

Resolution of Faculty Council to Restore all DEIJ-themed offices at The Ohio State University

WHEREAS, OSU administration has unilaterally decided to pre-emptively disband all University offices tasked with upholding all hard-earned principles and University shared values of diversity, equity, inclusion, and justice in response to non-binding, illegal threats from the federal government; and

WHEREAS, OSU President Ted Carter officially announced such decision at the OSU senate meeting on February 27, 2025¹; and

WHEREAS, the federal government walked back its threats admitting they had no force of law on March 1, 2025;

BE IT RESOLVED, that the faculty council of The Ohio State University demands immediate rescission of OSU President's order and immediate reinstatement of the Office of Diversity and Inclusion and the Office of Institutional Equity, as well as all activities associated with OSU's shared values of diversity, equity, inclusion, and justice.

¹Administration walks back DEI ultimatum

Education Department issues new guidance to soften Trump mandates

On Saturday, the Education Department said schools that 'craft essay prompts in a way that require applicants to disclose their race are illegally attempting to do indirectly what cannot be done directly.'



Students in Iowa walk out of class to advocate for LGBTQ+ rights in 2024. On Saturday, the U.S. Department of Education's Office for Civil Rights posted a document saying not all DEI initiatives actually violate the initial instructions. Nirmalendu Majumdar/Ames Tribune file

In mid-February, the Trump administration told tens of thousands of K-12 schools and colleges they had until February 28 to comply with a sweeping and vague order to root out diversity, equity and inclusion on their campuses.

Then the U.S. Department of Education issued new guidance softening that mandate and reversing course on some of its broadest requests.

In a 'frequently asked questions' document posted Saturday morning after the deadline, the department's Office for Civil Rights walked back its directive, saying not all DEI initiatives actually violate the initial instructions.

A program or policy isn't unlawful just because it uses the terms 'diversity,' 'equity' or 'inclusion,' the new federal guidance says. Cultural and historical observances – including Black History Month and International Holocaust Remembrance Day – won't be discouraged, either.

Perhaps most notably, the Education Department acknowledged the federal government doesn't have the power to dictate school curriculum.

In a statement to USA TODAY on Monday, Craig Trainor, acting assistant secretary for civil rights, said the 'frequently asked questions' document issued last weekend and the initial directions provide guidance on the law.

He denied the implication that the Education Department had altered its policies. 'There has been no walk back,' he said.

Top agency officials sowed confusion nationwide when they announced last month that the Trump administration's new interpretation of longstanding civil rights laws prohibited schools reliant on federal funding from considering race in a broad array of decisions related to American schooling. Included in the mandate were choices about 'admissions, hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life.'

Osamudia James, a professor at the University of North Carolina School of Law, said the point of the order was to 'scare and chill' schools.

'Every dollar you spend litigating these issues is money that does not go to supporting students who need it,' she said.

In the weeks since, universities have shuttered DEI offices, scrubbed websites and ceased supporting some marginalized student groups. K-12 school districts from Kentucky to Montana have opened compliance audits into their practices.

A prominent teachers union sued the Trump administration challenging all the changes.

Ray Li, an attorney in the Education Department's civil rights office during the Biden administration, called Saturday's clarification of its guidance a 'retreat back to some legal standards.' It contrasts sharply, he said, with the Trump administration's initial posture, which he called 'really troubling.'

'Hopefully, schools take that information and realize that just because something deals with race doesn't mean it violates the law,' he said. 'Even this administration recognizes that.'

The revised guidance resolved a lot of the befuddlement among school administrators. But many still have questions about the types of policies and programs that could put them in the crosshairs of the federal officials under President Donald Trump's leadership.

For example, colleges don't know how to word their admissions essay questions. When the Supreme Court outlawed race-conscious admissions in 2023, Chief Justice John Roberts left room in his majority opinion for applicants to write to universities about their racial backgrounds.

'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,' he wrote.

The Education Department, on the other hand, has taken a more extreme view about students being forthcoming in their essays. On Saturday, the agency said schools that 'craft essay prompts in a way that require applicants to disclose their race are illegally attempting to do indirectly what cannot be done directly.'

Jonathan Feingold, a legal scholar at Boston University, said those interpretations of the Supreme Court's ban on race-conscious admissions are part of a broader conservative strategy.

'There is an effort to rhetorically overstate the holding,' he said, 'so that institutions are overcomplying.'

Common DEI initiatives are still legally defensible, he and other law faculty wrote in a memo to college presidents on February 20.

Since Trump took office, the federal Education Department has taken several steps to punish agency staffers and the schools they oversee for promoting diversity.

The most recent example came February 27 when the department launched a new online portal called EndDEI.Ed.Gov. The website's purpose, according to an announcement, would be to encourage students and teachers to 'submit reports of discrimination based on race or sex in publicly-funded K-12 schools.'

However, the agency's civil rights office has long suffered from limited staffing and an increasing workload. Amid buyouts and the threat of a 'very significant' workforce reduction across the Education Department, it's unlikely that the division's capacity to investigate complaints will improve anytime soon.

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