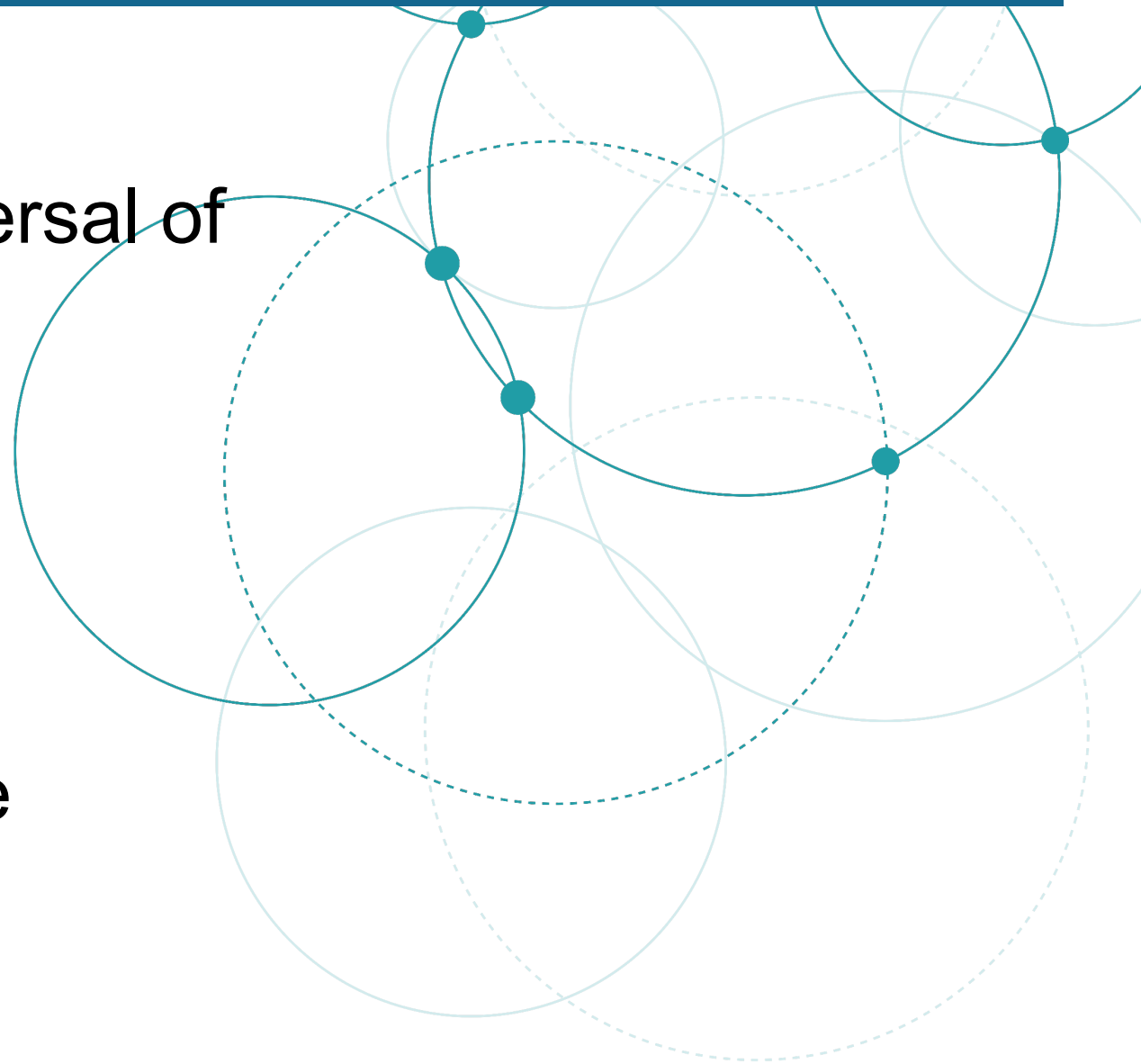
Not a lawyer

My understanding and thoughts...for what they are worth!

Olivia Orndorff, DHSc, provided research and presentation support

# Agenda

- Overview of History and Reversal of Affirmative Action
- State-level Bans
- Diversity and Why it Matters
- National Data
- Considerations and Guidance
- Looking Ahead: NRMP



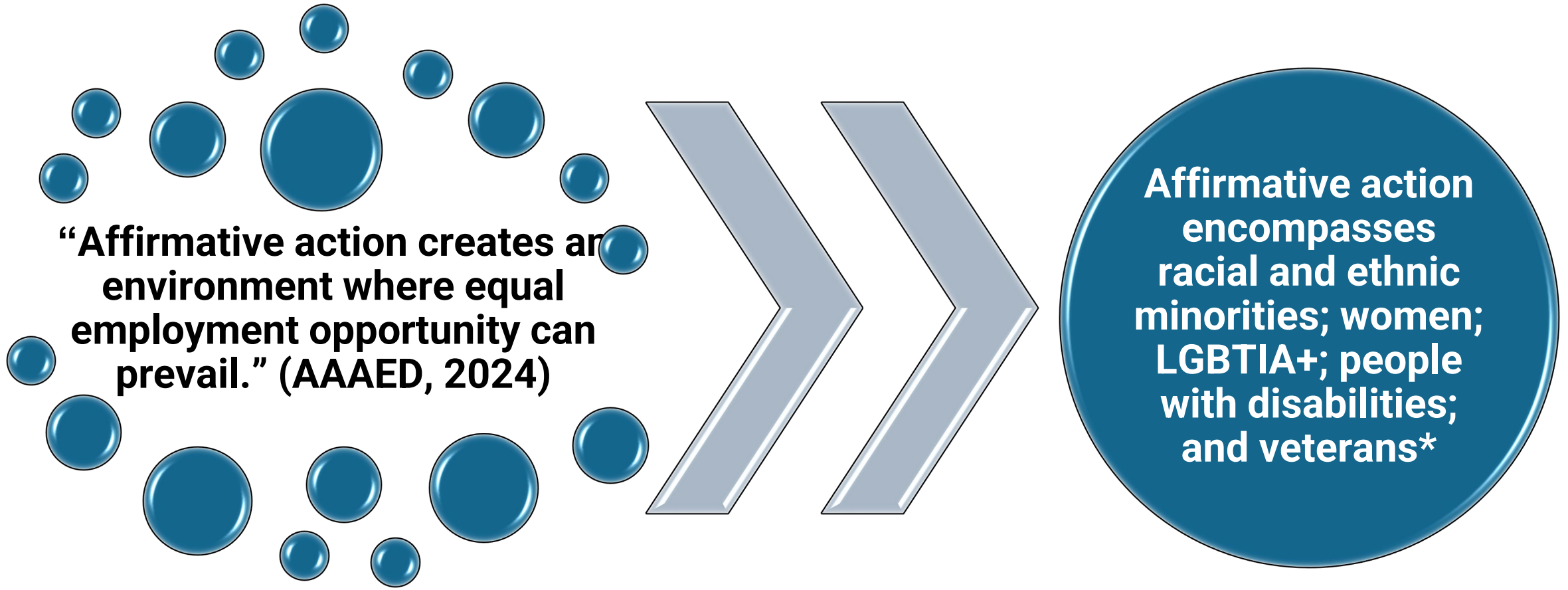
# Affirmative Action



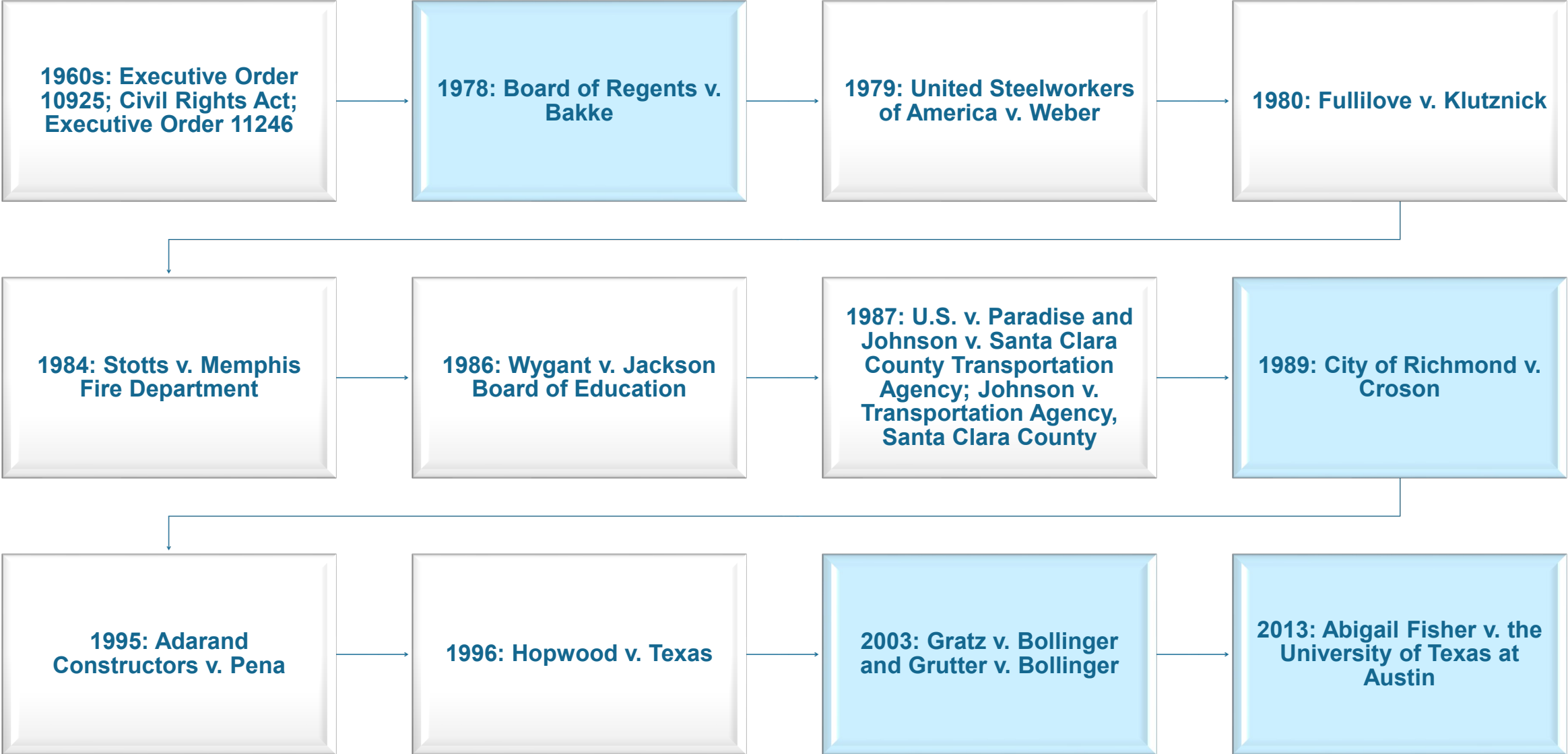
"any measure, beyond simple termination of a discriminatory practice, adopted to correct or compensate for past or present discrimination or to prevent discrimination from recurring in the future."

(U.S. Commission on Civil Rights, Statement on Affirmative Action, October 1977.)

