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REVERSING THE WOKE TAKEOVER OF HIGHER EDUCATION: STRATEGIES TO DISMANTLE CAMPUS DEI

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TOPLINE POINTS

- ★ Campus Diversity, Equity, and Inclusion (DEI) efforts are a *direct* offshoot of Critical Race Theory (CRT). DEI officers see their work as an overdue response to structural racism and believe the university should be used to re-engineer American society away from color-blind meritocracy and toward equality of outcomes.
- ★ DEI efforts infuse virtually every aspect of campus life and create powerful incentives for people who comply and career-threatening penalties for those who do not. Universities are increasingly using ideological litmus tests in faculty hiring and tenure decisions, which will supercharge the politicization of the university.
- ★ State leaders can combat the most pernicious effects of DEI by replicating the bold reform initiatives in Florida, Texas, Tennessee, and North Carolina—without violating norms of academic freedom or shared governance.

Introduction

In early January 2023, Florida, already the nation's leader in higher education reform, signaled renewed attention to the politicization of state colleges and universities when the Governor's office published a letter to Florida's higher education leaders. The inquiry required state schools to map their spending on Diversity, Equity, and Inclusion initiatives (DEI; [Spencer, 2022](#)). A month later, Gov. Ron DeSantis announced plans to shut down DEI programs and offices, prohibit the use of political litmus tests in faculty hiring, and legislate governance reforms to ensure that academic programs serve the public interest ([Office of Governor DeSantis, 2023a](#)).



Other states followed, and legislation to rein in out-of-control DEI offices ultimately passed in both Texas and Florida, but only after fierce debates and a series of amendments in the state legislatures (Lu et al., 2023). These efforts are a vital first step toward reinvigorating the truth-seeking and workforce preparation functions of publicly funded American universities. They provide lessons for other states, including those where reform efforts stalled in 2023.

To this point, policymakers have struggled to gain traction in battles to dismantle, or even slow the growth of, campus DEI apparatuses because “diversity,” “equity,” and “inclusion” sound like admirable goals. This report explains why the proliferation of DEI personnel and programming on college and university campuses is, in fact, one of the most serious threats to universities today, going well beyond the documented left-wing bias of most academic faculties.

Not only is DEI hostile to the traditional truth-seeking and knowledge-dissemination functions of higher education, it is a direct offshoot of critical race theory, a legal philosophy that blames implicit bias and structural racism for inequitable outcomes across identity groups. Where DEI takes hold, universities are transformed into lavishly funded political action centers that are more interested in rewriting the country’s history and training partisan activists than in delivering a truly liberal education or advancing scientific understanding.

Restoring America’s historic commitment to freedom, equality, and self-governance must begin on college campuses, where nothing is more urgent than turning back a highly ideological takeover. The task is complicated by the fact that DEI activities are embedded into virtually every function of many colleges today. Understanding how this is transforming universities, and mapping DEI programs and expenditures, is an overdue first step toward a concrete solution.

DEFINITIONS

Critical Race Theory posits that racism in the United States is structural or systemic in the sense that it is deeply embedded in legal codes, institutions, and social norms. CRT also contends that implicit bias (or inherent racism) at the individual level perpetuates discrimination and blinds people to their own prejudice. As a result, CRT contends, race-neutral and color-blind policies perpetuate inequalities and the supremacy of white interests. Critical race theorists therefore advocate for racial preferences, reallocation of resources, and aggressive “ideological and political struggle” to change the way individuals think about racial justice.

Antiracism requires deliberate and self-conscious attention to eradicating policies that lead to unequal outcomes across identity groups. It is not enough to eliminate discrimination and prejudice, or to treat every individual with dignity and respect, according to antiracism proponents. Antiracists work aggressively to realize an egalitarian society, even if it means discriminating against some individuals (in favor of others) based solely on identity characteristics such as skin color.

Diversity activists are most concerned about programs and policies that improve the condition of members of historically disadvantaged groups, who are viewed as victims of ongoing racism and oppression. Diversity proponents are not focused on eliminating barriers to success so that every individual—regardless of race, sex, sexuality, or gender identity—has the same opportunities to succeed. They are focused instead on reforms that remediate past injustices with preferential treatment for those viewed as victims today.

Equity proponents work toward equality of outcome across identity groups. They argue that disparities in achievement must be eliminated because they are always evidence of racism and oppression, even without evidence of racist intention. Policies, practices, and norms must change to ensure equality of outcome, even if it means lowering academic standards or discriminating against members of high-achieving groups, including in college admissions.

Inclusion advocates are primarily concerned with ensuring that members of historically disadvantaged identity groups are comfortable on college campuses. This can lead to race-exclusionary spaces, events, and opportunities, as well as initiatives designed to forbid speech deemed offensive by some members of minority groups (for example, microaggressions).

The U.S. Supreme Court's decision in *Students for Fair Admissions v. Harvard* (2023), which effectively reverses a 2003 holding that allowed limited use of race preferences in the name of campus diversity, should energize reformers. The ideal expounded by the Court's majority—to “[do] away with all governmentally imposed discrimination based on race”—underscores the need for public institutions to move toward colorblindness in their programs and policies.

The second half of this report proposes state-based policy solutions, including seven concrete recommendations for commonsense reforms. It also explains how states can avoid overstepping important constitutional boundaries so that reforms have their intended effect of strengthening academic freedom without violating norms of shared governance (i.e., the academic faculty's legitimate authority over curricular specifics).

SECTION ONE

The DEI apparatus is pervasive and far-reaching on most campuses.

If the campus obsession with “diversity” does not date to *Grutter v. Bollinger*, a 2003 case in which the U.S. Supreme Court held that universities may consider race in admissions as part of a holistic review, the decision inadvertently supercharged it. In the more than two-decade-old decision, the Court explained that universities could consider race because they have an interest in “the educational benefits that flow from a diverse student body” (*Grutter v. Bollinger*, p. 21). The Court expected universities would use race preferences to promote intellectual and viewpoint diversity (“a goal that is of paramount importance”) and specifically acknowledged a school's “right to select those students who will contribute the most to the ‘robust exchange of ideas’” (*Grutter v. Bollinger*, p. 17).

In the decades since the decision, however, universities have disregarded the Court's rationale for allowing limited use of race preferences. When *Students for Fair Admissions* sued Harvard, it claimed that the university's use of race amounted to “an anvil on the scale that dominates the entire process.” The Court agreed when it decided *Students for Fair Admissions v. Harvard* (and a related case involving the University of North Carolina) at the end of its 2023 term. Chief Justice Roberts wrote that the universities used race as a “determinative tip” for a significant number of African American and Hispanic students (*Students for Fair Admissions v. Harvard*, p. 3). As a result, race was being used as a “negative” for Asian-American applicants in zero-sum admissions processes and the universities' policies were embracing “stereotypes that treat individuals as the product of their race.” For both reasons, the Court ruled that the universities violated the Equal Protection Clause of the Fourteenth Amendment (Ibid., p. 28-30).

