

Correcting the Record on Affinity Student Groups and Spaces for Black Students and Students of Color

A RESOURCE FOR COLLEGE STUDENTS AND CAMPUS COMMUNITIESⁱ

Affinity groups and spaces for Black students, students of color, women, LGBTQ+ students, and students from other underrepresented backgrounds are an essential component of fostering integrated and inclusive campus environments where students can feel safe, celebrated, and welcome.

- Affinity student groups and spaces are the result of persistent student advocacy to remedy campus environments that were rife with discrimination against Black students and other students of color, where those students were isolated and invisible, and where their experiences were dismissed and unacknowledged.
- Affinity student groups and spaces are generally lawful—they do not categorically or generally violate federal civil rights laws.
- By supporting these groups and spaces, colleges can help prevent and address discrimination as required by federal civil rights laws. And by abandoning, destroying, and undermining these groups and spaces, colleges instead perpetuate a backslide on the promise of equal access to education, heavily increasing the likelihood that students face hostile environments on campus and experience unlawful discrimination.
- When colleges offer and support groups, spaces, and activities for students from underrepresented backgrounds and identities to share ideas, forge connections, and discuss common experiences, they help cultivate inclusive, life-affirming campus communities that are welcoming to students from populations that have traditionally faced significant barriers in accessing education on equal terms.

Nearly three years after the U.S. Supreme Court's decision in *Students for Fair Admissions v. Harvard and Students for Fair Admissions v. University of North Carolina* ("SFFA"), colleges continue to grapple with questions about what is permissible, what is required, and what remains essential to advance racial equity in higher education. Despite progress in postsecondary outcomes for Black students and students of color over the past few decades, systemic barriers to college enrollment and completion persist. Overall, far fewer Black and Latine adults obtain a college degree than white adults—in 2022, 17.3%, 14.5%, and 26.1% respectively. There has long been underrepresentation in enrollment of Black students and other students of color at most selective colleges, and in 2025 that got significantly worse, with enrollment of Black students decreasing by half at some selective colleges and being at or below 2% at multiple colleges.ⁱⁱ

Yet the current administration, intent on turning back the clock on civil rights, continues to issue misleading guidance that aims to intimidate colleges into unnecessarily shuttering lawful programs to address longstanding barriers to student success. Diversity, equity, inclusion, and accessibility offices and other essential programming like affinity student groups, cultural centers, and other similar spaces cultivate welcoming and supportive campus communities for all students. Many affinity groups are centered around a shared racial, ethnic or religious background, and in other instances affinity groups are formed around sexual orientation, gender identity, socioeconomic status, familial attendance in higher education or common interests. Far from undermining federal nondiscrimination laws, they help make the promise of those laws a reality by decreasing isolation and hostility, and supporting life-affirming campus communities.

Affinity groups and spaces are increasingly under attack despite—or perhaps because of—their critical and long-standing role in fostering inclusive campus climates and addressing the needs of historically underrepresented students. **Such groups and spaces have played an important role in predominantly white institutions and oftentimes were created to address and prevent racially hostile environments on campus for underrepresented Black students and students of color who have faced structural barriers to admission and hostile environments on campus.** Affinity groups and spaces, especially when appropriately supported by colleges with funding and other resources, help ensure that students can celebrate their identities and interests and share ideas and experiences in a supportive environment.

Affinity groups and spaces that seek to support students from historically underrepresented communities are lawful—as long as they are open to all students. Such spaces do not run afoul of federal civil rights laws, which prohibit federally funded colleges from *segregating* students based on race, or from creating, tolerating, or failing to correct a *hostile* educational environment based on race, color, national origin, disability, or sex. Federal agencies cannot create or change federal statutes and federal agency interpretations cannot replace or contradict judicial interpretations. Despite misrepresentations by the current administration, federal civil rights law pertaining to affinity groups and spaces remains unchanged.

Colleges must comply with federal civil rights laws:

- Colleges have a legal obligation under federal civil rights laws to ensure that students, faculty, and other members of the campus community are not discriminated against on the basis of race, color, national origin, sex, disability, and other characteristics.ⁱⁱⁱ
 - In general, colleges must ensure that students are not excluded or treated differently, and that students do not face a hostile environment based on any of these characteristics.
 - Discrimination prohibited under federal civil rights laws extends to discrimination based on the intersection of multiple characteristics (e.g., a student facing discrimination as a Black woman, because they are a Latine student who has a disability, or because they are a Black transgender man).
- Affinity groups and spaces are born out of a national history of exclusion and unwelcoming campus environments.^{iv}

Where colleges abandon support for or eliminate student groups and spaces, colleges risk a dangerous and harmful retreat towards exclusion and hostility—a retreat that undermines the goals of federal civil rights laws and increases the risk of colleges violating their legal obligations to students and the overall campus community.

