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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

August 27, 2015

The Honorable Glenn Grothman
U.S. House of Representatives
Washington, DC 20515

Dear Representative Grothman:

Thank you for your June 22, 2015 letter asking that the U.S. Department of Justice and the U.S. Department of Education's Office for Civil Rights (OCR) fully and fairly consider and investigate a recent complaint filed by a group of associations alleging that Harvard University discriminates against Asian Americans in its admissions process. It is my pleasure to respond on behalf of OCR.

OCR deeply shares your commitment to ensuring "that our nation's universities are not excluding applicants for admission simply based on their race[.]" Indeed, as you may know, OCR enforces several Federal civil rights laws, including Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits race, color, or national origin discrimination in programs or activities that receive Federal financial assistance from the U.S. Department of Education. OCR also strongly supports racial diversity in higher education, which enhances students' educational experience, promotes cross-racial understanding, breaks down stereotypes, and helps prepare students to succeed in our increasingly diverse nation. Accordingly, OCR issued guidance with the U.S. Department of Justice in 2011, 2013, and 2014, explaining the extent to which colleges and universities can voluntarily consider race to further their compelling interest in obtaining the benefits of a diverse student body, consistent with existing law including Title VI and the most recent U.S. Supreme Court decisions in this area.

As for the complaint against Harvard University, OCR received the complaint to which your letter referred on May 18, 2015. Because an action against Harvard University raising the same allegations was filed in federal district court on approximately November 17, 2014, OCR dismissed the complaint on June 3, 2015 pursuant to Section 110(i) of OCR's Case Processing Manual (CPM). That Section of the CPM provides, in pertinent part, that OCR may close a complaint allegation where "a class action with the same allegation(s) has been filed against the same recipient with state or federal court and the relief sought is the same as would be obtained if OCR were to find a violation of the complaint allegation(s)." It also notes, however, that "[a]n OCR complaint may be re-filed within 60 days following termination of the court proceeding if there has been no decision on the merits or settlement of the state or federal complaint." The full CPM, which details how OCR processes cases, is available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>.

I hope this information has been helpful. Thank you for sharing your concerns about this important topic.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine E. Lhamon".

Catherine E. Lhamon, Assistant Secretary for Civil Rights
U.S. Department of Education

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100
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THE ASSISTANT SECRETARY

August 27, 2015

The Honorable Pete Olson
U.S. House of Representatives
Washington, DC 20515

Dear Representative Olson:

Thank you for your June 22, 2015 letter asking that the U.S. Department of Justice and the U.S. Department of Education's Office for Civil Rights (OCR) fully and fairly consider and investigate a recent complaint filed by a group of associations alleging that Harvard University discriminates against Asian Americans in its admissions process. It is my pleasure to respond on behalf of OCR.

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As for the complaint against Harvard University, OCR received the complaint to which your letter referred on May 18, 2015. Because an action against Harvard University raising the same allegations was filed in federal district court on approximately November 17, 2014, OCR dismissed the complaint on June 3, 2015 pursuant to Section 110(i) of OCR's Case Processing Manual (CPM). That Section of the CPM provides, in pertinent part, that OCR may close a complaint allegation where "a class action with the same allegation(s) has been filed against the same recipient with state or federal court and the relief sought is the same as would be obtained if OCR were to find a violation of the complaint allegation(s)." It also notes, however, that "[a]n OCR complaint may be re-filed within 60 days following termination of the court proceeding if there has been no decision on the merits or settlement of the state or federal complaint." The full CPM, which details how OCR processes cases, is available at <http://www.ed.gov/ocr/docs/ocrspm.pdf>.

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U.S. Department of Education

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THE ASSISTANT SECRETARY

August 27, 2015

The Honorable Dana Rohrabacher
U.S. House of Representatives
Washington, DC 20515

Dear Representative Rohrabacher:

Thank you for your June 22, 2015 letter asking that the U.S. Department of Justice and the U.S. Department of Education's Office for Civil Rights (OCR) fully and fairly consider and investigate a recent complaint filed by a group of associations alleging that Harvard University discriminates against Asian Americans in its admissions process. It is my pleasure to respond on behalf of OCR.

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As for the complaint against Harvard University, OCR received the complaint to which your letter referred on May 18, 2015. Because an action against Harvard University raising the same allegations was filed in federal district court on approximately November 17, 2014, OCR dismissed the complaint on June 3, 2015 pursuant to Section 110(i) of OCR's Case Processing Manual (CPM). That Section of the CPM provides, in pertinent part, that OCR may close a complaint allegation where "a class action with the same allegation(s) has been filed against the same recipient with state or federal court and the relief sought is the same as would be obtained if OCR were to find a violation of the complaint allegation(s)." It also notes, however, that "[a]n OCR complaint may be re-filed within 60 days following termination of the court proceeding if there has been no decision on the merits or settlement of the state or federal complaint." The full CPM, which details how OCR processes cases, is available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>.

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THE ASSISTANT SECRETARY

August 27, 2015

The Honorable Daniel M. Donovan
U.S. House of Representatives
Washington, DC 20515

Dear Representative Donovan:

Thank you for your June 22, 2015 letter asking that the U.S. Department of Justice and the U.S. Department of Education's Office for Civil Rights (OCR) fully and fairly consider and investigate a recent complaint filed by a group of associations alleging that Harvard University discriminates against Asian Americans in its admissions process. It is my pleasure to respond on behalf of OCR.

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THE ASSISTANT SECRETARY

August 27, 2015

The Honorable Edward R. Royce
U.S. House of Representatives
Washington, DC 20515

Dear Representative Royce:

Thank you for your June 22, 2015 letter asking that the U.S. Department of Justice and the U.S. Department of Education's Office for Civil Rights (OCR) fully and fairly consider and investigate a recent complaint filed by a group of associations alleging that Harvard University discriminates against Asian Americans in its admissions process. It is my pleasure to respond on behalf of OCR.

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