

UNDER REVIEW. This document and the underlying issues are under review by the U.S. Department of Education and the U.S. Department of Justice (as of July 30, 2021). The July 3, 2018 Dear Colleague Letter that rescinded this document is also under review. Please note that this notation does not have the effect of reinstating this guidance



U.S. Department of Justice
Civil Rights Division

U.S. Department of Education
Office for Civil Rights



September 27, 2013

Dear College or University President:

On June 24, 2013, the U.S. Supreme Court announced its ruling in Fisher v. University of Texas at Austin. The Court preserved the well-established legal principle that colleges and universities have a compelling interest in achieving the educational benefits that flow from a racially and ethnically diverse student body and can lawfully pursue that interest in their admissions programs. The educational benefits of diversity, long recognized by the Court and affirmed in research and practice, include cross-racial understanding and dialogue, the reduction of racial isolation, and the breaking down of racial stereotypes.

The Departments of Education and Justice strongly support diversity in higher education. Racially diverse educational environments help to prepare students to succeed in our increasingly diverse nation. The future workforce of America must be able to transcend the boundaries of race, language, and culture as our economy becomes more globally interconnected.

In 2011, the Departments issued “Guidance on the Voluntary Use of Race to Achieve Diversity in Postsecondary Education” and the related “Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools.” Both guidance documents remain in effect after the Fisher decision and are available at www.ed.gov and www.usdoj.gov.

Today, the U.S. Departments of Education and Justice are releasing the accompanying “Questions and Answers” on the Supreme Court’s decision in Fisher. This document provides colleges and universities with information about the case and reiterates the Departments’ position on the voluntary use of race to achieve diversity in higher education. We hope you find the guidance documents and these “Questions and Answers” helpful in understanding and implementing lawful programs, consistent with the recent Fisher decision and prior Supreme Court decisions, to promote diversity on your campus.

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The Supreme Court has said, “attaining a diverse student body is at the heart of [a university’s] proper institutional mission.” We agree. The Departments of Education and Justice stand ready to support colleges and universities in pursuing a racially and ethnically diverse student body in a lawful manner. We look forward to working with you on this important goal.

Sincerely,

/s/

Jocelyn Samuels
Acting Assistant Attorney General
Civil Rights Division
U.S. Department of Justice

/s/

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