

Updates on the Trump Administration's Continued Civil Rights Enforcement Against Universities

June 25, 2026

The Trump administration is continuing its whole-of-government approach to investigating alleged violations of antidiscrimination laws by universities, while also executing on its goal of scaling back the Department of Education ("ED").

Recent interagency agreements shift substantial portions of ED's civil rights enforcement to the Civil Rights Division ("CRT") of the Department of Justice ("DOJ"), although ED's Office of Civil Rights ("OCR") retains final enforcement authority and core statutory functions. In the meantime, the Department of Housing and Urban Development ("HUD") has issued a Dear Colleague letter warning colleges and universities that race-based or "affinity" housing programs may violate the Fair Housing Act, potentially opening another front of federal scrutiny. These developments align with recent DOJ and OCR enforcement activity focused on allegations of discrimination in admissions and other programs, allegations of antisemitism, and gender-identity policies in athletics and sex-separated spaces. Although ED may play a smaller role in the future, universities should expect continued civil rights enforcement, including the possibility of parallel or overlapping investigations by multiple agencies.

ED-DOJ Interagency Agreement. On June 15, 2026, ED entered into an interagency agreement with DOJ to shift a large portion of its civil rights investigation and enforcement activities to CRT.¹ Pursuant to the agreement, CRT will investigate, evaluate, and attempt to resolve civil rights matters that OCR refers to CRT under Title VI, Title IX, and other federal civil rights statutes. OCR retains authority over final enforcement determinations, policy and guidance development, mediation and settlement negotiations, and all statutory functions assigned to ED's Assistant Secretary for Civil Rights. The agreement also preserves OCR's exclusive authority over final decisions regarding administrative or judicial enforcement referrals.

ED simultaneously entered into another interagency [agreement](#) with DOJ pursuant to which CRT will largely take over administration, investigation, and adjudication under

¹ Interagency Agreement Between the U.S. Department of Education and U.S. Department of Justice Civil Rights Division (June 15, 2026), available at <https://www.ed.gov/media/document/ed-and-doj-interagency-agreement-ocr-partnership-61526-114243.pdf>.

the Family Educational Rights and Privacy Act (“FERPA”) and Protection of Pupil Rights Amendment (“PPRA”).² ED also signed an inter-agency agreement with the Department of Health and Human Services (“HHS”) for special education and rehabilitative services and with DOJ for training and advisory services.³ These follow a February 2026 agreement between ED and the Department of State—discussed in a recent [Debevoise Update](#)—that transferred to the latter certain oversight and enforcement responsibilities concerning foreign funding reporting under Section 117 of the Higher Education Act. The agreements are consistent with the administration’s broader effort to wind down ED, beginning with Executive Order 14242 in March 2025, which directed the Secretary of Education to “take all necessary steps to facilitate the closure of the Department of Education and return authority over education to the States and local communities.”⁴

The changes in OCR have sparked criticism from Democrats. An April 2026 Minority Staff report released by the Senate Committee on Health, Education, Labor, and Pensions asserted that OCR has effectively stopped providing meaningful relief to students who report civil rights violations.⁵ The report ties these shortcomings to the administration’s effort to shrink OCR’s enforcement capacity and refocus ED on the administration’s priorities, including what the report describes as politically motivated Title VI and Title IX actions.

HUD Warns Universities About Race-Based Campus Housing Practices. On June 23, 2026, HUD Assistant Secretary Craig Trainor issued a Dear Colleague letter to colleges and universities, urging them to end what the letter describes as “neo-segregation” in

² Interagency Agreement Between the U.S. Department of Education and U.S. Department of Justice Civil Rights Division (June 15, 2026), available at <https://www.ed.gov/media/document/ed-and-doj-interagency-agreement-sppo-updated-61526-114242.pdf>; 20 U.S.C. § 1232g (FERPA); 20 U.S.C. § 1232h (PPRA).

