



June 23, 2025

Anthony A. Frank, Chancellor, Colorado State University System
555 17th St. Ste. 1000
Denver, CO 80202

Amy Parsons, President of Colorado State University
102 Administration Building
0100 Campus Delivery
Fort Collins, CO 80523-0100

Re: Violations of Title VI of the Civil Rights Act of 1964 by Colorado State University

Dear Chancellor Frank and President Parsons:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to protect the rule of law, due process, and equal protection for all Americans.

We write to you in your respective capacities as Chancellor of the Colorado State University System and President of Colorado State University (“CSU” or the “University”) on behalf of current and prospective CSU students and faculty, as well as alumni, to express our concerns about the University’s continued use of Diversity, Equity, and Inclusion (“DEI”) programs despite clear directives to cease the same by the federal government, which directives are supported by federal statutory law and the United States Constitution.

I. 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

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>.

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 Executive Order 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.

...

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,

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.*

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 that, "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," a confusing statement if, in fact, the University "currently complies with the law." Perhaps the most telling part of the President's statement revealed the actual impetus for the University's newly stated intention to comply with 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 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 basically admitted the same. "We will shift some employee job duties and human resources policies and processes, and we 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,

⁶ Craig Trainor, Acting Assistant Sec'y for C.R., Dep't of Educ., Dear Colleague Letter (Feb. 14, 2025), <https://perma.cc/7SSA-TM9S>.

⁷ Amy Parsons, *Feb. 18 New Federal Directives*, COLORADO STATE UNIVERSITY, <https://perma.cc/X9ZS-5EWH>.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

CSU will conceal its DEI practices, while continuing to operate under radical DEI policies in violation of the law and President Trump's E.O.

II. Colorado State University's DEI Policies

A. Office of Inclusive Excellence

Colorado State University engages in DEI practices and has done so for years. These DEI efforts have been spearheaded by the University's Office of Inclusive Excellence. Following the Trump Administration's Executive Action ending illegal discrimination, the University recently revamped the Office of Inclusive Excellence website¹¹ to hide its continued use of DEI policies.¹² Despite this website revamp, the policies previously espoused by the Office of Inclusive Excellence remain installed. Illegal and discriminatory DEI practices are present throughout every aspect 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)**."¹³

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."¹⁴ 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.¹⁵

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.¹⁶

¹¹ *Shaping Tomorrow's Inclusive Leaders*, COLORADO STATE UNIVERSITY, <https://perma.cc/796H-DHAZ>.

¹² *Principles of Community*, COLORADO STATE UNIVERSITY, <https://perma.cc/6M6B-653C>. AFL has preserved the original website.

¹³ *Faculty Recruitment Toolkit*, COLORADO STATE UNIVERSITY, <https://perma.cc/D72C-D3YU>.

¹⁴ *Principles of Community*, COLORADO STATE UNIVERSITY, <https://perma.cc/6M6B-653C>.

¹⁵ *Id.*

¹⁶ *Diversity Matters College of Business*, COLORADO STATE UNIVERSITY, <https://perma.cc/ML3U-M963>.

- The HILBURN MIER LGBTQ+ STEM SCHOLARSHIP ENDOWMENT, one of the criteria is being “[a]ctive in the LGBTQ+ community[.]”¹⁷
- The LGBTQ+ SCHOLARSHIP FUND, which asks applicants to describe their “experience as an LGBTQIA+ person.”¹⁸

B. Mandatory Undergraduate DEI Classes

CSU mandates its “All-University Core Curriculum” (“AUCC”), which the University boasts is “integral to the entire undergraduate experience,” 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.”¹⁹ 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.”²⁰

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.”²¹ 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)

C. Diversity, Inclusion & Belonging Module

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.”²² New incoming students will learn about the DIB Module²³ and “*engage in related discussions at the*

¹⁷*Hilburn Mier LGBTQ+ Stem Scholarship Endowment*, COLORADO STATE UNIVERSITY, <https://perma.cc/SC8V-MWKP>.

