



LAWYERS' COMMITTEE FOR  
**CIVIL RIGHTS**  
U N D E R L A W

**URGENT CALL TO ACTION:**

Lawful Practices  
That Colleges and  
Universities Should  
Take to Promote and  
Protect Diversity



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**THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW**

is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to mobilize the nation's leading lawyers as agents for change in the Civil Rights Movement.

Today, the Lawyers' Committee uses legal advocacy to achieve racial justice, fighting inside and outside the courts to ensure that Black people and other people of color have the voice, opportunity, and power to make the promises of our democracy real.

## Urgent Call to Action: Lawful Practices That Colleges and Universities Should Take to Promote and Protect Diversity<sup>i</sup>

When the United States Supreme Court handed down its decision in *Students For Fair Admissions v. Harvard and the University of North Carolina* in June 2023 (“Harvard-UNC decision”), we urged<sup>ii</sup> every institution of higher education to double down on their efforts to protect access to opportunity for Black students and other students of color. In the Harvard-UNC decision itself, Justice Kavanaugh noted that while universities may no longer consider race as one of many factors in admissions decisions, “universities still ‘can, of course, act to undo the effects of past discrimination in many permissible ways that do not involve classification by race’”<sup>iii</sup> and Chief Justice Roberts described the pursuit of diversity on campus as “worthy” and “commendable.”<sup>iv</sup> In keeping with this sentiment and our longstanding commitment to defend the rights of Black communities and other communities of color, the Lawyers’ Committee and other civil rights organizations issued guidance describing the “many permissible ways” colleges can actively fight the effects of discrimination and boldly champion diversity within the legal parameters of the decision.<sup>v</sup>

Over two years later, we know that students, families, and other members of school communities are asking themselves where this mission stands now in light of recent statements and purported guidance from the current administration. In particular, a July 2025 memo issued by the Department of Justice pressures schools to back away from their commitment to enrolling and supporting diverse student bodies based on unsupported claims about the legal implications of the Harvard-UNC decision.<sup>vi</sup> The memo casts doubt on the legality of initiatives like anti-bias trainings, affinity groups, and inclusive recruitment methods.<sup>vii</sup>

Despite this agency guidance in furtherance of the administration’s anti-equity agenda, it is important to be clear that agency interpretations do not override judicial interpretations, change civil rights statutes, or otherwise change the law.<sup>viii</sup> The fact remains that there continue to be legally permissible avenues to foster diversity on college and university campuses.<sup>ix</sup> In fact, measures to promote inclusion help remedy and prevent hostile environments and other forms of discrimination. Federal civil rights laws, including Title VI of the Civil Rights Act of 1964, prohibit discrimination on the basis of race, color, and national origin on college and university campuses.<sup>x</sup> When colleges and universities forgo the types of measures discussed in this call to action, they create less inclusive campuses where discrimination is more likely to occur.

Justice Kavanaugh’s words regarding permissible avenues to fight racial discrimination while avoiding racial classifications remain true today.<sup>xi</sup> Below, we have outlined **seven strategies** that help support the admission and matriculation of students from diverse backgrounds. Exploring strategies such as the ones listed below is more urgent than ever before given escalating attacks on diversity in higher education.<sup>xii</sup> We call on colleges and universities to be bold in supporting their students and the purpose of their institutions—and implement these measures wherever feasible.

- 1 End legacy and donor preferences in admissions** because these practices provide an unfair advantage to a pool of wealthy, and disproportionately white, students in college admissions, therefore systematically disadvantaging Black, Latinx, and Asian American student applicants and unnecessarily proliferating hereditary privilege.

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- 2 Explore ways to deemphasize standardized test scores in admissions decisions**—the results of which are often heavily influenced by who has access to costly preparation courses—and instead, emphasize a broad range of admissions criteria that contextualize student achievement and more reliably identify talent.

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- 3 Make clear to students that they can continue talking about all aspects of their identity, including their experiences with race and racism, in their applications.** The Harvard-UNC decision makes it clear that universities can still consider “an applicant’s discussion of how race affected [their] life, be it through discrimination, inspiration, or otherwise.”<sup>xiii</sup>

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- 4 Use targeted outreach, recruitment, and pathway programs to increase applications from students who are underrepresented in their applicant pool.** Such measures are legally permissible and boost the number of qualified applicants for admissions personnel to consider for admission.

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- 5 Implement a range of affordability measures given evolving changes to college financing and loans.** Schools should increase investment in financial aid and eliminate application fees to encourage talented students of all socioeconomic backgrounds to apply for admission.

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- 6 Collect demographic data** about the institution’s applicant pool and admitted class of students in order to identify potential barriers to equal opportunity for Black and Brown students.

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- 7 Take steps to ensure that campuses are places where talented students of all backgrounds want to pursue higher education and feel safe doing so.** Initiatives like affinity groups that are open to all students and strong anti-harassment policies help colleges communicate to students that they are welcoming spaces where everyone can learn and thrive.