³ Press Release, U.S. Department of Education, U.S. Department of Education Announces Additional Partnerships to Strengthen Coordination for Individuals with Disabilities Programs, Bolster Civil Rights Enforcement (June 16, 2026), available at <https://www.ed.gov/about/news/press-release/us-department-of-education-announces-additional-partnerships-strengthen-coordination-individuals-disabilities-programs-bolster-civil-rights>.

⁴ Exec. Order No. 14242, 90 Fed. Reg. 13679, 13679 (Mar. 25, 2025).

⁵ Minority Staff of Senate Committee on Health, Education, Labor, and Pensions, Justice Denied: How Trump’s Office for Civil Rights Reached a 12-Year Low in Protecting Students from Discrimination (Apr. 28, 2026), https://www.sanders.senate.gov/wp-content/uploads/04.24.26-Justice-Denied-How-Trumps-Office-for-Civil-Rights-Reached-a-12-Year-Low-in-Protecting-Students-from-Discrimination_FINAL.pdf.

university housing.⁶ The letter warns educational institutions that such practices violate the Fair Housing Act's prohibition on racially segregated housing.⁷

The letter cited housing arrangements described using terms such as “diversity” “multiculturalism,” “affinity housing,” “safe spaces,” or “cultural celebration” to facilitate what HUD views as unlawful discriminatory housing practices on campuses. HUD pledged to pursue maximum accountability against institutions found to be in violation, including compensatory and punitive damages, civil penalties, and injunctive relief.

Recent Civil Rights Enforcement Practices Reflect the Key Priorities of the Trump Administration. No matter which agency is pursuing enforcement, the administration's higher education priorities have remained relatively consistent and include investigations of alleged discrimination in university admissions and other programs, allegations of antisemitism, and gender-identity policies involving athletics and sex-separated spaces.

CRT has pursued matters involving alleged race-conscious admissions practices or other programs. For example, the DOJ recently announced investigations of a university's DEI practices, a university system's “Black Male Initiative,” and fifteen medical schools for “illegally us[ing] race in admissions.”⁸ DOJ also made findings that two California medical schools engaged in unlawful racial discrimination in admissions.⁹ At the same time, CRT has continued to conduct enforcement related to allegations antisemitism,

⁶ Dear Colleague Letter, U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity (June 23, 2026), available at <https://www.hud.gov/sites/default/files/FHEO/documents/Assistant-Secretary-Trainor%27s-Guidance-on-the-Fair-Housing-Act%27s-Application-to-Racially-Segregated-School-Housing.pdf>.

⁷ *Id.* (citing 42 U.S.C. §§ 3601, 3604(a), 3604(f)(1)).

⁸ Press Release, U.S. Department of Justice, Justice Department Launches Title VI Investigation into DEI Programs at Ariz. State Univ. (June 3, 2026), available at <https://www.justice.gov/opa/pr/justice-department-launches-title-vi-investigation-dei-programs-arizona-state-university>; Press Release, U.S. Department of Justice, Justice Department Investigates Alleged Race Discrimination at the City University of New York (June 9, 2026), available at <https://www.justice.gov/opa/pr/us-justice-department-investigates-alleged-race-discrimination-city-university-new-york>; Press Release, U.S. Department of Justice, Justice Department Expands Admissions Investigations into 15 Additional Medical Schools (June 4, 2026), available at <https://www.justice.gov/opa/pr/justice-department-expands-admissions-investigations-15-additional-medical-schools>.

⁹ Press Release, U.S. Department of Justice, Justice Department Investigation Determines UCLA's Medical School Discriminated Based on Race in Admissions (May 6, 2026), available at <https://www.justice.gov/opa/pr/justice-department-investigation-determines-uclas-medical-school-discriminated-based-race>; Press Release, U.S. Department of Justice, Justice Department Finds University of California Davis Medical School Discriminates Based on Race in Admissions (June 10, 2026), available at <https://www.justice.gov/opa/pr/justice-department-finds-uc-davis-medical-school-discriminates-based-race-admissions>.

including Title VI litigation against at least two universities for alleged discrimination against Jewish and Israeli students.¹⁰

