**EEOC & DOJ PRESS RELEASE**

On March 19, 2025, the Equal Employment Opportunity Commission (EEOC) and Justice Department issued a press release and two technical assistance documents focused on educating employers, employees, and the public about the administration’s interpretation of unlawful diversity, equity, and inclusion (DEI) in the workplace.

**1. The Press Release**

* **Purpose:**
The press release, jointly issued by the EEOC and the Justice Department, is intended to educate employers, employees, and the public about how longstanding civil rights laws—especially Title VII of the Civil Rights Act—apply to diversity, equity, and inclusion (DEI) programs.
* **Key Points:**
	+ **Definition of DEI:** It acknowledges that “DEI” is a broad, evolving term that isn’t specifically defined in Title VII.
	+ **Title VII’s Role:** Despite DEI’s broad nature, Title VII still prohibits employment discrimination based on protected characteristics like race and sex.
	+ **Guidance Intent:** The release emphasizes that even well-intentioned DEI initiatives must comply with civil rights laws and clarifies that these efforts should not result in unlawful discrimination.

**2. The Technical Assistance Documents**

Two separate documents were released to provide detailed guidance on what constitutes “illegal DEI” under Title VII:

* **Document 1: “What to Do If You Experience Discrimination Related to DEI at Work”**
	+ **Format & Audience:** A one-page guide aimed at employees and the public.
	+ **Content Highlights:**
		- Explains that the EEOC investigates discrimination charges and, if warranted, can initiate lawsuits against private employers (or the DOJ against state/local employers).
		- Outlines how a DEI-related discrimination charge might look under Title VII, focusing on four key components:
			1. **Disparate Treatment**
			2. **Limiting, Segregating, and Classifying**
			3. **Harassment**
			4. **Retaliation**
* **Document 2: “What You Should Know About DEI-Related Discrimination at Work”**
	+ **Format & Audience:** A longer, Q&A style document aimed at offering employers detailed examples and clarifications.
	+ **Content Highlights:**
		- Provides concrete examples of practices that could be considered “illegal DEI” under Title VII.
		- **Examples include:**
			1. Employment actions (hiring, firing, promotions, etc.) influenced by a candidate’s or employee’s race, sex, or other protected characteristics.
			2. Discrimination in areas like compensation, benefits, access to training, mentoring, sponsorship, networking, internships, interview selection, and job assignments (often grouped as disparate treatment).
			3. Limiting, segregating, or classifying employees—such as restricting membership in employee resource or affinity groups—to specific protected groups.
			4. Separating groups in DEI programs or trainings even if the resources are equal.
			5. Justifying employment actions based on protected characteristics, even when citing business necessity or client preferences, and creating a hostile work environment through discriminatory DEI training.

In conclusion, the EEOC and DOJ’s joint guidance of March 19, 2025 signals a new era of **closer scrutiny of DEI practices through the lens of anti-discrimination law**. Employers across all sectors (federal, contractors, recipients, private) would be wise to take a careful look at their DEI programs now. Many organizations will need to adjust course – for some it may be minor tweaks, for others a more significant overhaul – to ensure that well-intended diversity efforts do not inadvertently become sources of legal liability. By following the steps above – auditing programs, opening opportunities to all, retraining leadership, and staying informed – employers can continue to **promote diversity, equity, and inclusion in a way that aligns with Title VII’s mandate of fairness for all employees**.