

Major Changes for Higher Ed

Preparing for DOJ Inquiries and New IPEDS Requirements

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Webinar Format

- Participant phone lines are **muted**
- **Submit questions** by sending an email to questions@dciconsult.com
- If you have any **technical difficulties during the call**, please email questions@dciconsult.com

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Focus on Higher Education



Discrimination Based on DEI

- EEOC and DOJ provided [DEI guidance](#) “to help workers and employers understand, identify and report DEI related race and sex discrimination.”
- Examples of “illegal” DEI
 - “Balancing” workforce based on protected characteristics
 - DEI training can create hostile work environment if person considers intimidating, hostile, or abusive
 - ERGs can violate Title VII’s ban on segregation if not open to all

AG Memo on Unlawful Discrimination

Attorney General July 29, 2025, memo:
[Guidance for Recipients of Federal Funding
Regarding Unlawful Discrimination](#)

- Declares unlawful preferential treatment based on protected characteristics
- Prohibits use of proxies and segregation based on protected characteristics
- Bans training that stereotypes, excludes, or disadvantages individuals based on protected characteristics or create a hostile environment



AG Establishes Civil Rights Fraud Initiative

Deputy AG Todd Blanche issued memo establishing Civil Rights Fraud Initiative

- To use False Claims Act to investigate and “aggressively pursue” civil rights-related claims
- Colleges and universities explicitly referenced as potential enforcement targets



DOJ Begins DEI Investigations

DOJ has begun issuing civil investigative demands to employers across wide range of industries demanding information on DEI programs

- CIDs are the first step in investigating False Claims Act cases
- DOJ encouraging whistleblowers to file lawsuits
- DOJ is investigating state/local government



Deals with Trump Administration...So Far

Columbia - \$221 Million – Gender Ideology & Anti-Semitism

- Resolution monitor for compliance with the agreement
- **Production of admission data to government**

Cornell - \$60 Million – Race Discrimination & Anti-Semitism

- \$30 Million to US; \$30 Million to research benefiting US farmers
- Climate study

Brown - \$50 Million – Gender Ideology & Anti-Semitism

- External monitor to conduct climate study
- **Production of admission data to government**

UPenn - \$0

- Modification of policies to comply with EO 14168

UVA - \$0

- Provide quarterly reports on progress toward full compliance with Civil Rights Laws

Upcoming Changes to IPEDS Reporting

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Proposed Changes to IPEDS Reporting - Timeline

August 7, 2025 - President Trump directed Secretary of Education to overhaul IPEDS data collection

August 15, 2025 – Notice issued in the Federal Register of proposed changes to the IPED

- New Admissions and Consumer Transparency Supplement (ACTS) Section - Expands data reporting for the 2025-2026 academic year and **the five prior academic years.**
- Justification – “The federal government...has limited tools to ensure widespread compliance with Title VI.”
- Included a directed question on the proposed scope of applicable institutions.
- Comment period closed on October 14, 2025.

November 13, 2025 – Notice issued in the Federal Register proposing a revision to the August 15 Notice

- Modifying the proposed scope to only four year institutions and exempting any that (1) admit 100% of their applicants and (2) do not award non-need-based aid.
- Comment period closes on **December 15, 2025.**

ACTS Reporting Expectations

Admissions factors for each race-sex pairing (e.g., White-men; Black-women) including:

Numbers of applicants

Students admitted and students enrolled

Average GPA and Standardized Test Scores

First-generation college student status

Any other factors used to make admission decisions

Within each institution, the following will also be required for each race-sex pairing:

Graduation rates

Average GPA (at the specific reporting institution)

Percent receiving financial aid

Percent offered financial aid

“Other relevant measures”

The above requirements are requested for undergraduate and graduate admissions

ACTS Reporting Expectations

Graduate student data will carry its own submission format requirements:

- By fields of study (defined by specific Classification of Instructional Programs (CIP) codes.)
These broad definitions include but are not limited to:
 - Arts & Humanities
 - Education
 - Public Service
 - Agriculture
 - Business
- By admission test score quintiles
- By GPA quintiles
- By family income
- By enrollment type

What Will They Do With the Data?

