

February 15, 2025

Ed Department: DEI Violates Civil Rights Law

In a sweeping and unprecedented letter issued over the weekend, the Office for Civil Rights declared race-based scholarships, cultural centers and even graduation ceremonies illegal.

By [Liam Knox](#)



The Education Department's Office for Civil Rights issued a letter prohibiting all race-based programming and spending at colleges.

Saul Loeb/AFP via Getty Images

The Education Department's Office for Civil Rights declared all race-conscious student programming, resources and financial aid illegal over the weekend and threatened to investigate and rescind federal funding for any institution that does not comply within 14 days.

In a [Dear Colleague letter](#) published late Friday night, acting assistant secretary for civil rights Craig Trainor outlined a sweeping interpretation of the Supreme Court's 2023 ruling in *Students for Fair Admissions v. Harvard*, which struck down affirmative action. While the decision applied specifically to admissions, the Trump administration believes it extends to all race-conscious spending, activities and programming at colleges.

Most Popular

Education Department cancels \$350M in contracts, grants

How Trump's executive orders are disrupting academic research

On affirmative action, Asian Americans got played (opinion)

"In recent years, American educational institutions have discriminated against students on the basis of race, including white and Asian students," Trainor wrote. "These institutions' embrace of pervasive and repugnant race-based preferences and other forms of racial discrimination have emanated throughout every facet of academia."

The letter mentions a wide range of university programs and policies that could be subject to an OCR investigation, including "hiring, promotion, compensation, financial aid,

scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life.”

“Put simply, educational institutions may neither separate or segregate students based on race, nor distribute benefits or burdens based on race,” Trainor writes.

Backlash to the letter came swiftly on Saturday from Democratic lawmakers, student advocates and academic freedom organizations.

“This threat to rip away the federal funding our public K-12 schools and colleges receive flies in the face of the law,” Senator Patty Murray, Democrat of Washington, wrote in a statement Saturday. “While it’s anyone’s guess what falls under the Trump administration’s definition of ‘DEI,’ there is simply no authority or basis for Trump to impose such a mandate.”

But most college leaders have, so far, remained silent.

Brian Rosenberg, the former president of Macalester College and now a visiting professor of education at the Harvard Graduate School of Education, wrote in an email to *Inside Higher Ed* that the letter was “truly dystopian” and, if enforced, would upend decades of established programs and initiatives to improve success and access for marginalized students.

“It goes well beyond the Supreme Court ruling on admissions and declares illegal a wide range of common practices,” he wrote. “In my career I’ve never seen language of this kind from any government agency in the United States.”

The Dear Colleague letter also seeks to close multiple exceptions and potential gaps left open by the Supreme Court ruling on affirmative action and to lay the groundwork for investigating programs that “may appear neutral on their face” but that “a closer look reveals ... are, in fact, motivated by racial considerations.”

Chief Justice John Roberts wrote that colleges could legally consider a student's racial identity as part of their experience as described in personal essays, but the OCR letter rejects that.

"A school may not use students' personal essays, writing samples, participation in extracurriculars, or other cues as a means of determining or predicting a student's race and favoring or disfavoring such students," Trainor wrote.

Editors' Picks

ACE Adopts a Fighting Stance

5 Key Takeaways From McMahon's Hearing for Ed Secretary

Robert F. Kennedy Jr.'s Appointment Would 'Put Americans at Risk'

Going even further beyond the scope of the SFFA decision, the letter forbids any race-neutral university policy that could conceivably be a proxy for racial consideration, including eliminating standardized test score requirements.

It also addresses university-sanctioned programming and curricula that "teach students that certain racial groups bear unique moral burdens that others do not," a practice that Trainor argues can "deny students the ability to participate fully in the life of a school."

The department will provide "additional legal guidance" for institutions in the coming days.

That wide-reaching interpretation of the SFFA decision has been the subject of vigorous debate among lawmakers and college leaders, and in subsequent court battles ever since the ruling was handed down. Many experts assumed the full consequences of the vague ruling would be hammered out through further litigation, but with the Dear Colleague letter, the Trump administration is attempting to enforce its own reading of the law through the executive branch.

Even Edward Blum, the president of Students for Fair Admissions, doesn't believe the ruling on his case applies outside of admissions.

"The SFFA opinion didn't change the law for those policies [in internships and scholarships]," he told *Inside Higher Ed* a few days before the OCR letter was published. "But those policies have always been, in my opinion, outside of the scope of our civil rights law and actionable in court."

What Comes Next

The department has never revoked a college or state higher education agency's federal funding over Title VI violations. If the OCR follows through on its promises, it would be an unprecedented exercise of federal influence over university activities.

The letter is likely to be challenged in court, but in the meantime it could have a ripple effect on colleges' willingness to continue funding diversity programs and resources for underrepresented students.

Adam Harris, a senior fellow at the left-leaning think tank New America, is looking at how colleges responded to DEI and affirmative action orders in red states like Florida, Missouri, Ohio and Texas for clues as to how higher education institutions nationwide might react to the letter.

In Texas, colleges first renamed centers for marginalized students, then shuttered them after the state ordered it was not enough to comply with an anti-DEI law; they also froze

or revised all race-based scholarships. In Missouri, after the attorney general issued an order saying the SFFA decision should apply to scholarships as well as admissions, the state university system systematically eliminated its race-conscious scholarships and cut ties with outside endowments that refused to change their eligibility requirements.

“We’ve already seen the ways institutions have acquiesced to demands in ways that even go past what they’ve been told to do by the courts,” Harris said.

The letter portrays the rise of DEI initiatives and race-conscious programming on college campuses as a modern civil rights crisis. Trainor compared the establishment of dormitories, facilities, cultural centers and even university-sanctioned graduation and matriculation ceremonies that are advertised as being exclusively or primarily for students of specific racial backgrounds to Jim Crow—era segregation.

“In a shameful echo of a darker period in this country’s history, many American schools and universities even encourage segregation by race at graduation ceremonies and in dormitories and other facilities,” Trainor wrote.

Harris, who studies the history of racial discrimination on college campuses, said he finds that statement deeply ironic and worrying.

“A lot of these diversity programs and multicultural centers on campuses were founded as retention tools to help students who had been shut out of higher education in some of these institutions for centuries,” Harris said. “To penalize institutions for taking those steps to help students, that is actually very much an echo of the segregation era.”

Written By



Liam Knox

Copyright © 2025 Inside Higher Ed All rights reserved. |