

Taking AIM at Accreditation

The Administration's Overreach on Diversity, Equity, and Inclusion

April 15, 2026

Over the past year, the Trump Administration has included higher education accreditation within its broader campaign against diversity, equity, and inclusion (“DEI”).¹ This week, the Administration is expanding that effort. The U.S. Department of Education (the “Department” or “USED”) is seeking, through [negotiated rulemaking](#), to change higher education accreditation standards in ways that could impede accreditors’ ability to legitimately address diversity, equity, and inclusion issues. The Department’s draft regulatory language seeks to prohibit standards that require postsecondary institutions to violate federal law, including through the use of racial preferences.² Though benign on its face, the requirement that accreditation standards comply with federal law will turn on the Administration’s interpretation of those federal laws. Given the Administration’s related anti-DEI statements and actions, which reflect an overly expansive view of what federal nondiscrimination law actually prohibits, even this language raises significant concerns.

The Department’s “Accreditation, Innovation, and Modernization” or “AIM” rulemaking follows significant Administration accreditation-related actions. This includes an Executive Order that characterized DEI-related accreditation standards as “unlawfully discriminatory practices” and directed the Department to hold accreditors accountable when they “violate Federal law, including by requiring institutions seeking accreditation to engage in unlawful discrimination in accreditation-related activity under the guise of ‘diversity, equity, and inclusion’ initiatives.”³ As explained below, USED has begun to act on this directive by threatening Departmental recognition of accreditors that maintained DEI-related standards on the theory that they violate federal law.

The Department’s description of the current rulemaking signals a broader sweep than unlawful accreditation standards, previewing consideration of the following topics: requiring accreditation agencies to have standards that consider student achievement and outcomes “without reference to race, ethnicity, or sex”; requiring accreditors to have procedures for acting on USED Office for Civil Rights noncompliance findings; reviewing accreditors’ involvement in “unlawful discrimination,” including

¹ Many of the Administration’s attempts to prohibit DEI also extend to “DEIA,” which includes “accessibility.” See e.g., [Exec. Order No. 14151](#), 90 Fed. Reg. 8339 (Jan. 29, 2025), “Ending Radical and Wasteful Government DEI Programs and Preferencing”; [Exec. Order No. 14173](#), 90 Fed. Reg. 8633 (Jan. 31, 2025), “Ending Illegal Discrimination and Restoring Merit-Based Opportunity.” Efforts related to accessibility typically refer to accommodations made for individuals with disabilities. Because this resource focuses on the Administration’s efforts to ban race- and ethnicity-related DEI, we do not refer to DEIA, but similar concerns would apply if the Administration targeted accessibility-related standards in accreditation.

² U.S. Department of Education, “Accreditation, Innovation, and Modernization (AIM) Negotiated Rulemaking, Initial Draft Regulations for Discussion” at 45, 47, 85 available at <https://www.ed.gov/media/document/2026-negotiated-rulemaking-aim-initial-draft-regulations-discussion-113681.pdf> (last visited on April 14, 2026).

³ [Exec. Order No. 14279](#), 90 Fed. Reg. 17529 (April 28, 2025), “Reforming Accreditation to Strengthen Higher Education,” at Sec. 1, 2.

through the maintenance of DEI-related accreditation standards; and expanding current regulations to support and prioritize “intellectual diversity” among faculty.⁴

This resource provides general background on the Department’s role in higher education accreditation before explaining the problems inherent in the Administration’s anti-DEI position as it relates to accreditation.⁵ As explained below, the Department’s proposed regulatory language should be viewed with caution and with an understanding of how the Department’s use of accreditation to address diversity, equity, and inclusion in higher education may exceed both its statutory authority related to recognition of accreditors and the contours of the Constitution and Title VI of the Civil Rights Act of 1964 (“Title VI”).⁶

I. Background

A. The Department of Education’s Role in Accreditation

For over a century, U.S. colleges and universities have relied on accreditation to demonstrate that they offer high-quality educational programs. Accreditation is, in fact, a required basis upon which postsecondary institutions qualify for federal financial assistance, as a method of protecting students and safeguarding taxpayer dollars.⁷

