



June 23, 2025

Via Electronic Mail: OCR@ed.gov

Craig Trainor
Acting Assistant Secretary
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100

Re: Request for Investigation Regarding Violations of Title VI of the Civil Rights Act of 1964 by Colorado State University

Dear Acting Assistant Secretary Trainor:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law, ensure due process and equal protection for all Americans, and combat invidious discrimination on the basis of race, color, national origin, and sex in America’s schools.

The Department of Education Office for Civil Rights (“OCR”) enforces Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, and national origin in educational programs and activities operated by entities receiving federal financial assistance from the Department of Education. Colorado State University (“CSU” or the “University”), located in Fort Collins, Colorado, is a recipient of federal financial assistance and is therefore subject to Title VI. Colorado State University appears to have engaged in significant discrimination under the guise of DEI. It continues to operate such programs under new names designed to hide its actions and evade the clear requirements of Title VI and Department of Education regulations.

Accordingly, AFL respectfully requests that the Department of Education open an investigation of Colorado State University using its regulatory authority set forth in 34 C.F.R. § 104.61.

BACKGROUND

On February 18, 2025, Colorado State University President Amy Parsons released a letter to the Colorado State University Community titled “New Federal Directives.”¹ Three days later, on February 21, 2025, Chancellor Frank sent a letter to the entire CSU System Campuses.² Both letters were in response to the Federal Department of Education’s “Dear Colleague Letter,”³ prompted by President Trump’s signing of Executive Order 14173 (“E.O.”) titled “Ending Illegal Discrimination and Restoring Merit-Based Opportunity.”⁴ The President’s E.O. was clear in purpose:

Longstanding Federal civil-rights laws protect individual Americans from discrimination based on race, color, religion, sex, or national origin. These civil-rights protections serve as a bedrock supporting equality of opportunity for all Americans.”

...

Yet today, roughly 60 years after the passage of the Civil Rights Act of 1964, critical and influential institutions of American society, including ... institutions of higher education have adopted and actively use dangerous, demeaning, and immoral race- and sex-based preferences under the guise of so-called “diversity, equity, and inclusion” (DEI) or “diversity, equity, inclusion, and accessibility” (DEIA) that can violate the civil-rights laws of this Nation.⁵

The Department of Education’s Dear Colleague Letter, directed to all K-12 through post-secondary institutions receiving federal funds, was similarly unequivocal:

Educational institutions have toxically indoctrinated students with the false premise that the United States is built upon “systemic and structural racism” and advanced discriminatory policies and practices. Proponents of these discriminatory practices have attempted to further justify them—particularly during the last four years—under the banner of “diversity, equity, and inclusion” (“DEI”), smuggling racial stereotypes and explicit race-consciousness into everyday training, programming, and discipline.

¹ Amy Parsons, *Feb. 18 New Federal Directives*, COLORADO STATE UNIVERSITY, <https://perma.cc/X9ZS-5EWH>.

² Anthony Frank, *A Message From Chancellor Tony Frank to the CSU System Campuses*, CSU SYSTEM, <https://perma.cc/YP78-XGGG>.

³ Craig Trainor, Acting Assistant Sec’y for C.R., Dep’t of Educ., *Dear Colleague Letter* (Feb. 14, 2025), <https://perma.cc/7SSA-TM9S>.

⁴ Exec. Order No. 14,173, 90 Fed Reg. 8,633 (Jan. 31, 2025).

⁵ *Id.*

...

The Department will no longer tolerate the overt and covert racial discrimination that has become widespread in this Nation's educational institutions. The law is clear: treating students differently on the basis of race to achieve nebulous goals such as diversity, racial balancing, social justice, or equity is illegal under controlling Supreme Court precedent.⁶

In acknowledging both of the above documents in her letter to the CSU community, President Parsons incorrectly framed the Trump Administration's E.O. as an "interpretation of law, mark[ing] a change."⁷ She also declared, "CSU must follow state and federal law. We are confident that the institution currently complies with the law, as we do not use race as a factor in admissions, financial aid, employment or housing, and our cultural centers and identity-based support resources are open to all students."⁸