The ruling could dramatically constrain the use of race preferences in admissions but also reach beyond enrollment offices. In reaffirming that the “core purpose” of the Equal Protection Clause is “do[ing] away with all governmentally imposed discrimination based on race,” the Court sent a strong message to universities that some other race-centered policies will also have to change (Ibid., p. 14). In effect, the Court put universities around the country on notice that it will no longer simply trust that they are not considering race in ways that violate the U.S. Constitution and Title VI of the Civil Rights Act.

Many of the violations will be found in the diversity apparatuses and processes that sprang up after the *Grutter* decision on campuses nationwide, (*Pidluzny, 2022c*). Those who have not spent time on their college campuses recently would scarcely recognize them today. Administrative professionals working to advance diversity, equity, and inclusion efforts are not just disproportionately left-leaning

when it comes to voting behavior and political affiliation. Their goal is to overtly use the university to transform society, rather than as a way to discover and disseminate knowledge through open inquiry.

Unlike their faculty colleagues, DEI administrators have generally not undertaken doctoral research in a traditional arts and sciences discipline, a years-long process that socializes future professors to norms of academic freedom and reasoned disagreement in the disciplinary literature.¹ Instead, they come predominantly from disciplines that have been reshaped by critical theory, colleges of education (many of which have been captured by neo-Marxist ideology), and new professional programs focused on DEI.

Their goals are expressed straightforwardly by universities with such programs, including top-ranked schools such as Harvard and Georgetown that offer certificate programs in DEI. Georgetown University's DEI certificate promises to arm graduates with "the overarching tools needed to transform every space you enter" ([Georgetown University, 2023](#)). The country's top-ranked graduate program in Education at the University of Pennsylvania expresses a commitment to "[active] engage[ment] in ongoing learning and dialogue about race, equity, and inclusion" in order to "[prepare] anti-racist educators and researchers." (The term "anti-racist" is code for discrimination against members of groups perceived as privileged

in order to equalize their outcomes with historically disadvantaged groups; [University of Pennsylvania Graduate School of Education, n.d.](#)). The "Studies" disciplines that train so many activist administrators routinely express their missions in similar terms. The doctoral program in Justice Studies at Arizona State University, one of the largest campuses in the country, aims to prepare graduates to "examine the intersecting forms of injustice, engage multiple visions of justice, and get ready to transform communities by empowering those silenced by inequality" ([Arizona State University, n.d.](#)).

These programs capture the mindset and purpose of campus DEI administrators in a nutshell: to reorient the university to deploy its immense influence to turn tomorrow's teachers, journalists, public servants, filmmakers, and parents into advocates for a far-left version of social justice. To get a sense of how profoundly DEI activities are reshaping campus life, it helps to understand three things: 1) what diversity activists mean by "diversity," "equity," and "inclusion"; 2) how pervasively DEI has insinuated itself throughout the university; and 3) that DEI is a direct offshoot of Critical Race Theory.

The terms "diversity," "equity," and "inclusion" are deceiving misnomers, designed to obscure the true purpose of DEI programs. In fact, diversity officers are vehemently opposed to intellectual and viewpoint diversity and focus obsessively on a narrow cluster of issues related to race, sexuality,

1 Concerns about campus DEI are separable from longstanding complaints that college faculties have a strong leftward bias, which is well established. A recent study of faculty voter registration and political contributions in public affairs disciplines conducted by Mitchell Langbert and Sean Stevens found Democrat to Republican registration ratios ranging from 3:1 in Economics to 27:1 in English and 42:1 in Anthropology ([2020](#)). To be sure, students would benefit immensely from a broader diversity of political and ideological viewpoints on the faculty—not just to enrich the marketplace of ideas in the classroom but also the extracurricular environment shaped by the events faculty organize and the student clubs they sponsor and mentor. But a strong liberal bias among professors is not the most serious threat to students' expressive rights or a truly liberal education. While some professors fail in their professional responsibility to "be careful not to introduce into their teaching controversial matter which has no relation to their subject," strong incentives have traditionally directed most to focus on teaching and research directly related to their academic expertise ([AAUP, 1940](#)). The widespread use of DEI screens in faculty hiring is beginning to change this, a point explored late in the paper.

and gender identity—and do so in exclusionary ways. In the name of diversity, elite universities have actively discriminated against Asian students in the admissions process ([Hartocollis 2018](#)). Few institutions include Jewish students in their diversity programming or make any real effort to combat campus antisemitism ([Olidort & Pidluzny, 2022, p.2](#)). An analysis of the Twitter history of 741 DEI administrators at 65 universities undertaken by Jay Greene and James Paul found that fully 96% of their Tweets about Israel “were critical of the Jewish state,” suggesting that DEI personnel are leading contributors to campus antisemitism ([Greene & Paul, 2021, p.2](#)). Far from fostering inclusion, many have developed neo-segregationist programs that exclude and stigmatize entire segments of the campus population based on skin color or gender, as we will see in detail.

Equity, meanwhile, means equality of outcome, not of opportunity, which makes DEI professionals vocal opponents of high academic standards or meritocracy in general. Not only do DEI officers tend to oppose using standardized test scores in admissions (first during the pandemic, now forever), they also opposed assigning grades during the pandemic (notwithstanding the harm to students applying to medical and graduate schools; [Pidluzny, 2020](#)). DEI professionals lead efforts to penalize faculty whose high standards result in higher-than-average attrition or failure rates ([Calarco, 2022](#)). Advocates of “teaching for equity” oppose standard grading practices in the classroom because they are really “grading students on their privilege” ([Calarco, n.d.a](#)). One alternative they propose, “ungrading,” assigns course grades based on students’ “own self-assessment of [their] work”; another gives students multiple opportunities to complete required work if they cannot pass the exam on the first try ([Calarco, n.d.b](#)).

Other DEI leaders argue that efforts to help underprepared students succeed (for example, by providing free, high-dosage tutoring) perpetuate

racism and reflect a racist mindset. Instead of supporting efforts to prepare students to succeed in their programs, DEI leaders push institutions to change radically by eliminating academic requirements for entry into selective majors if fewer minority students are graduating from them ([Nance, 2021](#)). With this mindset, an engineering program that requires a math SAT score predictive of success in advanced calculus is discriminatory because African American and Hispanic students are less likely to have completed advanced mathematics courses in high school. Instead of ensuring students are maximally prepared to enter the workforce and contribute to society, the important thing from this point of view is that academic programs transform themselves so that students from historically disadvantaged identity backgrounds are graduating from programs with high prestige and high difficulty at the same rates as students who have traditionally succeeded in them.