Nothing

Look for “illegal” DEI projects and policies

Compare the race percentages prior to and after 2023

Compare the race admissions percentages to race differences in such admissions criteria as SAT scores and high school GPA

What Could Make an Admissions Policy Illegal?

Race or gender preferences

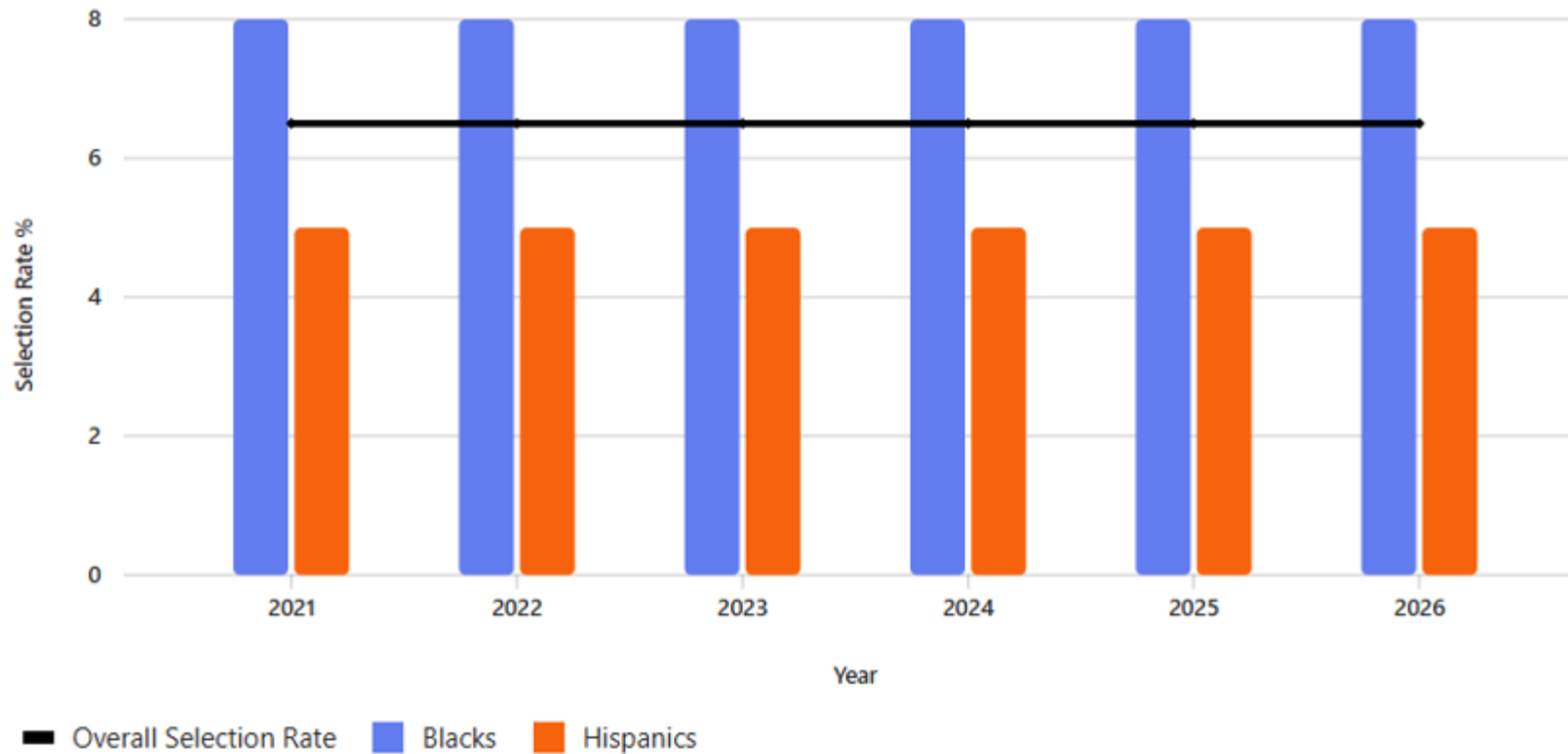
Proxies for race or gender

Neutral policies that adversely impact a particular race or gender but are not related to academic performance