President Parsons then admitted that the University would need to take "additional steps to follow the [Trump] administration's new interpretations," which is a confusing statement if, in fact, the University "currently complies with the law." Perhaps the most revealing part of the President's statement showed the real reason for the University's newly expressed intention to follow federal law. She wrote, "given the University's reliance on federal funding, it is necessary to take additional steps to follow the [Trump] administration's new interpretations. Federal funding makes up roughly one-third of CSU's overall budget and includes funding for research, student programs, community partnerships, and federal financial aid."⁹

Thus, President Parsons represents on the one hand that CSU currently complies with federal law, while admitting on the other hand that the University must take "additional steps" to follow President Trump's E.O. and the Department of Education's Dear Colleague Letter. These remarks—seemingly made for the purpose of securing continued federal funding—are not only contradictory but outright disingenuous. Indeed, if the University has been complying with federal statutory and Constitutional law, no changes would be necessary to the University's practices or policies.

Moreover, it appears the University's "additional steps" are merely superficial reorganizations of titles and programs designed to avoid federal detection, without any substantive change. President Parsons has basically admitted the same. "We will shift some employee job duties and human resources policies and processes, and we

⁶ Trainor, *supra* note 3.

⁷ *Id.*

⁸ Parsons, *supra* note 1.

⁹ *Id.* (emphasis added).

will make some changes to CSU's website to reflect the institution's compliance with federal guidelines."¹⁰ In other words, in order to continue receiving federal funds, CSU will work to conceal its DEI practices, while continuing to operate radical DEI policies in violation of President Trump's E.O and guidance from the Department of Education.

COLORADO STATE UNIVERSITY'S DEI POLICIES DO NOT COMPLY WITH FEDERAL LAW

There are a multitude of reasons to believe that Colorado State's DEI policies open the University to federal enforcement actions. First, the U.S. Supreme Court emphasized in *Students for Fair Admission v. President and Fellows of Harvard College* that, where federal law prohibits race discrimination, "[e]liminating racial discrimination means eliminating all of it," including DEI.¹¹ Thus, Colorado State University is violating Title VI of the Civil Rights Act of 1964, which states, "[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."¹²

Second, on January 21, 2025, President Trump signed Executive Order 14173, titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunities."¹³ President Trump specifically authorized the Attorney General and the Secretary of Education to issue guidance requiring all universities that receive federal funds to comply with *Students for Fair Admission v. President and Fellows of Harvard College*.¹⁴

Third, on February 14, 2025, the Department of Education released its "Dear Colleague" letter, clarifying and reaffirming the department's stance on the nondiscrimination obligation of schools.¹⁵

Finally, on March 14, 2025, in response to the Dear Colleague Letter, the OCR initiated Title VI investigations into 45 universities for partnering with "The Ph.D. Project," an organization that provided doctoral students with insight into obtaining a Ph.D. and networking opportunities, but which limits aid to students of preferred

¹⁰ *Id.*

¹¹ 600 U.S. 181, 206 (2023) (interpreting Equal Protection Clause and Title VI of the Civil Rights Act).

¹² 42 U.S.C. § 2000d.

¹³ Exec. Order No. 14,173, 90 Fed Reg. 8,633 (Jan. 31, 2025).

¹⁴ 600 U.S. 181, 206 (2023).

¹⁵ Craig Trainor, Acting Assistant Sec'y for C.R., Dep't of Educ., Dear Colleague Letter (Feb. 14, 2025), <https://perma.cc/7SSA-TM9S>.

racial groups.¹⁶ Six universities are also being investigated for allegedly awarding impermissible race-based scholarships.¹⁷

Colorado State University has engaged in significant DEI practices for many years. These DEI efforts have been led by the University's Office of Inclusive Excellence. After the Trump Administration's Executive Action aimed at ending such illegal discrimination, the University recently redesigned the Office of Inclusive Excellence website¹⁸ to conceal its ongoing use of DEI policies.¹⁹

Despite this website update, the policies previously promoted by the Office of Inclusive Excellence remain in place. The likely illegal and discriminatory DEI practices are embedded throughout every part of Colorado State University. For example, in the "Faculty Recruitment Toolkit," Colorado State explicitly states, "[w]hile preparing for a [faculty] search, there are many opportunities to embed best practices for enhancing diversity, equity, and inclusion (DEI)."²⁰

