



EXPERT INSIGHT | Higher Education Reform Initiative

DEI SPELLS CRT: OHIO CAN STRENGTHEN THE INTELLECTUAL ENVIRONMENT AT STATE UNIVERSITIES WITH REASONABLE RESTRICTIONS ON CAMPUS DIVERSITY, EQUITY, AND INCLUSION INITIATIVES

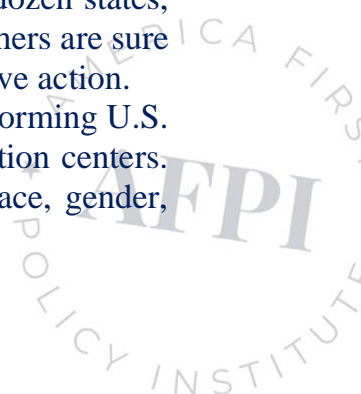
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TOPLINE POINTS

- ★ Diversity, Equity, and Inclusion (DEI) programs are radical offshoots of Critical Race Theory (CRT). Their effect on college campuses is to deepen divisions, set up race-exclusionary programs, and indoctrinate students into a far-left political ideology.
- ★ Legislation to end the use of DEI statements and screenings in faculty hiring, tenure, and student admissions—and ban mandatory DEI training—would strengthen free inquiry and improve viewpoint diversity on campus.
- ★ Universities can meet accreditor requirements and create truly welcoming, inclusive communities without establishing highly ideological DEI programs by adhering to state and federal anti-discrimination requirements and establishing support programs that help all students succeed, irrespective of their background.

Introduction

Legislation restricting highly ideological campus Diversity, Equity, and Inclusion (DEI) programs was proposed during the 2023 legislative sessions in more than a dozen states, including Ohio ([Lieb, 2023](#)). Bills in Florida and Texas have passed, while others are sure to be reintroduced next year if sessions concluded without successful legislative action. These reforms are long overdue. Campus DEI-industrial complexes are transforming U.S. colleges and universities from truth-seeking institutions to radical indoctrination centers. Their effect is to establish a campus viewpoint monoculture on issues of race, gender, sexuality, and class.



Not only does this campus monoculture chill student and faculty speech, but DEI's obsessive focus on visible features of identity teaches students to view each other and the world in terms of harmful and divisive stereotypes. As a result, campus DEI—a direct offshoot of Critical Race Theory (CRT)—is a leading contributor to deepening societal divisions and our Nation's coarsening public discourse.

The proposals being considered in Ohio this session are carefully tailored to address well-documented concerns. The state's main proposals include forbidding the use of diversity statements in student admissions and faculty personnel actions (including hiring), ending mandatory DEI training for students, protecting against compelled speech on controversial social and political issues, and implementing commonsense reforms designed to improve viewpoint diversity at public colleges and universities.

To understand the need for (and appropriateness of) these proposals, it is important to appreciate five things: (1) DEI is a direct offshoot of CRT, (2) DEI is destroying universities as truth-seeking enterprises, (3) reasonable limitations on DEI programs will strengthen academic freedom, (4) reasonable limitations will not hinder institutional accreditation or the pursuit of research funding, and (5) state action to shape the priorities of public universities is a legitimate exercise of legislative authority that does not impede vigorous enforcement of anti-discrimination protections.

1. DEI is a direct offshoot of CRT.

CRT attributes unequal outcomes across racial and other identity groups to structural racism and implicit bias at the individual level. As a result, CRT rejects race-neutral and color-blind policies. As Neil Gotanda explained in a foundational essay, “color-blind constitutionalism supports the supremacy of white interests, and must therefore be regarded as racist” (1995, p. 272). CRT applies the same criticism to race-neutral policies at public organizations and even private businesses. As Kimberlé Crenshaw, a founder of CRT, has explained, the solution is to “wage ideological and political struggle” to create new systems of thought while engaging in a “massive transfer of economic resources... to the black community” (1995, p. 103).