DEI staff and initiatives are not confined to a single, university-wide office focused on peripheral activities or extra-curricular programming (though the central office is generally well-funded and led by an executive-level administrator). Rather, advancing DEI has come to feature prominently in university mission statements. The largest academic subdivisions of the university—generally called “colleges” or “schools”—each have their own diversity committees and staff. Diversity programs are pervasive in student and residential life divisions. Individual academic departments are often required to convene their own diversity committees, write diversity plans, develop courses that advance diversity objectives, and report annually on their contributions to the university’s global diversity goals. Human resources offices create policies that prioritize diversity objectives throughout the hiring process. Admissions and enrollment services divisions often make it their mission to recruit student activists to campus, screening for them with highly political admissions

essay prompts and questions. And all of this is generally mandated by a sprawling university-wide “diversity plan” that provides a blueprint for transforming the institution.

As John Sailer has pointed out, DEI bureaucracies are enormous: 132 people at The Ohio State University and 70 at Princeton (a college with an undergraduate enrollment of 5,300 students; [Sailer, 2023](#)). At the University of California-Berkeley, 400 hundred people (150 staff and 250 students) work on DEI in some form, by the institution’s own admission—their total annual budget: \$25 million ([Schneider, 2021](#)). That is a larger investment in DEI than in many, if not most, fields of academic study. Jay Green and James Paul studied the diversity bureaucracy at 65 universities that make up the five “power” athletic conferences. On average, they employed 1.4 diversity administrators for every tenure-eligible member of the history faculty ([Green and Paul, 2021, p.13](#)). DEI has effectively become the university’s center of gravity.

It is best to think of DEI as an industrial complex — programs, people, and policies working together to create powerful incentives and career-threatening penalties that reach into every corner of the institution. This includes faculty hiring and student admissions, new 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 communications departments. The list could go on.

The DEI takeover of a university does not happen organically or haphazardly. It is planned and carefully executed by highly compensated senior administrators. As Scott Yenor has detailed in a revealing 2023 report, “How Texas A&M Went Woke,” DEI administrators begin by developing comprehensive, multi-year, plans to transform their

institutions. At Texas A&M, the 2010 Diversity Plan was an important turning point. In Yenor’s words, it called for “unrelenting dedication to examining practices and policies that impact admissions, hiring, promotion, graduation, resource allocation, budgeting, safety, assessment, accessibility, and expressive activity” (Yenor, [2023, p. 13](#)). In a little more than 10 years the university, where most changes happen at a snail’s pace, has undergone a profound and continuing transformation. As Yenor sums up:

As a result of more than a decade of determined action, A&M today resembles UT-Austin more than the old Texas A&M. As we have shown, A&M has more DEI administrators than UT-Austin. A&M’s core curriculum has more diversity requirements than UT-Austin. A&M ties budgeting to DEI promotion. Nearly every college has DEI sown into its mission. Nearly every college has a DEI administrator or committee. This is and should be shocking to those taken with the distinctive mission of A&M (p. 35).

Perhaps most importantly, DEI is a direct offshoot of Critical Race Theory (CRT). University administrators often try to deny this. For example, after the Idaho state legislature took action to cut funding for social justice activism at state universities in 2021, the universities doubled down on their DEI initiatives by making the dubious argument that “there is no critical race theory in Idaho, only diversity, equity, and inclusion.” ([Miller, 2021](#)).

The dependence of DEI practices on critical race theory is, in fact, easy to establish. DEI officers understand their work as an overdue corrective to solve the problems in American society that critical theorists lament— specifically, the structural nature of prejudice, inequality, and oppression. We know this because the National Association of Diversity Officers in Higher Education (NADOHE), the

self-described “preeminent voice for chief diversity officers,” states it openly. NADOHE expressed its main objective in CRT’s terms: to “advance equity and dismantle systemic oppression” at universities worldwide ([NADOHE, 2023](#)). DEI administrators from across the country attend its meetings, contribute to its academic journal, and read its best practices materials. Its influence is a major reason DEI efforts appear to be so well coordinated.

The association rejects colorblind and race-neutral policies and advocates instead for “antiracist” reforms to virtually every aspect of university life. It identifies 10 priorities, including training, academic curriculum, institutional structure and resource allocation—that is to say, it aspires to a wholesale transformation of the university to advance racial equity ([2021, p. 6](#)). Its publications routinely cite Ibram X. Kendi and other leading critical theorists to argue that “interpersonal, institutional, and systematic levels of racism” are functions of “the culture of white supremacy” ([NADHOE, 2021, 8](#)). Its “Standards of Professional Practice” explains that chief diversity officers have an ethical and legal obligation “to frame their work from comprehensive definitions of equity, diversity, and inclusion.” Those definitions rely on leading critical race theorist Kimberlé Crenshaw’s concept of “intersectionality” ([NADHOE, 2020, p. 7](#)). The association’s 2023 conference announcement (which helpfully provides participants with a link to book the Four Seasons hotel) promises a program to help “diversity and institutional leaders... strengthen structural equity,” “dismantle systemic barriers,” and “advance anti-racism and... racial equity” ([NADHOE, 2023](#)).

The association’s flagship academic publication, the *Journal of Diversity in Higher Education*, also demonstrates how DEI is just CRT repackaged ([February, 2023](#)). The lead article in the February 2023 volume investigates “whether distress related to the Trump presidency, activism, and peer social support may directly or interactively

influence minoritized college students’ symptoms of anxiety and depression” ([Albright & Hurd, 2023](#)). Another article laments that “White racial allies [appropriate] racial justice language without actively working to dismantle oppressive systems” ([Mathew et al., 2023](#)). A third, openly claiming to build on the work of Crenshaw and CRT pioneer Derrick Bell, presents a new “behavior model... that represents the inextricable link between racial consciousness and White faculty behaviors that either challenge or serve White interests and, consequently, White supremacy” ([Haynes, 2023](#)). Yet another, this time building on CRT giants Richard Delgado and Jean Stefancic, looks at the “lived experiences of 19 Black art students” to find that “the subjective nature of critique often allowed for racially biased responses by faculty and peers”; the authors urge administrators, faculty, and staff to “address institutional inequities in assessment practices” ([Unfkefer et al., 2023](#)). In short, it is impossible to read the materials of the premier national organization for university diversity officers without concluding that its dominant purpose is to advance the policy objectives of critical race and gender theorists.

DEI officers around the country follow the national association’s lead—all while campus leaders tell policymakers and taxpayers that DEI has nothing to do with CRT. In fact, a cursory look at institutional mission statements, action plans, and strategy documents shows that they draw from the same radical concepts and academic authorities. Or glance at the CV of a school’s chief diversity officer: it will generally reveal a background in some form of critical theory.