# 1

## END LEGACY AND DONOR ADMISSIONS

We call on colleges and universities to end legacy and donor admissions. One of the most powerful responses to the Harvard-UNC decision was the surge of colleges, universities, and entire states that have extinguished the use of legacy and donor admissions—the practice of offering preferential treatment to applicants with ties to university alumni or donors—once and for all. While the outcome of the Harvard-UNC case was in the hands of the Supreme Court, the choice to continue legacy and donor preferences that favor the most resourced students, further exacerbating inequality and racial exclusion, is a choice that each college or university continues to make for itself.

Recognition of this harm has set the stage for a growing number of institutions to discontinue legacy and donor admissions. Since June 2023, a host of colleges and universities including Wesleyan University, University of Pittsburgh, University of Minnesota-Twin Cities, Occidental College, Loyola Marymount University, and Carleton College have banned legacy and donor admissions.<sup>xiv</sup> At the state level, the governors of Virginia and Maryland banned legacy and donor admissions at their states’ public colleges and universities as of July 1, 2024.<sup>xv</sup> The sponsor of the bill banning legacy and donor admissions in Virginia, State Senator VanValkenburg explained the unanimous, bipartisan support for the bill, saying: “[legacy and donor admissions are] kind of an indefensible policy, especially in light of affirmative action being declared unconstitutional by the Supreme Court.”<sup>xvi</sup>

Governor Youngkin championed the end of the practice because “admission . . . should be based on merit.”<sup>xvii</sup> In early 2025, the Governor of California banned the use of legacy and donor preferences at all degree-conferring institutions in the state, including private colleges, effective September 2025.<sup>xviii</sup>

Despite this progress, many schools continue to undermine merit-based admissions—an admissions process that credits applicants for the pluralistic criteria that help students excel in, and contribute to, an academically rigorous campus community—by awarding preferences to applicants whose parents attended or donated to the university. These policies offer a “plus” factor to an overwhelmingly white subgroup of applicants, which creates a systematic advantage for certain students at the expense of others.

For example, the litigation process in the Harvard-UNC litigation opened a window into the use of legacy and donor preferences and their impact at selective institutions. The evidence at trial showed that between 2014 and 2019, Harvard accepted legacy applicants at a rate of 33 percent—more than five times its overall acceptance rate.<sup>xix</sup> Over the same five-year time period, approximately [69 percent of Harvard legacy admits were white](#).<sup>xx</sup> The data from Harvard revealed its use of legacy admissions resulted in Harvard admitting fewer students of color than it otherwise would.<sup>xxi</sup>



A 2024 study by the Institute for Higher Education Policy (IHEP) confirmed that this is true at institutions beyond just Harvard. IHEP analyzed data released by the Integrated Postsecondary Education Data System (IPEDS) and confirmed that colleges and universities that consider legacy status when making admissions decisions are associated with decreased college access for Black and Hispanic students.<sup>xxii</sup> Selective institutions that do not consider legacy status are more racially diverse, enrolling higher proportions of Black and Hispanic students compared with selective institutions that do not consider legacy status.<sup>xxiii</sup>

Notably, a 2019 study also found that for every *legacy applicant of color* a school admits, they offer three white legacies a spot.<sup>xxiv</sup> They also found that even in cases where Black and Latinx legacy students had two parents who were alumni, white legacy applicants with just one alumni parent still had a higher rate of admission.<sup>xxv</sup> Overall, the data shows that legacy preferences function as a “modern-day ‘grandfather clause’ by opening doors of opportunity to those whose ancestors had opportunity, while leaving those doors virtually closed to others.”<sup>xxvi</sup>

Legacy admissions are also the single largest contributing factor to the stark over-representation of high-income students at selective institutions.<sup>xxvii</sup> Many of the advocates who worked to end race-conscious admissions are openly pointing out the

hypocrisy of eliminating the consideration of race in college admissions without eliminating consideration of hereditary privilege and wealth.<sup>xxviii</sup> As researcher Richard Kahlenberg noted, “[i]t’s hard to think of a more flagrant way in which the system is rigged than legacy preferences . . . [r]arely is a system of hereditary privilege so openly practiced without any sense of shame.”<sup>xxix</sup>

At schools across the country, preferential treatment given to legacy students and students from donor families and/or wealthy backgrounds continue to limit opportunities for qualified students. One study of selective colleges concluded that they were more than twice as likely to admit a student from a high-income family than one from a low- or middle-income family, holding SAT and ACT scores constant.<sup>xxx</sup> One oft-quoted line of Chief Justice Roberts from the Harvard-UNC decision is his declaration that “[c]ollege admissions are zero sum. A benefit provided to some applicants but not to others necessarily advantages the former at the expense of the latter.”<sup>xxxi</sup>

For institutions of higher education to be true vehicles of upward mobility that recognize and cultivate talent wherever it is found, they must end systemic advantages for the most privileged students at the expense of others. We call on all colleges and universities that still cling to legacy and donor admissions to end the practice.

## 2

# DEEMPHASIZE THE CONSIDERATION OF STANDARDIZED TEST SCORES IN FAVOR OF A MORE HOLISTIC PROCESS

Colleges and universities should give weight to a range of admissions criteria rather than narrowly focusing on standardized test scores as the main indicia of merit. There is ample basis to question the efficacy of using standardized test scores to assess a student's intelligence and potential contributions to a learning environment.

