



15 May 2025

Dear President Rothman, UW System Chancellors, and UW System Board of Regents,

Recently, three different judges in three different federal courts halted the actions by the U.S. Department of Education to stifle and shutter efforts in schools, colleges and universities to advance educational opportunity for all students through inclusive curriculum and diversity, equity and inclusion efforts.

On Feb. 14, 2025, the department issued a [Dear Colleague letter](#) that threatened to revoke federal funding for any school or college that engaged in certain DEI efforts, which the department did not define. The department followed its letter with two sets of [FAQs](#), which also did not provide clarity as to what conduct was prohibited. The department then set up an [“End DEI” portal](#) for the public to report on impermissible “indoctrination” in the schools. And then on April 3, the department demanded that state education agencies certify—and rapidly obtain certifications from all local education agencies—that they agree to conform their conduct and educational programming to the views expressed in its Feb. 14 letter. In response to these troubling actions, it came to our attention that some UW campus administrations began considering, or possibly even taking, preliminary actions to preemptively limit efforts to advance DEI work.

The American Federation of Teachers, the National Education Association and the National Association for the Advancement of Colored People responded to the department’s unlawful attempt to interfere with school and college curriculum and educational programming decisions by filing suits, with the support of Democracy Forward, the ACLU and the NAACP Legal Defense Fund. The three separate lawsuits challenged the department’s actions as violations of the First Amendment, the due process clause of the Fifth Amendment, and the Administrative Procedure Act on several grounds, including that the department is prohibited from directing or controlling, directly or indirectly, curriculum and educational programming decisions by states, school districts and colleges and universities. *See, e.g.*, Department of Education Organization Act 20 U.S.C. §3403(b) (recognizing that states and localities retain control over education decisions and that the department has no authority to interfere with such curriculum and educational programming decisions in states).

The three lawsuits were filed by each organization, in coalition with others, in the U.S. District Courts in New Hampshire, Maryland and D.C. and each set of plaintiffs subsequently moved for preliminary relief against the department’s actions. On April 24, all three courts issued rulings granting, in whole or in part, the requested relief. The New Hampshire court enjoined the department from enforcing or

implementing the Feb. 14 Dear Colleague letter, the April 3 certification requirement or the “End DEI” portal in any school district or college in which an NEA member works. The Maryland court enjoined the department from enforcing the Feb. 14 Dear Colleague letter anywhere in the country. And the D.C. court enjoined the department from enforcing the certification requirement. These three rulings mean that the U.S. Department of Education can no longer enforce and/or implement the Dear Colleague letter, the related FAQs, the “End DEI” portal or the certification requirement. The department has no authority to interfere, directly or indirectly, with state, school district, college or university decisions over the curriculum that will be taught and the educational programming that will be offered.

We therefore call on every UW campus to fully and immediately restore any programs, curriculum, syllabi or other educational offerings that were paused, halted or modified as a result of the department’s Feb. 14 Dear Colleague letter or the enforcement of that letter through the “End DEI” portal, the certification demand or any other means. These programs and instructional approaches advance equal educational opportunity by ensuring that instruction, curriculum and programs recognize racial diversity and address the ways in which racism has limited instruction, educational curriculum, educational programming and opportunity. We know that a culturally responsive and racially inclusive education benefits all students and offers the most effective pedagogical approach, leading to students who are more engaged, perform better academically, and graduate at higher rates. And such approaches prepare students to thrive in our multiracial democracy as citizens and voters who are able to critically engage with the world and make their place within it.

We further call on the UW System and all of the thirteen affiliated campuses to reaffirm their commitment to academic freedom and to protect students, faculty and staff in the exercise of their First Amendment rights. Our schools and universities must be forums where free and open debates about the issues that matter most are encouraged, not silenced or chilled by fears of retaliation for engaging in speech that is disfavored. As institutions whose very mission is education, our schools and colleges must set an example, by their words and actions, that decisions about curriculum and instruction are off-limits from federal interference and censorship efforts.

Thank you for your prompt attention to this matter.

Sincerely,

Jon Shelton, Professor UW-Green Bay and President, AFT-Wisconsin

Gustavo Flores, PhD Student UW-Madison and incoming Co-President, Teaching Assistants’ Association (Local 3220)

Lauren Gantz, Associate Professor UW-Stevens Point and Co-President, UW-SPARC (Local 6505)

Neil Kraus, Professor UW River Falls and President, United Falcons (Local 6504)

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Brandon Thomas, Associate Professor UW-Whitewater, President of UW-Whitewater United (Local 6510)

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Stephanie Spehar, Professor UW Oshkosh and Co-President, United Faculty and Staff of Oshkosh (Local 6506)

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