



**U.S. Department of Justice**  
Civil Rights Division  
*Office of the Assistant Attorney General*



**U.S. Department of Education**  
Office for Civil Rights

---

August 14, 2023

Dear Colleague:

On June 29, 2023, the U.S. Supreme Court announced its ruling in [Students for Fair Admissions, Inc. v. President and Fellows of Harvard College and Students for Fair Admissions, Inc. v. University of North Carolina et al.](#), holding that the use of race in admissions policies applied by the University of North Carolina and Harvard College violates the Equal Protection Clause of the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964. This decision, which directly addressed only the universities' admissions programs, restricts approaches that institutions of higher education have been using for decades to provide students the educational benefits that derive from diverse and vibrant campus communities.

Following the Supreme Court's recent decision, the President and Vice President called on colleges, universities, and other stakeholders to seize the opportunity to expand access to educational opportunity for all students and to build diverse student bodies, including by recognizing and valuing students who have overcome adversity.<sup>1</sup>

Today, the Departments of Justice and Education ("Departments") provide the attached Questions and Answers to help colleges and universities understand the Supreme Court's decision as they continue to pursue campuses that are racially diverse and that include students with a range of viewpoints, talents, backgrounds, and experiences.

The Departments also reaffirm our commitment to ensuring that educational institutions remain open to all, regardless of race. Learning is enriched when student bodies reflect the rich diversity of our communities. Research has shown that such diversity leads to, among other things, livelier and more informative classroom discussions, breakdown of prejudices and increased cross-racial understanding, and heightened cognitive development and problem-solving skills. The benefits of diversity in educational institutions extend beyond the classroom as individuals who attend diverse schools are better prepared for our increasingly racially and ethnically diverse society and the global economy. We stand ready to support institutions that recognize that such diversity is core to their commitment to excellence, and that pursue lawful steps to promote diversity and full inclusion.

---

<sup>1</sup> See White House, Fact Sheet, "President Biden Announces Actions to Promote Educational Opportunity and Diversity in Colleges and Universities" (June 29, 2023), available at <https://www.whitehouse.gov/briefing-room/statements-releases/2023/06/29/fact-sheet-president-biden-announces-actions-to-promote-educational-opportunity-and-diversity-in-colleges-and-universities/>.

We also acknowledge that fulfilling this commitment will require sustained action to lift the barriers that keep underserved students, including students of color, from equally accessing the benefits of higher education. For decades, our Departments have sought to achieve the original promise of *Brown v. Board of Education*, that no student's educational opportunity should be limited by their race. Through that work, we have seen that there are no simple answers for unwinding the entrenched roots and sprawling branches of segregation and discrimination.

For institutions of higher education, this may mean redoubling efforts to recruit and retain talented students from underserved communities, including those with large numbers of students of color. It may likewise mean a greater focus on fostering a sense of belonging for students currently enrolled. Through such efforts, colleges and universities can effectively support and retain students from diverse backgrounds. Colleges and universities can also ensure that prospective students of color know that the schools they are considering are places where all students will be welcome and will succeed. Colleges and universities may also choose to focus on providing students with need-based financial support that allows them not just to enroll, but to thrive. Students should not be waylaid on the path to a degree because they must shoulder crushing debt, further strain their families' finances, or work long hours to pay their bills.

Colleges and universities can also play a role in growing the talent pool of college- and career-ready students. Students from disadvantaged backgrounds, who are disproportionately students of color, are more likely to attend PreK-12 schools that lack the particular courses, types of instruction, and enrichment opportunities that prepare students for college, and that colleges and universities seek in their admissions process. By partnering with school districts in underserved communities, supporting improved access to high quality advanced courses, and investing time and resources into programs that identify and nurture students' potential, colleges and universities can ensure that more students will be prepared to apply to colleges and universities, gain admission, succeed, and graduate. Colleges and universities can also participate in programs that commit them to enroll, support, and graduate students from disadvantaged backgrounds, regardless of race, who are attending or have graduated from community college.

With respect to admissions practices themselves, especially for the upcoming cycle, the Departments encourage colleges and universities to review their policies to ensure they identify and reward those attributes that they most value, such as hard work, achievement, intellectual curiosity, potential, and determination. As described in the attached Q&A document, schools can consider the ways that a student's background, including experiences linked to their race, have shaped their lives and the unique contributions they can make to campus. Students should feel comfortable presenting their whole selves when applying to college, without fear of stereotyping, bias, or discrimination. And information about an individual student's perseverance, especially when faced with adversity or disadvantage, can be a powerful measure of that student's potential.

Conversely, colleges and universities can examine admission preferences, such as those based on legacy status or donor affiliation, that are unrelated to a prospective applicant's individual merit or potential, that further benefit privileged students, and that reduce opportunities for others who have been foreclosed from such advantages. Colleges and universities can also work proactively to identify potential barriers posed by existing metrics that may reflect and amplify inequality, disadvantage, or bias.

We close by noting our continued commitment to vigorous enforcement of Titles IV and VI of the Civil Rights Act of 1964<sup>2</sup> from early childhood through postsecondary education. The Departments will continue to investigate allegations of discrimination, whether in admissions practices or in the PreK-12 programs that serve as the gateway to higher education. We will continue to use all enforcement tools at our disposal to protect students' right to equal access to the opportunities that create pathways to higher education, and those afforded by higher education itself. Members of the public may report possible civil rights violations to the Department of Justice at [www.civilrights.justice.gov/](http://www.civilrights.justice.gov/), or to the Department of Education's Office for Civil Rights at <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

Our Departments' past and current enforcement work highlights the threat that persistent discrimination poses to the rights that make America a true democracy—including equal access to education at all levels. Educators, students, and communities know that we are far from attaining *Brown*'s promise of making education "available to all on equal terms." Making that promise real won't just happen. It will take hard work and resolve, not just from colleges and universities, but from all who care about preparing future generations of students to succeed and to lead our multicultural democracy. We thank you for your continued commitment.

Sincerely,



Kristen Clarke  
Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice



Catherine E. Lhamon  
Assistant Secretary for Civil Rights  
Office for Civil Rights  
U.S. Department of Education

---

<sup>2</sup> The Departments enforce Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance, and its implementing regulations. The Department of Justice also enforces Title IV of the Civil Rights Act of 1964, which authorizes the Attorney General to address certain complaints of discrimination against students based on race, color, national origin, sex, or religion in public institutions of higher learning.