

MEMORANDUM

DATE: March 07, 2025

SUBJECT: **ACOE Guidance Related to Diversity, Equity, and Inclusion**

TO: Deans and Presidents of Schools and Colleges of Optometry and ACOE Consultants

FROM: G. Timothy Petito, O.D., ACOE Chair

DIST: ACOE, Ms. Puljak, Ms. Wirth, Ms. Mohr, Mr. Smith, Ms. Martin

As many of you aware, the topic of diversity, equity, and inclusion (DEI) programs has been an area of focus, and that focus has escalated under the new Administration.

In a [Dear Colleague letter](#) (DCL) issued on February 14, 2025, Craig Trainor, acting assistant secretary for civil rights, provided the Administration's interpretation of the Supreme Court's 2023 decision in [Students for Fair Admissions, Inc. v. President and Fellows of Harvard College](#), which banned the consideration of an applicant's racial status. This interpretation is that the ruling applies broadly, prohibiting institutions from considering race in "hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life."

The DCL indicated that beginning no later than 14 days from the issuance of the DCL (February 28), the Department will take "appropriate measures to assess compliance with the applicable statutes and regulations based on the understanding embodied in this letter." The DCL further warns that institutions that fail to comply face potential loss of federal funding.

On February 28, 2025, the U.S. Department of Education Office for Civil Rights issued "[Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act](#)" (FAQ). The FAQ provided additional detail and walked back many of the claims in the DCL.

While a guidance letter does not have the force and effect of law and while the FAQ provides additional detail, the focus on and potential repercussions associated with DEI programs is a concern to the programs the ACOE accredits and to the institutions within which they are housed. The ACOE is taking this opportunity to provide its perspective and to provide programs guidance in these uncertain times.

The ACOE has carefully and intentionally defined each of the three terms, diversity, equity, and inclusion in its Glossary (published on the ACOE website).

diversity – The range of human differences, including but not limited to race, ethnicity, gender identity, sexual orientation, age, social class, physical ability or attributes, religious or ethical values system, national origin, experiences, political beliefs, economic status, and thoughts.

equity – Each person has different circumstances and inherent capabilities. Equity seeks to allocate resources and opportunities and/or remove the barriers that create disparities using fair and just practices and policies to ensure all stakeholders can thrive.

inclusion – Inclusion is involvement and empowerment, where the inherent worth and dignity of all people are recognized. An inclusive program promotes and sustains a sense of belonging; it values and practices respect for the talents, beliefs, backgrounds, and ways of living of its members.

The ACOE has adopted a protocol whereby when a Glossary-defined term is used within the ACOE’s Standards or Policies and Procedures, that term is italicized. Where a term is not italicized, the term is defined per accepted dictionary definition and based on the context of the sentence within which the term is included.

The Administration’s underlying concern with DEI programs relates to giving **preferential treatment** to some groups over others. The ACOE believes that its definitions of these terms do not introduce any risk or incentive to be applied in such a way as to result in preferential treatment. Moreover, the ACOE defines these terms discretely and does not forward any interpretation or position on “DEI programs.”

ACOE’s 2025 Professional Optometric Degree Program Standard 1.11 states:

1.11 The program’s processes and activities must demonstrate that *diversity* and the concepts of *equity* and *inclusion* are reflected throughout the academic and clinical program.

INTENT: The program must ensure that issues related to *diversity*, *equity*, and *inclusion* are integrated throughout the program.

Examples of Evidence:

- Evidence of activities, committees, and/or educational programs focused on *diversity*, *equity*, and *inclusion*
- Position description(s) for related role(s)
- Strategies for the recruitment of diverse faculty and student candidates
- Statistics reflecting *diversity* of matriculating classes

For Proposed Programs Seeking *Preliminary Approval* Status: 1.11 applies; a documented plan related to *diversity*, *equity*, and *inclusion* is acceptable.

The ACOE’s position is that Standard 1.11 provides programs with a great deal of latitude in complying with the Standard and does not promote or incentivize actions by any program to give preferential treatment to any group. Programs have the discretion to determine the most appropriate evidence to supply that demonstrates compliance; that evidence may include all, some, or none of the items listed in the “Examples of Evidence.” Moreover, programs are not required to use the terminology *diversity*, *equity*, or *inclusion*, as long as the program can demonstrate compliance with the Standard.

The ACOE acknowledges these are uncertain times and that the stakes are potentially high. The ACOE does not require programs to take action to comply with a Standard that would put them in violation of the law. Programs are encouraged to contact the ACOE with any specific concerns or questions.