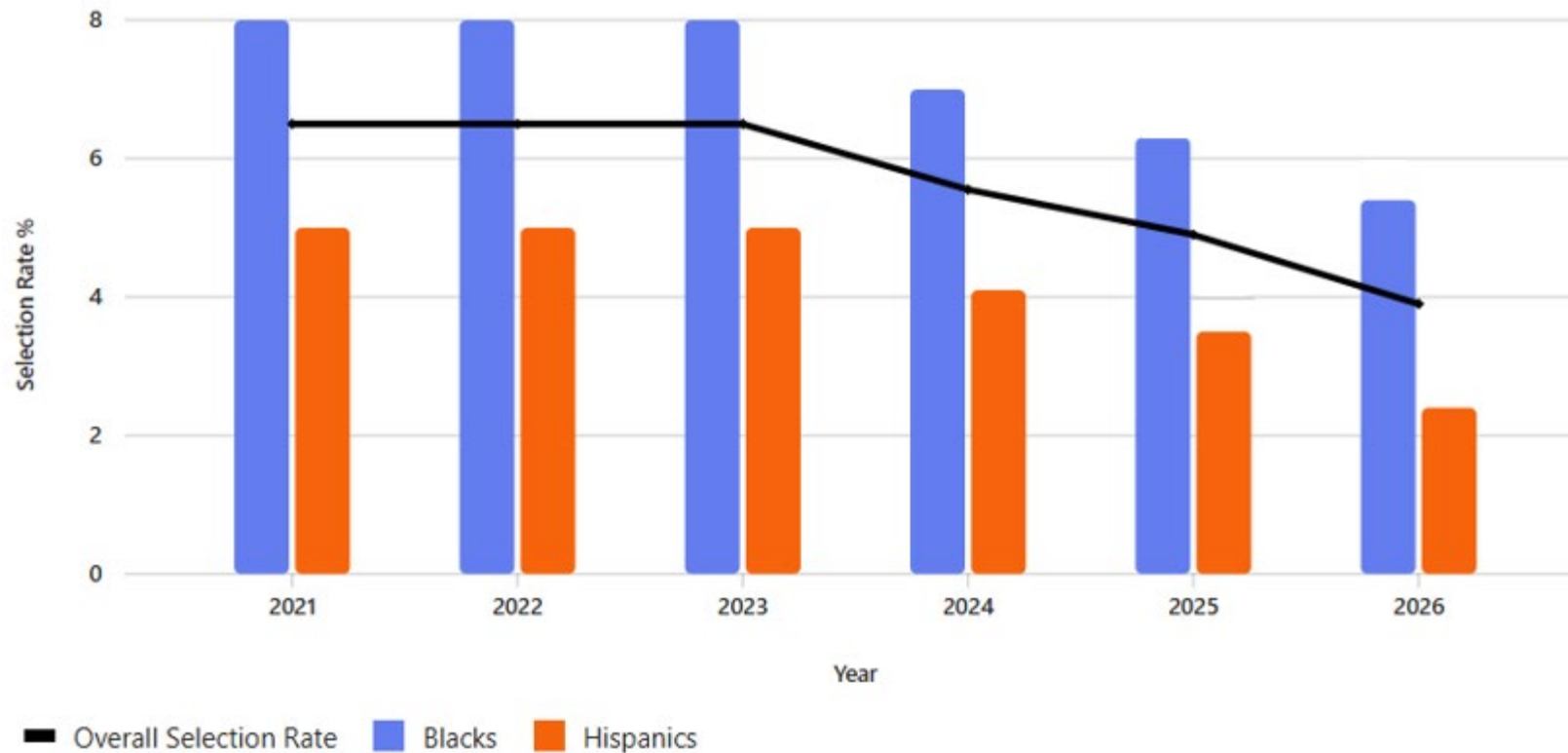
Potential Adverse Impact

Admissions Policy	Potential Adverse Impact	
	Favors	Disfavors
Standardized test scores (e.g., SAT, ACT)	Asian, White	Black, Hispanic
High school GPA	Asian, White	Black, Hispanic
First generation status	Hispanic, Black, NatAm	Asian, White, NHPI
Legacy preferences	Asian, White, NHPI	Hispanic, Black, NatAm
Personal statement	Depends on Scoring Key	Depends on Scoring Key
Scholarships limited to one group	Depends on Scholarship	Depends on Scholarship