First, as the name suggests, these tests are standardized—but individual students are not. Tests like the SAT and ACT often contain baked in cultural references that are more easily identified by certain subgroups of students, giving them an advantage on sections like reading comprehension.<sup>xxxii</sup>

Secondly, research shows that standardized test scores better reflect parental income, which is correlated with race, than academic ability.<sup>xxxiii</sup> Test taking is a skill that can be learned. From calming test-day anxiety to mastering time-saving strategies, an entire industry has sprung up to help students surmount the challenges of test-taking. Given the limited time and resources of classroom teachers in public schools, much of this preparation takes place out of school and at a cost. As long as standardized test scores have the power to make or break college

admission prospects, this lucrative industry will compete to make these tests less daunting for those who can pay. The price tag of prep programs, as well as the time required after school or on weekends away from part-time jobs, makes this framework a driver of inequality.

Overall, there are racial and economic disparities in access to college preparatory coursework and test preparation, leading these tests to function as tools of exclusion for lower-income students, which includes disproportionately high numbers of Black students and students of color.<sup>xxxiv</sup>

While some schools may consider standardized test scores to be one useful piece of data for admissions officers, they are likely to find a wide range of information relevant to assessing a student's ability to contribute to the school's mission and learning environment. Colleges and universities should avoid placing undue weight on criteria that are known to reflect an applicant's access to financial resources and instead aim to measure the full range of qualities that are key to collegiate success: resilience, creativity, grit, curiosity, academic performance throughout high school, and desire to improve, to name a few.

# 3

## ENCOURAGE STUDENTS TO WRITE AUTHENTIC ADMISSIONS ESSAYS

Colleges and universities should make clear to their applicants that they are permitted to discuss their identity in their application essays if they so desire. In the Harvard-UNC decision, Chief Justice Roberts stated plainly that “nothing in th[e Court’s opinion] should be construed as prohibiting universities from considering an applicant’s discussion of how race affected [their] life, be it through discrimination, inspiration, or otherwise.”<sup>xxxv</sup> Students are free to write about personal experiences that relate to race in explaining qualities like courage, motivation, or resilience. And schools are free to consider and value those qualities in that student—as long as each student is evaluated on their experiences as an individual, and not on the basis of race.

There is no basis in the Harvard-UNC decision or elsewhere for schools, advisers, or others to discourage or dissuade students from sharing a full and authentic picture of their accomplishments, inspirations, and identity.

Admissions essays are an opportunity for students to share insight about themselves beyond the four corners of their GPA, resume, transcript, and test scores. Essays often prompt students to discuss the challenges they have overcome during their educational journey, why they are passionate about the course

of study they wish to pursue, and where they hope their education will take them. It would require a constitutionally impermissible level of censorship to prohibit students from mentioning their family, community, culture, or extracurricular activities in their responses to the extent that it could reveal something about their race or ethnicity.

When admissions staff learn information about a student’s race or ethnicity via an admissions essay, the Court provides further guidance about how this information can be used.<sup>xxxvi</sup> As discussed in our [recent fact sheet](#), it is permissible for students to offer, and for colleges to consider, discussion of their personal qualities even if tied to discussion of the student’s experiences with race.<sup>xxxvii</sup>

The Supreme Court offered two examples: (1) a student’s demonstration of courage and determination demonstrated through overcoming racial discrimination and (2) a student’s unique ability to contribute to the university demonstrated by a discussion of how their heritage or culture motivated them to assume a leadership role or attain a particular goal.<sup>xxxviii</sup> Essays are a tool for reviewers to learn about the student’s experiences and strengths as an individual, but no student can receive a “tip” in the process on the basis of race.<sup>xxxix</sup>

# 4

## STRENGTHEN OUTREACH, RECRUITMENT, AND PATHWAY PROGRAMS

Colleges and universities should utilize outreach, recruitment, and pathway programs that foster and promote a diverse student body. Nothing about the Harvard-UNC decision regarding admissions requires institutions to ignore race when identifying students for *outreach and recruitment*. Outreach and recruitment efforts generally take place before students apply. Examples include building relationships and pipelines with high schools in underrepresented communities surrounding the institution and across the state; investing in pre-college preparatory programs, like summer bridge programs, that expose incoming first-generation students to college campuses and courses; providing virtual recruitment events and information sessions to students who cannot visit campus in person; becoming a “transfer friendly” institution to create a robust pipeline for student who seek to build on a technical or community college degree at a four-year institution; building a network of historically underrepresented alumni to engage in outreach and recruitment in their communities; and expanding mentorship programs between university students and nearby middle schools and high schools.

These strategies are “targeted” because when deciding where to initiate these programs, colleges and universities should focus their resources on communities that are currently underrepresented in application pools—including high schools with high rates of low-income students, Black and Brown students, first-generation students, and schools in rural areas.