¹⁸ *LGBTQ+ Scholarship Fund*, COLORADO STATE UNIVERSITY, <https://perma.cc/SXN5-2TR9>.

¹⁹ *ALL-UNIVERSITY CORE CURRICULUM (AUCC)*, COLORADO STATE UNIVERSITY, <https://perma.cc/26TE-AFFC>.

²⁰ *Id.*

²¹ *Id.*

²² *Diversity Module (DIB)*, COLORADO STATE UNIVERSITY, <https://perma.cc/2RXE-QQ5C>.

²³ *Id.*

*We Are CSU program at Ram Welcome.*²⁴ 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.”²⁵ The principles that CSU is referencing include “Inclusion” and “Social Justice.”²⁶ CSU even proudly displays these principles across the halls of its campus.²⁷

To access the full DIB Module Resources, a CSU Microsoft 365 account is needed,²⁸ but a PDF of the DIB Students Course Map is available online.²⁹ Some of the module sections include “Power, Privilege & Oppression” and “Identities,” where students will discuss “Personal Identity, Managing Multiple Identities, Identity Transitions, and Assumptions and Stereotypes.”³⁰ Another module is also offered, “Creating a Culture of Respect,” which covers topics such as “Exclusion & Discrimination” and “Allyship.”³¹

D. Bias Reporting System

Alarmingly, Colorado State University also has a Bias Reporting System in place that allows community members to report “[a]ny act of [] bias[.]”³² 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 country³³ 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.³⁴ 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

²⁴ *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>.

²⁵ *Diversity Module (DIB)*, COLORADO STATE UNIVERSITY, <https://perma.cc/2RXE-QQ5C>.

²⁶ *Principles of Community*, COLORADO STATE UNIVERSITY, <https://perma.cc/6M6B-653C>.

²⁷ *Principles of Community Wins Inaugural CSU President’s Council on Culture Award*, COLORADO STATE UNIVERSITY, <https://perma.cc/R4LA-TKDT>.

²⁸ *DIB Module Resources*, COLORADO STATE UNIVERSITY, <https://perma.cc/3LHC-LXRY>.

²⁹ *DIBs Module Outline*, COLORADO STATE UNIVERSITY, <https://perma.cc/2TRJ-NB9N>.

³⁰ *Id.*

³¹ *Id.*

³² *What is the Bias Reporting System*, COLORADO STATE UNIVERSITY, <https://perma.cc/2EYX-MPUA>.

³³ 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)).

³⁴ *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).

to “individuals and groups who, whether intentionally or not, may have caused harm to others related to some form of bias.”³⁵

The University categorizes responses to incidents of bias under its “Equity & Inclusion Work at CSU.”³⁶ 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.³⁷ Failure to do so is grounds for losing the grants. Your office has the authority to investigate First Amendment violations under the relevant regulations.³⁸

III. DEI Violates Federal Law, the U.S. Constitution, and the Trump Administration’s Directives

There are a multitude of reasons to believe that Colorado State’s DEI policies open the University to federal enforcement. 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.³⁹ 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.”⁴⁰

Second, on January 21, 2025, President Trump signed Executive Order 14173, titled “Ending Illegal Discrimination and Restoring Merit-Based Opportunities.”⁴¹ 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*.⁴²

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.⁴³ Acting Assistant Secretary Trainor stated, “simply, educational institutions may neither separate or segregate students based

³⁵ *Id.*

³⁶ *Id.*

³⁷ See 34 C.F.R. § 75.500.

³⁸ See 34 C.F.R. § 104.61.

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

⁴⁰ 42 U.S.C. § 2000d.

⁴¹ Exec. Order No. 14,173, 90 Fed Reg. 8,633 (Jan. 31, 2025).

⁴² 600 U.S. 181, 206 (2023).

