

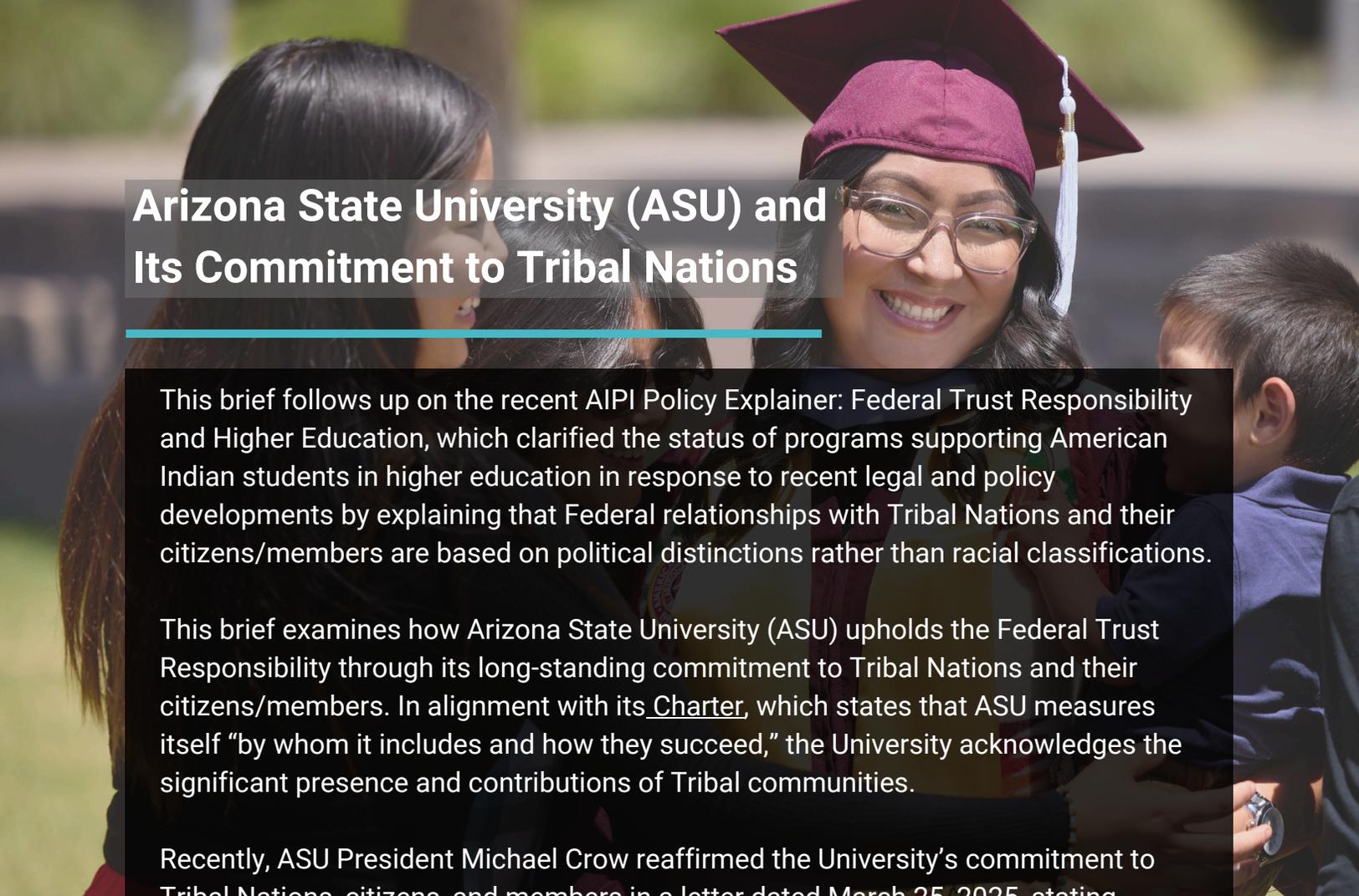


Policy Explainer

**The Role of Higher Education Institutes in  
Upholding the Federal Trust Responsibility**  
*As Applied by Arizona State University*

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*ASU is a comprehensive public research university, measured not by whom it excludes, but by whom it includes and how they succeed; advancing research and discovery of public value; and assuming fundamental responsibility for the economic, social, cultural and overall health of the communities it serves.*



## Arizona State University (ASU) and Its Commitment to Tribal Nations

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This brief follows up on the recent AIPI Policy Explainer: Federal Trust Responsibility and Higher Education, which clarified the status of programs supporting American Indian students in higher education in response to recent legal and policy developments by explaining that Federal relationships with Tribal Nations and their citizens/members are based on political distinctions rather than racial classifications.