Preferential admission based on race, sex, etc.	Depends on Preference	Depends on Preference
Letter of recommendation	Asian, White	Black, Hispanic
Low SES Preference	Asian, White	Hispanic, Black, NatAm
Activities/Clubs	Asian, White	Black, NatAm, Hispanic
Participation in HS sports	White	Hispanic, Black, Other
Work experience in HS	White	Hispanic, Black, Asian

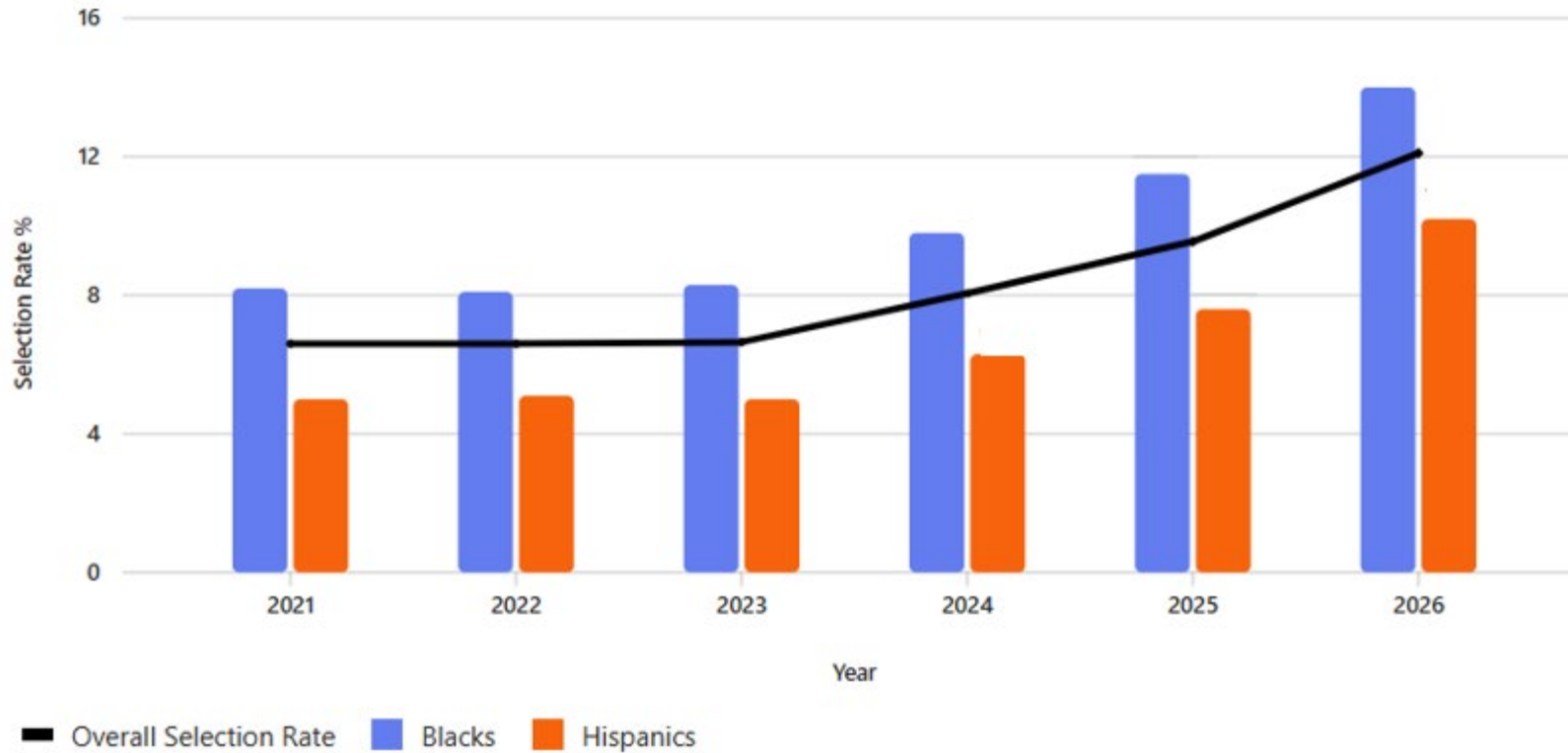
Example Selection Rate (Unchanged)