Here are the facts:

- Affinity groups and spaces empower underrepresented students.
 - These spaces are open to all students but center the voices and affirm the life experiences of underrepresented students, including Black students and LGBTQ+ students. They provide community, belonging, and support that promotes student success. Eliminating these groups and spaces silences student voices and undermines equity. Research shows that affinity groups and spaces help students—especially those from underrepresented communities—build friendships, find mentors, overcome feelings of isolation, and cope with discrimination.
 - Affinity groups and spaces generally do not violate federal law.
 - College-sponsored or recognized groups, spaces, or activities that seek to support students from historically underrepresented communities, such as student clubs, lounges, or mentorship opportunities, that are open to all interested students, generally do not violate federal civil rights laws simply because they create spaces for groups of people with a shared background or identity.
 - The Supreme Court's ruling in *UNC and Harvard v. SFFA* addressed the consideration of race in college admissions decisions—it did not address student organizations or spaces.
 - Misleading rhetoric attempts to conflate and confuse. The *SFFA* case, which restricted use of individual student race in college admissions, does not prevent institutions of higher education from fostering a sense of belonging through creation or support of campus cultural centers, affinity groups, and other campus activities or programs that do not exclude students on the basis of their race or other protected category from participating.
 - Affinity groups and spaces help increase academic success.
 - Research shows these groups and spaces can help boost confidence, persistence, and leadership skills, especially for Black students and other students of color, women, and LGBTQ+ students in fields where they are underrepresented.
 - Affinity groups and spaces, where supported by colleges, can increase retention for underrepresented students, including Black students and LGBTQ+ students.
 - Where colleges foster welcoming and life-affirming spaces where everyone can learn and thrive, underrepresented students have a stronger foundation to support success throughout the completion of their educational program.^v
 - Affinity groups and spaces can promote students' mental health.
 - Affinity groups and spaces provide safe spaces to process racial bias, microaggressions, and campus climate stress. And studies have shown that participation in affinity groups can lead to increased resilience, self-acceptance, and self-esteem.^{vi}
 - Affinity groups and spaces benefit all students.
 - They help foster meaningful relationships between students of different backgrounds, increase cultural awareness, and provide space for generating new and creative ideas.^{vii}
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Examples of groups, spaces, and activities that are generally lawful, when open to all students:

Below are examples of student groups, spaces, and activities that are generally lawful under federal law, so long as they are open to all students—which is how spaces like this have generally operated. Spaces like these have also been helpful in providing support for, and affirming the experiences of Black students, other students of color, LGBTQ+ students, and other students on college campuses throughout the country for decades.

- Affinity graduation or convocation ceremonies (e.g., a college supported space to celebrate the graduation of Black, Latine, Native American, Asian American, women, students who have disabilities, or other students).
- Student magazines, newspapers, or other media focused on the experiences of Black students, women, LGBTQ+ students, or other student populations.
- Campus cultural resource centers (e.g., cultural centers for Black, Asian, Palestinian, Latine, Jewish, or LGBTQ+ students).
- Student lounges (e.g., Black student lounges or women’s lounges, or lounges used by specific student affinity groups that are open to all students).
- Black studies, women’s studies, or other similar educational programs.
- Student affinity organizations (e.g., Black Student Associations; Women’s Law Symposium; Asian Student Associations; Women of Color).

How students and alumni can push back:

Students and alumni play a vital role in holding institutions accountable for their commitments to equity and civil rights by advocating against unjustified efforts to eliminate programs designed to support Black students, students of color, and other student communities. By staying informed, engaging with leadership, and advocating for inclusive policies, students and alumni can help ensure their campus remains a welcoming and equitable place for all.

- **Counter Misinformation:** When campus administrators or those outside the campus community cite the SFFA case or federal agency guidance as reasons to dismantle affinity groups and spaces, remind them that the decision was limited to use of individual student race in college admissions and should not be applied to academic programs and resources that are open to all and support a welcoming environment.
 - **Educate Others:** Share fact sheets like this one and the other resources linked below that highlight the positive impact of affinity groups.
 - **Build Coalitions:** Partner with other student organizations, faculty allies, and community groups to show broad support.
 - **Remind Institutions of their federal civil rights obligations:** When colleges abandon support for affinity groups or shutter affinity spaces for Black students, students of color, and other student groups, they remove resources that have helped remedy and prevent discrimination under federal civil rights laws, and they create less inclusive campuses where discrimination may be more likely to occur.
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Additional Resources