⁴³ Craig Trainor, Acting Assistant Sec’y for C.R., Dep’t of Educ., Dear Colleague Letter (Feb. 14, 2025), <https://perma.cc/7SSA-TM9S>.

on race, nor distribute benefits or burdens based on race.”⁴⁴ The Department of Education advises all institutions to ensure that all their policies comply with existing civil rights law and cease all efforts to circumvent prohibitions on the use of race. Further, the Department encourages anyone who believes that a covered entity has unlawfully discriminated to file a complaint with the Office for Civil Rights (“OCR”).⁴⁵

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 racial groups.⁴⁶ Six universities are also being investigated for allegedly awarding impermissible race-based scholarships.⁴⁷

IV. Conclusion

Despite President Parsons’ assertion that “[w]e are confident that the institution currently complies with the law,”⁴⁸ CSU explicitly discriminates based on race in hiring faculty and in student admissions and scholarships. In fact, CSU clearly rejects federal statutory and Constitutional law, as well as the President’s E.O. Instead, the University’s many DEI policies and programs serve to discriminate against individuals based on their immutable characteristics.

Continuing these discriminatory policies is not only unlawful and unjust, but doing so also puts the University at risk for investigations and enforcement actions by the Department of Justice and the Department of Education, as well as opening the door to civil litigation. The University has acknowledged that continuing these policies risks the loss of one-third of the University’s funding from the federal government. While one should expect CSU to voluntarily cease its actions in the name of civil rights and freedom from discrimination, at the very least the risk to its federal funding should cause it to cease its discriminatory policies. Instead, the University seems to accept this risk, employing the cavalier approach of changing program and office names and otherwise attempting to disguise its DEI practices.

We call upon CSU to not merely rename its discriminatory and illegal DEI policies, but rather to cancel all its DEI programs, roles, and scholarships immediately and impose a merit-based system that does not discriminate against any applicants,

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Press Release, Off. of Communications and Outreach, Dep’t of Educ., (March 14, 2025), <https://perma.cc/DW8L-HJL2>.

⁴⁷ *Id.*

⁴⁸ Amy Parsons, *Feb. 18 New Federal Directives*, COLORADO STATE UNIVERSITY, <https://perma.cc/X9ZS-5EWH>.

students, faculty, administrators, or others based on their immutable characteristics. Further, CSU should take steps to promote free speech, not chill it with a “Bias Reporting System,” which likely runs afoul of the First Amendment.

As President John F. Kennedy said, “Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.”⁴⁹ This discrimination—neatly packaged under the moniker of DEI—violates federal laws and the United States Constitution. It is the precise basis for the President’s E.O. prohibiting such activities and instead protecting and promoting our country’s “civil-rights protections [that] serve as a bedrock supporting *equality of opportunity for all* Americans.” (Emphasis added.)⁵⁰

We therefore urge Colorado State University to abide by federal statutory and Constitutional law, iterated in Executive Order 14173, and live up to President Parson’s own words in the closing paragraph of her letter to the CSU community—words that mirror those of President Trump in his E.O.—in which she wrote that, “[t]he heart of what it means to be a Ram—a commitment to unlocking the doors of *opportunity for all*—will remain strong,” (Emphasis added.)⁵¹

Sincerely,

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

Cc: Gov. John Fischer, Chair, Colorado State University System Board
Gov. Nate Easley Jr., Vice Chair, Colorado State University System Board
Gov. Kenzo Kawanabe, Treasurer, Colorado State University System Board
Gov. Elizabeth Markey, Secretary, Colorado State University System Board
Gov. Polly Baca, Colorado State University System Board
Gov. Ray Baker, Colorado State University System Board
Gov. Dominic Disanti, Colorado State University System Board
Gov. Kim Jordan, Colorado State University System Board
Gov. Louis Martin, Colorado State University System Board

⁴⁹ *Title VI of the Civil Rights Act of 1964*, C.R. DIV. DEPT OF JUST., <https://perma.cc/DEG3-QSYU>.

⁵⁰ Exec. Order No. 14,173, 90 Fed Reg. 8,633 (Jan. 31, 2025).

⁵¹ Amy Parsons, *Feb. 18 New Federal Directives*, COLORADO STATE UNIVERSITY, <https://perma.cc/X9ZS-5EWH>.