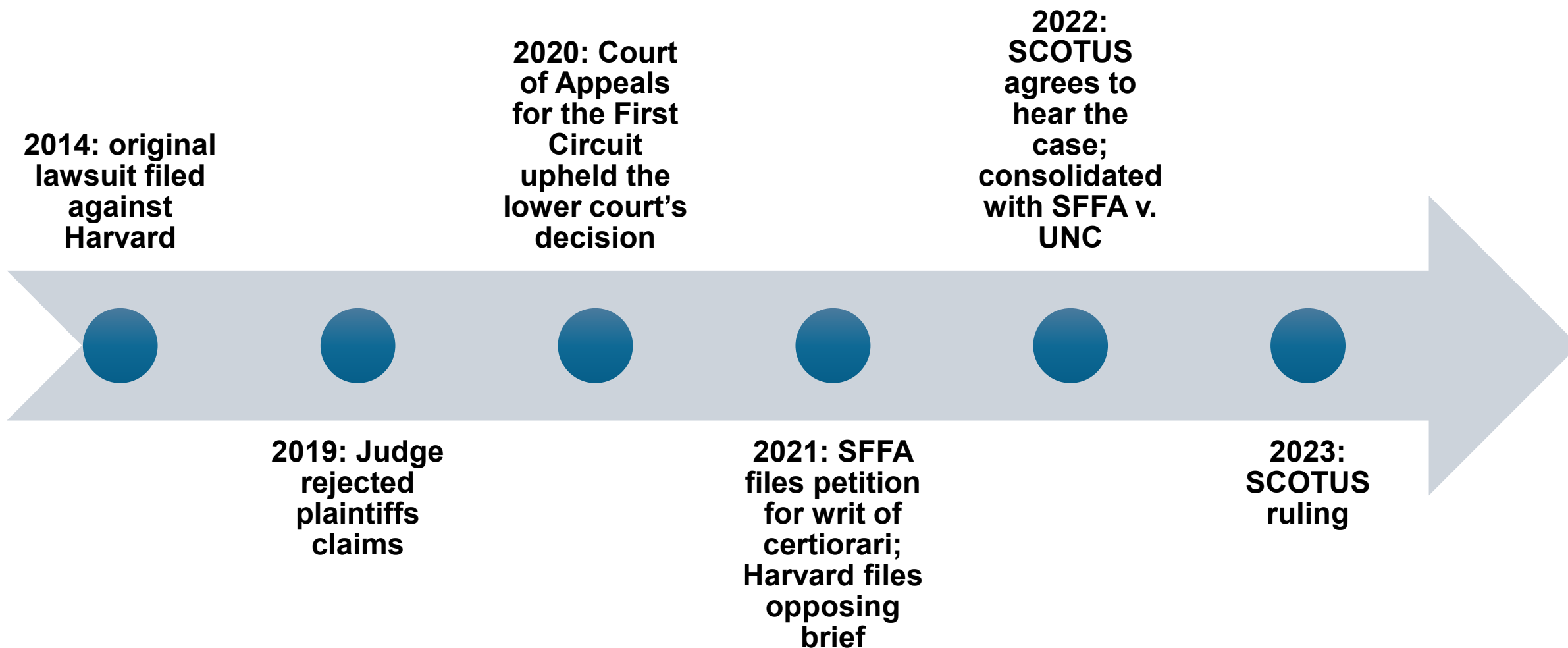
# Affirmative Action



# Prior Supreme Court Decisions



# Students for Fair Admissions v. Harvard; v. UNC



# SFFA v. Harvard; SFFA v. UNC

## Majority



Admissions programs at Harvard College and the University of North Carolina violate the equal protection clause of the 14th Amendment

Can no longer consider race as one of many factors in deciding which applicants to admit

No prohibition against universities considering an applicant's discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise



# SFFA v. Harvard; SFFA v. UNC

“...superficial rule of colorblindness as a constitutional principle in an endemically segregated society where race has always mattered and continues to matter.

...subverts the constitutional guarantee of equal protection by further entrenching racial inequality in education...

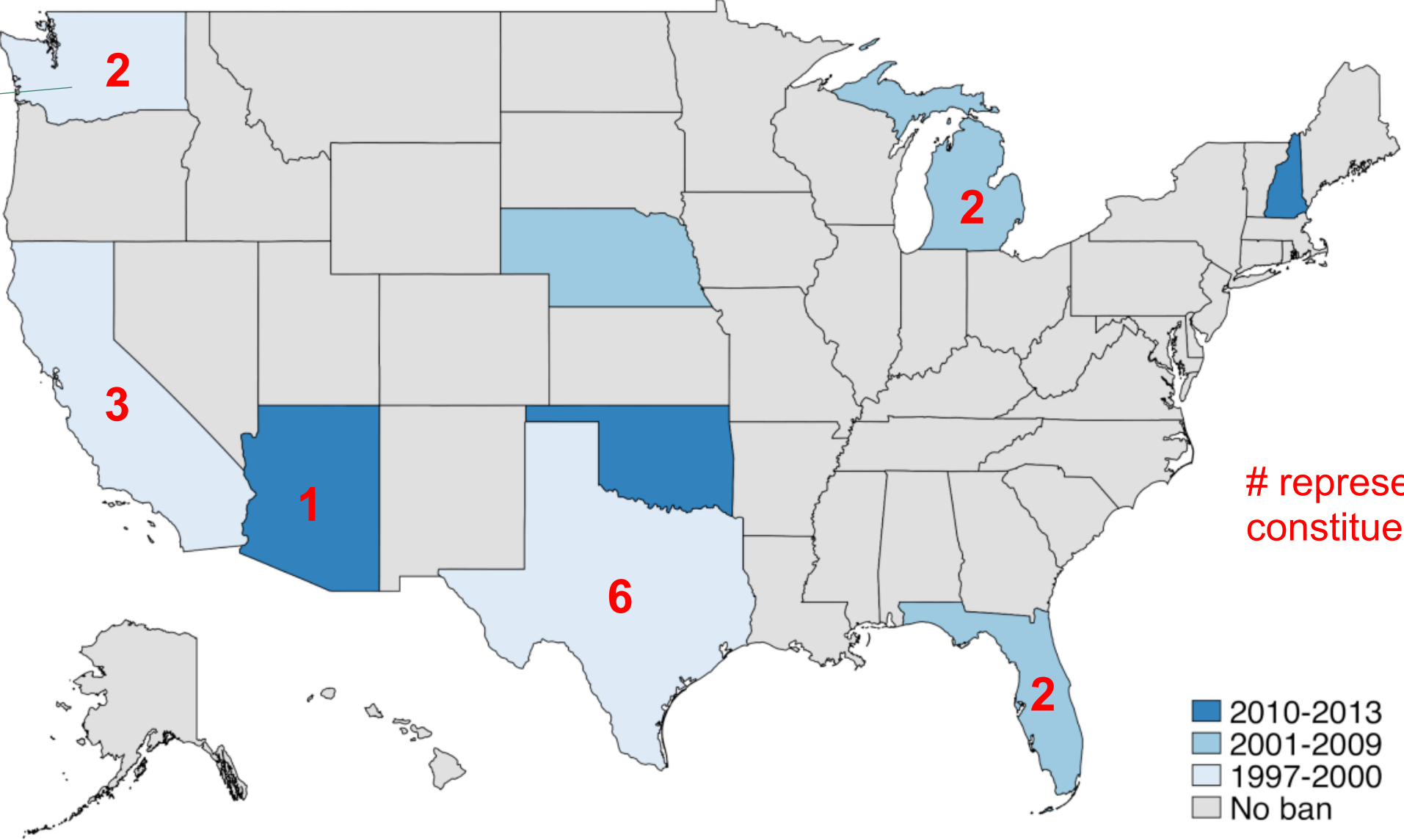
Because the Court’s opinion is not grounded in law or fact and contravenes the vision of equality embodied in the Fourteenth Amendment, I dissent”

## Dissent



# State Bans prior to 2023 SCOTUS Decision

Reversed  
in 2019



# represents AIAMC constituents



# DEI Legislation Tracker

FEATURED: [The Trends Report 2024](#) [Women's Leadership Workshop](#) [The Future of Campus Safety](#)

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POLITICS AND RACE



## DEI Legislation Tracker

Explore where college diversity, equity, and inclusion efforts are under attack.

By *Chronicle Staff*

*The Chronicle* is tracking [legislation that would prohibit colleges](#) from having diversity, equity, and inclusion [offices or staff](#); ban mandatory diversity training; forbid institutions to use [diversity statements](#) in hiring and promotion; or bar colleges from considering race, sex, ethnicity, or national origin in admissions or employment. All four proscriptions were identified in [model state legislation](#) proposed last year by the Goldwater Institute and the Manhattan Institute. For more coverage, read the articles in our [Assault on DEI](#) package.

Updated March 8, 2024.

We are tracking **81** bills in **28** states and the U.S. Congress. Since 2023,

81

have been introduced.

8

have final legislative approval.

8

have become law.

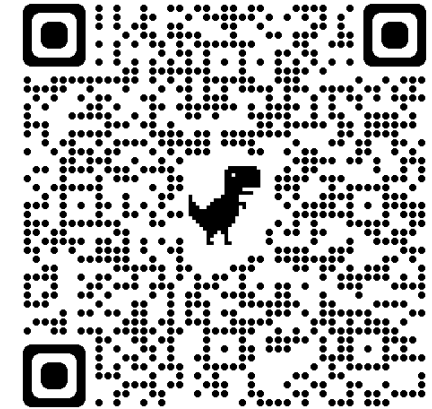
29

have been tabled, failed to pass, or vetoed.

### Where Anti-DEI Legislation Has Been Proposed

A pattern indicates active bills in different statuses.

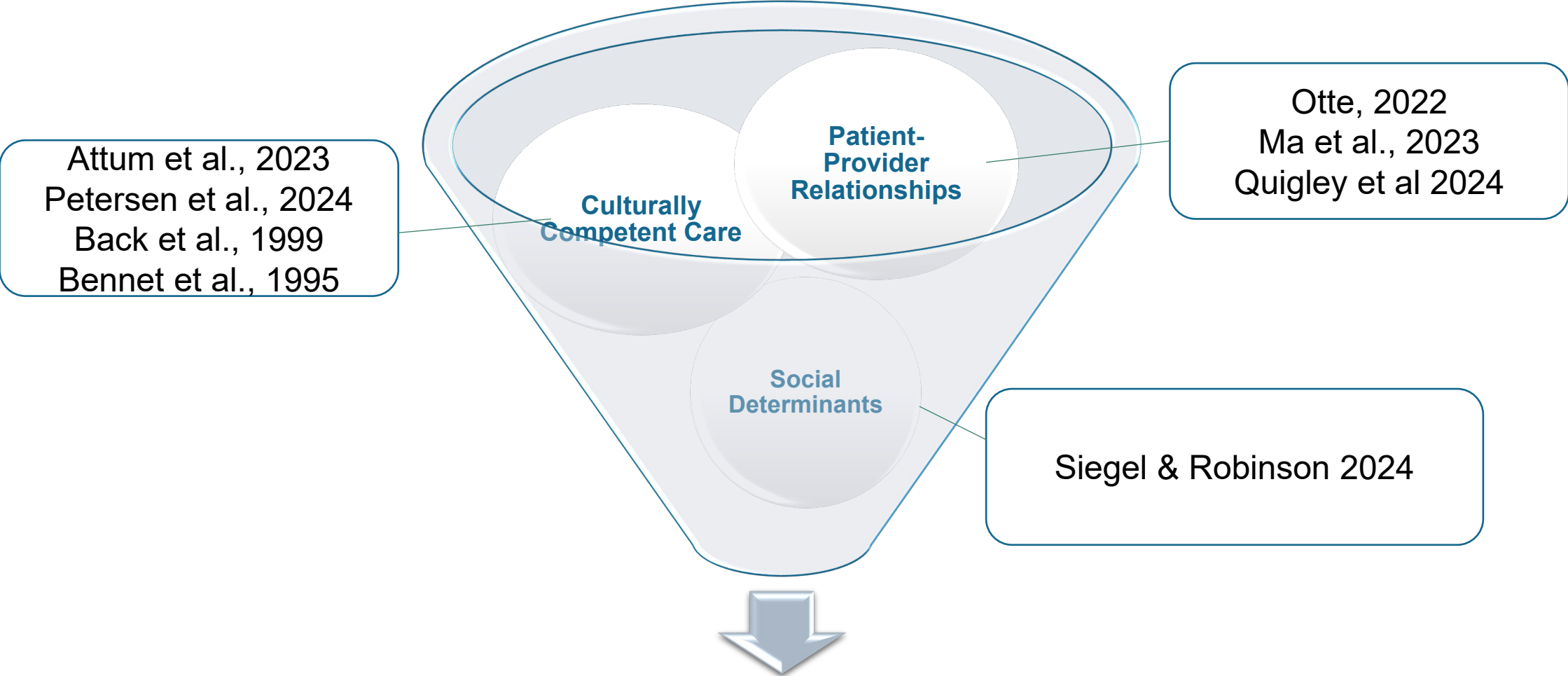
■ No bill ■ Introduced ■ Final legislative approval ■ Signed into law ■ Tabled, failed to pass, or vetoed



# Impact of State Bans

- Research found reductions in the percentage of students in U.S. public medical schools from underrepresented racial and ethnic groups (Ly et al, 2022)
- Competitive Black or Hispanic applicants didn't apply to competitive colleges (Bleemer, 2020)
- Wage gap among diff. minorities—even in same STEM field (Pew Research Center, 2021)
- Saw increase in risky health behaviors among Black and Hispanic populations (alcohol, smoking) when state-wide bans went into affect (Ventakarmani, 2019)
- Associated wage depression with higher wages associated with Black graduates from prestigious schools; an association not borne out with white graduates (Bleemer, 2020)