For example, take the DEI efforts at public flagship universities in several states that just happen to begin with the letter “A,” which are all politically conservative or lean conservative. The University of Arkansas’s DEI office aspires for the university to be “recognized worldwide for its excellence as... [an] antiracist institution”; its long-term strategy

is to develop a statewide “knowledge and resource hub for transformational change... and antiracism work” ([University of Arkansas, 2022](#)). At the University of Alabama, the campus-wide diversity plan acknowledges the university’s “responsibility” to address “the ongoing national crisis regarding the impact of systemic racism,” which it promises to pursue by “infus[ing]... the principles and best practices of DEI into all aspects of the University’s operations and measures of assessment” ([University of Alabama, 2020](#)). The University of Alaska’s 2027 Strategic Plan includes the same language drawn from CRT, promising to create “a culture of equity,” “eliminate systemic racism,” and “transform[] lives and communities” ([University of Alaska, 2021](#)). At the University of Arizona, the Senior Director of Inclusive Learning, Engagement and Leadership is currently pursuing their (the senior director uses plural pronouns) doctorate in Justice Studies. One of the courses they teach, “Justice and Pop Culture,” promises to investigate how “power and inequality [are] reproduced through popular culture” ([Lee, 2022](#)). If the syllabus included any books or articles, one would probably find the works of leading critical theorists. Instead, required materials include HBO Now, Netflix, and a music streaming service like Spotify (any articles will be posted to the course management platform; *Ibid.*)

If we extended the review to universities in the bluer states beginning with the letter “C,” we would very likely find the same thing. In a few places, where DEI activities have already attracted scrutiny, administrators have started using code words to create apparent distance from the most extreme aspects of CRT. But even there, a little digging is more than enough to establish an intimate relationship between campus DEI and critical theorists’ radical political agenda.

SECTION TWO

CRT uses campus DEI programs to reengineer society away from traditional American ideals.

DEI’s roots in CRT shed light on the priorities and strategies of campus DEI administrators. As Richard Delgado and Jean Stefancic explain in their seminal work, *Critical Race Theory: An Introduction*, a key tenet of CRT is that racism is embedded in social structures and political institutions, even in the “thought processes” of most Americans (p. 22). Others make the same argument about sexism, heteronormativity, and other forms of prejudice. As a result, Delgado and Stefancic call for “aggressive, color-conscious efforts to change the way things are” (p. 22).

The change they advocate goes far beyond increasing representation of historically underrepresented groups on the faculty, in senior administrative posts, and in the student body. Critical theorists criticize bedrock commitments of the American political tradition as fundamentally discriminatory. Per Delgado and Stefancic, “Unlike traditional civil rights [activists]... critical race theory questions the very foundations of the liberal order, including equality theory... Enlightenment rationalism, and neutral principles of constitutional law” (p. 3). That is a casual way of saying that critical theorists reject foundational tenets of the Enlightenment and the American Founding. Among these are the notion that human beings should be treated equally before the law and by society’s institutions, and the idea that free and open deliberation is the best way to advance knowledge and human understanding. By using universities to spread this radical new understanding, DEI offices perpetuate a mindset that is hostile to the ways of thinking that built Western Civilization.

Other prominent critical race theorists make more focused arguments that illustrate the tight relationship between CRT’s core theoretical

claims and DEI activists' on-the-ground tactics. Neil Gotanda contends in a foundational paper that “color-blind constitutionalism supports the supremacy of white interests, and must therefore be regarded as racist” (1995, p. 272). Similarly, Kimberlé Crenshaw argues that the extension of equal rights is a counterproductive strategy that “ultimately legitimat[es] the very racial inequality and oppression [it] purports to remedy” (1995, p. 103). She argues instead for wealth redistribution and race preferences and for activists to “wage ideological and political struggle” to create new systems of thought that will become “a counter-hegemony” (Ibid., p. 119).

Others, including Gary Peller, are critical of the integrationist, race-neutral approach favored by activists like Dr. Martin Luther King, Jr. They say it breaks down the race-consciousness that energized the black nationalist movement, which sought reform on a community-to-community basis (1995, p. 150-151). On this line of thinking, formal equality before the law and equal rights perpetuate oppression. In contrast, “a massive transfer of economic resources from the white to the black community” would have allowed economic cooperatives and cultural institutions to develop that could serve as “foundations for healthy African-American neighborhoods” (Ibid.). Their broader point is that the mainstream civil rights movement compromised too much and ought to have demanded reparative or restorative policies instead of equal treatment guarantees.

That is exactly what DEI officers are doing on college campuses. CRT's theoretical framework legitimizes treating individuals differently based on skin color (or gender identity), increasing the salience of race-consciousness and group identities, directing spoils to underrepresented minorities to make up for past wrongs, and building a panoply

of programs to change the “thought processes” of dissenters (mandatory trainings, bias response teams, campus shout-downs, etc.).

Teaching an alternative version of American history designed to break down Americans' affection for their political order and small-l liberal principles is an important part of the project. Making the institution of slavery the country's philosophical center of gravity does more than simply estrange Americans from their history, long a source of unity and common understanding. It also supplies a theoretical justification for activist, race-centric policies that betray time-honored principles, such as equal treatment in policy or before the law. Advocates of colorblind civil rights reforms will not get the traction that Dr. Martin Luther King, Jr., did in a country that is not committed to founding principles and constitutionalist ideals. And that, ultimately, is the point of efforts to reframe the nation's history in ways that minimize heroes like King, Jr. and Frederick Douglass. If claims made by *The New York Times'* “1619 Project” perpetuate, Americans will be more likely to embrace DEI's political agenda—from criminal justice reform to reparations. CRT's critique of small-l liberal commitments and Enlightenment rationalism, meanwhile, supply the justification for suppressing speech critical of CRT's new doctrines.

SECTION THREE

DEI's obsessively color-conscious programs are profoundly divisive and often illegal.

The student-facing work of campus DEI offices is obsessively “color-conscious,” seeing all of society as divided into two groups: aggrieved minorities oppressed by domineering majorities. As a result, DEI offices routinely organize race-segregated events, race-exclusionary affinity groups, race-segregated spaces such as Black-only dorms, and race-specific trainings ([Pierre & Wood, p. 16](#)).

This violates Title VI of the Civil Rights Act, which specifies that no person shall “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

As the National Association of Scholars has documented, DEI’s emphasis on visible features of identity has led to the proliferation of neo-segregationist policies on most American campuses they have studied. When campus DEI offices advocate anti-White and anti-Asian discrimination, they are acting on core tenets of CRT as espoused by its leading activists. As Ibram X. Kendi explains, “the only remedy to racist discrimination is anti-racist discrimination. The only remedy to past discrimination is future discrimination” (Kendi, 2019, p. 19). DEI’s rejection of due process, administrative impartiality, and equal treatment is quickly reshaping schools. So-called anti-racist discrimination is so prevalent on campuses today that one scholar has filed more than 100 successful complaints with the U.S. Department of Education’s Office of Civil Rights under Title VI of the Civil Rights Act, leading the institution to abandon a race segregating practice or policy (Perry, 2022).

