

Mitigating Risk and Navigating Legal Challenges Related to DEI

CT Nonprofit Alliance

Tiffany Gourley Carter | October 30, 2025

Disclaimer

I am a lawyer.
I am not your lawyer.
This is not legal advice.

Executive Orders

Executive Orders Affecting Charitable Nonprofits

Updated October 27, 2025

New updates are highlighted in beige.

After his January 20th inauguration, President Trump signed dozens of Executive Orders (EOs) covering a broad range of issues, including diversity, equity, and inclusion programs; government grants and contracts; civic engagement; immigration; and certain nonprofit subsectors. **Some of the EO's won't take effect immediately, and many are expected to be immediately challenged in court.** This chart outlines some of the EO's that may affect nonprofits directly or indirectly.

This document will be updated frequently, so please use this link to see the most up-to-date version:
<https://www.councilofnonprofits.org/files/media/documents/2025/chart-executive-orders.pdf>

Help us track the impacts of the recent Executive Orders on the nonprofit sector by sharing your stories of observed impacts on your work and the people you serve: <https://www.councilofnonprofits.org/form/effects-executive-actions-nonprofits>

Background Resources

- National Webinar: Executive Actions and their Impact on Charitable Nonprofits (57:38) [recording](#) and [slides](#), National Council of Nonprofits, Feb. 7, 2025
- [The Impacts of the Recent Executive Orders on Nonprofits](#), National Council of Nonprofits.
- [Presidential Actions](#), White House.
- [What Is an Executive Order?](#), American Bar Association, Jan. 25, 2021.

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~210 (with dozens of Memos)

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Diversity, Equity, and Inclusion

- Rescinds Biden DEI EO
- Implementing the President's "Department of Government Efficiency" Workforce Optimization
- Ending Illegal Discrimination and Restoring Merit-Based Opportunity
- Ending Radical and Wasteful Government DEI Programs and Preferencing

Executive Orders

Diversity, Equity, and Inclusion

- Education
 - Reforming Accreditation to Strengthen Higher Education
 - Reinstating Common Sense School Discipline Policies
 - Restoring Equality of Opportunity and Meritocracy

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Ending Illegal Discrimination and Restoring Merit-Based Opportunity

- Rescinds EO 1124 (Pres. Johnson - 1964) requiring nondiscrimination provisions and affirmative action requirements in government contracts
- Requires federal grants and contracts to certify compliance with “anti-discrimination laws”
- Directs OMB to review all processes, directives, and guidance

Ending Illegal Discrimination and Restoring Merit-Based Opportunity

- Requires AG to take appropriate action to advance “anti-DEI” in the private sector
- Each agency to identify up to 9 potential investigations: **“publicly traded corporations, large [nonprofit] corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars”**

Ending Illegal Discrimination and Restoring Merit-Based Opportunity

- OPM memo to eliminate staff, remove references, and terminate contractors
- OPM memo to require DOJ to investigate, eliminate, and penalize illegal DEI and DEIA preferences, mandates, policies, programs, and activities in the private sector and in educational institutions that receive federal funds
- EEOC Memos – What to Do/What to Know

Ending Radical and Wasteful Government DEI Programs and Preferences

- Directs OMB and OPM to terminate all DEI programs in federal agencies, including equity related grants and equity action plans
- OPM memo instructing agencies to eliminate DEIA offices, policies, programs, and practices

Current Status

- **Re-writes what constitutes “anti-discrimination”**
 - Unclear, vague
 - Affirmative action language
- **4th Circuit overrules lower court preliminary injunction**
- **Permits government to require DEI restrictions in government grants and contracts**
- **Cases on pause during shutdown**

Presidential

Memo:

Countering Domestic Terrorism and Organized Political Violence

- National Joint Terrorism Task Force
- “Investigate, prosecute, and disrupt entities and individuals engaged in acts of political violence and intimidation”
- Organizations, funders, and individuals with “close ties to foreign governments”
- AG guidance to include politically motivated terrorist acts as “domestic terrorism”
- IRS Commissioner to ensure no-tax entity is financing political violence or domestic terrorism
- Permits AG to recommend groups as “domestic terrorism organization”

Current Outcomes

- **Certification Requirements**
 - Additional lawsuits
- **Funding Eliminated**
- **Programs Terminated**
- **Investigations**
 - Congressional Oversight: 200+ orgs
 - Judiciary: Ford, Gates, Rockefeller Brothers
 - Administration: Open Society Foundations, "antifa"

Additional Resources

A Nonprofit Checklist Conducting a Risk Assessment for Federal Funding

Updated April 3, 2025

A Nonprofit Checklist: What to Do When Your Federal Grant or Contract is Terminated

Updated March 11, 2025

Myth v. Reality Executive Branch Lacks Authority to Target Nonprofit Organizations

Updated April 21, 2025

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Questions?

Tiffany Gourley Carter
tcarter@councilofnonprofits.org