This brief examines how Arizona State University (ASU) upholds the Federal Trust Responsibility through its long-standing commitment to Tribal Nations and their citizens/members. In alignment with its Charter, which states that ASU measures itself “by whom it includes and how they succeed,” the University acknowledges the significant presence and contributions of Tribal communities.

Recently, ASU President Michael Crow reaffirmed the University’s commitment to Tribal Nations, citizens, and members in a letter dated March 25, 2025, stating,

“Our relationship with tribal nations and communities is an extension of the federal trust responsibilities that are recognized in the U.S. Constitution, treaties, executive orders, and judicial decisions as a government-to-government relationship. ASU has established tribal consultation protocols that honor and recognize tribal sovereignty and self-governance—with longstanding investments in Indian country that generates economic vitality benefiting the entire State.”

He further reiterated ASU’s enduring commitment first articulated in his 2015 statement, “ASU Commitment to American Indian Tribes”:

Further, “We are dedicated to supporting tribal nations in achieving futures of their own making while building and strengthening leadership capacities to address challenges for Native nations in the 21st Century and beyond.”

## Legal Foundation for University Programs Serving Tribal Members/Citizens:

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As demonstrated in the Brief as mentioned earlier, the legal foundations for universities serving tribal members/citizens is based on the facts that 1) tribal citizenship is a political distinction, not a racial classification, 2) the Federal Government has a legal and treaty-based obligation to support American Indian education, and, 3) non-tribal universities have a role in upholding the Federal Trust Responsibility.

In a letter dated February 20, 2025, Tohono O'odham Nation Chairman Verlon Jose addressed this legal foundation in a statement to the Arizona State Senate leadership:

“Maintaining programs that benefit federally recognized tribes, and their members, does not amount to impermissible racial discrimination. It is important to acknowledge that state and federal programs, including university programs, designed to benefit federally recognized tribes, and tribal members, are not race- and sex-based preferences functioning under the guise of diversity, equity and inclusion.”

Chairman Jose notably highlights a critical legal distinction: educational initiatives grounded in Tribal citizenship and the federal trust responsibility are political in nature and therefore remain constitutionally valid and legally protected.