- [The Department of Justice’s “Guidance for Recipients of Federal Funding on Unlawful Discrimination”: What You Need to Know](#) (Lawyers’ Committee, LDF, AAJC, Latino Justice, NWLC, and Democracy Forward)
- [Correcting the Record: College Essays Can and Should Help Schools See the Whole Student](#) (Lawyers’ Committee, LDF, AAJC, Latino Justice, and NWLC)
- [Critical Points on Title VI and Response to the Department of Education, Office of Civil Rights, February 14, 2025 Dear Colleague letter and February 28, 2025 “Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act”](#) (Lawyers’ Committee)
- [Response Letter to Administration’s Compact for Colleges](#) (Lawyers’ Committee, LDF, and NWLC)
- [Principles for Racial Equity in Higher Education](#) (Lawyers’ Committee)
- [On-Campus Advocacy Strategies For Students and Student Organizations](#) (Lawyers’ Committee)
- [Strategies for Leveraging Alumni Status to Advocate for Racial Equality](#) (Lawyer’s Committee)
- [Principles for Racial Equity in Higher Education: From Brown to Harvard, How did we get here and where do we go next?](#) (Lawyers’ Committee)

ⁱThis resource is not intended to, and should not be understood to, provide legal advice. Specific programs, initiatives, or questions should be reviewed with counsel.

ⁱⁱ See [Race and Ethnicity In Higher Education 2024 Status Report](#), American Council on Education; [Black enrollment is waning at many elite colleges after affirmative action ban, AP analysis finds](#), AP News.

ⁱⁱⁱ Federal civil rights laws which apply to the vast majority of colleges include but are not limited to Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex; and Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits discrimination on the basis of disability. Title VI’s protection extends to students and campus community members who are or are perceived because of their shared ancestry or ethnic characteristics to be Jewish, Israeli, Muslim, Arab, Sikh, South Asian, Hindu, Palestinian, or any other faith or ancestry.

^{iv}“During the 1960s and 1970s, Black students gravitated to [Black student organizations] because they experienced hostility from their white classmates, remained isolated in classrooms, and felt alienated from professors.” [Williamson, J. A. \(1999\). In Defense of Themselves: The Black Student Struggle for Success and Recognition at Predominantly White Colleges and Universities](#). *The Journal of Negro Education*, 68(1), p.101. In the 1960s and 1970s, “Black students were barely tolerated on many campuses and felt the sting of racism in class where they were simultaneously invisible and a spectacle.” [Wolf-Wendel, L.E. Twombly, S.B., Tuttle, K.N. Ward, K., & Gaston-Gayles, J.L. \(2004\) Reflecting back, looking forward: Civil rights and student affairs](#), p.v. Washington, D.C: NASPA.” “[L]iterature over the past few decades has consistently confirmed that students of color face discrimination and feelings of isolation within predominantly White collegiate spaces, whether in the classroom, the residence hall, or the student union. Their daily interactions with peers, faculty, and administrators in these diverse settings are often clear reminders that as students of color, their experiences, culture, and mere presence are often dismissed, unacknowledged, or treated as invisible.” [Patton, Culture Centers in Higher Education. Perspectives on Identity, Theory and Practice](#), p. xvii. (2010).

^v See e.g., [Harper, S., & Associates. \(2024\). Truths about DEI on college campuses: Evidence-based expert responses to politicized misinformation](#). Los Angeles: University of Southern California Race and Equity Center [Steele, C. M. \(1992\); Miranda M. Chen Musgrove et al., Broadening Participation in Biology Education Research: A Role for Affinity Groups in Promoting Social Connectivity, Self-Efficacy, and Belonging](#), 23 *CBE—Life Sci. Educ.* ar8 (2024).

^{vi} See e.g., [The Proven Impact of Affinity Spaces](#), Race, Research and Policy Portal; [Muraki, Emiko J; Atay, Elaine J; Chadwick, Leah; van der Wijk, Gwen; Mori, Camille M ; et al. Journal of Diversity in Higher Education Vol. 18, Iss. Suppl 1, \(Sep 2025\)](#).

^{vii} See [The Proven Impact of Affinity Spaces](#), Race, Research and Policy Portal; [Estupiñan, D \(February 28, 2021\). “Enhancing Advantaged Racial Groups’ Recognition of Racial Inequality”](#) Race, Research & Policy Portal; [Hughes, D \(July 19, 2024\). “How affinity groups can promote equity in the political process”](#) Race, Research & Policy Portal; [Chawla, S \(October 13, 2020\). “Race-Based Affinity Groups Advance Antiracism and Racial Equity”](#) Race, Research & Policy Portal; [Hughes, D \(July 19, 2024\). “How affinity groups can promote equity in the political process”](#) Race, Research & Policy Portal.
