

July 10, 2018

Dear College and University Presidents,

By now you have heard that Secretary DeVos and Attorney General Sessions have rescinded standing guidance issued by the previous administration on the use of race in college and university admissions.

As you know well, various issues surrounding affirmative action have been litigated in the Supreme Court over the last four decades, most recently in *Fisher v. University of Texas* in 2016. In that case, the Court found, once again, that colleges and universities may take into account the race of applicants in admissions as part of a holistic assessment of prospective students and in light of Court precedent finding that the attainment of a diverse student body is a constitutionally permissible goal for a higher education institution. Reaffirming this finding, Justice Kennedy noted in the *Fisher* decision that "The attainment of a diverse student body... serves values beyond race alone, including enhanced class-room dialogue and the lessening of racial isolation and stereotypes."

Given the well-established constitutionality of consideration of race in your efforts to build diverse, educationally-rich campuses, the Trump administration's guidance need not have any effect on how you direct admissions in your institution. Indeed, I encourage you to instead continue to work toward campuses that admit, welcome, support, and graduate the next generation of students that reflect Colorado's diversity. Here are several reasons why:

- 1) The Sessions-DeVos guidance runs counter to our Colorado Master Plan goals on attainment and equity. We know that in order to reach these goals we need to get more Coloradans, and especially Coloradans who have been left out in the past—including Pell-eligible students, rural students, and students from communities of color—equipped with the degrees and credentials that can give them a shot at a good job and give our communities resources for continued success.
- 2) Colorado's employers need us to achieve our Master Plan goals—they are depending on us to create the diverse and educated workforce that we need to power Colorado's economic future.
- 3) The guidance runs counter to what we know to be true: as Justice Kennedy opined, the creation of diverse campuses has educational and societal benefits—these benefits accrue not only to minority students but to their white peers and our community as a whole.

Given the non-binding, unwise, and unnecessary nature of the Trump administration's guidance, one might assume that its main intent was to send a signal. While we cannot control the effect that signal has on future policy and judicial decisions at the federal level, I encourage you to think about what you can do as leaders of public institutions to make sure that we are continuing

to send a clear signal to prospective students and to all Coloradans that we are proud of Colorado's diverse population, and that we are committed to institutions that welcome and educate Coloradans from all backgrounds and to facing the future with unity and hope.

Thank you for the work you do every day on behalf of our students.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Baer", with a stylized flourish at the end.

Daniel Baer  
Executive Director

cc:

Colorado Commission on Higher Education  
U.S. Congressional Delegation  
Chairs of the Colorado General Assembly's education committees