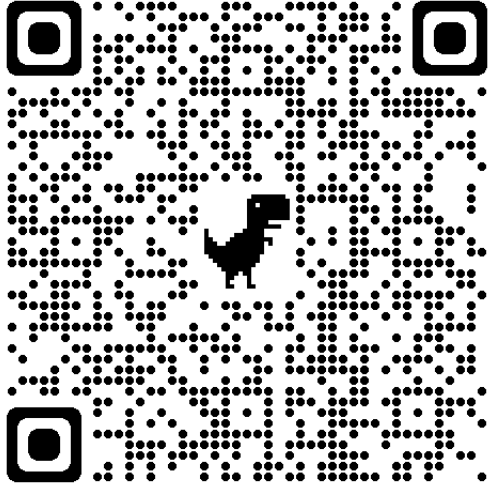
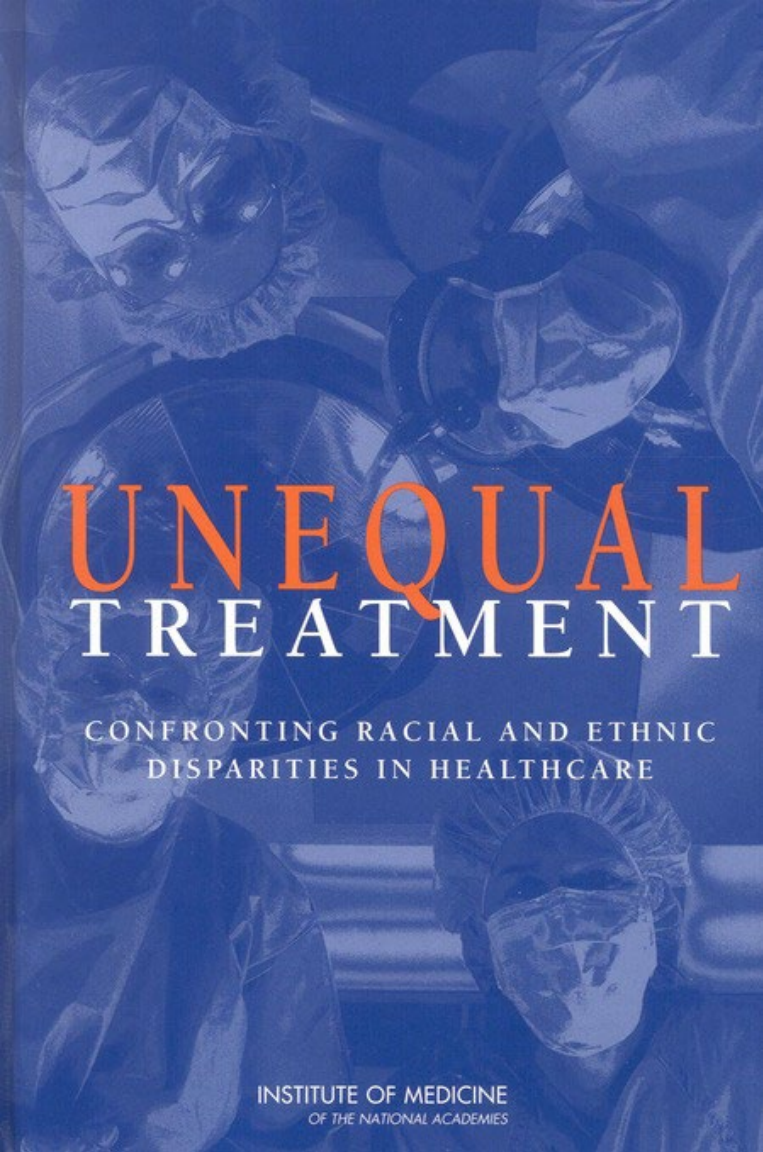
# Diversity matters among physician workforce



## Just Healthcare System

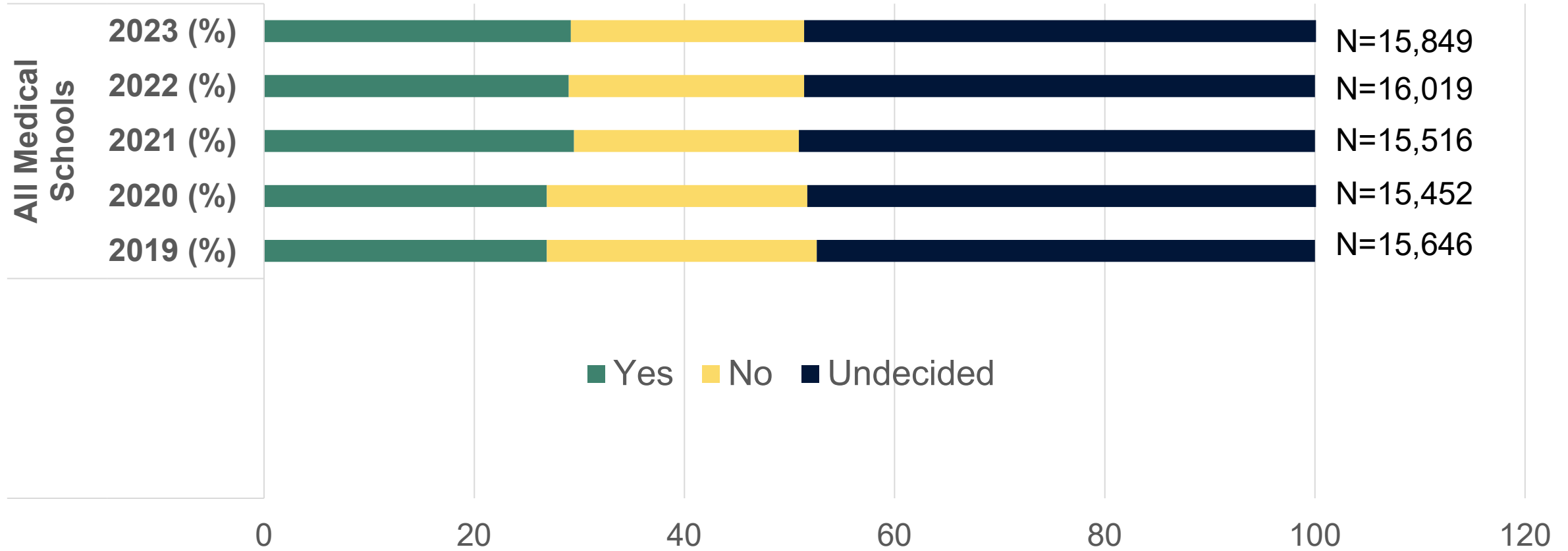
Farrell et al., 2022; Lee et a., 2024

# Diversity matters among physician workforce



# Diversity matters among physician workforce

Do You Plan to Work Primarily in an Underserved Area?



The conversation  
must begin with the  
pipeline...







REPORT | APRIL 1, 2021



# STEM Jobs See Uneven Progress in Increasing Gender, Racial and Ethnic Diversity

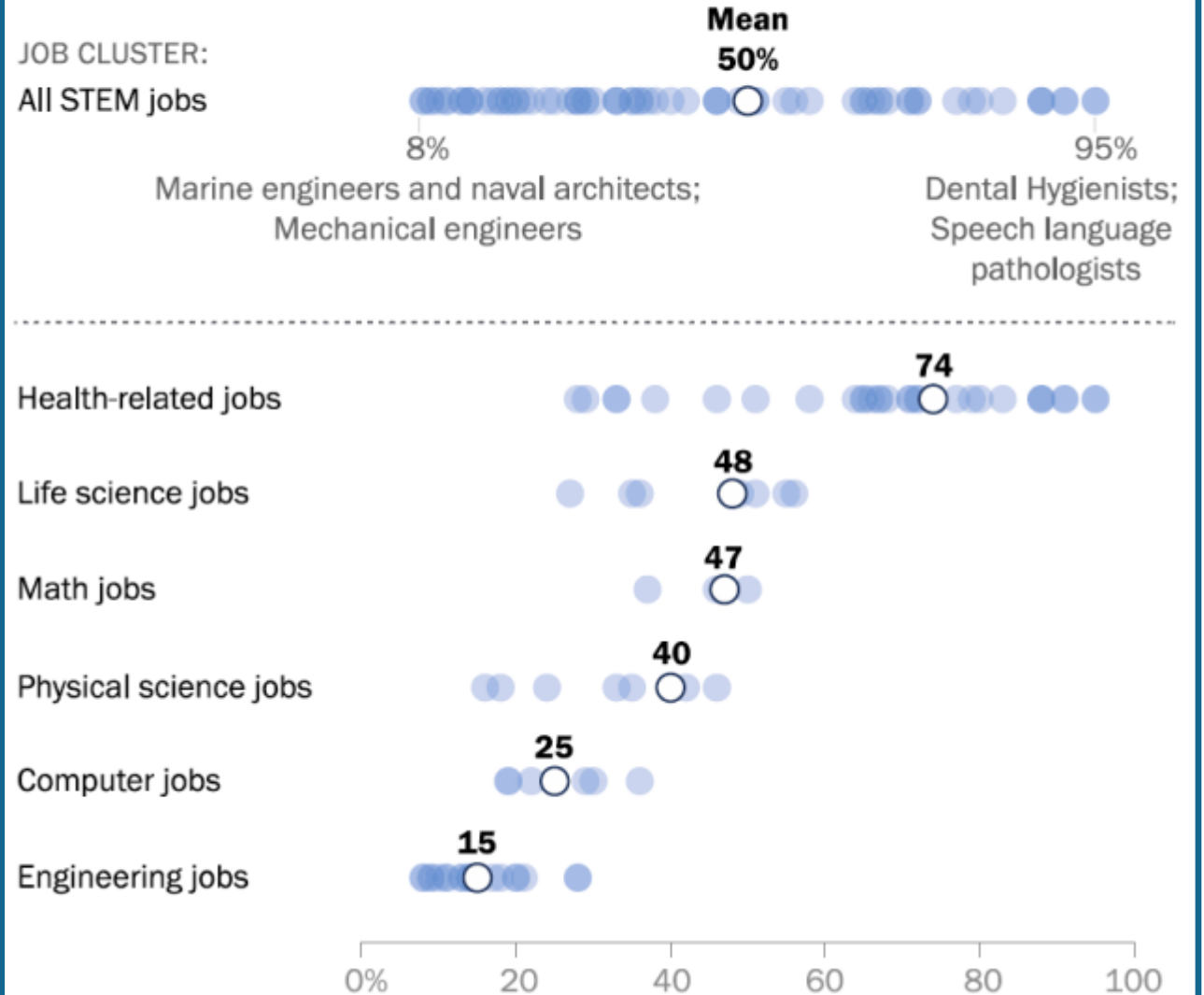
*Higher education pipeline suggests long path ahead for increasing diversity, especially in fields like computing and engineering*

BY RICHARD FRY, BRIAN KENNEDY AND CARY FUNK



## Representation of women in STEM varies across job clusters

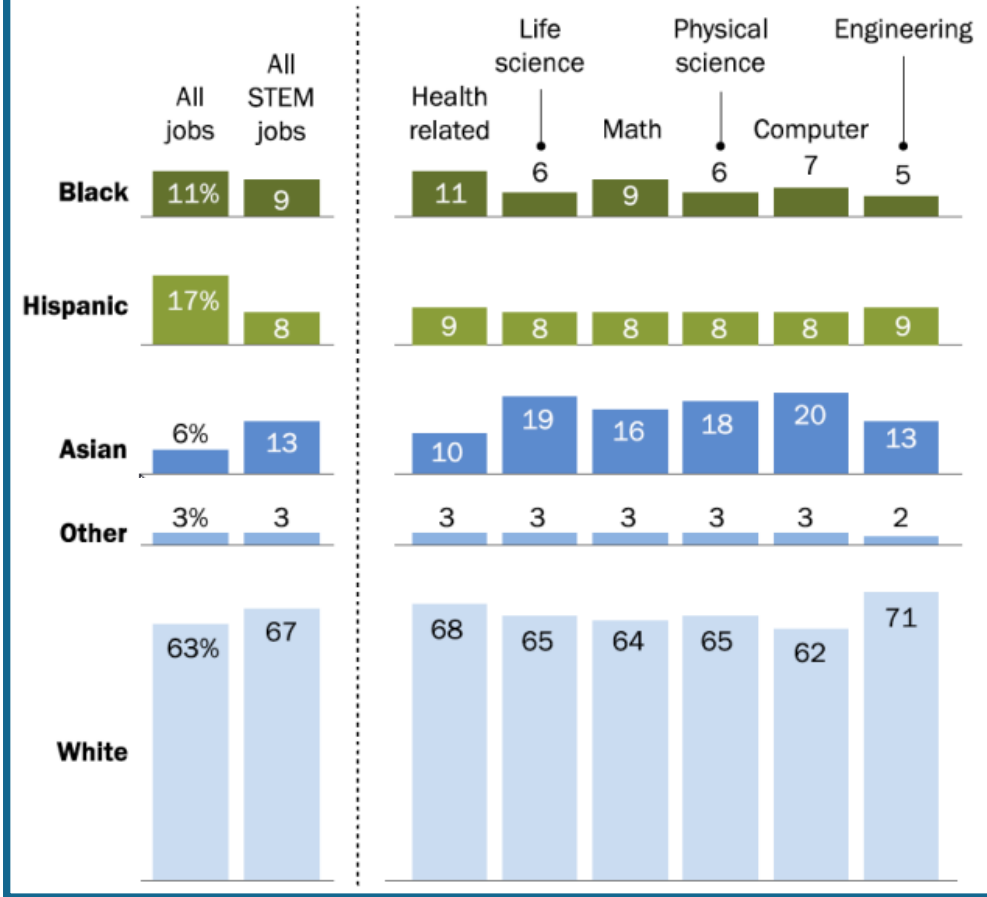
Share of women in each of the following job clusters





