

Via Electronic Mail

February 26, 2014

David Armor, Ph.D.
201B Finley
George Mason University
Fairfax, Virginia 22030

Dear Dr. Armor,

This will respond to your revised Freedom of Information Act request of February 19, 2014. In that request you ask for the following information concerning the University's current undergraduate admission process:

- (1) Any documents that discuss when, why, and how race and ethnicity are used, or reflect periodic re-evaluation of those policies;
- (2) Any documents that reflect the University's consideration of workable, race-neutral alternatives in achieving the goals the University believes require the consideration of race and ethnicity; and
- (3) Any documents that discuss the anticipated benefits or costs associated with the consideration of race and ethnicity.

Enclosed you will find responsive non-exempt records. These consist of, first, the Reader Sheet used by the University Office of Admission. As you will see, this is a confidential proprietary business record of the University. We do not seek to prevent you from describing it, or discussing the criteria identified on the form; however, we do assert copyright protection as to the form itself, which you are not authorized to distribute, post, or further disseminate. The second responsive record is an OCR letter of findings, dated March 19, 2013, which concluded: "the University's consideration of race...to achieve diversity in its undergraduate classes is consistent with Title VI strict scrutiny requirements...Therefore, OCR is closing this complaint effective the date of this letter."

Following the Supreme Court's opinion in *Fisher v. Texas*, the University initiated an internal admissions study. No conclusions have been reached nor report issued presently, thus there are no responsive records to your request at this time from this group. The only other responsive records to your request are records of the University's Office of General Counsel which are exempt from disclosure pursuant to Va. Code. 2.2-3705.1(2).

While the University will not await the outcome of the *Fisher* remand (as you may know, the case was argued in the Fifth Circuit on November 13, 2013), it is worth noting that the *Fisher* litigation is far from over and further opinions in that case may also be instructive.

Regards,

Matthew Moynihan

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