In its July 2025 Memo, the DOJ referred to targeted recruitment strategies as a “potential unlawful proxy” for race discrimination.<sup>xi</sup> This is not so. The U.S. Supreme Court has repeatedly emphasized that educational institutions can promote diversity using initiatives that are “race conscious but do not lead to different treatment” based on that classification.<sup>xii</sup> In other words, no constitutional violation occurs if a policy merely “considers the impact that a given approach might have on students of different races” but does not discriminate on the basis of race.<sup>xiii</sup>

States and federal courts have consistently recognized that targeted recruitment is a legal means for increasing diversity, such as “[p]rioritizing widescale recruitment efforts to attract a larger pool of applicants from a variety of backgrounds.”<sup>xiiii</sup> Outreach and recruitment to groups that are underrepresented on campus is a great way to make sure that all students, including those who have historically excluded from higher education pathways—know that they are invited to apply for admission.

By boosting the numbers of applicants from underrepresented communities, schools increase their chances of identifying talented, but often overlooked, students who could make outstanding contributions to their programs. As long as these efforts steer clear of offering any special preference on the basis of race in the admissions process, targeted outreach and recruitment is the type of legally permissible strategy for remedying the historical discrimination that Justice Kavanaugh discussed in the Harvard-UNC decision.

# 5

## MAKE COLLEGE MORE AFFORDABLE

We urge colleges and universities to invest in college affordability measures, including by eliminating their application fees. The sky-high cost of higher education has been one of the biggest barriers to college access for decades.<sup>xliv</sup> Congress recently erected new road-blocks by passing legislation that will bring large-scale changes to college finance. These changes, set to go into effect on July 1, 2026, include lowering the borrowing limit for graduate and professional students, eliminating certain repayment plans, and ending the Grad PLUS loan program. These changes will make it even harder for students to finance an undergraduate or graduate degree. Unless educational institutions want to self-select for a student body comprised of only independently wealthy students, schools must take this opportunity to deepen their investment in affordability measures.

First, eliminating application fees is an effective way to increase access to opportunity for low-income students and yield a more diverse applicant pool. Research shows that waiving college application fees increases college matriculation and results in high-achieving students from low-income backgrounds being admitted to more selective institutions than they otherwise would.<sup>xlv</sup> Application fees can be a significant barrier to access for many students—especially in a competitive admissions environment that rewards applying to many schools. Application fees can be the difference between a student applying to just their

“fit” or “safety” schools and submitting that extra application to a “reach” school to see if they may be accepted. Although many schools do provide fee waivers, these are commonly only available to students if they know to ask for them—and because they are often made available on the basis of financial need, some students would rather not ask than be singled out for being low-income.

Secondly, colleges and universities that care about access and diversity should increase their financial aid budget where possible. For example, Princeton made the choice to increase its financial aid budget by 8% for the undergraduate program and 7% for the graduate program for 2025-2026.<sup>xlvi</sup> As a result, families of undergraduate students with incomes up to \$150,000 a year will pay nothing for their student to attend Princeton.<sup>xlvii</sup> Their aid packages will cover the entire cost of attendance, including tuition, housing, food, books, and personal expenses.<sup>xlviii</sup> Families of undergraduates who earn up to \$250,000 will pay no tuition.<sup>xlix</sup> Approximately 25% of Princeton’s admitted Class of 2029 receives Pell Grants—the highest number of Pell-eligible students in the university’s history.<sup>l</sup>

We urge other colleges and universities to follow suit and make historic investments in college affordability measures however they can. Bringing down the cost of college is inherently race-neutral and incredibly effective at broadening access to educational opportunity.<sup>li</sup>

# 6

## COLLECT DEMOGRAPHIC DATA IN ORDER TO IDENTIFY BARRIERS IN THE ADMISSIONS PROCESS THAT DISPROPORTIONATELY IMPACT BLACK AND BROWN STUDENTS WHILE ENSURING DATA VALIDITY

We call on colleges and universities to recommit to monitoring and collecting demographic data regarding their applicant pool, student admissions outcomes, student enrollment, and retention. We call on colleges and universities to regularly analyze that demographic data to learn more about its applicant pool, student admissions outcomes, student enrollment, and retention of its student body. This way, schools can identify and take steps to address potential barriers to equal educational opportunity. This regular self-analysis helps academic institutions better understand the impact of changes in college finance; the efficacy of on-campus support for student groups like parenting students, veterans, and students with disabilities; the success of particular recruitment efforts targeted at students from underrepresented geographic regions or those studying specific majors; and the success of their retention efforts.

On August 15, 2025, the current administration introduced its own plan for expanding data collection from institutions of higher education.<sup>lii</sup> After the President called on the Secretary of Education to increase “transparency into admissions[.]” the National Center for Education Statistics (NCES) and the Department of Education introduced the Admissions and Consumer Transparency Supplement (ACTS) survey.<sup>liii</sup> The requested data includes information about students’ race/ethnicity, sex (reported as a binary only option), standardized test scores, secondary school GPA, family income, financial aid status, Pell grant eligibility, parental college attainment, cumulative GPA after

first academic year (or at completion of the degree), and amounts of aid awarded and received.

