



Tomorrow's Doctors, Tomorrow's Cures®

Post-SCOTUS Legal Update

Learn

Serve

Lead

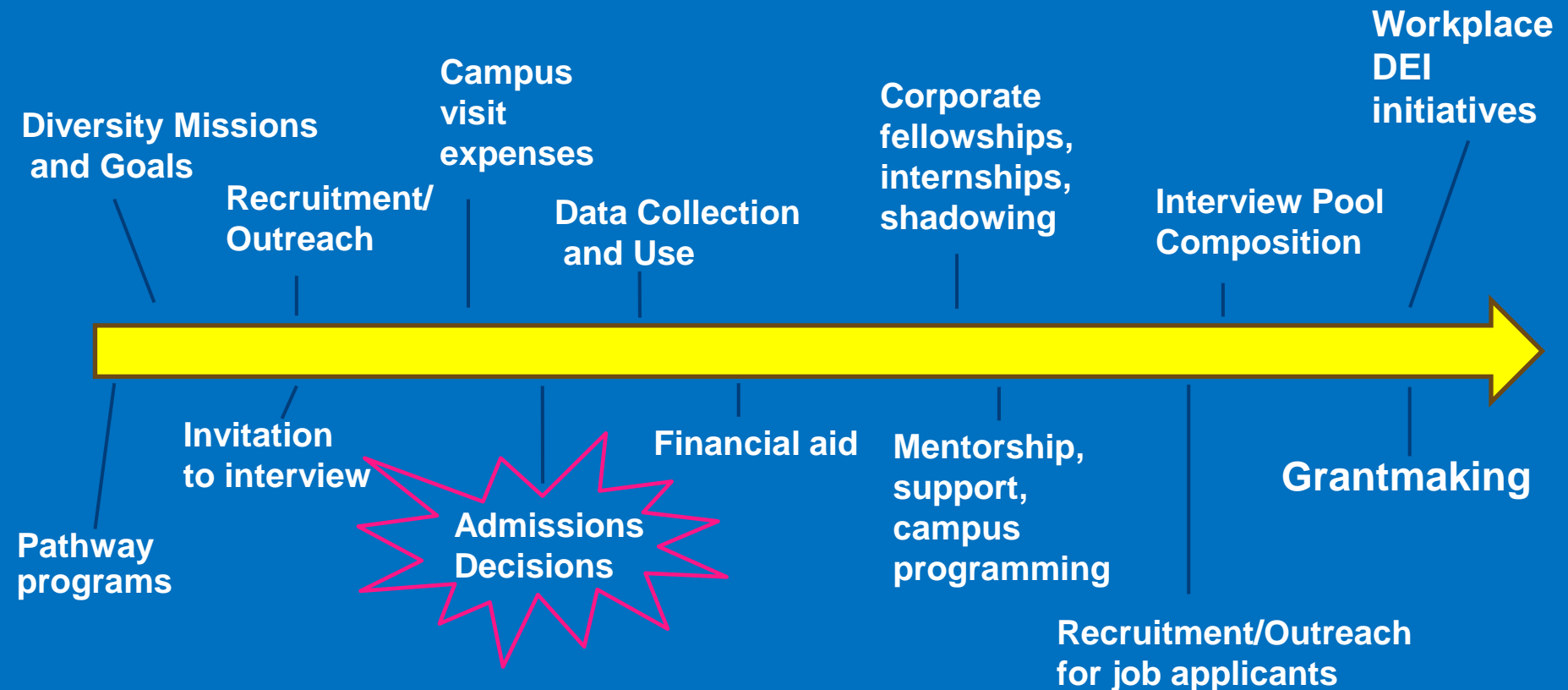
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NASEM Symposium
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Association of
American Medical Colleges

DEI along the Continuum





Executive Branch

**Dept of Education -
Office of Civil Rights**

**Equal Employment
Opportunity
Commission**

(Enforcement – DOJ)



Judicial Branch

Lawsuits



Legislative Branch

Civil Rights Laws

Anti-DEI Laws

Updated July 14, 2023.

We are tracking **40** bills in **22** states. So far,



Lawsuits to watch: Education

- **SFFA v. U.S. Naval Academy (Oct. 5, 2023)**
- **SFFA v. West Point (Sept. 19, 2023)**
- **Stewart v. Texas Tech (Jan. 10, 2023)**
- **Coalition for Thomas Jefferson v. Fairfax School Board (cert. pet. Aug 21, 2023)**

Lawsuits to watch: Employment

Fellowship Programs

- **Do No Harm v. Pfizer** (app. 2d circ. Oct 2023)
- **AAER v. Perkins Coie/ Morrison Foerster** (August 2023); **Winston & Strawn LLP** (Oct 2023)

Corporate Diversity Goals

- **Generally**
- **As evidence of individual discrimination**
- **Retaliation against employees who disputed DEI programming**

Lawsuits to watch: Promoting BIPOC Business

- **American Alliance for Equal Rights v. Fearless Funds** (11th cir. Sept 2023)
- **Ultima Servs. Corp. v. U.S.D.A.** (July 2023)
- **Amazon cases**

Takeaways

- **Be careful with specific numeric DEI goals**
- **Avoid R/E exclusivity in contracting, fellowships, DEI initiatives**
- **Focus on what's been endorsed in federal guidance**

“Colleges and universities may have lost a vital tool for creating vibrant, diverse campus communities, but ... they need not – and must not – lose their commitment to equal opportunity and student body diversity. Our country’s future depends on it.”

- Miguel Cardona, U.S. Secretary of Education