

WHAT DOES THIS ALL MEAN? UNDERSTANDING THE IMPLICATIONS (AND LIMITS) OF RECENT ANTI-DEI PRONOUNCEMENTS



AccessLex Spring Sync **Workshop**

#AccessLexSpringSync2025

Introductions



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EXECUTIVE ACTIONS

Trump Administration **Executive Orders**

Ending Radical and Wasteful Government DEI Programs and Preferencing

Seeks to end DEI **programs and offices** across the federal government.

Ending Illegal Discrimination and Restoring Merit-Based Opportunity

Requires federal **contractors and grantees** to certify that they do not operate any “illegal” DEI program.

Reforming Accreditation to Strengthen Higher Education

Prohibits **accreditors** from engaging in unlawful discrimination, including activity “under the guise of ‘diversity, equity, and inclusion’ initiatives.”



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Department of Justice **Memorandum**

- DOJ to submit a report with recommendations to end “illegal” DEI programs in the private sector, **consistent with EO 14173.**
- Requires each federal agency to identify “[u]p to nine potential civil compliance investigations of publicly traded corporations, large non-profit corporations or associations, foundations with assets of 500 million dollars or more, **state and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.**”



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Department of Education

Dear Colleague Letter

- Asserts that the prohibition of race-conscious admissions in *SFFA* should apply to virtually all aspects of educational operations, including “admissions, hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life.”
- Failure to comply with Title VI could result in possible loss of federal funds “consistent with applicable law.”



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Dear Colleague Letter

Frequently Asked Questions

- Clarifies the Department's interpretation in DCL, pulling back somewhat on language in the DCL.
- States that schools may not operate policies or programs that treat students differently based on race, engage in racial stereotyping, or create hostile environments for students of particular races.
- The DCL and FAQs are sub-regulatory guidance and do not have the force and effect of law.



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Investigation into **Race-Based Scholarships**

- The Department of Education's Office for Civil Rights is investigating over 50 universities in relation to race-based scholarships in violation of Title VI.

Ph.D. project: provides doctoral students with insights into obtaining a Ph.D. and networking opportunities; eligibility limited based on race.

6 universities for allegedly awarding **impermissible race-based scholarships**.

1 university for allegedly administering a program that **segregates students on the basis of race**.



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LET'S DISCUSS