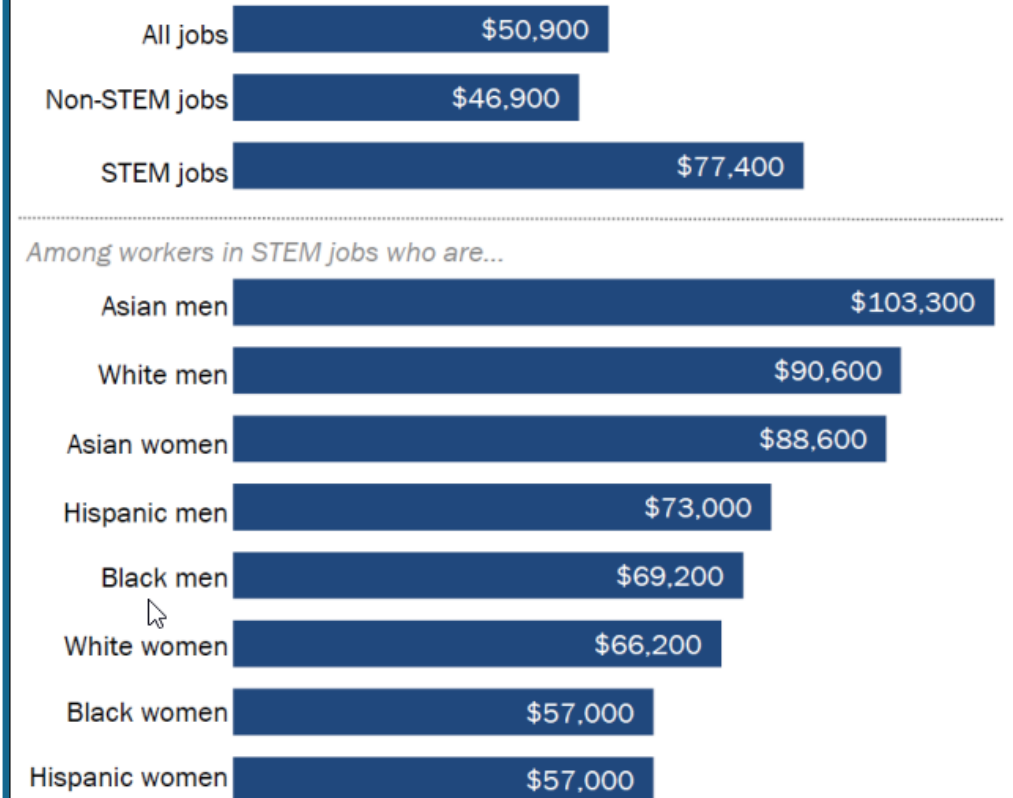
### Black and Hispanic workers remain underrepresented in the STEM workforce

% who are...



### Across all racial and ethnic groups, women in STEM earn less than their male counterparts

Median annual earnings of full-time, year-round workers ages 25 and older, in 2019 dollars

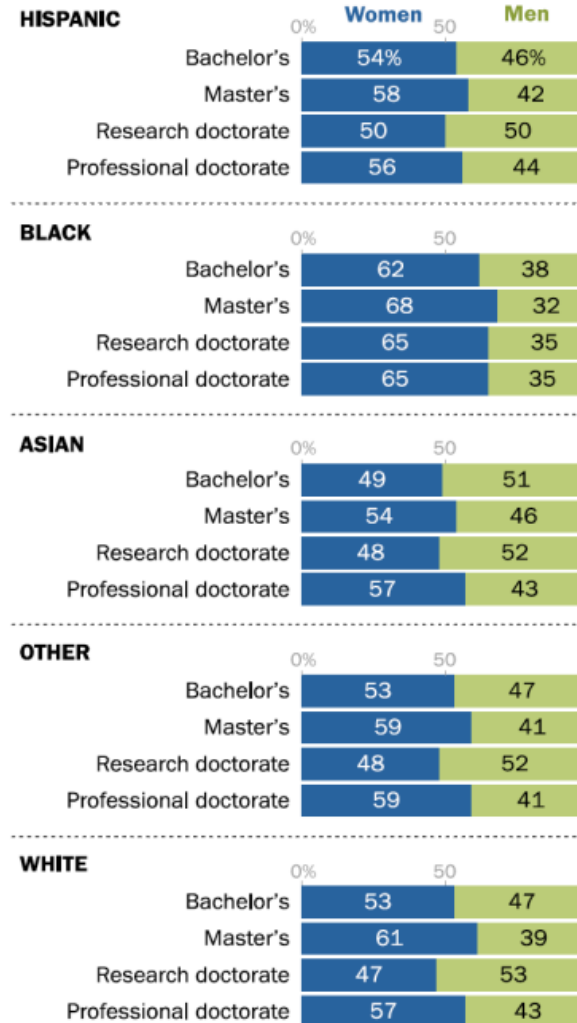




## Of those earning STEM degrees, there are more Black women than men

### Of those earning STEM degrees, there are more Black women than men

*% of those earning a degree in a STEM field who are ...*



# AAMC Diversity in Medicine: Facts and Figures 2019

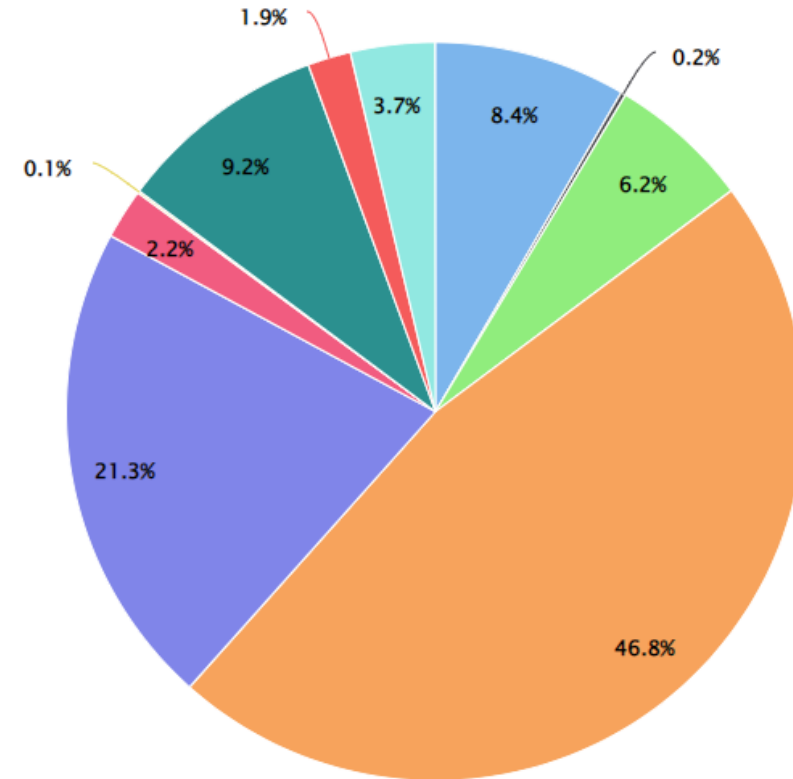
“Apart from White applicants (46.8%)

Asian applicants made up the largest subgroup of applicants (21.3%)

Black or African American applicants constituted 8.4% of the applicant pool, and

Hispanic, Latino, or of Spanish Origin applicants were 6.2% of the pool”

Figure 2. Percentage of applicants to U.S. medical schools by race/ethnicity (alone), academic year 2018–2019.



Click on legend item below to add or remove a section from the report.

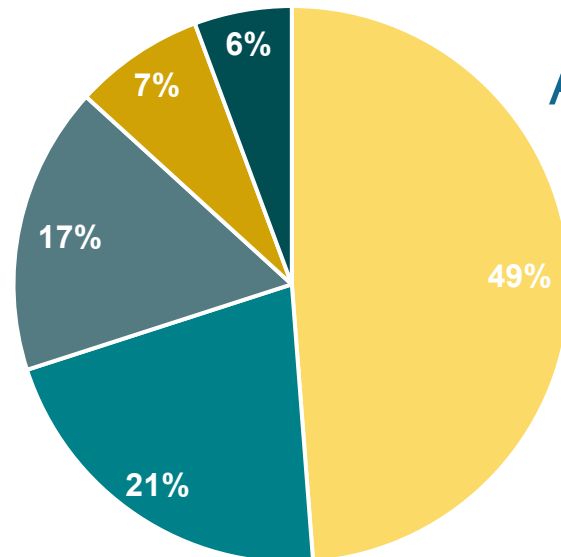
- American Indian or Alaska Native (109)
- Black or African American (4,430)
- Multiple Race/Ethnicity (4,856)
- Non-U.S. Citizen or Nonpermanent Resident (1,948)
- Unknown Race/Ethnicity (1,013)
- Asian (11,218)
- Hispanic, Latino, or of Spanish Origin (3,297)
- Native Hawaiian or Other Pacific Islander (53)
- Other (1,167)
- White (24,686)

Note: Race/ethnicity “alone” indicates that an individual is reported in only one race/ethnicity category. The “Multiple Race/Ethnicity” category includes individuals who selected more than one race/ethnicity response. The “Non-U.S. Citizen or Nonpermanent Resident” category may include individuals with unknown citizenship.

# Total black enrollment in US medical schools has remained virtually unchanged since 2013.

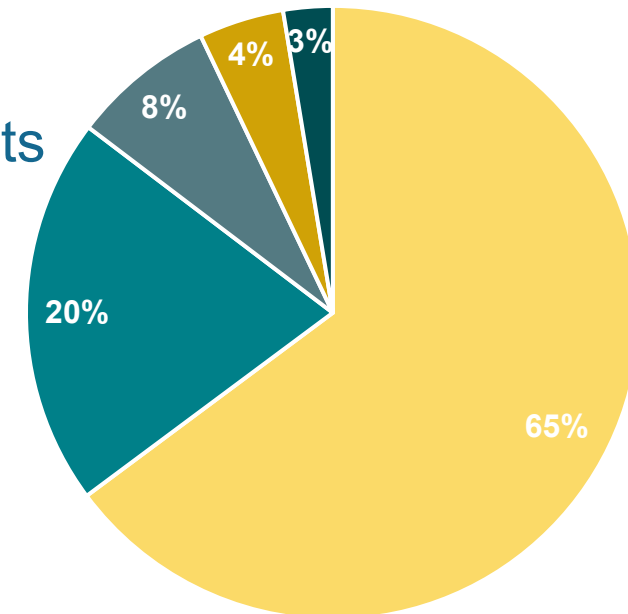
Dr. Valerie Montgomery Rice, President and CEO of Morehouse School of Medicine  
(JAMA 2021, Diversity in Medical Schools).

