Rescinded: This document has been formally rescinded by the Department and remains available on the web for historical purposes only.

U.S. Department of Justice
Civil Rights Division

U.S. Department of Education
Office for Civil Rights
Office of the General Counsel

May 6, 2014

Dear Colleague:

We are writing to confirm that the decision of the United States Supreme Court issued on April 22, 2014 in *Schuette v. Coalition to Defend Affirmative Action, et al.*, leaves intact the Court's prior holdings recognizing that institutions of higher education and elementary and secondary schools may use all legally permissible methods to achieve their diversity goals. These include, absent any restrictions in state law, appropriately tailored programs that consider the race of individual applicants as one of several factors in an individualized process to achieve the educational benefits that flow from a diverse student body.

The Departments of Education and Justice strongly support diversity in elementary, secondary, and higher education, because racially diverse educational environments help to prepare students to succeed in our increasingly diverse nation. 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. Furthermore, to be successful, the future workforce of America should 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." Additionally, in 2013, after the Supreme Court issued its decision in the *Fisher* case, we issued further guidance in the form of "Questions and Answers about *Fisher v. University of Texas at Austin*." All three guidance documents remain in effect after the *Schuette* decision and are available at www.ed.gov and www.usdoj.gov. In a State with a provision like the one in effect in Michigan, which was upheld in *Schuette*, you should consult with an appropriate legal official, such as your State's attorney general, with regard to your institution's or agency's ability to take actions consistent with these guidance documents.

We appreciate your interest in these matters and your commitment to help students succeed. Our offices stand ready to provide technical assistance should you or your colleagues need it on this important topic.

Sincerely,

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

/s/
Philip H. Rosenfelt
Deputy General Counsel,
Delegated the Authority to
Perform the Functions and
Duties of the General Counsel
U.S. Department of Education

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