The Office of Inclusive Excellence also promotes DEI through its affinity networking groups. That is, it works to assist certain groups, while not providing similar assistance to other groups. Some of these networks include the "LGBTQIA+ Network" and the "Women of Color Network."²¹ There is no comparable group for straight students or for white male students. The Office of Inclusive Excellence also provides DEI "Competencies" training and Employee DEI Training, as well as hosting an additional Faculty Institute for Inclusive Excellence.²²

These are just some practices the University continues to employ, even as it continues to offer discriminatory scholarships based on immutable characteristics. Below are a few examples of the litany of discriminatory scholarships that CSU offers:

- The DIVERSITY MATTERS COLLEGE OF BUSINESS SCHOLARSHIP, where preference is given to those who are historically underrepresented students and/or students involved in Student Diversity Programs.²³
- The HILBURN MIER LGBTQ+ STEM SCHOLARSHIP ENDOWMENT, one of the criteria is being "[a]ctive in the LGBTQ+ community[.]"²⁴

¹⁶ Press Release, Off. of Communications and Outreach, Dep't of Educ., (March 14, 2025), <https://perma.cc/DW8L-HJL2>.

¹⁷ *Id.*

¹⁸ *Shaping Tomorrow's Inclusive Leaders*, COLORADO STATE UNIVERSITY, <https://perma.cc/796H-DHAZ>.

¹⁹ *Principles of Community*, COLORADO STATE UNIVERSITY, <https://perma.cc/6M6B-653C>. AFL has preserved the original website.

²⁰ *Faculty Recruitment Toolkit*, COLORADO STATE UNIVERSITY, <https://perma.cc/D72C-D3YU>.

²¹ *Principles of Community*, COLORADO STATE UNIVERSITY, <https://perma.cc/6M6B-653C>.

²² *Id.*

²³ *Diversity Matters College of Business*, COLORADO STATE UNIVERSITY, <https://perma.cc/ML3U-M963>.

²⁴ *Hilburn Mier LGBTQ+ Stem Scholarship Endowment*, COLORADO STATE UNIVERSITY, <https://perma.cc/SC8V-MWKP>.

- The LGBTQ+ SCHOLARSHIP FUND, which asks applicants to describe their “experience as an LGBTQIA+ person.”²⁵

CSU mandates “All-University Core Curriculum” (“AUCC”), which the University boasts is “integral to the entire undergraduate experience”²⁶ and is designed to “help students refine their academic skills and introduce them to areas of knowledge, methodologies, and ways of knowing in various fields of study.”²⁷ While seemingly innocuous, the AUCC requires that each candidate for a bachelor’s degree must complete, among other requirements, “Fundamental Competencies” which includes “Category 1C. Diversity, Equity, and Inclusion.”²⁸

Other CSU courses are replete with DEI themes that “engage students in the study of cultural identities, explore the interactions among these identities, and reflect upon patterns of interaction... focusing predominantly on United States cultures as they are situated within a global context.”²⁹ Some of the available courses in the mandatory DEI category include:

- Border Crossings--People/Politics/Culture (ETST 256)
- Thinking Toward a Thriving Planet: Approaches to Diversity, Equity, Inclusion (IU 173A)
- Sociology of Race and Racism (SOC 205)
- Identity, Power, and Social Justice (SOWK 130)
- Racial Inequality and Discrimination (Econ 212)

CSU also offers an “*optional*” Diversity, Inclusion & Belonging (DIB) Module that is available to all incoming and returning students, and CSU invites incoming students “to complete the module in the second week of the Fall semester.”³⁰ New incoming students will learn about the DIB Module³¹ and “*engage in related discussions at the We Are CSU program at Ram Welcome.*”³² The University states that the DIB Module “is an important step to help students understand the principles and apply them to their work, education, and life.”³³ The principles CSU references include “Inclusion”

²⁵ *LGBTQ+ Scholarship Fund*, COLORADO STATE UNIVERSITY, <https://perma.cc/SXN5-2TR9>.