MD-Granting US/Canadian/IMG Schools:  
n=121,035



White Asian Non-US Citizen Hispanic Black

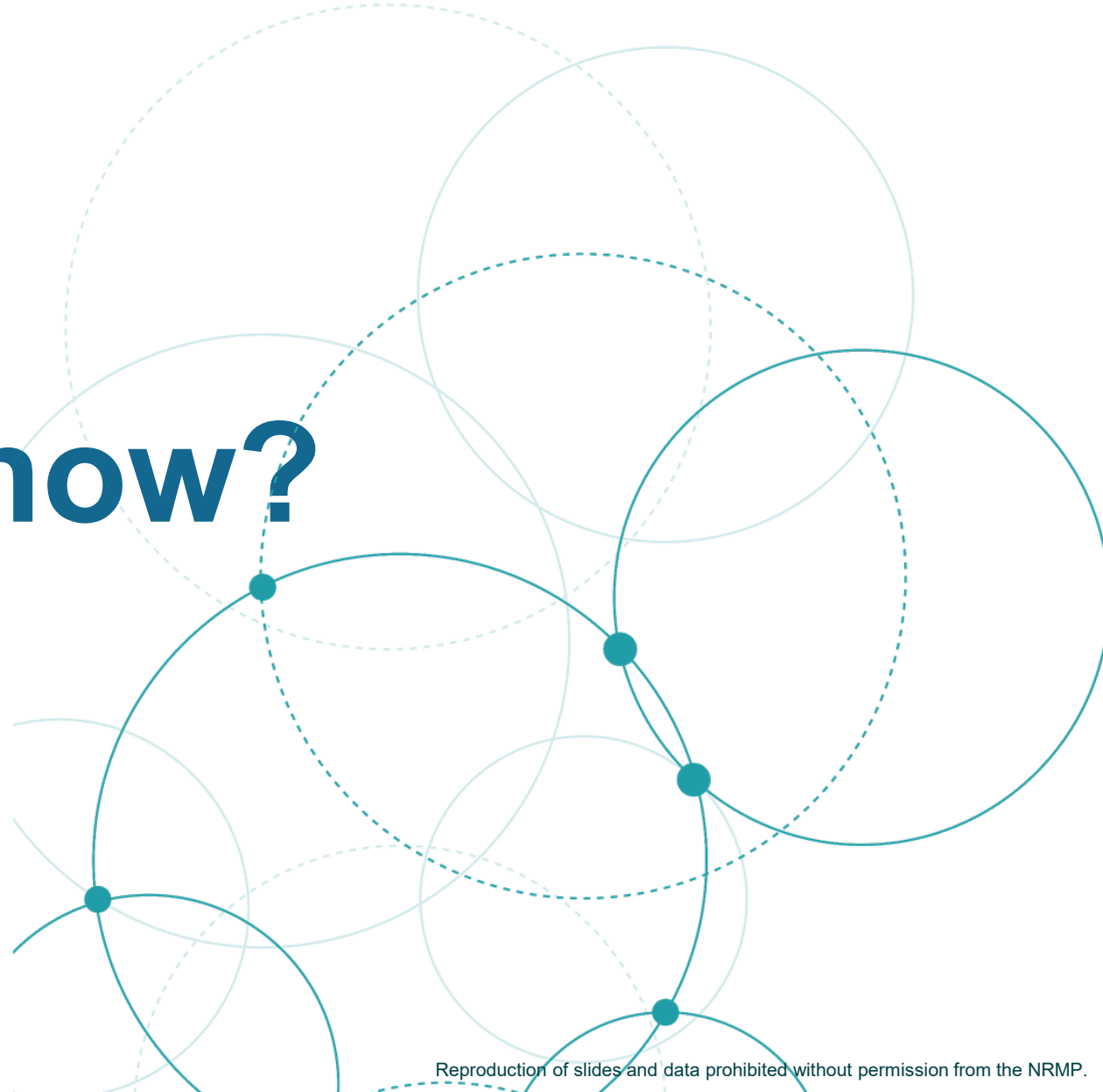
DO-Granting Schools: n=23,652



White Asian Non-US Citizen Hispanic Black

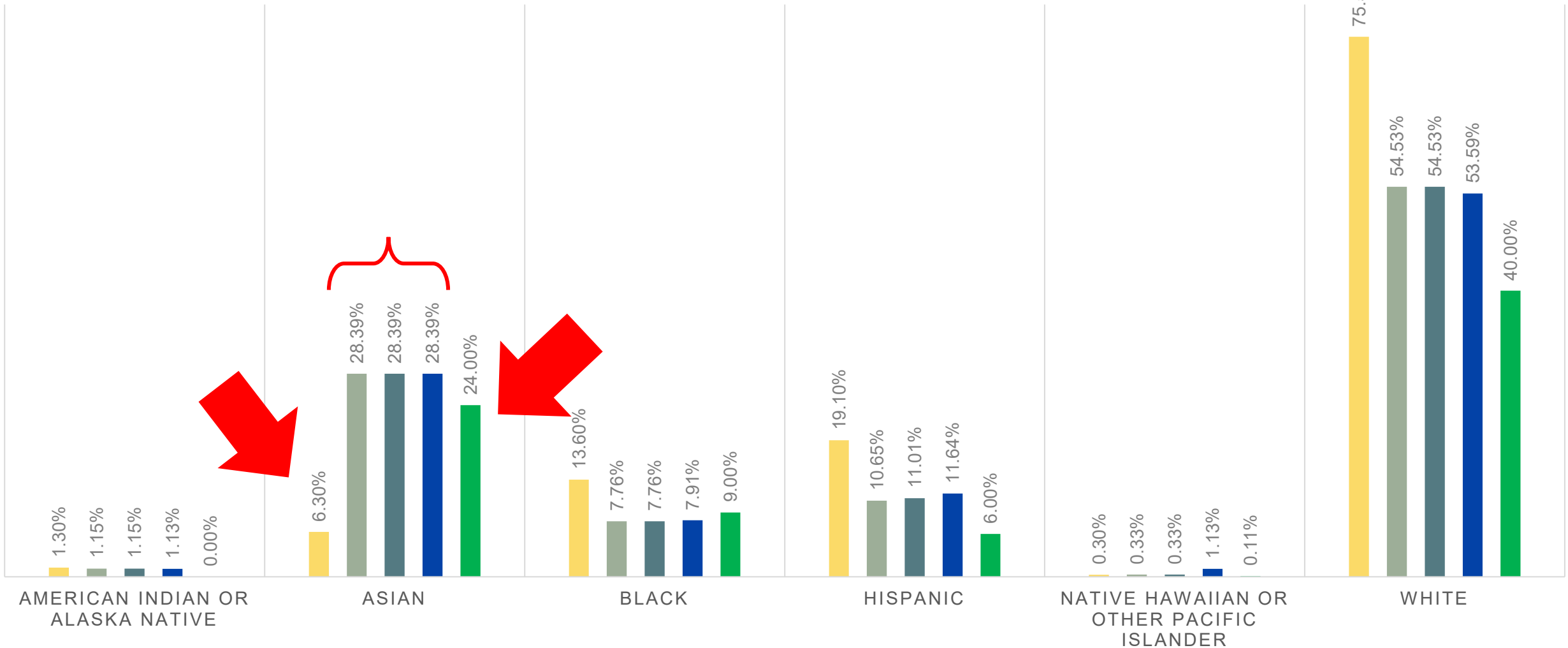
AAMC's 2021 Report on Residents  
(active residents who are graduates)

# Where are we now?



# Nationally

■ U.S. Census ■ MRM 2022 ■ MRM 2023 ■ MRM 2024 ■ 2023 Medical School Matriculation

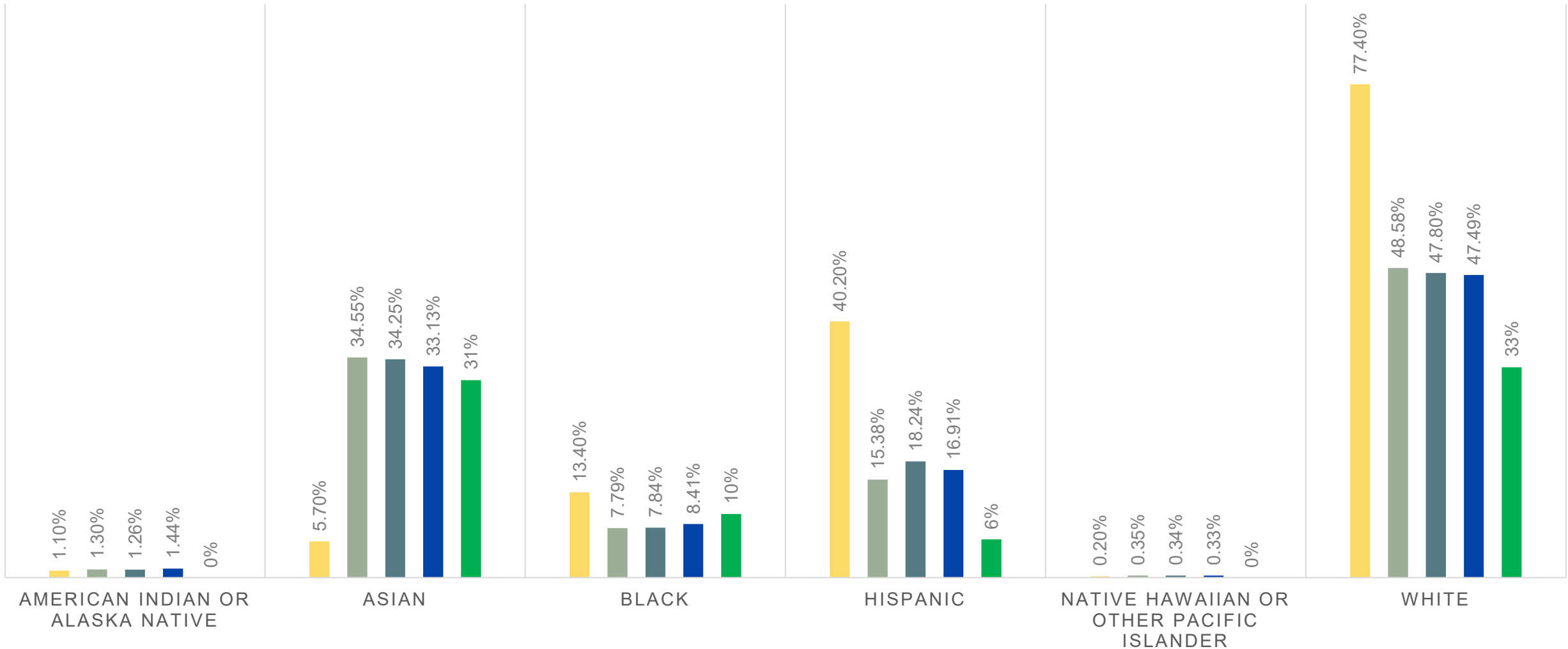


US Census Bureau, Quick Facts, 2022      AAMC, FACTS 2023, Table A-10

NRMP, Demographic Data for Main Residency Match, 2022,2023, 2024

# Texas

■ State Census ■ MRM 2022 ■ MRM 2023 ■ MRM 2024 ■ 2023 Medical School Matriculation



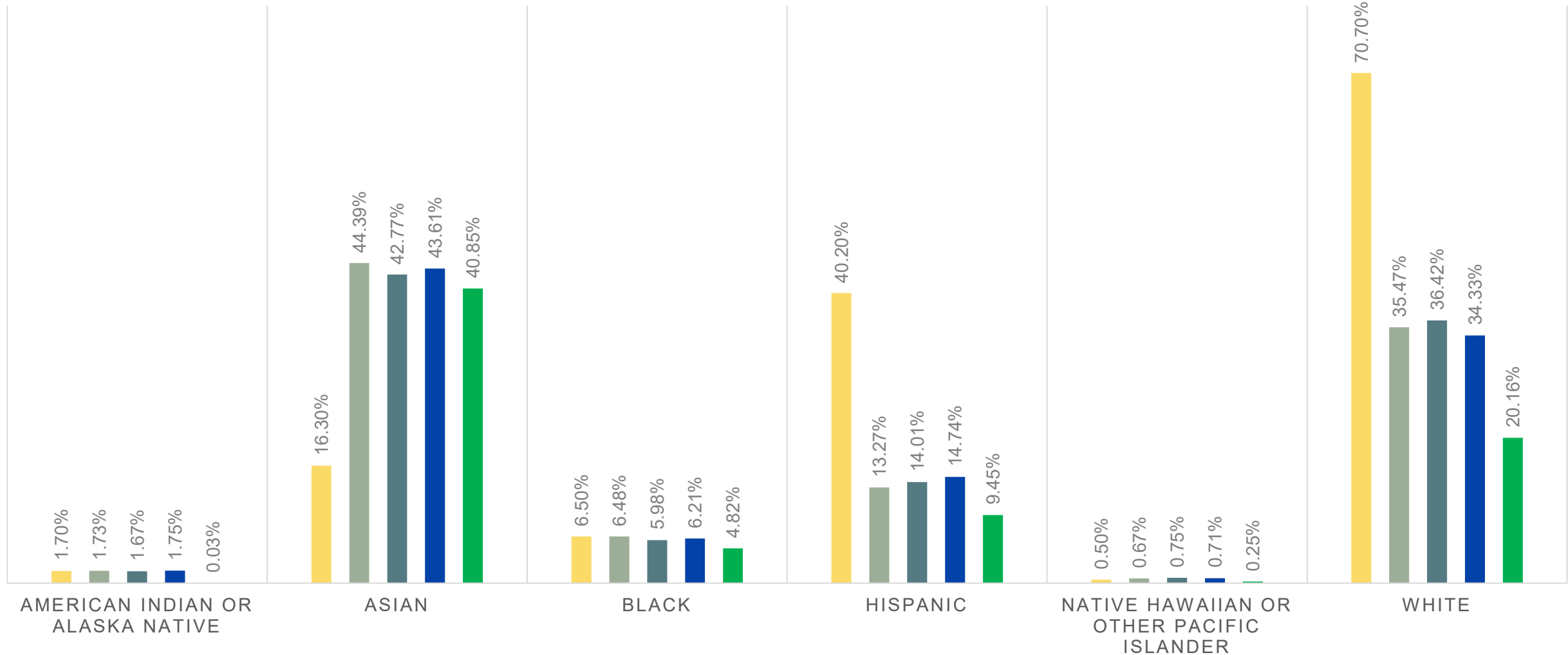
US Census Bureau, Quick Facts, 2022    AAMC, FACTS 2023, Table A-10

NRMP, Demographic Data for Main Residency Match, 2022,2023, 2024



# California

■ State Census ■ MRM 2022 ■ MRM 2023 ■ MRM 2024 ■ 2023 Medical School Matriculation