Accreditation agencies are nongovernmental, independent entities that set standards pertaining to the educational quality of institutions or specific programs and evaluate their member institutions’ compliance with those standards through a peer review process. Institutions choose the organization(s) from which they want to seek accreditation. Schools typically get institution-wide accreditation from an institutional accreditor and may seek accreditation for specific, specialized programs from programmatic accreditors.⁸

The Department’s role regarding accreditation and its relationship to accreditors is defined in the Higher Education Act (“HEA”), which authorizes the Department to engage in limited oversight of recognized accreditors (and those seeking recognition).⁹ As one part of this oversight responsibility, the law requires

⁴ Intent to Establish Negotiated Rulemaking Committee, 91 Fed. Reg. 3403, 3404 (January 27, 2026), available at <https://www.federalregister.gov/documents/2025/04/28/2025-07376/reforming-accreditation-to-strengthen-higher-education>.

⁵ EducationCounsel is providing this analysis for informational purposes only. Nothing in this document should be construed as legal advice or to create an attorney-client relationship.

⁶ 42 U.S.C. § 2000d *et. seq.*

⁷ 20 U.S.C. § 1001 (defining an eligible “institution of higher education” as one that is, among other things, “accredited by a nationally recognized accrediting agency or association”).

⁸ For example, the [Higher Learning Commission](#) and the [Distance Education Accrediting Commission](#) are institutional accreditors, while [ABET](#) (formerly the Accreditation Board for Engineering and Technology) and the [Accreditation Commission for Education in Nursing](#) are programmatic accreditors.

⁹ Postsecondary institutions seeking to participate in Title IV federal student aid programs (like Pell Grants and Direct Loans) must ultimately comply with standards set out by three distinct entities: the state(s) in which the institution operates; an ED-recognized accreditation agency; and the federal government through the U.S. Department of Education. Although there is some overlap, each part of this regulatory “triad” is supposed to oversee the aspects of postsecondary education in which they have authority and expertise. In addition to recognizing accreditors, ED also establishes other eligibility requirements for institutional participation in student aid programs and enforces federal laws, including federal civil rights laws, against participating schools. States provide important consumer protections.

the Department to ensure that a recognized accreditation agency's standards assess schools with respect to:

- student achievement as it relates to the school's mission;
- curricula;
- faculty;
- facilities, equipment, and supplies;
- fiscal and administrative capacity;
- student support services;
- recruitment and admissions practices, academic calendars, catalogs, publications, grading and advertising;
- program length and objectives of degrees and credentials offered;
- record of student complaints received by, or available to, the accrediting agency; and,
- record of compliance with program responsibilities related to default, program review, and financial & administrative capability.¹⁰

The HEA imposes strict boundaries on the Department's ability to dictate the content of the listed standards or to add new standards, ensuring that accreditors have the autonomy to make independent decisions about which programs to accredit and why. Specifically, the HEA prohibits the Department from:

- Establishing "any criteria that specifies, defines, or prescribes the standards" accreditors use to assess student achievement;¹¹
- "Promulgat[ing] any regulation with respect to the standards of an accreditation agency or association described" in the list of standards above;¹²
- Establishing recognition criteria that are not required by the statute;¹³ and
- Preventing accreditation agencies from adopting additional standards beyond those required by the statute;¹⁴

¹⁰ 20 U.S.C. § 1099b(a)(5).

¹¹ 20 U.S.C. § 1099b(g) ("Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement.")

¹² 20 U.S.C. § 1099b(o) ("Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to the standards of an accreditation agency or association described in subsection (a)(5).") The HEA also states that the Department "shall not, under any circumstances, base decisions on the recognition or denial of recognition of accreditation of accreditation agencies or associations on criteria other than those contained in" the statute. 20 U.S.C. § 1099b(n)(3). Although the standards list is only one part of the statutory recognition criteria, none of the other criteria seem to cover accreditors' maintenance of DEI standards.

¹³ 20 U.S.C. § 1099b(g) ("Nothing in this chapter shall be construed to permit the Secretary to establish criteria for accrediting agencies or associations that are not required by this section.")

¹⁴ *Id.* ("Nothing in this chapter shall be construed to prohibit or limit any accrediting agency or association from adopting additional standards not provided for in this section.")