²⁶ *ALL-UNIVERSITY CORE CURRICULUM (AUCC)*, COLORADO STATE UNIVERSITY, <https://perma.cc/26TE-AFFC>.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Diversity Module (DIB)*, COLORADO STATE UNIVERSITY, <https://perma.cc/2RXE-QQ5C>.

³¹ *Id.*

³² Ram Welcome is Colorado State’s student orientation that all incoming students are expected to attend. See *Ram Welcome*, COLORADO STATE UNIVERSITY, <https://perma.cc/U75V-LA62>.

³³ *Diversity Module (DIB)*, COLORADO STATE UNIVERSITY, <https://perma.cc/2RXE-QQ5C>.

and “Social Justice.”³⁴ CSU even proudly displays these principles across the halls of its campus.³⁵

Alarming, Colorado State University also has a Bias Reporting System in place that allows community members to report “[a]ny act of [] bias[.]”³⁶ This System appears to violate students’ Constitutionally protected First Amendment rights as it serves to chill speech on campus. In fact, similar bias reporting systems on other college campuses across the country³⁷ have been rejected as three Federal Circuit Courts have found that these systems “objectively chill” student and professor speech in violation of the First Amendment.³⁸

Disturbingly, the University’s Bias Reporting System further runs afoul of free speech rights. It provides that in the event a bias report is filed, the University Bias Assessment Team reviews it. This team determines whether an “Incident of Bias” has occurred. If so, “optional conversations” akin to a *struggle session* are offered to “individuals and groups who, whether intentionally or not, may have caused harm to others related to some form of bias.”³⁹

The University categorizes responses to incidents of bias under its “Equity & Inclusion Work at CSU.”⁴⁰ This Bias Reporting System is not only contrary to the Constitution, but it also puts the University at further risk of losing its federal funding. Department of Education regulations make compliance with the First Amendment a material condition of receiving federal grants.⁴¹ Failure to do so is grounds for losing the grants. Your office has the authority to investigate First Amendment violations under the relevant regulations.⁴²

The programs and policies Colorado State University has enacted demonstrate the University has incorporated DEI across the University and discriminates on the basis

³⁴ *Principles of Community*, COLORADO STATE UNIVERSITY, <https://perma.cc/6M6B-653C>.

³⁵ *Principles of Community Wins Inaugural CSU President’s Council on Culture Award*, COLORADO STATE UNIVERSITY, <https://perma.cc/R4LA-TKDT>.

³⁶ *What is the Bias Reporting System*, COLORADO STATE UNIVERSITY, <https://perma.cc/2EYX-MPUA>.

³⁷ Common features of bias response policies suggest that they may cause “students [to] self-censor, fearing the consequences of a report to [the bias response team] and thinking that speech is no longer worth the trouble.” *Speech First, Inc. v. Whitten*, 145 S.Ct. 701, 703 (U.S., 2025); *Speech First, Inc. v. Sands*, 601 U. S., at —, — S.Ct., at 677 (THOMAS, J., dissenting) (quoting *Speech First, Inc v. Sands*, 69 F.4th at 204 (Wilkinson, J., dissenting)).

³⁸ *Speech First, Inc. v. Whitten*, 145 S.Ct. 701, 702 (U.S., 2025); *Speech First, Inc. v. Cartwright*, 32 F.4th 1110, 1122–1124 (CA11 2022); *Speech First, Inc. v. Fenves*, 979 F.3d 319, 333, 338 (CA5 2020); *Speech First, Inc. v. Schlissel*, 939 F.3d 756, 765 (CA6 2019).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ See 34 C.F.R. § 75.500.

⁴² See 34 C.F.R. § 104.61.

of race, color, and national origin in violation of Title VI of the Civil Rights Act of 1964.

REQUEST FOR INVESTIGATION

Accordingly, we ask that OCR promptly open a directed investigation into the allegations in the complaint, take all actions necessary to remedy the unlawful practices and procedures, and order all appropriate relief.

Thank you for your attention to this crucial matter, and do not hesitate to contact us for further information.

Sincerely,

/s/ Nicholas R. Barry
Senior Litigation Counsel
America First Legal Foundation

Cc: Candice Jackson, Deputy General Counsel, Office of the General Counsel