OCR opened Title VI investigations into 45 universities over alleged partnerships with The Ph.D. Project—a nonprofit organization that promotes attainment of doctorates in business—which was alleged to have limited eligibility for participation based on race.¹¹ As of February 2026, these investigations had resulted in at least 31 resolution agreements with OCR requiring institutions to end those partnerships and review other partnerships for Title VI compliance.¹² OCR also opened a Title VI investigation into a university regarding a program providing certification support funding to educators of color.¹³

With respect to Title IX enforcement, OCR initiated at least 18 investigations into policies permitting athletic participation based on gender identity rather than biological sex.¹⁴ OCR has opened an investigation into an all-women's college for admitting “biological men” and allowing them access to women-only spaces, such as bathrooms, athletic teams, and dormitories.¹⁵

Conclusion. Although ED may play a smaller role in civil rights enforcement in the future, oversight of higher education remains a key priority for the administration.

¹⁰ Press Release, U.S. Department of Justice, Justice Department Sues University of California for Antisemitic Hostile Educational Environment (May 26, 2026), available at <https://www.justice.gov/opa/pr/justice-department-sues-university-california-antisemitic-hostile-educational-environment>; Press Release, U.S. Department of Justice, *Justice Department Sues Harvard University for Antisemitism* (Mar. 20, 2026), available at <https://www.justice.gov/opa/pr/justice-department-sues-harvard-university-antisemitism>.

¹¹ Press Release, U.S. Department of Education, Office for Civil Rights Initiates Title VI Investigations into Institutions of Higher Education (Mar. 14, 2025), available at <https://www.ed.gov/about/news/press-release/office-civil-rights-initiates-title-vi-investigations-institutions-of-higher-education>.

¹² Press Release, U.S. Department of Education, U.S. Department of Education's Office for Civil Rights Secures 31 Agreements with Colleges and Universities to End Partnerships with The Ph.D. Project (Feb. 19, 2026), available at <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-secures-31-agreements-colleges-and-universities-end-partnerships-phd-project>.

¹³ Press Release, U.S. Department of Education, U.S. Department of Education Initiates Investigation into Stanford for Allegedly Discriminating Against Students on the Basis of Race (Apr. 29, 2026), available at <https://www.ed.gov/about/news/press-release/us-department-of-education-initiates-investigation-stanford-allegedly-discriminating-against-students-basis-of-race>.

¹⁴ Press Release, U.S. Department of Education, U.S. Department of Education's Office for Civil Rights Initiates 18 Title IX Investigations (Jan. 14, 2026), available at <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-initiates-18-title-ix-investigations>.

¹⁵ Press Release, U.S. Department of Education, U.S. Department of Education Opens Title IX Investigation into All-Women's Smith College for Admitting Men (May 4, 2026), available at <https://www.ed.gov/about/news/press-release/us-department-of-education-opens-title-ix-investigation-all-womens-smith-college-admitting-men>.

Universities should expect continued focus on admissions practices, alleged race-based preferences and classifications, antisemitism, and policies surrounding gender identity.

Recent developments discussed in this Update represent a shift toward a more fragmented enforcement landscape, with agencies including DOJ, ED, HUD, HHS, among others, actively engaged in enforcement efforts against institutions of higher education. Universities should be prepared for the possibility of parallel investigations by multiple agencies with distinct enforcement approaches.

The authors thank summer associates Jonathan Davydov and Grayson Glogoff for their contributions to this publication.

* * *

Please do not hesitate to contact us with any questions.



David A. O'Neil
Partner, Washington, D.C.
+1 202 383 8040
+1 202 809 1995
daoneil@debevoise.com



Jane Shvets
Partner, New York,
London
+1 212 909 6573
+44 20 7786 9163
jshvets@debevoise.com



Margaret Jewett
Associate, New York
+1 212 909 6636
mvjewett@debevoise.com



John D. Sullivan Baker
Associate, Washington, D.C.
+1 202 383 8113
jdsullivan@debevoise.com

This publication is for general information purposes only. It is not intended to provide, nor is it to be used as, a substitute for legal advice. In some jurisdictions it may be considered attorney advertising.