

U.S. Department of Education Announces Investigations Demonstrating Continued Scrutiny of DEI-Related Title VI Issues

by Nicole Engisch, Caitlin L.D. Hull, and Nisha Verma

Last week, the U.S. Department of Education's Office for Civil Rights (the "Department") announced that it has initiated two sets of investigations against dozens of universities for alleged violations of Title VI. Closely following the Department's so-called "Dear Colleague Letter" on February 14, 2025, as well as the Department's subsequent FAQs, these announcements represent the Department's continued focus on scrutinizing higher education institutions' allegedly illegal diversity, equity, and inclusion ("DEI") practices that may violate the Civil Rights Act.

First, on March 10, 2025, the Department announced that it has sent letters to 60 higher education institutions "warning them of potential enforcement actions if they do not fulfill their obligations under Title VI of the Civil Rights Act to protect Jewish students on campus, including uninterrupted access to campus facilities and educational opportunities." The Department reports that five of the investigations consist of probes of institutions with alleged "widespread antisemitic harassment," which the Department had previously identified in February, and that the remaining 55 investigations have been initiated based upon the additional review of complaints filed with the Department. The announcement cites to President Trump's Executive Order "Additional Measures to Combat Antisemitism," dated January 29, 2025, and indicates that the Department is undertaking a widespread effort to review and resolve previous complaints and reports of antisemitic violence and harassment. The announcement came on the heels of a press release from the "Joint Task Force to Combat Anti-Semitism" (comprised of the Department, the Department of Health and Human Services, the Department of Justice, and the General Services Administration), which announced the cancellation of approximately \$400 million in grants and contracts for the alleged "inaction in the face of persistent harassment of Jewish students."

Second, on March 14, 2025, the Department announced that it has opened investigations into 45 universities under Title VI for alleged race-based violations of the Civil Rights Act. The Department states that the institutions currently under investigation partnered with The Ph.D. Project, which is an organization that the Department states

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impermissibly “limits eligibility based on the race of [doctoral student] participants.” In addition, the Department announced that six universities are separately under investigation for “allegedly awarding impermissible race-based scholarships” and one university is under investigation for “allegedly administering a program that segregates students on the basis of race.” The announcement reiterates the Department’s continued focus on “end[ing] the use of racial preferences and stereotypes in education programs and activities,” with the U.S. Secretary of Education Linda McMahon quoted as saying: “Students must be assessed according to merit and accomplishment, not prejudiced by the color of their skin. We will not yield on this commitment.”

The enforcement actions confirm the message from the Department’s earlier guidance that it is scrutinizing DEI-related programs and activities at educational institutions closely. The administration is focusing on any activity—regardless of whether it is labeled DEI or not—that treats students differently based on race or create a hostile environment based on race, and taking measurable action. In light of these announcements and the Department’s demonstrable and continued focus on DEI issues, we recommend that educational institutions prepare for further scrutiny by the Department, and that they consider proactively conducting an independent and comprehensive privileged internal DEI review to evaluate policies, practices, programs, initiatives, and communications and to assess reputational, business, and legal risk. While there is room to comply with the new directives and maintain some programming and policies consistent with an institution’s mission and values, careful attention must be given to determine which policies or programming can remain.