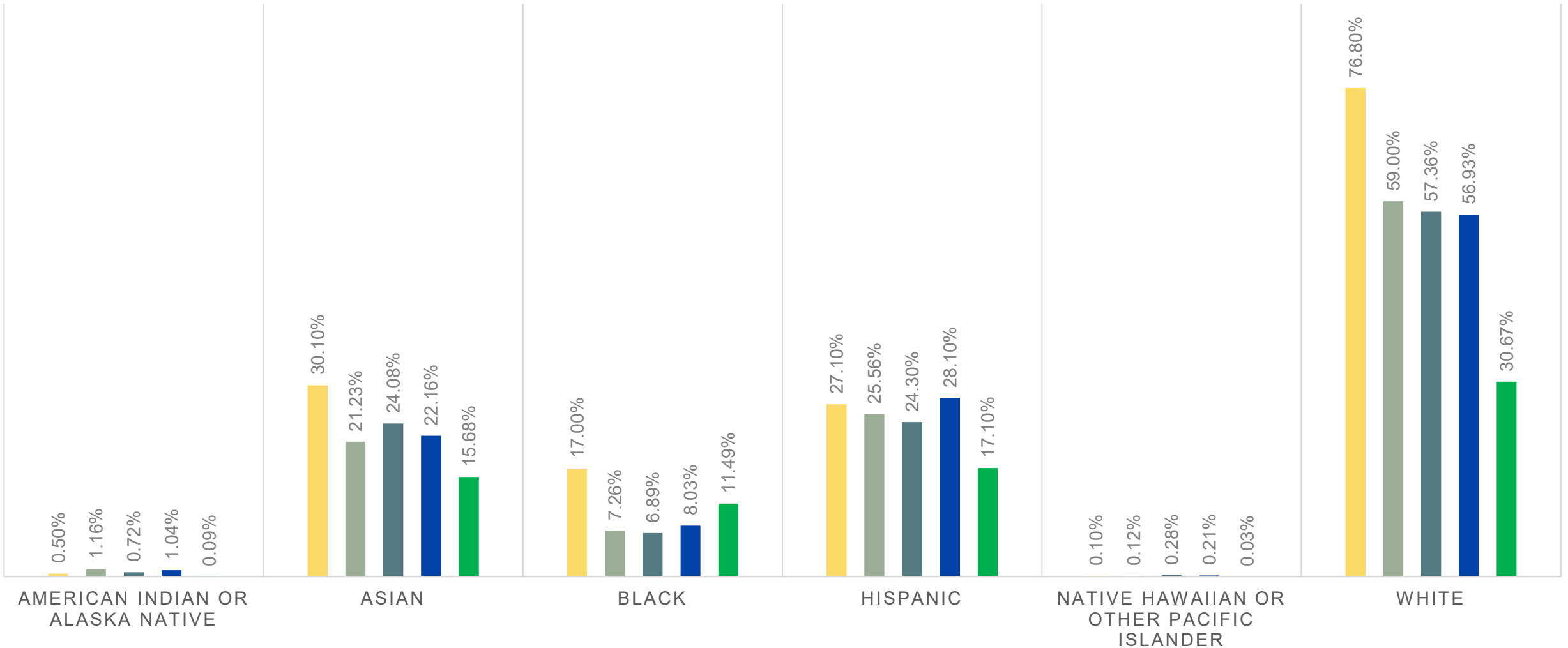


US Census Bureau, Quick Facts, 2022      AAMC, FACTS 2023, Table A-10

NRMP, Demographic Data for Main Residency Match, 2022,2023, 2024

# Florida

■ State Census ■ MRM 2022 ■ MRM 2023 ■ MRM 2024 ■ 2023 Medical School Matriculation

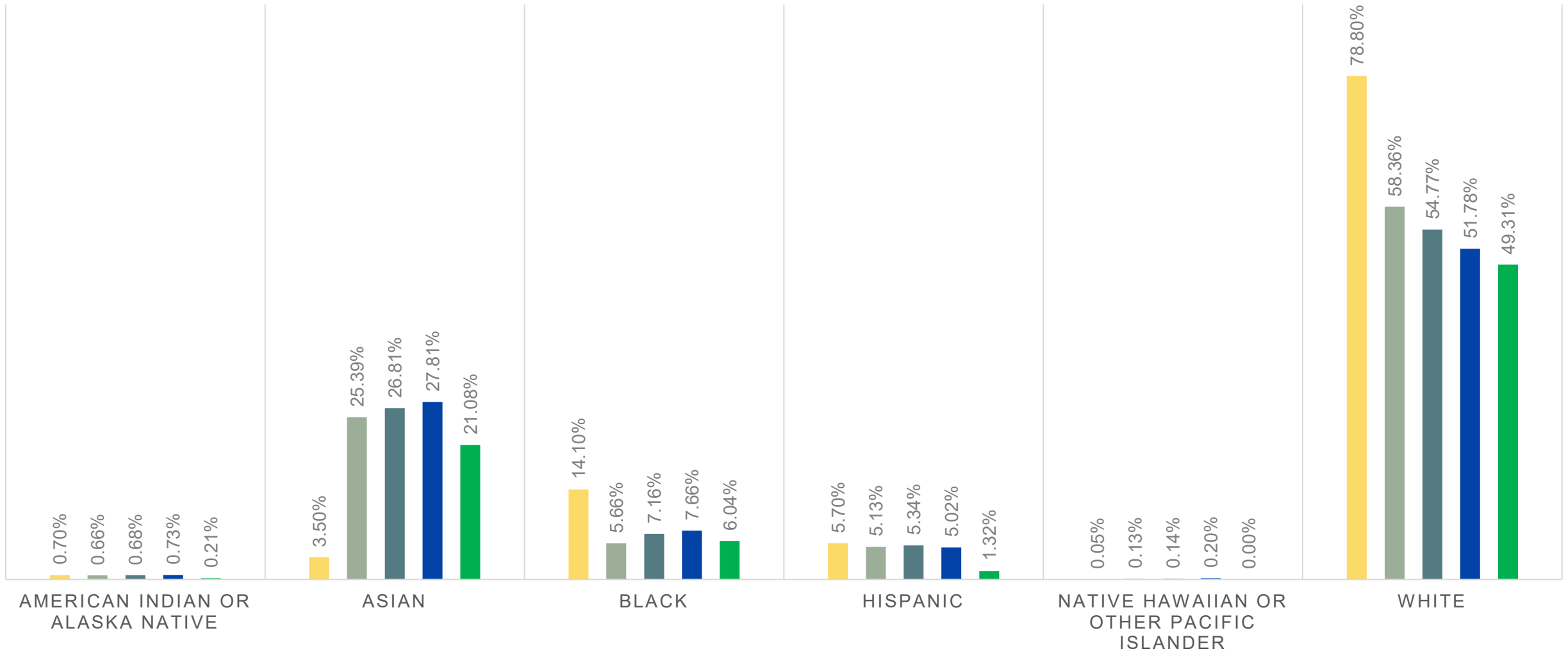


US Census Bureau, Quick Facts, 2022      AAMC, FACTS 2023, Table A-10

NRMP, Demographic Data for Main Residency Match, 2022,2023, 2024

# Michigan

■ State Census ■ MRM 2022 ■ MRM 2023 ■ MRM 2024 ■ 2023 Medical School Matriculation

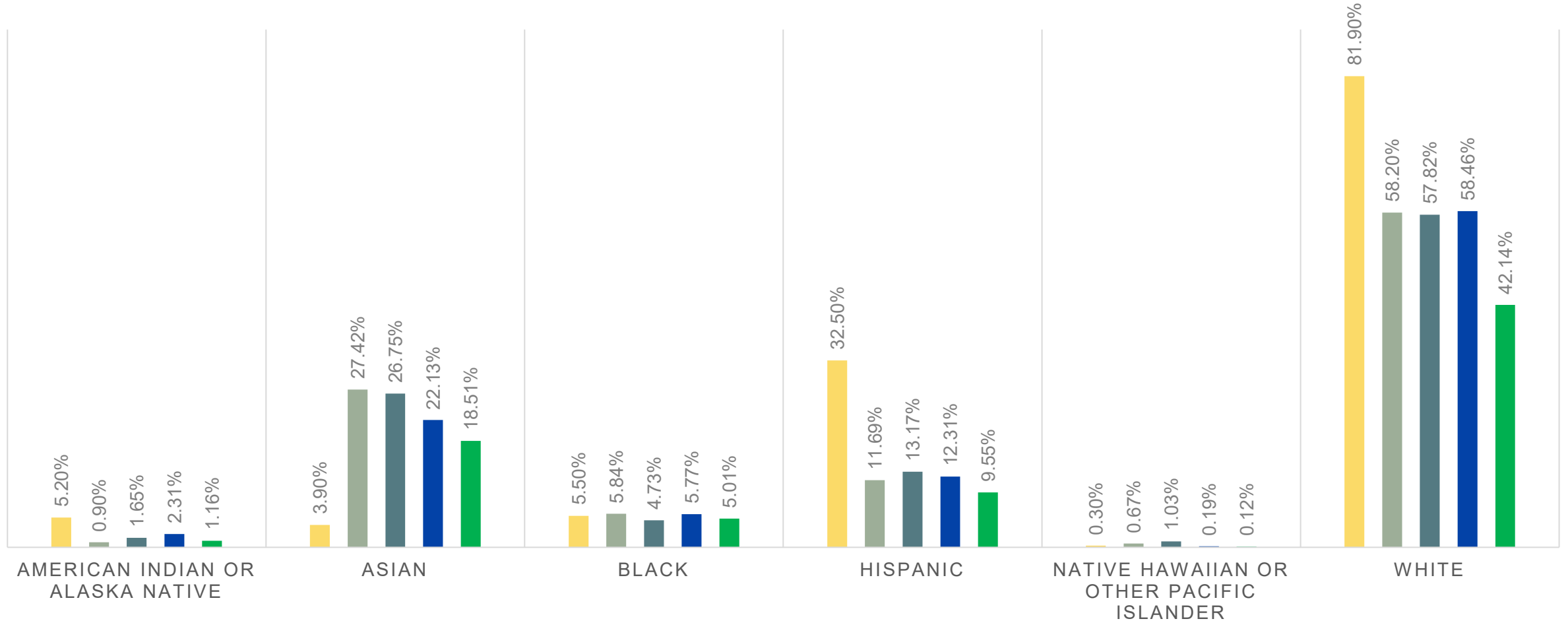


US Census Bureau, Quick Facts, 2022      AAMC, FACTS 2023, Table A-10

NRMP, Demographic Data for Main Residency Match, 2022,2023, 2024

# Arizona

■ State Census 
 ■ MRM 2022 
 ■ MRM 2023 
 ■ MRM 2024 
 ■ 2023 Medical School Matriculation