The ACTS survey was introduced with little notice to institutions and without stakeholder input as required by the notice and comment process; requires institutions to produce information retroactively; fails to define certain categories (like “GPA” which varies between schools); and does not instruct institutions how to navigate instances of unavailable data.<sup>liv</sup> Alarming, the Department’s proposed justification for this data collection strongly suggests that the Department falsely equates decreased admissions rates of Black and Brown students with compliance with the Harvard-UNC decision<sup>lv</sup> The Secretary of Education justified the expansion of data collection citing “rampant racial preferencing in college admissions.”<sup>lvi</sup> The Department’s rationale for the data collection suggests bias against high-achieving, Black and Brown students and raises questions about how the Department will use data to enforce Title VI and other anti-discrimination laws.

With consideration for the above concerns and the need for reliable student data, we urge higher education institutions to collect student data, but work to create a full picture of admissions. In addition to the federally-mandated categories, schools should also capture data regarding policies that disproportionately benefit white students without regard to academic merit—including legacy status, donor preferences, and athletic recruiting.

# 7

## FOSTER INCLUSIVE CAMPUS ENVIRONMENTS

Once colleges and universities have admitted a class of students, they should take affirmative steps to create and maintain an inclusive environment where students feel safe living and pursuing their education.<sup>lvii</sup> Fostering an inclusive campus is essential for two main reasons: (1) educational institutions that receive federal funding are obligated by federal civil rights law to avoid discrimination on the basis of race, prevent hostile environments, and remedy hostile environments if they occur<sup>lviii</sup>; and (2) college admissions are a competitive, market-based process. Colleges and universities must compete to enroll talented students from underserved communities, or they will lose those students to competing programs that have more hospitable environments.

If college campuses are hostile places, if they do not provide space for discussions about race and identity, if students do not see other students on campus that look like them or share their experiences, or if universities unnecessarily limit students' ability to use their voice in support of their values on campus, these students will likely increasingly turn to other options, including minority serving institutions like Tribal Colleges, Hispanic-Serving Institutions, and Historically Black Colleges and Universities.<sup>lix</sup>

Colleges can offer clubs, activities, and affinity groups organized around shared identity—including groups explicitly organized around racial or cultural identity—as long as those groups are open to all students regardless of race. Affinity groups that are open to all interested students are legally compliant with Title VI and can even help schools comply with Title VI to the extent that these groups combat racial isolation. To ensure that a broad and holistic education is offered, academic institutions should also invest in academic departments and curricula that foreground the experiences of racial and ethnic groups, including: African American Studies; Asian American Studies; Chicana/o Studies; Ethnic Studies; Gender Studies; Indigenous Studies; Jewish Studies; and, Middle Eastern Studies. Campuses should adopt strong anti-harassment policies, invest in anti-harassment trainings, and provide for effective complaint and investigation procedures to ensure student safety.

Lastly, schools should implement and lend institutional support to policies, programs, and activities that decrease isolation and foster a sense of belonging. Programs organized around shared experiences and identity, but that are open to all interested participants, increase retention.<sup>lx</sup>

## Additional Resources

[Foundational Values for Higher Education](#) (Lawyers' Committee, LDF, AAJC, Latino Justice, NWLC, and Democracy Forward)

[Correcting the Record on Affinity Student Groups and Spaces for Black Students and Students of Color](#) (Lawyers' Committee)

[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)

[Advancing Diversity, Equity, Inclusion, and Accessibility in a Time of Uncertainty: What Employers 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](#) (Lawyers' 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)

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For more information and additional resources, please visit the [Lawyers' Committee for Civil Rights Under Law's Educational Opportunities Project webpage](#).

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<sup>i</sup> This resource is not intended to, and should not be understood to, provide legal advice. Specific programs, initiatives, or questions should be reviewed with counsel.

<sup>ii</sup> *Lawyers' Comm. for C.R. Under L., Civil Rights Community Vows to Advance Racial Equity Despite Supreme Court Rulings Invalidating Harvard and UNC's Specific Affirmative Action Plans* (June 2023), <https://www.lawyerscommittee.org/civil-rights-community-vows-to-advance-racial-equity-despite-supreme-court-rulings-invalidating-harvard-and-uncs-specific-affirmative-action-plans/>.

<sup>iii</sup> *Students for Fair Admissions v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 317 (2023) (Kavanaugh, J., dissenting) (citing *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 526 (1989)).

<sup>iv</sup> *Id.* at 214-15.

<sup>v</sup> See e.g., *Lawyers' Comm. for C.R. Under L., Navigating the Affirmative Action Rulings: An In-Depth Analysis* (Aug. 2023), <https://www.lawyerscommittee.org/navigating-affirmative-action/>. See also U.S. Dep't of Educ., "Strategies for Increasing Diversity and Opportunity in Higher Education" (Sept. 2023); U.S. Dep't of Educ. & U.S. Dep't of Just., "Questions and Answers Regarding the Supreme Court's Decision in *Students for Fair Admissions, Inc. v. Harvard College and University of North Carolina*" (Aug. 2023) (past federal guidance making similar points), <https://www.politico.com/f/?id=00000189-f493-dc32-ab89-f5ff0c050000>.

<sup>vi</sup> U.S. Dep't of Just., "Memo from Attorney General Bondi: Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination" (July 2025), [https://www.justice.gov/ag/media/1409486/dl?inline=&utm\\_medium=email&utm\\_source=govdelivery](https://www.justice.gov/ag/media/1409486/dl?inline=&utm_medium=email&utm_source=govdelivery).