Neo-segregationist policies on campus leave an indelible mark on students by stripping them of their individuality and teaching them to see the world in terms of race, gender, and sexual identity. The dehumanizing effects of segregation are why Dr. Martin Luther King, Jr., called it “evil.” Recounting personal experience, he put it this way in a 1956 speech: “The segregated becomes merely a thing to be used, not a person to be respected... It relegates the segregated to the status of a thing rather than elevated to the status of a person” (King, 1956). King goes on to note that segregation “gives the segregator a false sense of superiority... [which] does something to the soul” (Ibid.). That is campus DEI in a nutshell. Underrepresented minority students

(“URMs” in the parlance of some administrators) become a commodity that universities obsessively work to recruit and celebrate—scarcely asking whether the institution is a good fit for the particular student.

Far from breaking down stereotypes and teaching students to respect every person as an individual with dignity and inherent worth, campus DEI teaches tomorrow’s graduates to make snap judgments based on race. It also teaches them to feel good about somehow making up for past historical wrongs by treating individuals differently today based on immutable physical characteristics. These principles cultivate anger, resentment, and feelings of superiority—instead of the kind of mutual respect that underpins civil society and productive public discourse. Researchers who study diversity programs in a business context have long understood that “the positive effects of diversity training rarely last beyond a day or two, and a number of studies suggest that it can activate bias or spark a backlash” (Dobbin & Kalev, 2016).

This is probably an important reason that students at universities with larger DEI apparatuses report lower levels of belonging on surveys of student satisfaction with the campus climate. As Greene and Paul point out in their important study, “In general, student reports on campus climate are no better—and often worse, especially for minority students—at universities with larger DEI staff levels” (2021, p. 14). Yenor makes the same point in “How Texas A&M Went Woke,” noting that student surveys designed to assess student belonging show notable “declines in minority attitudes toward A&M” (most pronounced, by far, among black students) as the university’s investment in its DEI apparatus grew in recent years (2023, p. 13). At the University of Michigan, a DEI leader that invested \$85 million in DEI between 2016 and 2021, satisfaction with the campus climate fell sharply across constituencies over those five years—down

23.1% among faculty, 12.9% among staff, and 10.7% among students ([Mangan, 2023](#); [University of Michigan, 2023, p.22](#)).

SECTION FOUR

DEI indoctrinates students and punishes dissent from a far-left viewpoint orthodoxy.

Because critical theorists believe that ongoing prejudice is rooted in the “thought processes” of an oppressive white majority, DEI activists aspire to indoctrinate or reprogram students during their time on campus. Frederick Hess and Jay Greene put it starkly, “DEI staff operate as a political commissariat, articulating and enforcing a political orthodoxy on campus” ([Hess & Greene, 2022](#)). They do so in many ways, inside and outside of the classroom.

Some of it is compulsory. For example, DEI offices develop trainings (including compulsory first-year orientations and freshman seminars) that force students to confront their “implicit biases.” When Speech First, an organization devoted to protecting students’ First Amendment rights, assessed the first-year orientation materials at 51 universities, it found that 91% included DEI topics (in contrast, only 32% of schools included references to “free speech”; [Speech First, 2022, p. 3](#)). These can take the form of compelled self-denunciations where white and Asian students are asked to publicly acknowledge and apologize for their “privilege,” workshops about harmful micro-aggressions, compulsory recitation of students’ pronouns (to normalize the idea that biological sex is actually a matter of subjective choice), and even reeducation in the form of forbidding certain words from polite conversation (*Ibid.*, p.5-6). For example, Stanford’s “Elimination of Harmful Language Initiative,” which aimed to *eliminate* racist and biased words, published a restricted word list in 2022 that included “Hispanic,” “immigrant,” “American,” “addict,” “tribe,” “guys,” “seminal,” “abort,” “victim,” and

even “white paper” (among several dozen others; [Stanford University, 2022](#)). At the University of Southern California, the School of Social Work revised its curriculum to remove the term “field” because “‘field work’ may have connotations for descendants of slavery and immigrant workers that are not benign” ([2023](#)).

Compelled speech, including edicts that all members of the campus use students’ preferred pronouns, is constitutionally suspect when it happens on public campuses ([Pidluzny, 2021](#)). Efforts to cleanse the community’s vocabulary of words that could cause offense also has a chilling effect. The point of these measures is to create an environment in which the identitarian Left has the power to impugn the character and reputation of those who venture disfavored, generally conservative or libertarian, opinions. Forbidden word lists make it dangerous to discuss entire areas of social and public policy. In contrast, it is easy and safe and the road to social acceptance to parrot DEI-approved talking points.

To punish deviance from the Progressive viewpoint monoculture, DEI administrators establish enforcement mechanisms that include not only overbroad speech codes but bias incident reporting systems that operate as thought police. Speech First counts more than 450 reporting systems in operation today, including 249 on public campuses ([2022, p. 3](#)). Students have been reported for watching Ben Shapiro on YouTube, using the “ableist” term “on the other hand,” and even for directing a “rude look” toward a “trans feminine” student ([Schneider, 2019](#)). Encouraging students and faculty to report each other every time someone takes offense creates a fear environment reminiscent of a Soviet police state, where the wrong word can set off an onerous and reputation-damaging investigation ([Pidluzny, 2022b, p. 3-4](#)). The point, of course, is to create an instrument that can be deployed by activists to punish conservative

students and faculty who dare to express disfavored viewpoints. This also creates a strong incentive to stay quiet.

DEI learning objectives are also infused into general education programs—the course of study common to all students—at universities around the country. This makes coursework in CRT a mandatory condition of graduation. At the University of Arkansas, 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” (Ibid.). Northern Arizona University has gone even further. Beginning in fall 2023, students will have to complete coursework that advances four “Diversity Perspectives”: “U.S. Ethnic Diversity,” “Global Diversity,” “Indigenous Peoples,” and “Intersectional Identities” ([Arizona Board of Regents, 2021, p. 5](#)).

SECTION FIVE

DEI offices are turning universities into political action centers.

The presence of DEI activists also creates strong incentives for senior university administrators to espouse far-left political opinions in campuswide communications. Coalitions of activist administrators, students, and faculty command an

outsized influence over public messaging because they can unleash a torrent of negative publicity via social media ([American Council of Trustees and Alumni, 2021, p. 7](#)). When political news is breaking or controversy comes to campus, these activists pressure university leaders to take an immediate position and often ghostwrite the email or public address. This explains nonstop email communication from presidents, provosts, deans, department chairs, and university communications offices about Black Lives Matter, abortion rights, the enforcement of immigration laws, President Trump’s election, and on and on. The message is unmistakable: there is a correct, university-endorsed way to think about every controversial social and political issue. Viewpoints on the other side are disfavored, even discouraged, by institutional leaders.