US Census Bureau, Quick Facts, 2022      AAMC, FACTS 2023, Table A-10

NRMP, Demographic Data for Main Residency Match, 2022,2023, 2024

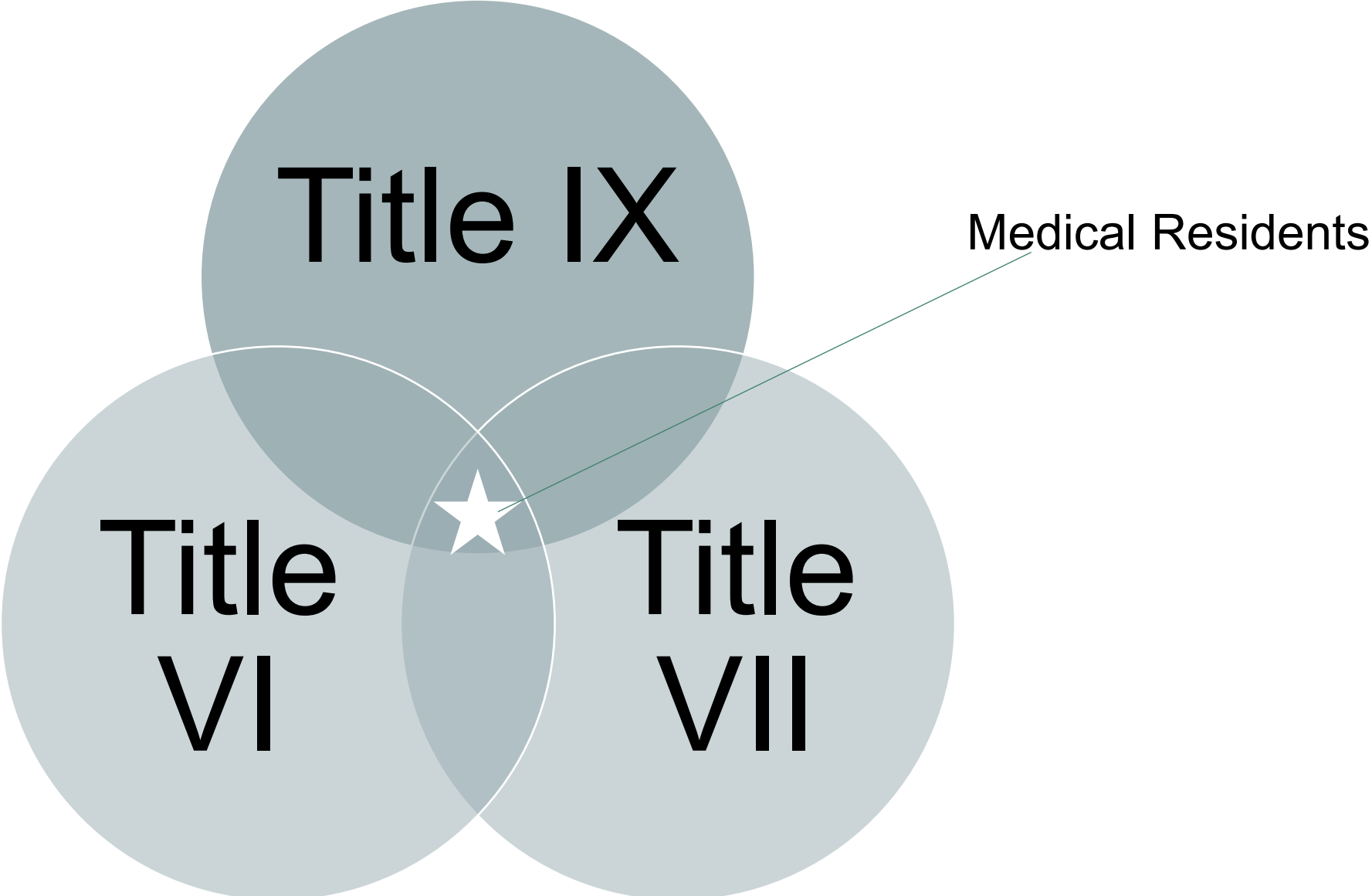
# Considerations - ACGME

Focus on diversity, equity, and inclusion through common program requirements

Elimination of racial and ethnic health disparities is central to improving the health of society

Requirements do not require race-based affirmative action to achieve diversity and does not require programs to change their current selection practices

# Considerations - Legal



# Literature on Approaches to After State Bans

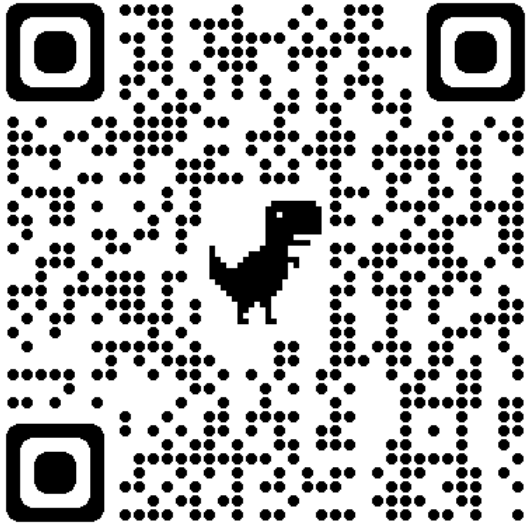


Change the story: reframe admissions and interview process from looking at a candidate guaranteed to succeed versus those selected for their “potential as future physicians” (Ko et al., 2023)



Signal and engage with the community—look at policies or ways to interact with high school students (Venkataramani, 2023)

# Guidance



U.S. Department of Education

Everything News Grants More ▾

race-neutral



## **RACE-NEUTRAL** APPROACHES IN EDUCATION: - U.S. Department of Education

[www2.ed.gov/about/offices/list/ocr/edlite-raceneutralreport.html](http://www2.ed.gov/about/offices/list/ocr/edlite-raceneutralreport.html)

**Race-neutral** alternatives have moved from the theoretical to the practical. Colleges and universities, as well as education officials at the federal ...

## **ACHIEVING DIVERSITY: RACE-NEUTRAL** ALTERNATIVES IN AMERICAN EDUCATION

[www2.ed.gov/about/offices/list/ocr/edlite-raceneutralreport2.html](http://www2.ed.gov/about/offices/list/ocr/edlite-raceneutralreport2.html)

**Race-neutral** approaches to increasing diversity in education fall into two categories: those that focus exclusively on the process for admitting ...

## (PDF) **Race** and School Programming (PDF) - U.S. Department of Education

[www2.ed.gov/about/offices/list/ocr/letters/colleague-20230824.pdf](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20230824.pdf)

Racial discrimination can occur when a school implements or enforces a facially **race-neutral** policy or practice in a manner that treats students ...

## Department of Education Releases Equity Action Plan as Part of Biden ...

[www.ed.gov/news/press-releases/department-education-releases-equity-action-plan-part-biden-harris...](http://www.ed.gov/news/press-releases/department-education-releases-equity-action-plan-part-biden-harris...)

"We need to keep the focus on transforming our education system so it truly expands opportunity for all students, no matter their **race**, background, zip ...

## REL Blog | Eliminating School Discipline Disparities: What We Know and ...

[ies.ed.gov/ncee/rel/Products/Region/midatlantic/Blog/100301](https://ies.ed.gov/ncee/rel/Products/Region/midatlantic/Blog/100301)

Few alternative interventions explicitly address underlying drivers of discipline disparities, such as implicit bias. 8 The design of evidence-based ...

## OCR Letter: **Race-Neutral** Approaches to Diversity - U.S. Department of ...

[www2.ed.gov/about/offices/list/ocr/raceneutral\\_letter.html](http://www2.ed.gov/about/offices/list/ocr/raceneutral_letter.html)

Our hope is to highlight these developmental approaches and to put the range of admissions approaches in a broader context. We hope that this ...

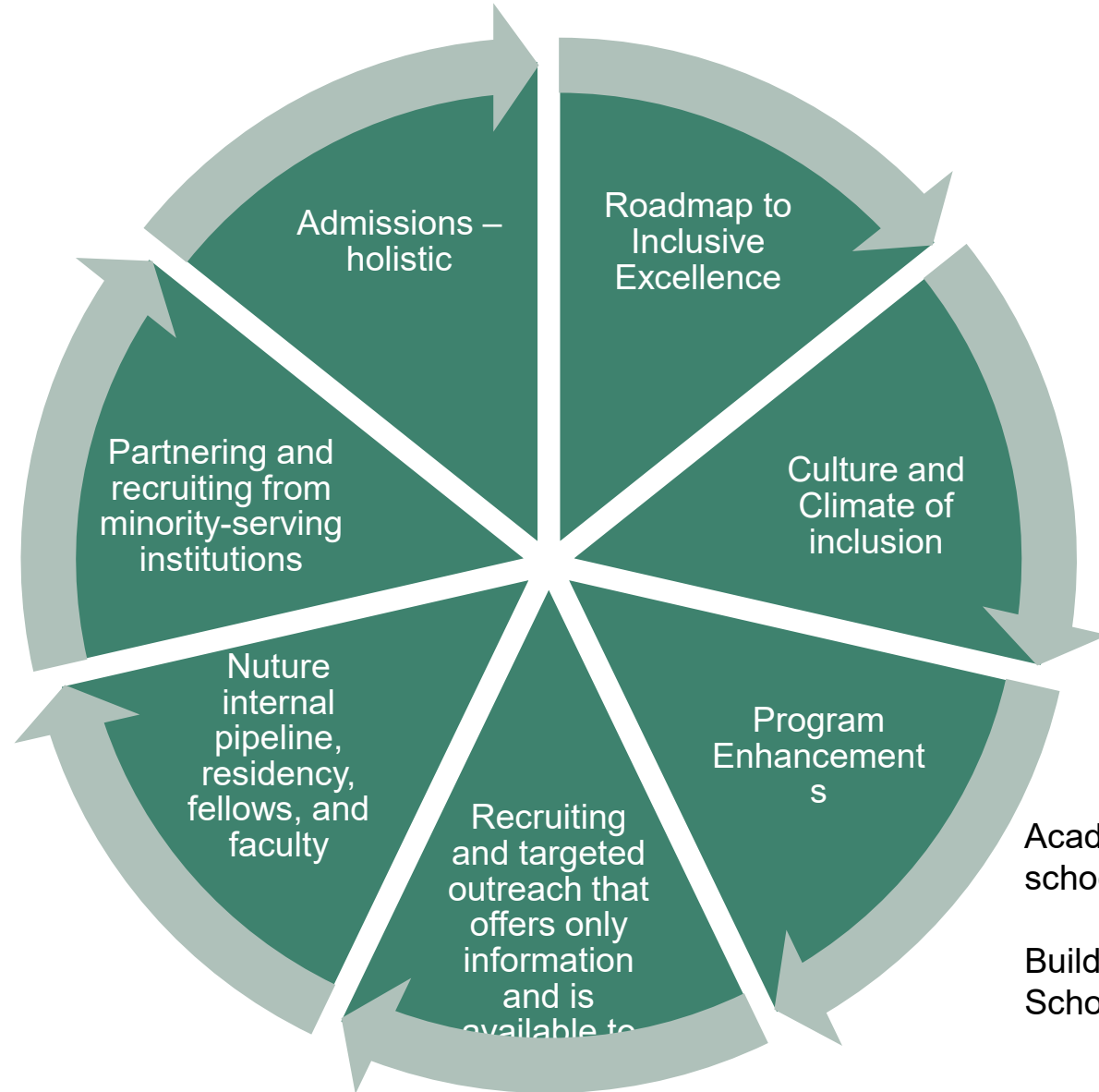
## (PDF) The Use of **Race** in Assigning Students to Elementary and Secondary Schools

[www2.ed.gov/about/offices/list/ocr/letters/raceassignmentese.pdf](http://www2.ed.gov/about/offices/list/ocr/letters/raceassignmentese.pdf)

The Office for Civil Rights in the U.S. Department of Education issues this guidance to provide elementary and secondary schools with information on ...



# Approach by U California San Francisco

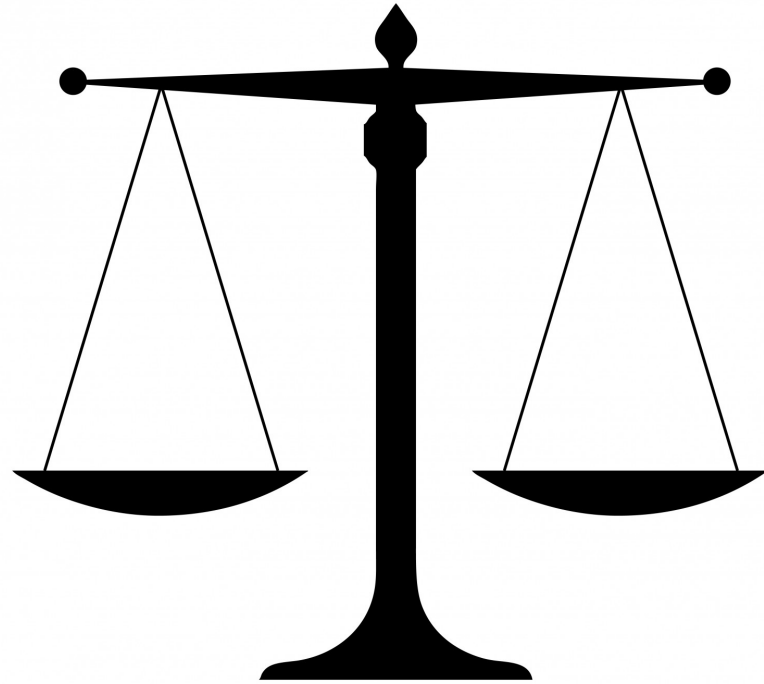


Academic mission – 1<sup>st</sup> gen med school; SES; Rural

Build programs oriented toward all Scholarship and NIH supplements

# What issue(s) can/should the NRMP address?

Applicants



Programs

Specialties

# NRMP Demographic Data



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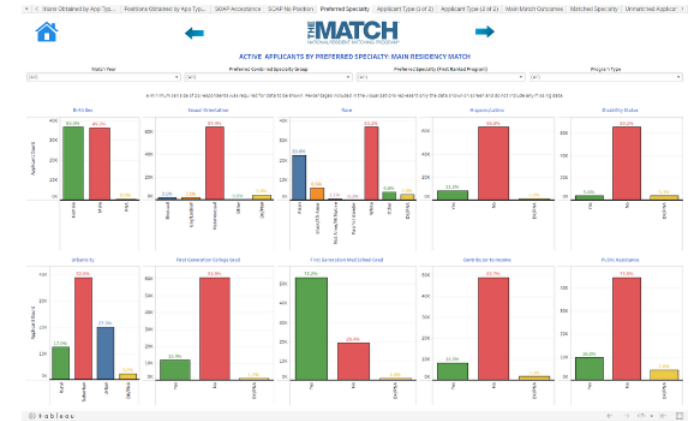
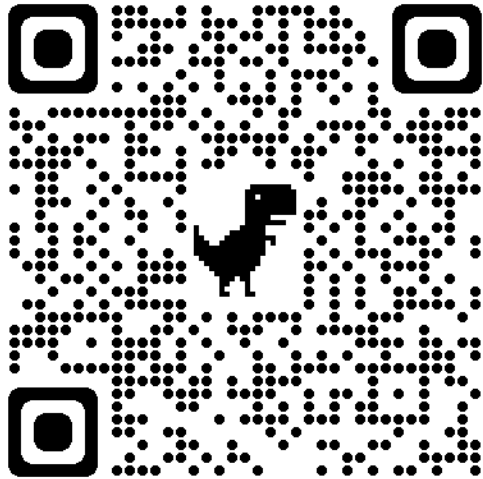
## Charting Outcomes™: Interactive Data Tools

Charting Outcomes™: Demographic Characteristics of Applicants in the Main Residency Match and SOAP has been built using data visualization software and draws from the demographic questions asked of applicants registering for the Main Residency Match in the NRMP's Registration, Ranking, and Results (R3) system.

