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DEI SPELLS CRT: LEGISLATION RESTRICTING DIVERSITY, EQUITY, AND INCLUSION PROGRAMS WILL IMPROVE THE INTELLECTUAL ENVIRONMENT AT MISSOURI UNIVERSITIES

Jonathan W. Pidluzny, Ph.D.

TOPLINE POINTS

- ★ Diversity, Equity, and Inclusion (DEI) programs are radical and divisive 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.
- ★ Reasonable limitations on the use of DEI statements and screenings in faculty hiring, tenure, and student admissions—and prohibitions against mandatory DEI training—will strengthen free inquiry on campus and improve viewpoint diversity.
- ★ Universities can meet accreditor requirements and create truly welcoming and inclusive communities without establishing highly ideological DEI programs. Schools can do so by scrupulously adhering to state and federal anti-discrimination requirements and by working to establish academic and student support programs that help all students succeed, irrespective of their background.

Legislation restricting highly ideological campus Diversity, Equity, and Inclusion (DEI) programs has been proposed in several states during the 2023 legislative session, including Missouri. These bills 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.

This monoculture not only chills student and faculty speech. DEI's obsessive focus on visible features of identity also teaches students to view each other and the world in terms of harmful and divisive stereotypes. In this way, 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.



Missouri's approach to this problem is reasonable and carefully tailored to well-documented concerns. The state's main proposals include forbidding the use of diversity statements in student admissions and faculty hiring, ending mandatory DEI training, and prohibiting the use of formal incentives to encourage students to submit to DEI indoctrination.

To understand the need for (and appropriateness of) these proposals, it is important to appreciate five things: (i) DEI is a direct offshoot of CRT, (ii) it is destroying universities as truth-seeking enterprises, (iii) reasonable limitations on DEI programs will strengthen academic freedom, (iv) reasonable limitations will not create barriers to successful accreditation, and (v) 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 trainings about 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, which creates a system of thought students absorb on campus that 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. They privilege applicants who can claim victim status, redirecting economic resources to favored identity groups, which inevitably punishes deserving applicants who have the wrong skin tone. They 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 the activities of DEI professionals around the world to use the university to engineer a new society.

2. DEI is Destroying the University as a truth-seeking enterprise

DEI is destroying intellectual diversity and free inquiry on campuses by creating a campus monoculture students are afraid to dissent from. Research has shown that students are exercising self-censorship at alarming rates, including at Missouri’s public flagship institution, the University of Missouri (“Mizzou”). According to a 2022 survey of almost 45,000 students on 203 campuses conducted by the Foundation for Individual Rights and Expression (FIRE), 67% of Mizzou students said they are “somewhat” or “very” uncomfortable disagreeing with a professor about a controversial topic ([FIRE & College Pulse, 2022, Question 2](#)). Only 16% of Mizzou 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 view because of how students, faculty, or the administration would respond, only 12% answered “never” ([Ibid., Question 21](#)).

The issues Mizzou students find most difficult to discuss are those most directly related to DEI. Majorities of Mizzou students said that it could be difficult to have open and honest conversations about abortion (65%), COVID-19 mandates (62%), gender inequality (55%), mask mandates (58%), police misconduct (51%), racial inequality (64%), sexual assault (57%), and transgender issues (60%) ([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 so that they can perform their important functions.

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

The reforms being proposed do not reach into the classroom or faculty research. CRT is a collection of disputed academic concepts. It should be debated vigorously in sociology academic journals, law school classrooms, and in public lecture series and debates. Of course, deliberation about its core contentions would be more likely to



occur if genuine viewpoint diversity existed on the faculties of public affairs disciplines. But that would require hiring professors willing to argue against 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 regarding controversial policy 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 that 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 governing the investigation of faculty for expressing a disfavored or offensive viewpoint, faculty will feel freer to teach and conduct research that advances scientific understanding. Over time, this will create a much healthier learning environment for students.

4. Reasonable limitations on DEI programs will not affect institutional accreditation

Standard 3.B. of the Higher Learning Commission’s (HLC) “Criteria for Accreditation” requires Missouri 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 extra-curricular 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 a diversity of backgrounds can be recruited into search pools as long as DEI statements and screens are not used to tip the scales based on political litmus tests of preferred victimhood identities. Faculty mentorship programs and internal research support can be provided to all faculty members to ensure that faculty from disadvantaged backgrounds do not face barriers to earning tenure and promotion.

Nothing in the proposed legislation prevents 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/resource that contributes to improvement in retention, persistence, and graduation rates across subpopulations. Nor are student support and academic support services that advance legitimate goals 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 Missouri's traditional regional accreditor adopts new standards or criteria that force universities to adopt political litmus tests and diversity statements in student admission and personnel actions or 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, demonstrating that states can assert authority in this area. Regulatory changes during the last administration have broken the regional monopolies to permit schools to seek accreditation under the principles best aligned with their missions ([Brickman, 2023, p. 7-10](#)).

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. Missouri'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 be a violation of norms of academic freedom and shared governance if the state was dictating the content of courses or punishing faculty for publishing disfavored research. That is not the proposal. States can—and should—forbid mandatory trainings that advance 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" related to race and gender identity.

Nothing in the legislative proposals would prevent Missouri universities from working to ensure that adverse employment actions are never made for discriminatory reasons. Universities can and should continue to train faculty and staff about state and federal anti-discrimination protections in an employment context. Similarly, restricting campus DEI programs will in no way interfere with the operations 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

When Melissa Click made headlines in 2015 calling for “muscle” to eject a student journalist covering a protest, the former University of Missouri Communications professor was channeling the spirit of campus DEI. Campus DEI does not tolerate dissent; DEI administrators use every tool at their disposal to create a campus viewpoint monoculture, which teaches graduates to be rigid and uncompromising political activists on campus and in society after they graduate. Those who disagree often learn it is best to stay quiet on hot-button issues. According to the 2022 FIRE student survey, today, only 40% of Mizzou 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 to 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 goodwill 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.



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