This is exactly what campus DEI programs are designed to do. Mandatory training on white privilege, implicit bias, and structural racism are designed to turn graduates into CRT activists—advocates for race preferences in every sector of social and economic life. Bias incident response teams, overly broad speech codes, and campus shout-downs are designed to punish dissent from this new way of thinking. This creates a system of thought that students absorb and inspires graduates to advance the far-left social justice agenda in their professional and personal lives.



The use of diversity statements in faculty hiring, tenure decisions, and student admissions has several pernicious consequences. It privileges applicants who can claim victim status, redirecting economic resources to favored identity groups, which inevitably punishes deserving applicants who have the wrong skin tone. These statements are also political litmus tests designed to replace truth-seeking faculty with DEI-aligned political activists. And they create powerful professional incentives for faculty to shift their teaching and research agenda from open academic questions to topics that advance a highly partisan political agenda.

None of this is speculative. DEI administrators openly admit they are promoting CRT—even while university leaders try to deny it. The National Association of Diversity Officers in Higher Education (NADOHE), the self-described “preeminent voice for chief diversity officers,” states its mission in terms drawn directly from CRT: to “advance equity and dismantle systemic oppression” at universities “worldwide” ([NADOHE, 2023](#)). The organization’s publications and academic journals are full of references to CRT, its leading thinkers, and divisive race-essentializing policies. NADOHE specifically advocates “anti-racist” reforms in 10 priority areas at universities around the country, including employee training, academic curriculum, institutional structure, and resource allocation. In other words, DEI’s goal is a wholesale transformation of the university to advance racial equity ([NADOHE, 2021, p. 6](#)). Its primary professional organization openly claims to be coordinating activities of DEI professionals around the world to use the university to engineer a new society.

2. DEI is destroying Ohio universities as truth-seeking enterprises.

DEI bureaucracies are enormous. As John Sailer has pointed out, at The Ohio State University (OSU), 132 people work on DEI in some capacity ([Sailer, 2023](#)). The cost runs to millions of dollars every year.

Campus DEI initiatives are not confined to a single, centralized campus office. Rather, it is best to think of DEI as an industrial complex of programs, people, and policies working together to create powerful incentives and career-threatening penalties that reach into every corner of the institution. These areas include faculty hiring and student admissions, academic curriculum, extracurricular programming, student housing and residential life, financial incentives for research and course development, assessment of personnel and programs at every level, codes of conduct and disciplinary procedures, and the messaging priorities of public relations and communications departments.

The result is a campus where students and faculty are afraid to dissent from a far-Left orthodoxy, which is anathema to intellectual diversity and free inquiry. Research has shown that students are self-censoring at alarming rates, including at Ohio’s largest public university. According to a 2022 survey of almost 45,000 students on 203 campuses conducted by the Foundation for Individual Rights and Expression (FIRE), 58% of OSU



students said they are “somewhat” or “very” uncomfortable disagreeing with a professor about a controversial topic ([FIRE & College Pulse, 2022, Question 2](#)). Only 21% of OSU students said that they do not feel any pressure to “avoid discussing controversial topics in [their] classes” ([Ibid., Question 24](#)). And when asked how often they felt they could not express their views because of how students, faculty, or the administration would respond, only 19% answered “never” ([Ibid., Question 21](#)).

The issues Ohio State students find most difficult to discuss are those directly related to DEI. Majorities said that it can be difficult to have open and honest conversations about abortion (51%), COVID-19 mandates (51%), gun control (50%), and racial inequality (54%) ([Ibid., Question 29](#)).

The FIRE survey research data for Ohio University (OU) paint a similar picture. The survey showed that 58% of OU students answered that they are “somewhat” or “very” uncomfortable disagreeing with a professor about a controversial topic ([FIRE & College Pulse, 2022, Question 2](#)). Only 29% said that they do not feel any pressure to “avoid discussing controversial topics in [their] classes” ([Ibid., Question 24](#)). When asked how often they felt they could not express their view because of how students, faculty, or the administration would respond, only 14% answered “never” ([Ibid., Question 21](#)).

At OU, students also find it most difficult to discuss social issues related to DEI, critical race theory, and radical gender theory. Majorities of OU students answered that it can be difficult to have open and honest conversations about abortion (50%), COVID-19 mandates (57%), police misconduct (53%), racial inequality (53%), and transgender issues (51%) ([Ibid., Question 29](#)).