## ASU's Tribal-Focused Programs and Initiatives

### Research and Policy Centers

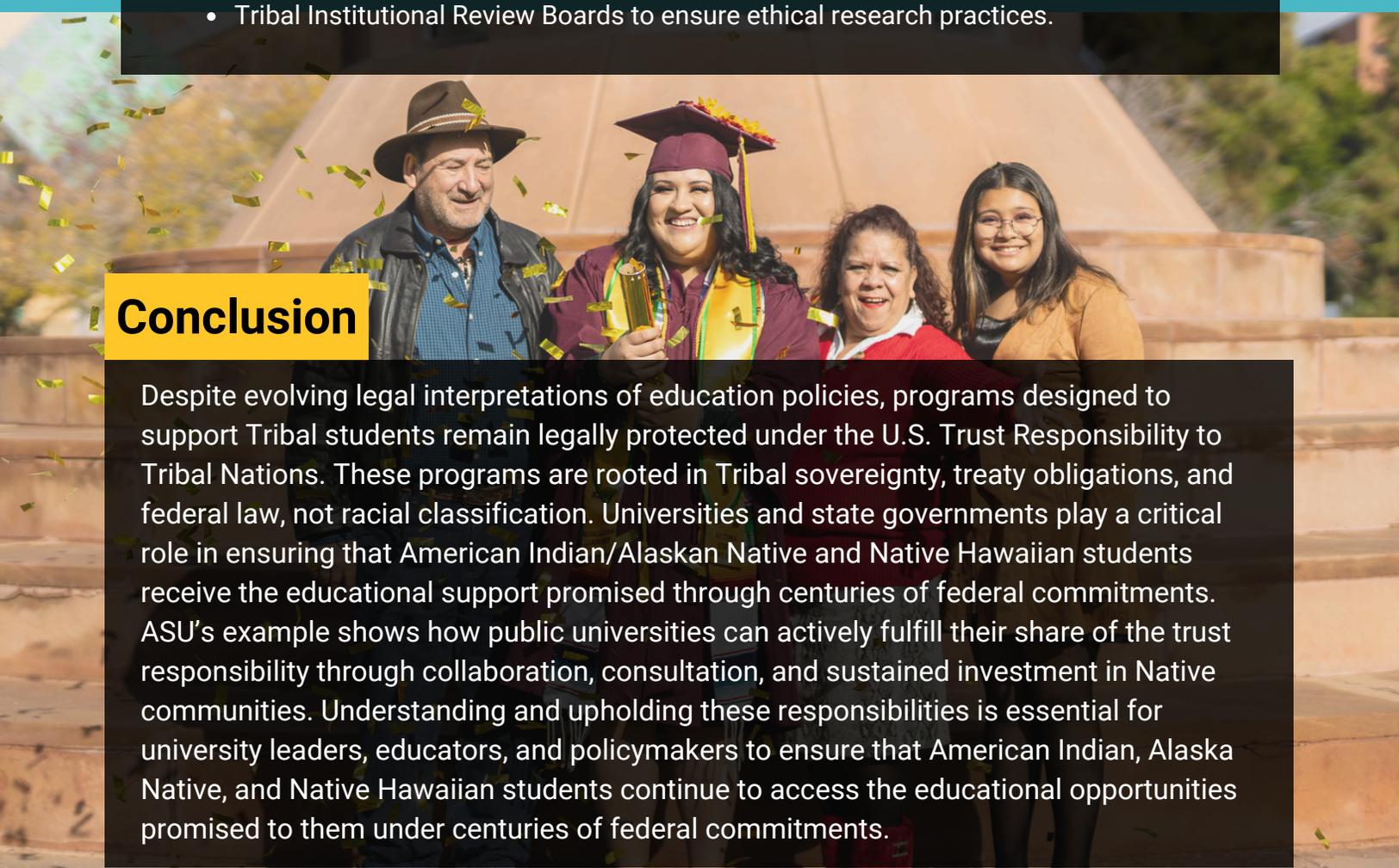
- [American Indian Policy Institute](#) – Focuses on Tribal governance and policy.
- [Center for Tribal Digital Sovereignty](#) – Supports Tribal governments in digital governance.
- [Indian Legal Program](#) – Trains the next generation of Indian country lawyers and leaders in partnerships with many Tribal Nations, private and governmental entities.
- [Center for Indian Education](#) – Researches American Indian/Alaskan Native and Native Hawaiian education.
- [Labriola National American Indian Data Center](#) – Provides resources for Tribal librarianship and archival research.

### Degree Programs

- [American Indian Law](#), [American Indian Studies](#), and [social work](#) programs specializing in American Indian/Alaskan Native and Native Hawaiian issues.

### Tribal Partnerships and Consultation

- Formal consultation processes with Tribal governments on research, land use, and education.
- Tribal Institutional Review Boards to ensure ethical research practices.



## Conclusion

Despite evolving legal interpretations of education policies, programs designed to support Tribal students remain legally protected under the U.S. Trust Responsibility to Tribal Nations. These programs are rooted in Tribal sovereignty, treaty obligations, and federal law, not racial classification. Universities and state governments play a critical role in ensuring that American Indian/Alaskan Native and Native Hawaiian students receive the educational support promised through centuries of federal commitments. ASU's example shows how public universities can actively fulfill their share of the trust responsibility through collaboration, consultation, and sustained investment in Native communities. Understanding and upholding these responsibilities is essential for university leaders, educators, and policymakers to ensure that American Indian, Alaska Native, and Native Hawaiian students continue to access the educational opportunities promised to them under centuries of federal commitments.

## References

Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988. (1988, April 28).  
<https://www.congress.gov/bill/100th-congress/house-bill/5>

Eugene Volokh, The California Civil Rights Initiative: An Interpretive Guide, 44 UCLA L. Rev. 1335 (1997) (“The government categorizes individuals based on political affiliation in various manners.... Tribal Indians ... are part of a political entity that is specifically recognized by federal law and the U.S. Constitution, rather than an ethnic group that lacks independent legal status.”)

Exec. Order No. 3416, 3 C.F.R. 3 (2025). <https://www.doi.gov/document-library/secretary-order/so-3416-ending-dei-programs-and-gender-ideology-extremism>

National Archives. (n.d.). Ending Illegal Discrimination and Restoring Merit-Based Opportunity. Federal Register: Executive Order 14173. <https://www.federalregister.gov/documents/2025/01/31/2025-02097/ending-illegal-discrimination-and-restoring-merit-based-opportunity>

Sandra Day O'Connor College of Law. (n.d.). Libguides: Indian law: Indian education. Indian Education - Indian Law - LibGuides at Arizona State University - College of Law. <https://libguides.law.asu.edu/indianlaw/education>

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