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ARE DEI PROGRAMS STILL LEGAL?

The legal ground beneath DEI programs has shifted dramatically over the past two years. Between Trump's executive orders and landmark Supreme Court rulings, organizations across the country are asking the same urgent question: Do we still have a legal DEI program?

What Should Your Organization Do Now?

Start with an audit. Review current DEI programs against Title VII standards and assess whether any components rely on identity-based preferences or rigid demographic targets. Document the business rationale for every initiative. Organizations that can demonstrate a clear, merit-based justification are in a far stronger legal position.

Monitor ongoing litigation closely. The legal landscape around DEI programs is still evolving, and court decisions over the next 12 to 24 months will continue to shape what is permissible.

"MY CASE WAS A HARD ONE, BUT MR. MATTHEW BILLIPS, DETRA HICKS, AND DIANA HOWE ARE THE MOST AMAZING INDIVIDUALS. THEY KEPT ME INFORMED, UPDATED, AND HAD THE BEST OUTCOME. I HIGHLY, HIGHLY RECOMMEND GIVING THEM A CALL. I WILL RECOMMEND BARRETT AND FARAHANY TO ANY AND EVERYONE. PLEASE GIVE THEM A CHANCE AND BE AS HAPPY AS I AM."

- S.L.

Title VII of the Civil Rights Act and the 14th Amendment have always prohibited workplace discrimination based on race, gender, or identity. What has changed is enforcement intensity and regulatory interpretation.

Programs that use rigid quotas, identity-based hiring preferences, or fixed diversity targets are the ones under fire. Merit-based inclusion efforts, by contrast, remain lawful. The distinction is critical: it is not DEI as a concept that is prohibited, but preference-based structures that treat individuals differently based on protected characteristics.

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