

We will continue to fight for access and opportunity for all students

On July 29, the [U.S. Department of Justice issued a memorandum](#) asserting that diversity, equity, and inclusion (DEI) programs are “unlawful and discriminatory” when they treat individuals differently based on protected characteristics. The memo suggests that even broadly used and previously accepted strategies — such as place-based recruitment or job criteria related to cultural competency — could violate federal civil rights laws. It warns that such practices could lead to the loss of grant support or federal funds.

We recognize that many institutions now face increasing pressure and scrutiny around their enrollment data and student demographics. The fear of legal action — particularly for enrolling racially diverse classes — has placed some college leaders in an untenable position, where fulfilling institutional values may seem at odds with regulatory compliance.

It is important to note that this memo is not legally binding and does not carry the force of law. The absence of a clear definition of DEI creates significant ambiguity and confusion across the education sector. As I [recently wrote in *The Journal of College Admission*](#), we must be careful not to overcorrect during this time of uncertainty. If institutions roll back lawful, equity-focused programs out of fear rather than necessity, the result may be reduced access and opportunity for historically underserved students at a time when higher education should be doing more — not less — for them.

As the legal and policy landscape continues to evolve, NACAC and our partners will continue to monitor developments and provide guidance and resources to support institutions and college admission counseling professionals. These updates will be published on [NACAC’s Advocacy in Action page](#). We encourage our members to follow us on social media for timely updates, and to share [how the federal government’s actions are impacting your work, students, and institutions in our anonymous survey](#). Your stories will help inform NACAC’s advocacy efforts at the federal level.

While the Justice Department’s memo has created new uncertainty, our commitment remains unchanged: to advocate for access, fairness, and opportunity in the college admission process. We will continue to stand with all students — especially those who face systemic barriers — as they seek equitable pathways to postsecondary education.



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