Read together, HEA’s requirement that the Department monitor whether accreditors reflect required standards precludes Departmental action that would dictate the content of those standards.¹⁵ Indeed, as the Department stated in an August 2025 court filing, “Congress made clear in the HEA that while the Department is tasked with determining which private accreditors should be recognized under the HEA as reliable authorities as to the quality of education offered by an institution, setting substantive accreditation criteria is not a federal task.”¹⁶

Correspondingly, the federal law establishing the Department of Education also limits its reach over accreditation. That law prohibits the Department from:

Exercis[ing] any direction, supervision, or control over the curriculum, program of instruction, administration, or **personnel** of any educational institution, school, or school system, **over any accrediting agency or association**, or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system, **except to the extent authorized by law.**¹⁷

B. The Administration’s Actions Regarding DEI-labeled Practices in Accreditation

In many contexts since its first Presidential pronouncements, the Trump Administration has targeted diversity-, equity-, and inclusion-labeled practices as anti-meritorious and unlawful, with efforts to embed its policy position as a requirement of law. The federal recognition of accreditors has been central to that effort in higher education. One year ago, the Administration issued an Executive Order (the “EO”) that characterized “DEI-based [accreditation] standards” as furthering a “discriminatory ideology” unrelated to student outcomes, and called for federal enforcement against DEI-focused actions of accreditors who advanced “unlawful discrimination...under the guise of ‘diversity, equity and inclusion initiatives.’”¹⁸

The Department has since taken a variety of actions in response to the EO.¹⁹ Recently, Nicholas Kent, the Under Secretary of Education, sent letters (the “Kent letters”) to two accreditation agencies—the Middle States Commission on Higher Education (“MSCHE”) and the Commission on Accreditation in Physical Therapy Education (“CAPTE”). In that correspondence, Under Secretary Kent conditioned the agencies’

¹⁵ See *Florida v. Cardona*, 752 F. Supp. 3d 1320, 1326 (S.D. Fla. 2024) (appeal docketed No. 24-13814, 11th Cir., November 19, 2024) (“While the HEA broadly delineates certain essential standards to be considered by accrediting agencies, the agencies independently determine how to assess the required standards and may implement additional standards beyond those mandated by statute.”)

¹⁶ Brief for Appellees (Doc 53) at 8, *Florida v. Sec’y, U.S. Dep’t of Educ, et al.*, No. 24-13814, (11th Cir. August 26, 2025).

¹⁷ Department of Education Organization Act, 20 U.S.C. § 3403(b) (emphasis added); see also General Education Provisions Act, 20 U.S.C. § 1232a.

¹⁸ [Exec. Order No. 14279](#), 90 Fed. Reg. 17529 (April 28, 2025), “Reforming Accreditation to Strengthen Higher Education,” at Sec. 1.

¹⁹ Although we only focus on a few actions by USED here, we note that across the federal government, agencies are engaging in anti-DEI policy and enforcement actions in various circumstances. For more information on Trump Administration actions related to DEI and other topics affecting education, please see EducationCounsel’s [Executive Actions Chart](#).

Departmental recognition on the elimination of DEI-related accreditation standards (which each accreditor had suspended pending further internal review).²⁰

More specifically, Under Secretary Kent concluded that a CAPTE standard that “calls for institutions to promote diversity, would lead to students being treated differently on the basis of their race” in violation of Title VI. In similar fashion, he challenged an MSCHE standard that required schools to “share results” on diversity, equity, and inclusion across various functions (like curriculum, assessments, and resource allocation). In that instance, while acknowledging that the standard “lacks a direct call to action,” he concluded that it communicated the “subliminal message” that the accreditor “assumes and expects all institutions to take steps to achieve results to increase racial diversity,” which would require schools to “[a]llocat[e] scarce resources based upon race.”²¹

All of this sets the stage for the Department’s rulemaking this week. Last week, the Department published its [proposed regulation](#), which negotiators will consider as part of this rulemaking process. In the proposed regulations, the Department seeks to build on the Kent correspondence by: [1] categorizing “compliance with applicable law” as “an element of administrative capacity and governance;”²² and [2] prohibiting an accreditor from having “standards that encourage, direct, or otherwise require institutions or programs to violate Federal or State law, including by having policies that provide any preference on the basis of race,”²³ or “that require institutions or programs to provide preferences to students, faculty, staff, contractors, or any employees based upon an [sic] their race, color, national origin, or sex, including in admissions hiring, and the selection of contracts.”²⁴

Although this language is more circumspect than the language in the Kent letters, it fails to define with precision the conduct it seeks to prohibit, such as what qualifies as an unlawful race-based “preference.” This ambiguity raises questions in light of recent positions by the Administration that are contrary to law.