<sup>vii</sup> *Id.*

<sup>viii</sup> *Lawyers' Comm. for C.R. Under L., The Department of Justice's 'Guidance for Recipients of Federal Funding on Unlawful Discrimination': What You Need to Know* (July 2025), <https://www.lawyerscommittee.org/wp-content/uploads/2025/09/Fact-Sheet-on-AG-Bondi-DEIA-Memo.pdf>.

<sup>ix</sup> This remains true despite the memo issued by the U.S. Department of Justice on July 29, 2025. The memo, titled "[Memo from Attorney General Bondi: Guidance for Recipients of Federal Funding on Unlawful Discrimination](#)," intentionally sows confusion through its many omissions and misrepresentations about legal obligations. See our response here: "[The Dep't of Justice's 'Guidance for Recipients of Federal Funding on Unlawful Discrimination': What You Need to Know](#)" (Sept. 2025).

<sup>x</sup> 42 U.S.C. § 2000d. ("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.").

<sup>xi</sup> *Students for Fair Admissions*, 600 U.S. at 317.

<sup>xii</sup> This resource is not intended to, and should not be understood to, provide legal advice. Specific actions, programs, initiatives, or questions should be reviewed with counsel.

<sup>xiii</sup> *Students for Fair Admissions*, 600 U.S. at 230.

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<sup>xiv</sup> Jessica Bryant, *These Schools Have Banned Legacy Admissions*, Best Colleges (May 6, 2024), <https://www.bestcolleges.com/research/legacy-admissions-bans/#schools-reconsidering-legacy-admissions>.

<sup>xv</sup> *Id.*

<sup>xvi</sup> Colbi Edmonds, *Virginia Bans Legacy Admissions in Public Universities and Colleges*, New York Times (Mar. 10, 2024), <https://www.nytimes.com/2024/03/10/us/virginia-legacy-admissions-public-colleges-universities.html>.

<sup>xvii</sup> *Id.*

<sup>xviii</sup> Char Adams, *California Bans Legacy Admissions at Private Colleges and Universities*, NBC News (Oct. 1, 2024), <https://www.nbcnews.com/news/nbcblk/california-bans-legacy-admissions-private-colleges-universities-rcna173492>.

<sup>xix</sup> Complaint Under Title VI of the Civil Rights Act at 2-3, *Chica Project v. President and Fellows of Harvard Coll.*, U.S. Dep't of Educ., Off. For C.R., at 15 (July 3, 2023), <https://lawyersforcivilrights.org/wp-content/uploads/2023/07/Federal-Civil-Rights-Complaint-Against-Harvard.pdf>.

<sup>xx</sup> Peter Arcidiacono, Josh Kinsler & Tyler Ransom, *Legacy and Athlete Preferences at Harvard*, NBER Working Paper No. 26316, at 42 (Sept. 2019), [https://www.nber.org/system/files/working\\_papers/w26316/w26316.pdf](https://www.nber.org/system/files/working_papers/w26316/w26316.pdf).

<sup>xxi</sup> Complaint, *supra* note xvi, at 2-3, 22-23.

<sup>xxii</sup> Marián Vargas & Sean Tierney, *Legacy Looms Large in College Admissions, Perpetuating Inequities in College Access*, Inst. for Higher Educ. Policy (July 1, 2024), <https://www.ihep.org/legacy-looms-large-in-college-admissions-perpetuating-inequities/>.

<sup>xxiii</sup> *Id.*

<sup>xxiv</sup> Simon McCormack & Jessica Balistreri, *How Legacy Admission Hurt NY Students*, ACLU of New York (Aug. 21, 2025), <https://www.nyclu.org/commentary/how-legacy-admissions-hurt-ny-students>

<sup>xxv</sup> *Id.*

<sup>xxvi</sup> Lawyers' Comm. for C.R. Under L., *From Brown to Harvard: How Did We Get Here and Where Do We Go Next?, Principles for Racial Equity in Higher Education* (Feb. 2025), [https://www.lawyerscommittee.org/wp-content/uploads/2025/02/LC\\_Principles\\_RPT\\_web\\_Final.pdf](https://www.lawyerscommittee.org/wp-content/uploads/2025/02/LC_Principles_RPT_web_Final.pdf).

<sup>xxvii</sup> *Id.*

<sup>xxviii</sup> Douglas Belkin, *A Backlash Is Growing Against Another Elite College Practice: 'Legacy' Admissions*, Wall Street J. (Oct. 23, 2025), [https://www.wsj.com/us-news/education/legacy-college-admissions-preferences-backlash-772c88be?st=ktDliQ&reflink=article\\_copyURL\\_share](https://www.wsj.com/us-news/education/legacy-college-admissions-preferences-backlash-772c88be?st=ktDliQ&reflink=article_copyURL_share).

<sup>xxix</sup> *Id.*

<sup>xxx</sup> Raj Chetty, David J. Deming, & John N. Friedman, *Diversifying Society's Leaders? The Determinants and Consequences of Admission to Highly Selective Colleges*, *Opportunity Insights* (Oct. 2023), [https://opportunityinsights.org/wp-content/uploads/2023/07/CollegeAdmissions\\_Nontech.pdf](https://opportunityinsights.org/wp-content/uploads/2023/07/CollegeAdmissions_Nontech.pdf).

