



ISSUE BRIEF | Higher Education Reform Initiative

DEI SPELLS CRT AT ARKANSAS UNIVERSITIES: REASONABLE RESTRICTIONS ON CAMPUS DIVERSITY, EQUITY, AND INCLUSION INITIATIVES WILL STRENGTHEN THE ACADEMIC CLIMATE

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TOPLINE POINTS

- Diversity, Equity, and Inclusion (DEI) programs are radical offshoots of Critical Race Theory (CRT), a Marxist doctrine that rejects equal treatment and meritocracy in favor of reverse discrimination to advantage favored identity groups. DEI operates 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.
- DEI's effect on college campuses is to deepen divisions, set up race-exclusionary programs, indoctrinate students into a far-left political ideology, and punish those who dissent from the new viewpoint orthodoxy.
- Legislation to end the use of DEI statements and screenings in faculty hiring, tenure, and student admissions—and to ban mandatory DEI training—would strengthen free inquiry and improve viewpoint diversity on campus. Carefully tailored legislation does not imperil institutional accreditation, eligibility for major federal grant funding, or compliance with civil rights laws.

Legislation to restrict highly ideological campus Diversity, Equity, and Inclusion (DEI) programs was proposed during the 2023 legislative sessions in more than a dozen states ([Lieb, 2023](#)). Bills in Florida ([SB 266](#) and [HB 931](#)) and Texas ([SB 17](#)) became law, legislation in Ohio was still under consideration in late 2023 ([SB 83](#)), and other measures are sure to be reintroduced in 2024. The ideas developed during these sessions are, in most respects, carefully tailored to address well-documented concerns. They provide an excellent model for Arkansas and the nation.

The most promising proposals are those that would forbid the use of diversity statements in student admissions and faculty personnel actions (including hiring), end mandatory DEI training for students and staff, protect against compelled speech on controversial issues, implement



commonsense initiatives to improve viewpoint diversity on campus, and defund centralized DEI offices that sit outside of the academic structure. These approaches, and how to implement them without violating norms of academic freedom and shared governance, are explored in detail in a recent AFPI research paper, *Reversing the Woke Takeover of Higher Education: Strategies to Roll Back Campus DEI* ([Pidluzny, 2023b](#)). The purpose of this issue brief is to show the need for reforms in Arkansas, specifically, and to respond to concerns raised by those opposed to commonsense DEI restrictions in other states.

Reforms are long overdue, especially in the wake of *Students for Fair Admissions v. Harvard*. In June 2023, the Supreme Court ruled that Harvard and the University of North Carolina were using race preferences in admissions in violation of the Equal Protection Clause of the 14th Amendment and Title VI of the Civil Rights Act (1964). Chief Justice Roberts explained that making race a plus factor or “determinative tip” for one student makes race a penalty for another, given the zero-sum nature of college admissions. He also observed that race stereotyping is inherently “offensive and demeaning” because it rests on the assumptions that students “of a particular race, because of their race, think alike” (*Students for Fair Admissions v. Harvard*, 2023, p. 29).

These two principles can be applied to other campus activities and, indeed, as Justice Thomas observed, “It has become clear that sorting by race does not stop at the admissions office” (p. 45-46). Public leaders and university administrators have a duty to comply with the Court’s holding. That work begins with a hard look at DEI offices, many of which operate race-exclusionary programs, require the use of DEI statements in faculty hiring, and oversee trainings that perpetuate race-essentializing and demeaning stereotypes ([Pidluzny, 2023a](#)).

Campus DEI-industrial complexes also affect the intellectual environment at U.S. colleges and universities, transforming them 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 that students take with them into society after graduation.

Not only does this 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. Indeed, a growing body of survey research shows that as universities enlarge their DEI infrastructure, student and faculty report falling rates of satisfaction with the campus climate for inclusion ([Greene & Paul, 2021, p. 14](#); [Pidluzny 2023b, p. 10-11](#)).

To understand the need for reforms in Arkansas (and the appropriateness of measures modeled on the Florida and Texas legislation), 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 will not impede vigorous enforcement of anti-discrimination protections.



It took years for radical academic theories to capture the country’s culture-shaping institutions—from public schools to the national media. Turning back the highly ideological takeover of higher education is therefore the first step toward restoring Americans’ historic commitment to freedom, equality, and self-governance. States that make rolling back DEI a priority will see the effort repaid severalfold in the coming years and decades. University systems will do much more to advance the public interest when they prioritize training students for professional success, driving scientific research forward, and equipping citizens with the civic literacy—and shared understanding—necessary to reinvigorate a civil public dialogue.

