

Executive Summary: Implications of the Recent Dear Colleague Letter on Race-Based Discrimination

Overview

"At its core, the test is simple: If an educational institution treats a person of one race differently than it treats another person because of that person's race, the educational institution violates the law."

On February 14, 2025, the U.S. Department of Education's Office for Civil Rights issued a Dear Colleague Letter (DCL) in response to the Supreme Court's 2023 decision in *Students for Fair Admissions v. Harvard* (SFFA). This landmark ruling declared the use of racial preferences in college admissions unlawful. The DCL reaffirms the illegality of discrimination based on race, color, or national origin in all programs and activities receiving federal financial assistance. It emphasizes that concepts such as racial balancing and diversity do not constitute compelling interests that justify the use of race in decision-making.

Key Highlights of the Dear Colleague Letter

- **Strict Scrutiny Standard:** Any consideration of race by educational institutions must meet the strict scrutiny standard, demonstrating that such use is narrowly tailored to achieve a compelling governmental interest. Currently, the recognized compelling interests are limited to remediating specific instances of past discrimination and avoiding imminent threats to safety, such as preventing race riots in prisons.
- **Prohibition of Stereotyping:** The DCL underscores that an individual's race must not be used against them or serve as a basis for stereotyping in any institutional decision-making processes.
- **Unlawful Practices:** Institutions can no longer use race-based preferences in admissions, hiring, or program access unless explicitly justified by a narrowly tailored legal standard. Race-conscious programs that were previously used to promote diversity may need to be revised or eliminated to ensure compliance with the updated legal framework.

California Context It is important to note that California has already been operating under similar restrictions due to Proposition 209, passed in 1996, which prohibits public institutions from considering race, sex, or ethnicity in public employment, education, and contracting.

As a result, CPP has long adhered to race-neutral policies in admissions and hiring. While the new DCL reinforces these principles at the national level, its impact on CPP is minimal in terms of policy shifts. However, ensuring ongoing compliance with federal expectations on nondiscrimination is a priority.