A campus where students are afraid to discuss important issues of public policy is not one that truly values diversity or truth-seeking. When students are afraid to ask questions about controversial issues, a truly “small-l” liberal education that teaches students how to think instead of what to think vanishes. It *should be* a priority for state leaders to improve the intellectual climate at publicly funded universities as they deliver essential public goods.

3. Prohibiting ideological DEI programs will strengthen academic freedom and improve viewpoint diversity.

The proposed reforms do not reach into the classroom or faculty research. CRT is a collection of disputed academic concepts and should be debated vigorously in sociology academic journals, law school classrooms, and in public lecture series and debates. Of course, deliberation would be more likely if genuine viewpoint diversity were present on the faculties of public affairs disciplines. But that would require hiring professors willing to dispute the idea that the country and its institutions are systemically racist—exactly the kind of applicant diversity screens are most likely to disqualify.



Unfortunately, faculty are almost as afraid to engage in debate on controversial issues as students. In a 2022 survey of almost 1,500 faculty members conducted by the Foundation for Individual Rights and Expression, 51.5% of faculty members said they are very or somewhat worried “about losing [their] job or reputation because someone misunderstands something [they] have said or done” (FIRE, 2022b, p. 47). Two-thirds of faculty, 66.9%, said they have felt that they cannot express their opinion because of how students, colleagues, or the administration will respond often or occasionally (p. 41).

At universities that limit the power and influence of DEI administrators over faculty hiring, tenure decisions, and policies for investigating faculty expression, faculty will feel freer to teach and conduct research that advances scientific understanding. Over time, this will create a much healthier learning environment.

4. Reasonable limitations on DEI programs will not interfere with institutional accreditation or the pursuit of research funding.

Those who oppose legislation to rollback ideological DEI programs at public universities sometimes allege that accreditors mandate DEI programs. This view is profoundly mistaken. Standard 3.B. of the Higher Learning Commission’s (HLC) “Criteria for Accreditation” requires Ohio universities it accredits to “[recognize] the human and cultural diversity and provide students with growth opportunities and lifelong skills to live and work in a multicultural world” (HLC, 2020, 3.B.). This can be achieved through courses in the general education program, guest lectures, and extracurricular activities. It does not require mandatory indoctrination in an ideology derived from CRT, nor does it require the use of political litmus tests in faculty hiring or diversity statements in student admissions.

Standard 3.C. requires that the institution strive “to ensure that the overall composition of its faculty and staff reflects human diversity as appropriate within its mission and for the constituencies it serves” (HLC, 2020, 3.C.). This, too, can be achieved by adopting scrupulously fair HR policies. Faculty with diverse backgrounds can be recruited into search pools as long as DEI statements and screens are not used to tip the scales with political litmus tests of preferred victimhood identities. Mentorship and research support can be provided to all faculty to ensure that those from disadvantaged backgrounds do not face barriers to earning tenure and promotion. Indeed, several states have laws prohibiting race-based affirmative action; public universities in California, Michigan, Nebraska, and Idaho have had no trouble maintaining institutional accreditation.

Nothing in the proposed legislation would prevent schools from meeting other important obligations or adopting best practices related to student success. For example, they may still collect and disaggregate student success data, which must also be supplied to the Integrated Postsecondary Education Data System (IPEDS). Universities should task their institutional research offices with comparing those outcomes with outcomes at peer



institutions—i.e., universities with similar student populations. Once a best-in-class actor (and those making progress over time) are identified, universities should work to understand and implement every color-blind policy or resource that helps improve retention, persistence, and graduation rates across subpopulations. Nor would student support services that advance legitimate goals be affected by the proposal. The functions of tutoring and academic advising centers, counseling and disability services, the campus ministry, service-learning and career centers, testing centers, the office of student life and resident life, information technology, and other services would not have to change.