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<sup>xxxvi</sup> *Students for Fair Admissions*, 600 U.S. at 218-219.

<sup>xxxvii</sup> See OiYan Poon, *Admissions for Democratic Merit, An Evidence-Based Analysis and Possibilities for Equity*, *Thurgood Marshall Inst.* (Aug. 2025) (citing research finding “a range of data points, metrics, and evaluation methods [on standardized tests] to be imbued with race, class, and gender biases”), <https://tminstituteldf.org/democratic-merit-college-admissions-equity/>.

<sup>xxxviii</sup> Krista Mattern, Justine Padunzel, & Matt Harmston, *ACT Composite Score by Family Income*, ACT, Inc. (2016), <https://www.act.org/content/dam/act/unsecured/documents/R1604-ACT-Composite-Score-by-Family-Income.pdf>; Greg J. Duncan & Richard J. Murnane, *Growing Income Inequality Threatens American Education*, Kappan (Mar. 1, 2014), <https://kappanonline.org/growing-income-inequality-threatens-american-education-duncan-murnane/>.

<sup>xxxix</sup> See Poon, *supra* note xxix.

<sup>xl</sup> *Students for Fair Admissions*, 600 U.S. at 230.

<sup>xli</sup> *Id.* at 231.

<sup>xlii</sup> Lawyers’ Comm. for C.R. Under L., *Correcting the Record: College Essays Can and Should Help Schools See the Whole Student* (Sept. 2025), <https://www.lawyerscommittee.org/wp-content/uploads/2025/09/Correcting-the-Record-College-Essays-Can-and-Should-Help-Schools-See-the-Whole-Student.pdf>.

<sup>xliiii</sup> *Id.* (citing *Students for Fair Admissions*, 600 U.S. at 230-31).

<sup>xliiii</sup> *Students for Fair Admissions*, 600 U.S. at 230-31.

<sup>xliv</sup> See *supra* note ix, “[Memo from Attorney General Bondi: Guidance for Recipients of Federal Funding on Unlawful Discrimination](#),” at 5.

<sup>xlv</sup> *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 789 (2007) (Kennedy, J., concurring in part and concurring in the judgment).

<sup>xlvi</sup> *Id.*

<sup>xlvii</sup> Offs. of the Att’y’s Gen. of Mass. & Ill., *Multi-State Guidance Concerning Diversity, Equity, Inclusion And, Accessibility Employment Initiatives*, at 4-5 (Feb. 13, 2025), <https://www.mass.gov/doc/multi-state-guidance-concerning-diversity-equity-inclusion-and-accessibility-employment-initiatives/download>.

<sup>xlviii</sup> Marián Vargas & Kim Dancy, *College Affordability Still Out of Reach for Students with Lowest Incomes*, *Students of Color, Inst. for Higher Educ. Policy* (Aug. 2023), <https://www.ihep.org/college-affordability-still-out-of-reach-for-students-with-lowest-incomes-students-of-color/>; Louisa Woodhouse, *New Report: Cost Remains the Largest Barrier to Higher Ed*, *Nat’l Coll. Attainment Network* (Sept. 2024), <https://www.ncan.org/news/681687/New-Report-Cost-Remains-the-Largest-Barrier-to-Higher-Ed.htm>; Joelle Fredman, *College Tuition Increases Put Diversity in Higher Education at Risk*, *Report Says*, *Nat’l Assoc. of Student Fin. Aid Adm’rs* (Oct. 2019) <https://www.nasfaa.org/news-item/19848/College-Tuition-Increases-Put-Diversity-in-Higher-Education-at-Risk-Report-Says#:~:text=The%20report%27s%20authors%20wrote%20that,processes%20may%20exacerbate%20the%20problem.%E2%80%9D>.

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<sup>xlv</sup> Marshall Anthony, *How College Application Fees Are Barriers to College Access*, EdTrust (Mar. 2020), <https://edtrust.org/blog/how-college-application-fees-are-barriers-to-college-access/>; Scott Jaschik, *Fee-Free College Applications Gain Popularity*, Inside Higher Ed (Aug. 22, 2021), <https://www.insidehighered.com/admissions/article/2021/08/23/more-colleges-embrace-fee-free-applications>.

<sup>xlvi</sup> Emily Aronson, *Budget Plan Underscores Princeton's Commitment to Access, Affordability and Socioeconomic Diversity*, Princeton Univ. (Apr. 2, 2025), <https://www.princeton.edu/news/2025/04/02/budget-plan-underscores-princetons-commitment-access-affordability-and>.

<sup>xlvii</sup> Emily Aronson, *Princeton Welcomes the Class of 2029, Which Includes the Largest-ever Number of Pell-eligible Students*, Princeton Univ. (Aug. 7, 2025), <https://www.princeton.edu/news/2025/08/07/princeton-enhances-financial-aid-again-it-welcomes-class-2029-which-includes>.

