

Federal Government Transition Update - 2.17.25 ^[1]

February 17, 2025 by [Natalie Barry](#) ^[2]

Dear Colleagues,

The U.S. Department of Education's Office for Civil Rights (OCR) issued a new four-page [Dear Colleague letter](#) ^[3] over the weekend indicating it will apply a broad interpretation of the U.S. Supreme Court's 2023 decision *Students for Fair Admissions v. Harvard* (SFFA). In that case, the court ruled race-based affirmative action in college admissions violates the Equal Protection Clause of the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964. In its letter, the Department said federal law prohibits consideration of race not just in admissions, but also in all "aspects of student, academic, and campus life," including hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, and graduation ceremonies. The Department also suggests campus diversity, equity and inclusion programs discriminate in "less direct, but equally insidious ways."

The Department states it "intends to take appropriate measures to assess compliance" with its interpretation of federal law beginning no later than February 28, 2025. The Department specifically advises institutions 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."

The Department indicates it will provide "additional legal guidance" for institutions but does not specify when this new guidance will be made available. The letter and interpretation of law contained therein are widely expected to be challenged in court. To date, the national higher education associations have not publicly commented on the new policy.

We recognize the uncertainty and worry this new guidance may have on our campus communities. We want to assure you the Federal Relations, General Counsel and Institutional Equity and Compliance teams are analyzing the guidance and will provide more information soon. In these times, it's critical to keep our eye on the ball. Please know we are here for you, and we are working closely with the President and Chancellors on this and other emerging federal issues. We encourage you to contact your campus leadership with questions. Please visit the [CU System Federal Transitions Update](#) ^[4] page for up-to-date communications and federal memos.

Jeremy Hueth, Vice President, University Counsel??
Danielle Radovich Piper, Sr. VP External Relations and Strategy

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