If Ohio’s traditional regional accreditor adopts new standards or criteria that force universities to adopt political litmus tests and diversity statements in student admission and faculty personnel actions or to deliver mandatory training in far-Left ideologies, the state can require institutions to find a new accreditor. Florida took this step in the 2022 legislative session, showing that states can assert this authority. Regulatory changes during the last presidential administration have broken the regional accreditation monopolies that restricted schools to an accreditor based on geographic location. This allows schools to seek accreditation under the principles best aligned with their missions ([Brickman, 2023, p. 7-10](#)). Texas has developed a second approach that would involve a state commission in determining which accreditors have the best quality assurance records.

Opponents of the proposal to enact commonsense restrictions on campus DEI programs have also charged that federal research grants could be imperiled by the legislation ([Inter-University Council of Ohio, 2023, p. 5](#)). This, too, is overblown fearmongering. As Peter Wood, president of the National Association of Scholars, observed in the context of the Texas debate on National Science Foundation funding and DEI, the “‘Broader Impacts’ statement grant applicants submit is commonly misconstrued as a DEI requirement. But applicants can also describe the impact of their research on ‘National Security,’ ‘Infrastructure,’ ‘Economic competitiveness,’ ‘STEM education,’ ‘Public Engagement,’ or ‘Partnerships’ between academia and industry” ([Wood, 2023](#)).

In other words, the fact that some researchers choose to underline the value of their research by explaining that it advances DEI priorities does not mean funders are not interested in projects that bring value in other ways. Equally true: the Ohio proposal would only restrict compelled speech, mandatory trainings that are highly ideological, the use of political litmus tests in personnel decisions, and other extreme actions designed to advance CRT’s divisive priorities. If a grant were only available to institutions engaged in highly divisive programs designed to indoctrinate students, why would Ohio’s public universities want to compete for them? Some grants do require universities to certify that they comply with civil rights laws. Nothing in Ohio’s proposal would interfere with a university’s nondiscrimination obligations or in any way prevent training campus staff and students on their legal responsibilities.



5. State action to restrict campus DEI is a legitimate legislative priority and consistent with anti-discrimination responsibilities.

Legislators have a responsibility to voters to ensure that universities are advancing the public interest. Ohio's approach to restricting DEI is laser-focused on preventing activist staff and administrators from using the university as a government agency to re-engineer society to advance a divisive policy agenda. It would violate norms of academic freedom and shared governance if the state were dictating the content of courses or punishing faculty for publishing disfavored research. That is not the proposal. States can—and should— forbid mandatory training that advances a partisan ideology, the use of political litmus tests in faculty hiring, and admissions policies that discriminate based on race.

All of this is consistent with the vigorous enforcement of anti-discrimination protections. In fact, it will be easier to comply with civil rights laws forbidding discrimination based on race and sex on campuses where DEI administrators cannot demand that hiring committees assess individuals differently based on candidates' "lived experience" with race and gender identity.

Nothing in the proposals would prevent Ohio universities from continuing to ensure that adverse employment actions are never made for discriminatory reasons. Universities can and should continue to train faculty and staff on state and federal anti-discrimination protections in employment. Similarly, restricting campus DEI programs would in no way interfere with federally mandated activities of Title IX offices or universities' responsibility to ensure students are not discriminated against based on their race under Title VI of the Civil Rights Act.

Conclusion

The number of campus shout-downs, academic cancelations, and speaker disinvitations grows every year. Campus DEI offices and programs are at the center of those efforts. They do not tolerate dissent and leverage every tool at their disposal to advance a rigid and uncompromising political ideology. Those who disagree often learn it is best to stay quiet on hot-button issues. According to the 2022 FIRE student survey, today only 37% of OSU students and 42% of OU students said it is "never" acceptable to shout down a speaker to "prevent them from speaking on campus" ([FIRE & College Pulse, 2022, Question 16](#)).

Restoring norms of free inquiry and viewpoint diversity will take years, if not decades. But it begins with reasonable restrictions on campus DEI programs. As the campus intellectual environment begins to improve and students begin to debate hot-button issues without fear, they will develop habits of respectful disagreement. They may even leave campus believing people of good will can disagree and make a few good friends on the other side of the political aisle. That, ultimately, is the best way to repair our fraying social fabric and



improve our coarsening public dialogue. Rebuilding norms of civil deliberation at public universities should be a priority in every state.



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