



Top Takeaways August 2026

The Institute is committed to keeping our members informed regarding cutting-edge developments. Below are the top highlights from the August Member Roundtable Meeting.

Please share these key takeaways with your internal leaders. The replay of the August 2026 Roundtable is located [here](#). Members will need to log in for full access.

Highlights

- **EEOC -1 Rescission.**
 - **EEO-1 Public Hearing** – David Cohen gave an overview of the August 11, 2026 EEOC public hearing. There were 22 speakers, 16 opposing the rescission including The Institute.
 - **Institute testimony** -- David Fortney who testified for The Institute discussed the objections to the rescission includes the statutory requirement of 709(c) of Title VII to collect the data; burden of patchwork state regulation which is and will occur after rescission; EEOC using same argument against EEO-1 that Education Department to support its data collection on applicants, staff, faculty (IPEDS/ACTS); lack of evidence on use for quotas; short comment period and public hearing violating statute.
 - **Letter of comments** – Scott Kelly discussed The Institute’s letter of comment which outlined eleven substantive points against eliminating the EEO-1 report. It was filed on August 24th.
 - **Litigation over rescission.** – The panelists anticipate multiple legal challenges to rescission especially if the rule is not finalized before September 30 of this year. Employers should retain their 2026 workforce data as they are likely to be required to submit it at some point.
 - **EEOC Litigation.**
 - **Nike/DEI lawsuit.** – EEOC settled its subpoena enforcement against Nike over its DEI practices, saying the company had provided EEOC with all the information it requested.
 - **UPenn** – EEOC and UPenn settled the subpoena enforcement action and dropped the demand that UPenn provide EEOC with a list of its Jewish employees.
 - **Wash U St. Louis** – EEOC filed suit against Wash U over the firing of a black employee who alleged she was discriminated against because she complained about mandatory DEI training in which she was segregated based on her race.
 - **Litigation.**
 - **Pay discrimination.** -- Vassar College agreed to settle a gender pay discrimination case which alleged women faculty were paid less than male faculty for \$5 million.
 - **Protection of American workers.** – DOJ, DOL and EEOC are investigating employment practices around H-1B visas and the PERM labor certification to ensure American job applicants are not excluded from the process.
- ➡ **Next Member Roundtable Meeting: September 15th at 2 pm Eastern.** Please click [here](#) for the zoom information.
- ➡ **Webinars** – Always complimentary to all members. Registration information is located [here](#).