²⁰ The Kent letters concluded that each accreditor was “substantially compliant” because they had suspended their DEI-related standards, but not “fully compliant” because they had not permanently eliminated them. They conditionally approved the accreditors’ applications for continued Departmental recognition, requiring them to “submit two monitoring reports [over the course of a year] describing what actions the agency has taken to eliminate standards that violate federal law.”

²¹ The Kent letters were not the first time that the Department involved itself in MSCHE’s accreditation actions. In June 2025, ED and the U.S. Department of Health and Human Services announced that Columbia University had violated Title VI and that, as a result, Columbia University failed to meet MSCHE’s accreditation standards. See Press Release “U.S. Department of Education Notifies Columbia University’s Accreditor of Columbia’s Title VI Violation,” June 4, 2025, available at: <https://www.ed.gov/about/news/press-release/us-department-of-education-notifies-columbia-universitys-accreditor-of-columbia-titles-vi-violation> (last visited on April 3, 2026). The Department made this public statement despite having no legal authority to determine or announce whether a school is in compliance with an accreditor’s standards. In response, MSCHE placed the university on “non-compliance warning” until it demonstrated compliance with Title VI. See “Statement on the Accreditation Status of Columbia University,” Middle States Commission on Higher Education, July 1, 2025, available at: <https://www.msche.org/2025/07/01/statement-on-the-accreditation-status-of-columbia-university/> (last visited on April 3, 2026).

²² U.S. Department of Education, “Accreditation, Innovation, and Modernization (AIM) Negotiated Rulemaking, Initial Draft Regulations for Discussion” at 45, available at <https://www.ed.gov/media/document/2026-negotiated-rulemaking-aim-initial-draft-regulations-discussion-113681.pdf> (last visited on April 13, 2026). This appears to be a reference to the criterion that accreditors maintain standards related to “fiscal and administrative capacity as appropriate to the specified scale of operations.” See 20 U.S.C. § 1099b(a)(5)(E).

²³ *Id.* at 47.

²⁴ *Id.* at 85.

It is important to understand the scope of applicable federal law to determine the validity of both USED’s proposed regulations and these other related actions.

II. The Department’s Actions are Inconsistent with Existing Federal Law

The Department’s anti-DEI actions in accreditation are inconsistent with at least two sets of rules that limit its authority: [1] federal nondiscrimination laws that never categorically prohibit all DEI-related actions by recipients of federal funds; and [2] statutory prohibitions that restrict the federal government’s role in education.

A. The Administration’s Legal Interpretation Regarding DEI is Contrary to Federal Nondiscrimination Law

The Department’s attempts to use accreditation to broadly restrict diversity, equity, and inclusion in higher education are inconsistent with settled federal nondiscrimination law. The reality is this: a wide array of strategies and policies that promote diversity, equity, and inclusion are permissible and sometimes even required by federal law (many of which are considered “race-neutral” under federal law).²⁵ Nothing in federal law prohibits schools or accreditors from promoting equal access and opportunity for people of all backgrounds; establishing diversity, equity, or inclusion goals; or considering the race-related lived experiences of students.²⁶

The Kent letters are a prime example of the Administration’s overreach in this area. The Kent letters conditioned two accreditors’ recognition on permanently eliminating all standards related to diversity, equity, and inclusion.²⁷ Under Secretary Kent asserted that having such standards could force schools to violate federal law. The cited accreditation standards do no such thing. For instance, the letters state that an accreditation standard that “calls for institutions to promote diversity . . . would lead to students being treated differently on the basis of their race” in violation of Title VI. Likewise, other correspondence took issue with a standard that required schools to “share results” on DEI across various functions (like curriculum, assessments, and resource allocation), concluding that it violates the law. But

²⁵ For more information on federal overreach related to DEI and the permissibility of various actions related to diversity, equity, and inclusion, please see the following EducationCounsel resources: Keith and Coleman, [Navigating the Post-SFFA Landscape: Advancing Equity Minded, Law-Attentive Priority Actions in Graduate, Undergraduate and Professional Higher Education](#) (2024); [Wise Courage: A Framework for Higher Education Leadership in the Face of Federal Overreach](#); [Misguidance: An Analysis of the U.S. Department of Justice’s July 29, 2025 Civil Rights Guidance](#).

