Can DEI Training Create a Hostile Environment?

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Second Circuit's Revival of Worker's Hostile Work Environment Claim Adds to DEI Discourse

The Second Circuit's recent reversal of summary judgment, reviving a claim by a Caucasian educator that mandatory DEI training created a hostile work environment at the New York City Department of Education, adds to the developing discourse surrounding DEI in the workplace.

- **The upshot?** Employers should be careful how they design workplace training, as so-called "reverse" discrimination claims aren't going anywhere and now even training could be found to cause a problem.

The Case Background

Plaintiff Leslie Chislett, a Caucasian female, brought a Section 1983 claim against her employer, the City Department of Education (DOE), claiming that she was demoted, subsequently forced to resign, and was subjected to a hostile environment due to her race, stemming from mandated DEI training. The district court had granted summary judgment dismissing all three claims.

In a September 2025 decision, the Second Circuit upheld the dismissal of the demotion and constructive discharge claims, but revived her hostile work environment claim. The panel ultimately found Plaintiff raised sufficient questions of fact surrounding her allegations that mandatory implicit bias training may have created an unlawfully hostile workplace.

Allegations of a "Hostile" DEI Training Environment

Ms. Chislett, a former city teacher with 10+ years of experience, claimed that she was harassed and was forced to resign after a series of DOE-mandated equity trainings created an environment that she and fellow Caucasian coworkers perceived as intolerably "hostile." The lawsuit claimed that when Ms. Chislett and others raised these concerns to their superiors, they were ultimately ignored.

Plaintiff claimed that multiple mandatory training sessions contained content that was offensive and incited "racial tension" within the workplace, with one training instructor telling participants that "white colleagues must take a step back and yield to colleagues of color" and "recognize that values of [w]hite culture are supremacist." Plaintiff alleged that this tension "simmered" long after the training sessions were complete and resulted in content being applied into workplace interactions that targeted her on the basis of her race. She alleged, for instance, that when she criticized black employees she was called a "racist". When these interactions were reported, Plaintiff claimed that her concerns were dismissed.

Eventually, Chislett claimed that the work environment and her interactions with subordinates became so stressful that she had to take a leave and then was forced to resign.

The Second Circuit's Decision

The Second Circuit reversed the summary judgment and ultimately held that Ms. Chislett put forward sufficient examples of race-based comments and other hostility during and after the bias trainings that could convince a jury she was subjected to a hostile work environment.

The Court was especially concerned with comments made by trainers which reflected negatively on "white culture" and that there had been one session where there was a physical segregation of white employees, who were "singled out by staff" based on race. The court also noted there was evidence of "racialized" comments made to plaintiff outside of the training, such as calling her "white and fragile" and accusing her of having "white privilege".

Importantly, the Second Circuit explicitly stated: "We do not suggest that the conduct of implicit bias trainings is per se racist." Instead, the opinion focused on the ways in which the trainings were conducted and ultimately applied, holding that employment trainings that "discuss any race 'with a constant drumbeat of essentialist, deterministic, and negative language [about a particular race], . . . risk liability under federal law.'" (Citing *De Piero v. Pa. State Univ.*, 711 F. Supp. 3d 410, 424 (E.D. Pa. 2024)).[1]

The court was very disturbed with allegations that plaintiff reported these issues, but that no action was taken. It made clear that "when a municipal agency consistently ignores the racial harassment of employees in trainings and workplace interactions, it can be held liable".

Broader Context: The Rise of "Reverse" Discrimination Claims

We had predicted that reverse discrimination cases were likely to gain traction in 2025 and beyond, as employees and employers alike began reacting to the second Trump administration's public pushback against DEI policies. This decision is part of this trend.

Every case turns on its unique facts and this one case does not mean that companies need to discontinue providing anti-discrimination trainings. It does mean that employers need to be mindful of the content of that training.

Guidance for Employers

- **You may require training, but watch the content:** Anti-discrimination training is good, and may even be mandated by state and local law depending on industry. However, as we've previously advised, employers must be mindful to conduct such training in a neutral manner to avoid liability.
    - Whether designed in house or delivered by an outside consultant, make sure that HR or a legal team review the content and make sure that no racial or ethnic group would be offended.
- **Be responsive to complaints:** If an employee raises concerns that they are being singled out or otherwise targeted on the basis of any characteristic, those complaints must be taken seriously and addressed, regardless of the race of the employee.
    - Be sure to document your responses, and follow up to ensure that the employee is not

enduring any retaliation.

As employers consider updating their training and policy materials, it is important to make sure these efforts are handled in a lawful manner. You can contact a partner within the Kelley Drye Labor & Employment team to have your policies audited or updated.

1. For liability to be attached under section 1983, a plaintiff must demonstrate a causal link between a specific municipal policy and the hostile work environment.