

# Injunction Lifted Against Key Portions of President Trump's Anti-Diversity, Equity and Inclusion Executive Orders

Alert

03.18.2025

By Patrick Busch, Amy Conway, Kelly Maxwell & Stephanie Scheck  
*Administration Targets Private Employer Diversity, Equity and Inclusion Programs*

On March 14, 2025, a three-judge panel of the U.S. Court of Appeals for the Fourth Circuit stayed the nationwide injunction a federal district court had issued in *National Association of Diversity Officers in Higher Education v. Donald J. Trump*. As described in a prior [Stinson alert](#), the nationwide injunction paused implementation of the "Termination Provision," "Certification Provision" and "Enforcement Threat Provision" in President Trump's diversity, equity and inclusion-related executive orders. These three provisions were collectively referred to as the "Challenged Provisions."

Now that the injunction has been stayed, the federal government is free to enforce the Challenged Provisions. The Fourth Circuit's decision to stay the injunction is not the final word on whether the district court was correct to hold that the Challenged Provisions are unconstitutional. Rather, the Fourth Circuit decided to allow the federal government to begin enforcing the Challenged Provisions while the Fourth Circuit hears the full appeal (on an expedited schedule) over whether the provisions are constitutional.

In an unusual step, each of the three judges on the panel issued a separate written opinion explaining their reasoning for staying the injunction. One judge, while agreeing the injunction against enforcing the anti-diversity, equity and inclusion provisions should be stayed, described concerns about diversity, equity and inclusion programs as "a monster in America's closet." Another judge agreed the injunction should be stayed because the Challenged Provisions could be interpreted to be constitutional, but also noted the potential that the provisions could be enforced in an unconstitutional manner. The third judge emphasized the broad scope of the injunction, and emphasized there was no specific agency action that had been

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challenged.

The Fourth Circuit will consider the legal arguments in more detail in the coming months through an expedited appeals process. In the meantime, and pending further developments, the federal government is free to enforce the Challenged Provisions. The Fourth Circuit's case is one of several cases challenging President Trump's anti-diversity, equity and inclusion Executive Orders. It is possible that the U.S. Supreme Court will ultimately be the one to decide if the anti-diversity, equity and inclusion Executive Orders are lawful.

As evidence of its continued focus and full-court press on this issue, on March 17, 2025, the U.S. Equal Employment Opportunity Commission (EEOC) [announced](#) it had sent letters to 20 large law firms, requesting information about the firms' "diversity, equity and inclusion related employment practices." This initiative followed a March 6 Executive Order entitled "Assessing Risks from Perkins Coie LLP" which, among other things, directed the EEOC to "review the practices" of large law firms for "consistency with Title VII of the Civil Rights Act of 1964."

For more information and guidance, please contact [Patrick Busch](#), [Amy Conway](#), [Pat Konopka](#), [Kelly Maxwell](#), [Bernadette Sargeant](#), [Stephanie Scheck](#) or the Stinson LLP contact with whom you regularly work.

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