1. DEI is a direct offshoot of CRT.

CRT attributes all 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, advocating for reverse discrimination over equal treatment and meritocracy. Neil Gotanda, a leading proponent of CRT, advanced this idea in a foundational essay, asserting that “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. Kimberlé Crenshaw, who helped found CRT as an area of academic study, argues that 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 is 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. Students absorb this system of thought, and when they graduate, they are inspired 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 agendas 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—equality of outcomes across identity groups achieved by reverse discrimination if necessary. ([NADOHE, 2021, p. 6](#)). The primary professional organization for diversity officers 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 Arkansas universities as truth-seeking enterprises.

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 ([Pidluzny, 2023b, p. 6](#)).

While one Arkansas university, the state flagship in Fayetteville, dissolved its centralized DEI office in response to legislative scrutiny this summer, the office's mission illustrates how it worked to shape the campus in recent years—and strongly suggests its mark will be lasting ([Knox, 2023](#)). A strategy document, recently removed from the university website but archived by AFPI, couched the office's purpose and pillars in terms drawn from CRT: "Our [g]oal [is to] be recognized worldwide for... excellence as...[an] antiracist institution." The office's long-term strategy, meanwhile, was to exert influence beyond campus walls by developing a statewide "knowledge and resource hub for transformational change... and antiracism work" ([University of Arkansas, 2021](#)). Of course, "antiracism" is code for reverse discrimination. Leading CRT thinker Ibram X. Kendi states it plainly in the book that popularized the term: "the only remedy to racist discrimination is anti-racist discrimination. The only remedy to past discrimination is future discrimination" (Kendi, 2019, p. 19).

DEI learning objectives have also infused the general education program—that is, the course of study common to all students—at the University of Arkansas. This effectively makes coursework in CRT a mandatory condition of graduation. For example, Goal 4 of the core curriculum is to "expand diversity awareness, intercultural competency, and global learning." Students must complete one course from a list of courses designed to "interact appropriately within intercultural contexts" and a second course from a list designed to develop "familiarity with concepts of diversity in the United States" ([University of Arkansas, 2023](#)). The learning outcomes for both course lists are full of CRT buzzwords. To satisfy certain outcomes, a course must be designed to teach students to "[e]xplain the historical and/or contemporary construction of difference through analysis of power structures, privilege, and explicit or implicit prejudice, and their roles in fostering discrimination and inequalities," and it must develop the skills of social justice activists, including "change management skills for achieving social equity" ([University of Arkansas, 2023](#)).



When DEI programs are allowed to reshape the intellectual life of a campus, students and faculty are left afraid to dissent from a far-Left orthodoxy, which is anathema to intellectual diversity and free inquiry. Research has shown that students are already self-censoring at alarming rates at Arkansas universities. A 2023 survey of almost 55,000 students on 248 campuses nationwide, conducted by the Foundation for Individual Rights and Expression (FIRE) as part of their 2024 college free speech rankings project, provides campus-specific evidence. Fully 74% of students at the University of Arkansas (UA) said they are “somewhat” or “very” uncomfortable publicly disagreeing with a professor about a controversial topic ([Question 1](#)). Only 9% of UA students said that they “never” self-censor during classroom discussion, while 8% said they “never” self-censor in conversations with other students on campus ([Question 20 & 22](#)).

Which issues do UA students find most difficult to discuss? Those directly related to DEI. Majorities said that it can be difficult to have open and honest conversations about abortion (69%), gay rights (57%), gender inequality (51%), gun control (62%), racial inequality (52%), and transgender rights (62%) ([Question 24](#)). Alarming, fully 49% said that they cannot have an open and honest conversation about religion.

The FIRE data for Arkansas State University (ASU) paint a similar picture. The survey showed that 68% of ASU students answered that they are “somewhat” or “very” uncomfortable publicly disagreeing with a professor about a controversial topic ([FIRE & College Pulse, 2023, Question 1](#)). Only 3% of ASU students said that they “never” self-censor during classroom discussion while 8% said they “never” self-censor in conversations with other students on campus ([Question 20 & 22](#)).

ASU students also find it most difficult to debate social issues related to DEI, critical race theory, and radical gender theory. Large numbers, and in some cases a majority, answered that it can be difficult to have open and honest conversations about abortion (57%), gay rights (45%), gender inequality (44%), racial inequality (46%), and transgender rights (55%; [Question 24](#)). At ASU too, a near majority, 42% of students, said that they cannot have an open and honest conversation about religion.

Campuses that are inhospitable to deliberation and debate about important issues of public policy do not truly value diversity or truth-seeking. When students are afraid to ask questions—or speak openly about their faith commitments—a truly “small-l” liberal education that teaches students how to think instead of what to think vanishes. It should therefore 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.