In this, DEI priorities are anathema to the traditional purpose of the university. As described in the University of Chicago Kalven Committee report, “The university is the home and sponsor of critics; it is not itself the critic... To perform its mission in society, a university must sustain an extraordinary environment of freedom of inquiry and maintain an independence from political fashions, passions, and pressures” (1967). Universities that remake themselves in the DEI mold effectively cease to be institutions of higher learning dedicated to truth-seeking and knowledge dissemination. In reality, they are the wealthiest political action centers in American life today, lavishly funded by taxpayers through hundreds of billions of dollars annually in grants to students, subsidized loans, tax preferences, federal earmarks (\$400 million in the 2022 Omnibus spending bill alone), as well as direct state appropriations for public institutions.

On some campuses, DEI officers have even collaborated with activist students to protest conservative faculty and to disrupt or discourage invited lecturers who stray too far from the left-

wing orthodoxy on issues of race and gender. In one of the most egregious examples, Princeton administrators vilified a sitting member of their own faculty—Classics professor Joshua Katz—as racist in a mandatory online module developed for the incoming freshman class ([Quenoy, 2022](#)). Professor Katz’s crime? He had dared to criticize a list of “anti-racist” demands made by Princeton faculty, some of which were blatant affronts to basic tenets of academic freedom, in an essay he published in *Quillette* ([Katz, 2020](#)). Dr. Katz was ultimately fired after the institution opened a second investigation into a previous allegation of misconduct for which he had already been disciplined ([Wall Street Journal Editorial Board, 2022](#)). The message to the campus community: the university will find a way to punish high-profile dissenters from the new race orthodoxy, even when it comes from highly respected tenured faculty members.

SECTION SIX

DEI’s newest frontier: faculty hiring and assessment.

Faculty are increasingly asked to speak to their commitment to diversity, equity, and inclusion in appointment, reappointment, tenure, and promotion processes. A recent American Enterprise Institute (AEI) report found that 19% of faculty openings required applicants to submit a DEI statement as a component of their application ([Paul & Maranto, 2021, p. 3](#)). As Max Eden and Scott Yenor observe in a subsequent AEI report, such statements are effectively ideological litmus tests that provide “pretext for the imposition of a political orthodoxy among America’s professoriate” ([Yenor and Eden, 2022, p.6](#)).

But the problem goes well beyond the perpetuation of liberal bias on the faculty. DEI screenings select for activist faculty, professors who put a partisan political agenda above the scientific enterprise. As

the chairman of the University of California-Davis Mathematics Department, Abigail Thompson, has explained,

Classical liberals aspire to treat every person as a unique individual, not as a representative of their gender or ethnic group. [UC-Davis’s] sample rubric dictates that in order to get a high diversity score, a candidate must have actively engaged in promoting different identity groups as part of their professional life... Requiring candidates to believe that people should be treated differently according to their identity is indeed a political test ([Thompson, 2019](#)).

Universities that employ diversity screens will inevitably miss the opportunity to hire some of tomorrow’s leading thinkers and some of the discipline’s best teachers. At the University of California-Berkeley, where a recent cluster hire in the life sciences used candidates’ DEI statements as an initial screening tool, fully 76% of applicants missed the cut and were not even considered based on their academic credentials ([Yenor and Eden, 2022, p. 6](#)). Other universities achieve a similar objective by requiring a search committee to seek approval from the chief diversity officer at every step. At the University of Houston-Clear Lake (UH-CL), for example, academics cannot publish a job description, settle on a list of interview questions, set a short list of candidates, or invite finalists to campus for an interview without formal clearance from the chief diversity officer ([UH-CL Human Resources, 2021](#)). This effectively puts the priorities of highly ideological diversity activists above disciplinary expertise in faculty recruitment and hiring. Over time, DEI administrators’ power over personnel appointments will allow them to complete the transformation of the university by replacing faculty and academic administrators for whom the pursuit of truth is the academy’s North star with new hires committed to using the university to remake American society.

DEI metrics have also made their way into reviews of faculty performance. For example, in 2021, the University System of Georgia Board of Regents revised its policy governing the criteria for faculty tenure, promotion, and post-tenure review to add “outstanding involvement in student success activities” to the traditional three areas: teaching excellence, research accomplishment, and service to the institution and profession ([Univ. System of Georgia Board of Regents, 2021, p. 38-47](#)). With “noteworthy achievement” required in only two of four areas, the addition of “student success activities” as a metric separable from service to the institution will make it easier for DEI activists to achieve tenure and promotion even if their teaching and research records are relatively weak (*Ibid.*, p. 47). Similarly, in 2021, Cornell University’s Faculty Senate narrowly voted down a proposal that would have created new pro-DEI incentives by making “DEI climate statements... part of a department chair’s annual report to the dean,” ([Cornell Working Group F, 2021, p.5](#)). Despite the initial rebuff, Cornell University President Martha Pollack responded by asking deans and other academic administrators to continue the work anyway at the college and school levels ([August, 2022](#)). The pace of change has been dizzying. A 2022 American Association of University Professors survey found that 21.5% of universities now include DEI criteria in tenure standards, and an additional 38.9% of institutions are considering adding them ([AAUP, 2022, 5](#)).

This trend will fundamentally transform the professional incentives that shape professors’ behavior. And that is the point. Where faculty members and department heads know they will be assessed according to their contributions to campus diversity, they will divert time and attention from teaching and research to developing a body of work that speaks to DEI’s anti-intellectual political priorities. This will inevitably detract from the teaching and research output of faculty—harming

student learning and slowing the advancement of knowledge. But it will also make the left-wing bias of most faculties a more serious problem by making political activism a core professional responsibility, on par with teaching and research.

SECTION SEVEN

Seven recommendations to roll back DEI at state universities while strengthening academic freedom and respecting principles of shared governance.

Growing general awareness that far-left activists have turned universities into indoctrination camps helps to explain why public confidence in higher education is plummeting as fast as enrollments, which are now down more than 21% since 2012. Saving America’s universities is vitally important: they drive scientific understanding forward. But they are also the repositories of our civilizational inheritance and help to forge the shared historical and political understanding that makes a civil and deliberative political life possible. Dismantling sprawling DEI apparatuses is therefore a first step toward counteracting the slow-motion intellectual suicide of the academy. It will also rebuild trust in higher education over time.

State lawmakers run into three difficulties when they try, however. First, DEI is so profoundly embedded into universities that it is hard for legislators to know what to defund or prohibit. That is why Gov. DeSantis’s move, announced in early January 2023, to require all public colleges and universities to map their DEI and CRT spending, personnel, and programs is such an important first step. Requests should be specific.