Example Selection Rate (Decrease)



Example Selection Rate (Increase)



Do Annual Comparisons Mean Anything?

Potential Scenarios

The policies and admissions percentages haven't changed

The policies have changed and the URM percentage decreased

The policies have changed and the URM percentage increased

The policies remained the same and the URM percentage decreased

The policies remained the same and the URM percentage increased

Reporting Burden on Higher Education

- According to the Federal Register, total estimated number of annual responses: 65,868
 - Total Estimated Number of Annual Burden Hours: 740,511
 - There is no justification provided for how DOE calculated the time required to compile these further requests
- The burden estimate provided appears to be significantly lower than the time and effort required to truly comply
- The following are concerns noted in public comments regarding these estimates as of **September 19, 2025**:
 - Vast amount of staff time and resources it will take to provide the data
 - There may even be a need to hire additional staff or outside vendors to assist
 - Difficulty in compiling six years of data by the end of 2025-2026 academic year

Reporting Burden on Higher Education

To alleviate burden concerns, public commenters have suggested that DOE:

Not require ACTS

Postpone the data collection until the 2026-2027 academic cycle

Provide funding for each institution to cover the cost of data collection

Use a phased approach rather than requiring six years of data at once

Pilot ACTS with volunteer institutions prior to actual implementation

Considerations & Next Steps – Initial Needs and Action Items

- **Institutions must consider:**
 - How to collect 6 years of reporting data
 - How to thoughtfully aggregate and disaggregate data to meet NCES requirements
 - Retrospective analysis of 5 years of admissions data
 - The limited timeframe in which these compliance items may be required
- **Consider further a strategic approach:**
 - Engage with legal counsel to perform a privileged analysis and comprehensive review of all data to be submitted



Considerations & Next Steps – Initial Needs and Action Items

- Review admission policies and procedures for legal risk
- Even further, institutions should consider rigorous logistic regression analyses that:
 - Control for relevant admissions criteria
 - Examine selection rates by race/ethnicity
- Completing such analyses will provide clarity and insight into admissions processes and help institutions to:
 - Build actionable strategies for equitable and data-driven decision-making
 - Position themselves to proactively understand and respond to areas that DOE may inquire about through their own analyses
 - Remain ready for future reporting expectations



Thank you!

How DCI Can Help



Compliance

- VEVRAA and Section 503 AAPs
- State affirmative action and non-discrimination
- EEO-1 and VETS-4212 reports
- DOL compliance review support
- State pay reporting
- Pay transparency
- Proactive guidance on regulatory change
- DEI risk mitigation



Selection and Assessment

- Job analysis
- Selection procedure development and validation
- Expert evaluation/bias audit of HR systems, including artificial intelligence



Workforce Analytics

- EEO disparity analyses
- Damage calculations
- Non-discrimination in employment plans
- Reduction-in-force analyses
- Barrier analyses



Pay Equity and Compensation

- Pay equity studies
- EU Pay Transparency
- Pay compression studies
- Wage gap studies
- Job architecture development
- Market benchmarking
- Pay band creation
- Executive compensation reviews
- Bonus program reviews



Litigation Support

- Consulting expert in applied research in class action litigation
- Testifying expert in case strategy, expert reports, & sworn testimony
- Expert reviews of AI-based hiring procedures

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- ✓ Strategic Partnerships and Mergers in Higher Education
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