²⁶ *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 215, 230 (2023) (calling the universities’ diversity related goals “commendable” and “plainly worthy,” and clarifying that “nothing in this opinion should be construed as prohibiting universities from considering an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise”); see also *AFT v. Department of Education*, 796 F. Supp. 3d 66, 106 (D. Md. 2025) (“The government, at a minimum, misapprehended the scope of Title VI and SFFA in both the Letter and the Certification.”); See also *Martin Luther King, Jr. Cnty. v. Turner*, 798 F. Supp. 3d 1224, 1249 (W.D. Wash. 2025) (appeal docketed No. 25-3664, 9th Cir., June 10, 2025) (explaining that U.S. Department of Justice guidance on the lawfulness of diversity, equity, and inclusion efforts “is inconsistent with Supreme Court precedent” and leaves recipients “at the mercy of [the Administration’s] interpretation of federal antidiscrimination laws, regardless of how those laws are interpreted by the courts”); *Wash. State Ass’n of Head Start v. Kennedy*, No. C25-781-RSM, 2026 U.S. Dist. LEXIS 1799, at *31-32 (W.D. Wash. Jan. 6, 2026) (holding that Administration’s argument that its anti-DEI position and related requirements on Head Start grantees “‘merely emphasizes’ existing anti-discrimination requirements is ‘a contention belied by the record and common sense.’”).

²⁷ See footnote 20 above.

examining disaggregated data is permissible and often required by federal statutes and data collections (including the Department's own new ACTS survey).

Broadly, the Kent letters identify diversity, equity, and inclusion language in accreditor standards and then assume, without evidence, that the standards require institutions to engage in unlawful race-based preferences. In effect, the letters equate diversity-related standards with unlawful discrimination. To the contrary, federal courts have repeatedly rejected the Administration's position that DEI policies and terms are intrinsically unlawful.²⁸ In bypassing the details of what the law prohibits and what it does not, the Department clearly stretches existing law to advance its policy preferences.²⁹

Under current federal nondiscrimination standards, accreditors may ask schools to reflect on how they define diversity as it relates to their own mission; how they promote diversity, equity, and inclusivity; whether certain subgroups (such as students from rural backgrounds, first-generation college students, low-income students, and students of particular races or ethnicities) are facing systemic barriers; and how schools collect relevant data to address these systemic barriers. In sum, neither accreditors nor the schools they accredit can be compelled to comply with a theory of the Constitution or Title VI that no court has endorsed.³⁰

B. Federal Law Prohibits the Department from Considering Unenumerated Factors in the Recognition Process

The Department's anti-DEI actions in accreditation also likely exceed its statutory authority. This is particularly true with respect to the Department's actions in the recognition process, where its authority is strictly limited by federal law. As explained above, the Department may not direct, supervise, or control any accrediting agency or association "except to the extent authorized by law."³¹ In fact, the HEA lists the criteria USED *must* use in the recognition process and clarifies that USED may not establish

²⁸ See *e.g.*, *King v. Turner*, 798 F. Supp. 1224, 1250 (W.D. Wash. 2025) (explaining that "[n]o case law ... suggests that using words like 'equity' or 'migrant' violates *any* law," thus refuting Defendants' [government's] claim that the challenged funding requirements 'merely require grant recipients to agree to comply with existing federal laws, like federal antidiscrimination laws'" (citations omitted); *Thakur v. Trump*, 787 F. Supp. 3d 955, 967 (N.D. Cal. 2025) ("Plaintiffs are likely to succeed on their claims that the termination of grants for research involving blacklisted topics like 'diversity' and 'equity' violates the First Amendment and runs contrary to Congress's specific directives to support research concerning—and foster greater involvement in the sciences of—underrepresented groups.")