Recommendation 1

State leaders (in the legislative and executive branches) can make information requests regarding DEI programs, personnel, and expenditures at public colleges and universities. They should ask for reports detailing the following:

- A copy of institutional DEI plans and all documents describing the DEI office's priorities and/or strategic plan.
- The number of full-time equivalent personnel working on DEI issues—both in the central DEI office and across the institution's academic and non-academic divisions—including total outlay for salary and benefits.
- The mission statement, strategic plan, and any diversity plan (or committee charge) for each academic and nonacademic unit of the institution.
- The amount budgeted for DEI programming and activities in each division of the institution (academic and nonacademic), including contract expenses.
- The amount of faculty course release approved in the previous academic year for work on DEI priorities.
- A description of any required DEI learning objectives or courses in the general education program or core curriculum, along with a list of all courses that count toward those requirements.
- A description of how DEI statements are used in faculty hiring, reappointment, tenure, and promotion (as well as the policies themselves) and copies of recent

position descriptions for which the university requires candidates to submit a DEI statement.

- A description of how DEI statements factor into admissions processes and all admission essay prompts for the last three years.

The second difficulty lawmakers face is that Constitutional principles and norms of academic freedom and shared governance protect teaching and research *about* critical race theory (and rightly so). Proponents of DEI use this to their advantage by blurring the line between academic inquiry and classroom teaching—which should be protected—and the actions of a public university when it is acting as a state agency. Activists claim everything related to DEI that happens at the university is covered by academic freedom and that any attempt to reshape an institution's mission or priorities improperly usurps the authority of the faculty. Both claims are false.

Recommendation 2

State leaders can publicly acknowledge that academic freedom and norms of shared governance protect academic debate about critical theory while opposing the use of universities as an instrument to advance CRT's radical social and political agendas.

CRT is a disputed academic concept, and its claims should be vigorously debated at research universities. It is an important caveat that this would happen more frequently if genuine viewpoint diversity on the faculty was present in public affairs disciplines. Norms of shared governance, meanwhile, give faculty considerable authority over course content and a major role in the design of an academic program's curriculum. When it comes to questions about an institution's broader program portfolio (e.g., whether it prioritizes science and

engineering or the liberal arts) and the general educational philosophy of the school, the governing board and state policymakers are entitled to lead efforts to establish those priorities.

Indeed, the American Association of University Professors' (AAUP) 1966 "Statement on Government of Colleges and Universities" acknowledges that the governing board should play an important role in the determining general educational policy and that it is "[w]hen an educational goal has been established [that] it becomes the responsibility primarily of the faculty to determine the appropriate curriculum and procedures of student instruction" ([American Association of University Professors, 1966](#)). The AAUP's seminal statement on shared governance goes on to acknowledge that "a publicly supported institution may be regulated by statutory provisions" and that "external requirements... impair the educational effectiveness of the institution" when their influence reaches "course content and the manner of instruction or research" (Ibid.).

To clarify by concrete example, it is perfectly appropriate for a state legislature or governing board to direct an institution to align its program portfolio more tightly with workforce demand, to prioritize health and engineering programs at comprehensive institutions (and liberal arts at the state honors college), or to mandate more attention to historical literacy in general education. The same entities could not, however, mandate a syllabus for—or prohibit specific books in—Sociology 101. Nor could they censure an anthropologist for publishing academic research theorizing that structural forces perpetuate racism in American society. The number of sociologists a college employs or whether to make expansion of Gender Studies programs a priority, however, are questions for the academic administration to answer as it works to advance goals set by state policymakers and the governing board. If California can mandate ethnic studies as a

graduation requirement (a decision that will require hiring more faculty in the subject area), then other states can require study of foundational primary documents in the country's historical and political development, for example.

Legislators have a responsibility to voters to ensure that universities are advancing the public interest. To this end, states *can* forbid the use of the university to advance an antiracist political agenda through mandatory trainings, the use of political litmus tests in faculty hiring, admissions policies that discriminate based on ethnicity, and neo-segregationist programs that normalize the idea that people should be treated differently based on the color of their skin. They can also make it a priority for state institutions to foster a diversity of viewpoints, commit to institutional viewpoint neutrality, protect students' First Amendment rights, and invest in academic programs that are strategically important to the state's economy and its future.

Recommendation 3

Legislation addressing DEI at public universities should be carefully targeted.

Legislation will be successful when it clearly identifies the DEI functions it means to proscribe or defund—making clear that the teaching and research functions of the institution are not covered. Several examples of good model legislation are carefully tailored to prohibiting the most egregious actions in which campus DEI officers are engaged. Florida's House Bill 931 (signed into law on May 15) prohibits DEI statements that function as political loyalty tests in employment actions and admissions decisions ([FL HB 931, 2023](#)). Florida's Senate Bill 266 prohibits expenditures of state funds "to promote, support, or maintain any programs or campus activities" that "advocate for diversity, equity, and inclusion or engage in political or social activism." It also requires governing boards to review general education programs for fit with

institutional mission ([FL SB 266, 2023](#)). Texas’s hard fought reforms prohibit DEI offices at state institutions, the use of DEI statements or race preferences in the hiring process, and mandatory DEI trainings for students, faculty, and staff ([TX SB 17, 2023](#)).

States should consider reforms in the 2024 session that focus on four priorities.

Prohibit bias response teams.

The American Legislative Exchange Council (ALEC) has developed a “Free Speech in Higher Education Act” that prohibits bias response teams on public campuses ([2022](#)). The bill proposes a definition of harassment based on the Supreme Court’s definition in *Davis v. Monroe Co. Bd of Ed.* to prevent an institution’s processes to investigate student-on-student harassment from being used to target disfavored or merely offensive viewpoints

Defund DEI offices.

Christopher Rufo, Ilya Shapiro, and Matt Beienburg (Rufo et al.) have developed a slate of model policies designed to counteract the most pernicious features of campus DEI ([Rufo et al., 2023](#)). The first is an outright prohibition on the expenditure of university funds on DEI offices and personnel, where DEI is defined as including efforts to “manipulate or otherwise influence the composition of the faculty or student body with reference to race, sex, color, or ethnicity,” to promote differential treatment of individuals based on identity characteristics, and to use the institution to advance tenets of critical race theory (p. 2-3). Sections of a state bill could be informed by prior requests for information on each institution’s DEI apparatus (p. 4). The model bill is laser focused on activities that are not protected by the First Amendment or norms of shared governance, and its language makes absolutely clear that it does not affect academic instruction, research, the activities of student organizations, guest speaker invitations,

health services, student recruitment activities, or civil rights enforcement (p. 2). The bill directs cost savings to merit scholarships for low- and middle-income applicants. It includes causes of action allowing students and faculty to file for injunctive relief and the attorney general to ask courts for a writ of mandamus to force institutional compliance (p. 5). One potential addition to the model would be a clause clarifying that institutions may recruit faculty with a view to increasing the number of unrepresented minority applicants provided that their applications are evaluated with race neutral processes.

End mandatory diversity training.

