



**Dear Colleague Letter from the U.S. Department of Education
Office of Civil Rights
written by: Acting Assistant Secretary Craig Trainor on February
14, 2025**

“Discrimination on the basis of race, color, or national origin is illegal and morally reprehensible. An ‘individual’s race may never be used against him’ and ‘may not operate as a stereotype’ in governmental decision-making. Educational institutions may neither separate or segregate students based on race, nor distribute benefits or burdens based on race. Relying on non-racial information as a proxy for race, and making decisions based on that information, violates the law. That is true whether the proxies are used to grant preferences on an individual basis or a systematic one. Treating students differently on the basis of race to achieve nebulous goals such as diversity, racial balancing, social justice, or equity is illegal under controlling Supreme Court precedent. The Department will no longer tolerate the overt and covert racial discrimination that has become widespread in this Nation’s educational institutions.”

Beginning no later than 14 days from the date of this letter, all educational institutions are advised to:

- (1) ensure that their policies and actions comply with existing civil rights law;
- (2) cease all efforts to circumvent prohibitions on the use of race by relying on proxies or other indirect means to accomplish such ends; and
- (3) cease all reliance on third-party contractors, clearinghouses, or aggregators that are being used by institutions in an effort to circumvent prohibited uses of race.

”Any educational institution that does not abide by this could lose federal financial assistance from the U.S. Department Of Education based on:

1. legal requirements under Title VI of the Civil Rights Act of 1964 (“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”),
2. the Equal Protection Clause of the United States Constitution,
3. and other relevant authorities (look under “how you can add to this letter below)
4. The Supreme Court’s 2023 decision in *Students for Fair Admissions v. Harvard*⁴ (*SFFA*), which clarified that the use of racial preferences in college admissions is unlawful.”

Reasoning:

In recent years, American educational institutions have discriminated against students on the basis of race, including white and Asian students, many of whom come from disadvantaged backgrounds and low-income families.

Colleges, universities, and K-12 schools have routinely used race as a factor in admissions, financial aid, hiring, training, and other institutional programming and



encourage segregation by race at graduation ceremonies and in dormitories and other facilities.

Educational institutions have toxically indoctrinated students with the false premise that the United States is built upon “systemic and structural racism” and advanced discriminatory policies and practices.

These discriminatory practices under the banner of “diversity, equity, and inclusion” (“DEI”), perpetuate racial stereotypes and have infused explicit race-consciousness into everyday training, programming, and discipline.

Examples:

Federal law prohibits covered entities from using race in decisions pertaining to admissions, hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life.

A school may not use students’ personal essays, writing samples, participation in extracurriculars, or other cues as a means of determining or predicting a student’s race and favoring or disfavoring such students.

For filing a discrimination claim:

Anyone who believes that a covered entity has unlawfully discriminated may file a complaint with OCR. Information about filing a complaint with OCR, including a link to the online complaint form, is available [here](#).

There is also guidance on how to add to this letter:

This document provides significant guidance under the Office of Management and Budget’s Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007). This guidance does not have the force and effect of law and does not bind the public or create new legal standards. This document is designed to provide clarity to the public regarding existing legal requirements under Title VI, the Equal Protection Clause, and other federal civil rights and constitutional law principles. If you are interested in commenting on this guidance, please email your comment to OCR@ed.gov or write to the following address: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. For further information about the Department’s guidance processes, please visit the Department’s webpage [here](#).

Additional information on the 2023 Affirmative Action Supreme Court ruling:

The Court explained that “[c]lassifying and assigning students based on their race” is lawful only if it satisfies “strict scrutiny,” which means that any use of race must be narrowly tailored—that is, “necessary”—to achieve a compelling interest.⁵ To date, the Supreme Court has recognized only two interests as compelling in the context of race-based action: (1) “remediating specific, identified instances of past discrimination that violated the Constitution or a statute”; and (2) “avoiding imminent and serious risks to human safety in prisons, such as a race riot.”⁶

⁴ *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023).

⁵ *Id.* at 207.

⁶ *Ibid.*