



Immediate Guidance:

The Board's Role in Navigating the Office of Civil Rights "Dear Colleague" Letter

The recent February 2025 "Dear Colleague" letter from the Department of Education's Office for Civil Rights (OCR) presents significant challenges and opportunities for higher education institutions. As fiduciaries and strategic leaders, Governing Boards play an essential role in navigating their institutions through this complex landscape while upholding strategic and mission-focused governance. CSIG offers this timely guidance for Boards in direct response to the issued OCR letter.



CENTERING STRATEGIC AND INCLUSIVE GOVERNANCE:

BOARDS SHOULD: Take Note.

- The ruling in *Students for Fair Admissions v. Harvard* (2023) (*SFFA*) addresses the unlawful use of race-conscious practices in the college admissions process and does not apply to other efforts commonly associated with diversity, equity, and inclusion (DEI) initiatives.
- The OCR letter suggests a divergent interpretation of the *SFFA* case that expands the court's ruling to encompass areas of student, academic, and campus life.
- As stated in a footnote in the OCR letter, the guidance does NOT "have the force and effect of law and does not bind the public or create new legal standards." OCR's interpretations may encounter legal challenges.

BOARDS SHOULD: Pause. Review. Act.



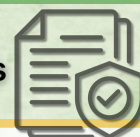
- **PAUSE:** It is important not to take reactionary, unnecessary action before making any changes that will impact the campus community. Pause for additional guidance and clarity in state and federal expectations.
- **REVIEW:** Boards have a responsibility to govern for all stakeholders. Review regulations and guidance as presented and determine how potential changes may impact institutional leaders, students, faculty, staff, and the community at large.
- **ACT:** Take action in accordance with legal requirements. Decision-making should be intentional and based on the mission and vision of the institution.



BOARDS SHOULD: Address Challenges

From a fiduciary and governance perspective, a **challenge** posed by the OCR letter is its threat to institutional funding that relies on compliance, as well as the potential disruption of campus operations. Institutions reviewing their policies and practices should focus narrowly on the scope of the *SFFA* case and how related changes may impact their institutions. Boards should ensure transparent communication with all stakeholders about the institution's response, legal requirements, rationale behind policy changes, and the institution's ongoing commitment to supporting the community.

BOARDS SHOULD: Seize Opportunities



Governing Boards have the **opportunity** to champion a renewed focus on helping their higher education institutions promote the public good by prioritizing access to opportunities for all to succeed. Mission-centric governance benefits all students, faculty, and staff. Boards must prioritize long-term institutional health and seize this opportunity to engage in constructive dialogue about strategies and tactics that reaffirm and advance their institution's mission. For additional high-impact practices, refer to our prior guidance: '[Considerations for College & University Governing Boards](#)'.

***Disclaimer:** In alignment with our mission, the **Center for Strategic and Inclusive Governance** is dedicated to curating open-access resources that encourage intentional and broadly beneficial decision-making. The guidance provided should not be considered legal counsel. Given the rapidly changing landscape, we recommend that Boards consult with their legal teams prior to taking action.