<sup>xlviii</sup> *Id.*

<sup>xlix</sup> *Id.*

<sup>l</sup> *Id.*

<sup>li</sup> Walter Ecton & Shaun Dougherty, *Focus on Finances to Promote Doctoral Student Diversity*, Brookings (Oct. 2021) (citing the example that when NYU made its medical school tuition free, it saw a 102% increase in students who were from populations underrepresented in medicine), <https://www.brookings.edu/articles/focus-on-finances-to-promote-doctoral-student-diversity/#:~:text=In%202019%2C%20New%20York%20University%20made%20the,who%20were%20from%20populations%20underrepresented%20in%20medicine>; Collin Binkley, *Without Affirmative Action, Elite Colleges are Prioritizing Economic Diversity in Admissions*, AP News (Dec. 2025) (describing how Amherst College's choice to eliminate tuition for students in the bottom 80% of U.S. earnings has steadily and significantly increased its low-income enrollment), <https://apnews.com/article/college-admissions-affirmative-action-scholarships-pell-0cdef1e68ccc2c6d743dcd26817e73ee>.

<sup>lii</sup> Ensuring Transparency in Higher Education Admissions, *Presidential Memorandum*, 90 Fed. Reg. 156 (Aug. 7, 2025), <https://www.whitehouse.gov/presidential-actions/2025/08/ensuring-transparency-in-higher-education-admissions/>.

<sup>liii</sup> See *id.*; Fred Satterwhite, *Major Changes to IPEDS Reporting Approved for Upcoming Submission*, DCI Consulting (Jan. 14, 2026), <https://www.jdsupra.com/legalnews/major-changes-to-ipeds-reporting-8729339/>. The Lawyers' Committee submitted two comments regarding the data collection and submitted a petition to OMB. See [First Comment Responding to the Department of Education's Harmful Attack on Colleges and False Narrative About Students \(IPEDS Data Collection\)](#) (Oct. 14, 2025); [Second Comment Responding to the Department of Education's Harmful Attack on Colleges and False Narrative About Students \(IPEDS Data Collection\)](#) (Dec. 15, 2025); [Petition to OMB Regarding Changes to IPEDS](#) (Feb. 5, 2026).

<sup>liv</sup> *Id.*

<sup>lv</sup> Lawyers' Comm. for C.R. Under L., [First Comment Responding to the Department of Education's Harmful Attack on Colleges and False Narrative About Students \(IPEDS Data Collection\)](#), at 4 (Oct. 14, 2025).

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<sup>lvi</sup> Lawyers' Comm. for C.R. Under L., *Correcting the Record on Affinity Student Groups and Spaces for Black Students and Students of Color* (May 2026), <https://www.lawyerscommittee.org/wp-content/uploads/2026/05/Correcting-the-Record-on-Student-Groups-and-Spaces-Final.pdf>.

<sup>lvii</sup> U.S. Dep't of Educ., Office of the Secretary, *Memorandum to Matthew Soldner: Ensuring Transparency in Higher Education Admissions* (Aug. 7, 2025), <https://www.ed.gov/media/document/secretary-directive-ensuring-transparency-highereducation-admissions-august-7-2025-110497.pdf>.

<sup>lviii</sup> 42 U.S.C. §§ 2000d, et seq. See 34 C.F.R. Part 100.

<sup>lix</sup> Lawyers' Comm. for C.R., *Civil Rights Community Vows to Advance Racial Equity Despite Supreme Court Rulings Invalidating Harvard and UNC's Specific Affirmative Action Plans*, (June 29, 2023) (quoting a student intervenor who reflected on the challenges of attending a Predominantly White College and suggested it may be in the best interest of students of color to select an HBCU or other campus that helps them feel safe), <https://www.lawyerscommittee.org/civil-rights-community-vows-to-advance-racial-equity-despite-supreme-court-rulings-invalidating-harvard-and-uncs-specific-affirmative-action-plans/>; see also Jessie Hernandez-Reyes, *Creating Positive College Campus Racial Climates for Students of Color*, EdTrust (Oct. 17, 2023) (highlighting research that if colleges and universities increase the number of students of color on campus without implementing cross-racial interaction and discussions about race, students of color reported less overall satisfaction with their college experiences), <https://edtrust.org/rti/college-campus-racial-climates-2/>.

<sup>lx</sup> See Drisana Hughes, *The Proven Impact of Affinity Spaces*, Inst. Antiracism & Accountability Project, <https://rrapp.spia.princeton.edu/how-to-guide/the-proven-impact-of-affinity-spaces/>; Carlyne Abdullah, Christopher F. Karpowitz, & Chad Raphael, *Affinity Groups, Enclave Deliberation, and Equity*, Inst. Antiracism & Accountability Project, <https://rrapp.deptcpanel.princeton.edu/how-affinity-groups-can-promote-equity-in-the-political-process/#0>; Miranda M. Chen Musgrove, Melissa E. Ko, Jeffrey N. Schinske & Lisa A. Corwin, *Broadening Participation in Biology Education Research: A Role for Affinity Groups in Promoting Social Connectivity, Self Efficacy, and Belonging*, 23 CBE Life Sci. Educ. 1 (Mar. 2024), <https://pubmed.ncbi.nlm.nih.gov/38215393/>.





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