**CHARTING OUTCOMES™: DEMOGRAPHIC CHARACTERISTICS OF APPLICANTS IN THE MAIN RESIDENCY MATCH® AND SOAP®**

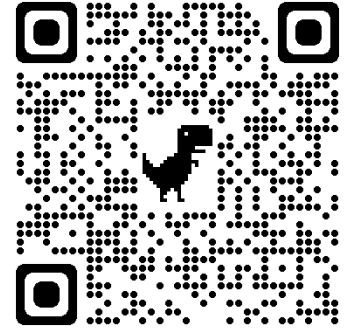
Charting Outcomes™: Demographic Characteristics of Applicants in the Specialties Matching Service® has been built using data visualization software and draws from the demographic questions asked of applicants registering for the Specialties Matching Service in the NRMP's Registration, Ranking, and Results (R3) system.

**CHARTING OUTCOMES™: DEMOGRAPHIC CHARACTERISTICS OF APPLICANTS IN THE SPECIALTIES MATCHING SERVICE®**



# NRMP Demographic Data

<https://www.nrmp.org/match-data-analytics/interactive-tools/>



## Charting Outcomes™:

### Demographic Characteristics of Applicants in the Main Residency Match® and SOAP®

#### MAIN RESIDENCY MATCH AND SOAP

#### MAIN RESIDENCY MATCH

(Active Applicants Only)

#### NARRATIVE

REGISTERED APPLICANTS BY APPLICANT TYPE

ACTIVE APPLICANTS BY PREFERRED SPECIALTY

HELPFUL HINTS

ACTIVE APPLICANT POSITIONS OBTAINED

ACTIVE APPLICANTS BY APPLICANT TYPE

DEFINITIONS

ACTIVE APPLICANTS BY POSITIONS OBTAINED AND APPLICANT TYPE

ACTIVE APPLICANTS BY MATCH OUTCOMES

BACKGROUND & METHODS

SOAP POSITIONS ACCEPTED BY SPECIALTY ALL APPLICANTS

ACTIVE APPLICANTS BY MATCHED SPECIALTY

APPENDIX

SOAP ELIGIBLE APPLICANTS WITH NO POSITION

ACTIVE UNMATCHED APPLICANTS BY PREFERRED SPECIALTY

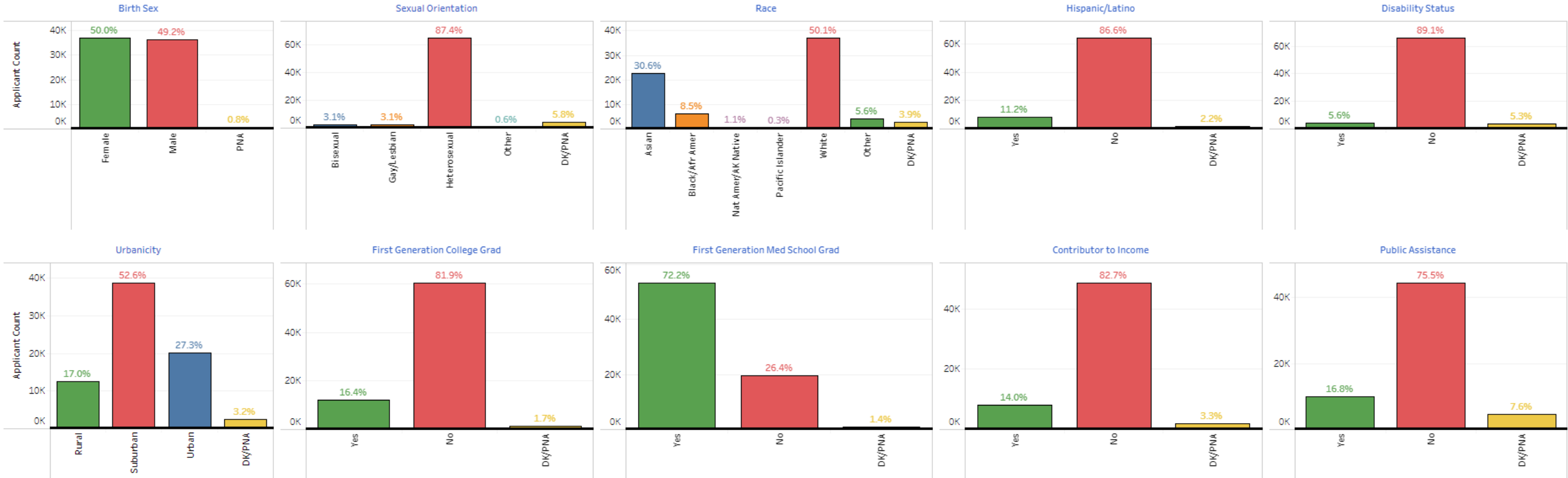
# NRMP Demographic Data



## ACTIVE APPLICANTS BY PREFERRED SPECIALTY: MAIN RESIDENCY MATCH

Match Year: (All) | Preferred Combined Specialty Group: (All) | Preferred Specialty (First Ranked Program): (All) | Program Type: (All)

A minimum cell size of 25 respondents was required for data to be shown. Percentages included in the visualizations represent only the data shown on screen and do not include any missing data.



# NRMP Demographic Data

2022

- Began voluntary demographic data collection in Main Residency Match

2024

- Report generation for Medical Schools
- Report generation for Sponsoring Institutions

2026

- Begin publicly reporting Medical School, Sponsoring Institution, and Program data pertaining to Match outcomes, specialty type, applicant type, and demographic characteristics

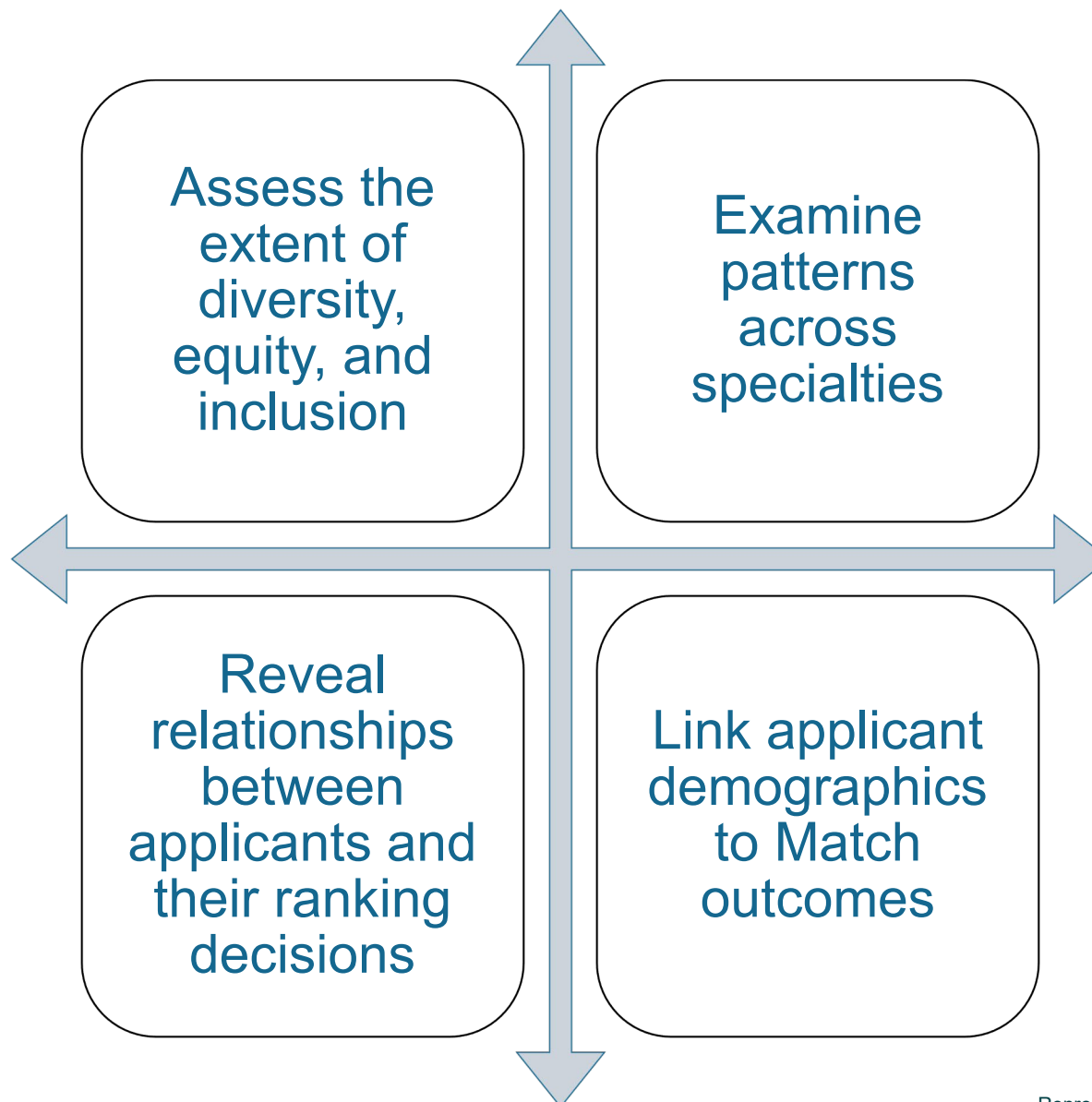
2023

- Began presenting some data, but careful of small cell sizes
- Began collection in Specialties Matching Service
- Established Charting Outcomes Interactive Reports

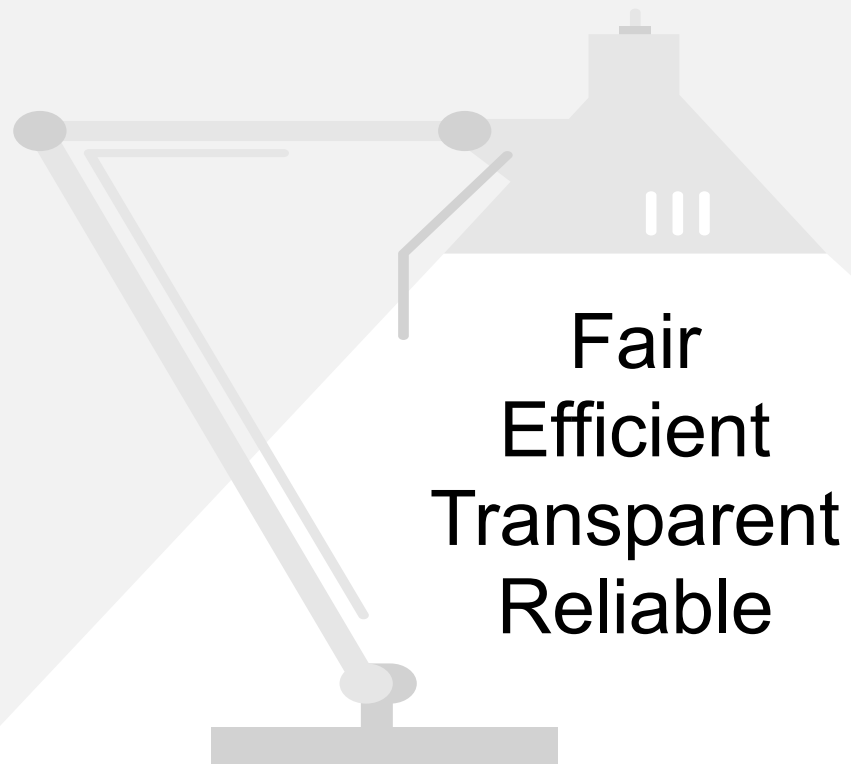
2025

- Continue reporting for Medical Schools and Sponsoring Institutions
- Report generation for Programs

# Anticipated outcome for the community



# The NRMP



Thank you!

[support@nrmp.org](mailto:support@nrmp.org)



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