²⁹ We note that the Department's attempts to coerce accreditors into changing their standards or denying the accreditation of certain institutions also likely implicate the accreditors' First Amendment rights. See *e.g.*, *Zavaletta v. Am. Bar Assoc.*, 721 F. Supp. 96, 98 (E.D. Va. 1989) ("In addition, the ABA has a First Amendment right to communicate its views on law schools to governmental bodies and others."); *Massachusetts Sch. of Law at Andover v. Am. Bar Assoc.*, 937 F. Supp. 435, 443 (E.D. Pa. 1996); *Lincoln Mem. Univ. Duncan Sch. of Law v. Am. Bar Assoc.*, 2012 U.S. Dist. LEXIS 5546, *61-63 (E.D. Tenn. Jan 18, 2012).

³⁰ The Department also risks violating Title VI's procedural requirements if it continues to pronounce schools out of compliance with accreditation standards and compel accreditors to take action on that basis before the Title VI process is complete, as it did with MSCHE and Columbia University. Title VI requires the government to take many steps before terminating a school's federal funding, including seeking voluntary compliance by the school, the opportunity for a hearing, and a 30-day notification to the relevant Congressional committees. 42 U.S.C. § 2000d-1. This is different from the process contemplated in the accreditation context. Additionally, Title VI specifies that any termination of funds "shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found." *Id.* A loss of accreditation, on the other hand, could render an entire institution ineligible for funding.

³¹ 20 U.S.C. § 3403(b).

criteria beyond those. The Department may not “under any circumstances” base its decisions about recognition of agencies on criteria other than those required by the HEA.³²

The same is true of USED’s attempt to infuse its legal theory into the proposed regulations; the HEA is a likely barrier to that effort. The Department aims to couch DEI-related standards (under the theory that such standards require schools to violate federal law) under the existing criterion for fiscal and administrative capacity. But it does not explain how its anti-DEI efforts fit within that criterion. Nor does it explain why the Department would be permitted to read the “fiscal and administrative capacity” criterion to include DEI-related accreditation standards, particularly in light of the HEA’s mandate that the Department “shall not promulgate any regulation with respect to the standards of an accreditation agency or association described in subsection (a)(5).”³³

Attempts by the Department to regulate the content of accreditation standards, including with a DEI focus, exceed its authority and destabilize the relationship between accreditors and the institutions they accredit. Unlike the Department, accreditation agencies are expressly allowed to adopt accreditation standards beyond those required by the HEA.³⁴ Thus, they are within their rights to maintain standards that consider or require lawful diversity, equity, and inclusion efforts. In fact, under federal law, accreditors must “respect the stated mission of the institution[s] of higher education” that they accredit.^{35, 36} The Department’s efforts to use the recognition process to prohibit DEI-related accreditation standards—and to encourage accreditors to do the same—would violate settled norms that reflect deference to institutional missions.

III. Conclusion

The Department’s proposed regulatory language described above, particularly in the context of other accreditation policy and enforcement positions, should be viewed with caution. Federal law limits the Department’s authority to: (1) impose legal prohibitions against DEI policies and practices that federal courts have ruled to be lawful; and (2) invade the legitimate provenance of accreditors who have the authority to define standards reflected in federal law. Higher education accreditors and institutions have a right to use lawful means to promote their mission-based interests in advancing equitable opportunity and the educational benefits of diversity.

³² 20 U.S.C. § 1099b(g) (“Nothing in this chapter shall be construed to permit the Secretary to establish criteria for accrediting agencies or associations that are not required by this section”); 20 U.S.C. § 1099b(n)(3) (“The Secretary shall not, under any circumstances, base decisions on the recognition or denial of recognition of accreditation agencies or associations on criteria other than those contained in this section.”).

³³ 20 U.S.C. § 1099b(o).

³⁴ 20 U.S.C. § 1099b(g) (“Nothing in this chapter shall be construed to prohibit or limit any accrediting agency or association from adopting additional standards not provided for in this section.”)

³⁵ 20 U.S.C. § 1099b(a)(4)(A).

³⁶ Additionally, every school that participates in Title IV funding programs has an obligation to, at a minimum, comply with federal civil rights laws. They are required to consider issues of race, color, and national origin (among other characteristics) and to ensure that their campuses appropriately prevent discrimination and address it when it occurs. So long as they stay within the legal bounds articulated by the Supreme Court in *SFFA*, schools have discretion in how they meet these obligations, even if some of those actions could be labeled as “DEI.”