Reasonable reforms, including most of those proposed in Texas and Florida, do not reach into the classroom or into faculty research, a point that should be underlined in the legislative text. CRT is a collection of disputed academic concepts and should be debated vigorously in academic journals, college classrooms, and in public lecture series and debates. Of course, deliberation



would be more likely if genuine viewpoint diversity were present on the faculty. 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 are. In a 2022 FIRE survey of almost 1,500 faculty members nationwide, 51.5% said they are very or somewhat worried “about losing [their] job or reputation because someone misunderstands something [they] have said or done” ([FIRE, 2022, p. 47](#)). Fully two-thirds of faculty, 66.9%, said they have “often” or “occasionally” felt that they could not express their opinion because of how students, colleagues, or the administration would respond (p. 41).

If universities 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. State legislators can take proactive steps to improve viewpoint diversity on public campuses by founding interdisciplinary centers dedicated to improving civic literacy and reinvigorating policy deliberation in the public affairs disciplines. Arizona was the first state to launch such an initiative in 2017, when the legislature funded the School of Civic and Economic Thought and Leadership at Arizona State University ([Arizona State University, n.d.](#)). Similar academic centers have been founded in Tennessee, Florida, Ohio and Texas in recent years ([Pidluzny, 2022](#); [Carrese, 2023](#)).

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

Those who oppose legislation to roll back ideological DEI programs at public universities sometimes allege that higher education accreditors, which serve as *de facto* gatekeepers for Title IV funding (federal student loans and Pell grants), mandate DEI programs through their accreditation standards and criteria. This claim is profoundly mistaken.

Arkansas universities have traditionally been accredited by the Higher Learning Commission (HLC). Standard 3.B. of HLC’s “Criteria for Accreditation” requires Arkansas universities 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 viewpoint- and race-neutral 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, universities would still be able to collect and disaggregate student success data, which must also be supplied to a national database managed by the Department of Education. Indeed, universities should task their institutional research offices with comparing those outcomes with outcomes at peer institutions—that is, 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. This would help students from all backgrounds flourish without flooding the campus with divisive, race-essentializing concepts.

Nor would student support services that advance legitimate goals be affected by the proposal. Tutoring and academic advising centers, counseling and disability services, the campus ministry, service-learning and career centers, international student centers, testing centers, offices of student life and resident life, and information technology (among others) would not be required to operate differently. Reasonable institutional functions that operate within a centralized DEI office at some schools—for example, management of a pipeline program that works to strengthen student outcomes at high schools in a university’s service region—can, and should, continue to operate. Universities would, in fact, be well served by repurposing some of their investment in divisive and ideological DEI programs to build up race-neutral programs designed to help all students make the most of their time on campus, a topic explored in greater depth in AFPI’s research paper, *Reversing the Woke Takeover of Higher Education: Strategies to Roll Back Campus DEI* ([Pidluzny 2023b, p. 21-22](#)).

If HLC adopts new standards or criteria in the future 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 public colleges and universities 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 ([Texas SB 2335 2023](#)).

Opponents of proposals 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: existing legislative models restrict only 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. Other activities that are often grouped in with DEI—for example, developing courses that promote cross cultural understanding or research about the best ways to close the Black-white achievement gap in K-12 schools—would not be affected in any way. In the rare case that a grant is available only to institutions engaged in highly divisive programs designed to indoctrinate students, why would Arkansas’s public universities want to compete for them? Some grants do require universities to certify that they comply with civil rights laws. But again, nothing in existing models in any way interferes with a university’s nondiscrimination obligations or in any way prevents 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. Arkansas can devise an approach to campus DEI that 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 without violating norms of academic freedom or shared governance. If, on the contrary, the state was dictating the content of courses or punishing faculty for publishing disfavored research, that would raise a bona fide problem and the possibility of legal intervention. The existing models do nothing of the sort, and Arkansas legislators can make clear—in the text of the legislation itself—that their reform would not reach into the classroom or research activities.

Bills carefully tailored to prohibit mandatory training that advances a partisan ideology, the use of political litmus tests in faculty hiring, and admissions policies that discriminate based on race are also perfectly consistent with vigorous enforcement of anti-discrimination protections. In fact, it will be easier to comply with civil rights laws that forbid discrimination based on race and sex on campuses where DEI administrators cannot demand that hiring committees assess individuals differently based on their “lived experience” with race and gender identity.

Nothing in the existing models would prevent Arkansas 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 often at the very center of those efforts ([Lawson & Pidluzny, 2023](#)). 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 2023 FIRE student survey, today only 29% of University of Arkansas students say it is “never” acceptable to shout down a speaker to “prevent them from speaking on campus” ([Question 9](#)).

Restoring norms of free inquiry and viewpoint diversity will take years, if not decades. But it begins with reasonable restrictions on politicized and divisive 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 that 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. Rebuilding norms of civil deliberation at public universities should be a priority in every state.



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