Rufo et al. offer a second model bill that ends mandatory DEI training by forbidding compulsory participation in programs designed to advance core tenets of CRT, whether as a condition of employment or continued employment, access to facilities (including residence halls), participation in any other generally available university program, or to receive an institutional benefit (p. 6-7). The model legislation relies on descriptions of divisive CRT concepts that were first prominently established in President Trump’s Executive Order 13950, and which have since been refined in state legislation. It, too, makes clear that “academic courses” and the activities of student organizations are not covered.

Tennessee’s SB 2290, passed in 2022, is also a good model for states interested in forbidding mandatory diversity trainings and related efforts to compel speech. The statute prohibits schools from penalizing or discriminating against students and employees for “refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to... divisive concepts,” adopting a similar definition. The measure guarantees that no student or employee shall “be required to endorse a specific ideology or political viewpoint to be eligible for hiring, tenure, promotion, or graduation.” It also prohibits the use of public funds to create incentives

for faculty members to “incorporate... divisive concepts into academic curricula, for example, grants to fund the development of new courses designed to teach CRT. And public universities that employ diversity administrators must ensure that “the duties of such employees... include efforts to strengthen and increase intellectual diversity among the students and faculty.” Tennessee’s statute does not, however, extend to classroom instruction, where First Amendment protections are strongest and norms of academic freedom protect the exploration of controversial theories. While the Tennessee law does not include a cause of action, it does include reporting requirements. When university administrators are required to apprise government committees of the state of free inquiry on college campuses, they have a strong incentive to take compliance seriously.

Prohibit diversity statements.

Rufo et al. also propose a model bill to “curtail political coercion” by prohibiting the use of diversity statements, which serve as political litmus tests, in university personnel actions (p. 9). The bill extends to the “admissions process, employment application process, hiring process, contract renewal process, or promotion process” and defines “diversity statement” broadly (Ibid.). It prohibits written and oral statements designed to identify the applicant’s race, sexual orientation, or gender identity, as well as prompts that would test an individual’s commitment to specific tenets of CRT, including anti-racism and intersectionality (Ibid.). The model bill includes sensible exclusions—it would not interfere with scholarly works, creative productions, discussions about pedagogical approaches—and provides narrow causes of action.

The third difficulty lawmakers face is that DEI is being pushed by powerful campus constituencies: a growing cadre of DEI administrators, activists on the faculty, and an increasingly woke student

body. Administrators and boards tend to capitulate to these groups because opposing them can be unpleasant and costly. Faculty can organize a vote of no-confidence in the president; activist students can unleash a torrent of negative publicity via social media; and DEI administrators can apply daily pressure not to fall behind in the race to adopt the newest antiracism initiatives. Recommendations 4-7 are designed to help empower constituencies pushing in the other direction to protect viewpoint diversity, the truth-seeking mission of the university, and open inquiry.

Recommendation #4

Articulate a commitment to free expression and institutional viewpoint neutrality in the university’s mission statement, governing bylaws, and policies on academic freedom.

States can require public universities to commit to the ideals of a truth-seeking institution, including free inquiry and institutional viewpoint neutrality, as the preconditions of building a thriving marketplace of ideas. Dozens of universities, including several state systems, have adopted the [Chicago Principles](#) on Freedom of Expression or a substantially similar statement dedicating the university to “the preservation and celebration of the freedom of expression as an essential element of the University’s culture” ([University of Chicago, 2015, p. 1](#)). Legislatures can require it.

A few states, inspired by an older University of Chicago statement of principles known as the Kalven Committee “Report on the University’s Role in Political and Social Action,” have gone even further by requiring state institutions to adopt policies committing schools to neutrality on contested issues of public and social policy when they are acting as state agencies (University of Chicago, 1967, p. 1). For example, North Carolina recognizes that “[i]t is not the proper role of [a university] to shield individuals from speech... including... ideas and opinions they find

unwelcome, disagreeable, or even deeply offensive” ([Ch. 116 Art. 36 §116.300](#)). The statute also stipulates that public universities “may not take action, as an institution, on the public policy controversies of the day in such a way as to require students, faculty, or administrators to publicly express a given view of social policy.” Legislation proposed in Ohio in the 2023 session adopted a similar formulation ([OH SB 83, 2023](#)).

Formally establishing these principles is important for many reasons. University leaders should insist that they guide the development of specific policies from student and faculty disciplinary codes to protections for academic freedom articulated in the faculty handbook and policies on performance reviews for academic administrators. This would change campus incentives by making it harder to punish expressive activity and by rewarding those who enrich the campus marketplace of ideas. States can go further by requiring governing boards to formally assess the president’s record on fostering viewpoint diversity and free inquiry in the president’s annual performance evaluation. Boards should also make a demonstrated commitment to intellectual vitality a priority attribute for candidates in presidential searches.

Adopting the Chicago Statement and Kalven Committee principles also signals that institutions are committed to open inquiry and truth-seeking. A clear articulation of principles ensures campus actors know how to react—and how the academic leadership will react—if (or when) DEI-inspired shenanigans come to campus. Social media swarms quickly die out when administrators know to stand firm ([American Council of Trustees and Alumni, 2021, p. 10-13](#)). Table top exercises on issues of free expression should extend to the senior leadership and board level, so that decisions are made based on principle rather than crisis exigencies ([Bipartisan Policy Center, 2021, p. 14-16](#)).

These reforms can have a prophylactic effect by deterring the most extreme efforts to use the institution to advance an ideological objective. Students planning to devote their college careers to advocating for the removal of statues of Abraham Lincoln, the implementation of safe spaces, and the use of trigger warnings are less likely to matriculate at a school like the University of Chicago, which has made clear it will not tolerate their mischief. Formalizing statements of principle also empowers campus actors committed to them to identify, and stand against, failures to live up to them. For example, a faculty member’s complaint that the institution is sending routine emails that are unduly political and partisan, whether under a formal reporting process or to the academic leadership, will carry more weight if the institution has affirmed the Kalven Committee’s viewpoint neutrality principles. The corollary is also true: it will be harder to punish a professor for a tweet students claim is offensive if the institution has endorsed the Chicago Principles on Freedom of Expression.

Recommendation #5

Governors should appoint governing board members who have the expertise and fortitude to lead.

In most states, governors appoint members of boards of trustees and regents. Although governing boards’ specific powers differ by state, they are consistently powerful bodies on paper, responsible for everything from formally granting degrees to approving grants of faculty tenure and establishing new academic programs. The policies that shape the institution’s culture—governing everything from tenure to discipline—are approved by boards. So is the institution’s annual budget. Even the general education curriculum, the course of study common to all students, is formally subject to trustee oversight. In practice, however, governing boards often serve as a rubber stamp for university presidents.

There are many reasons for this. Too often, political appointments are made with patronage concerns in mind rather than aptitude and ability (a seat on a governing board is prestigious and can come with appealing privileges, including box seats to premier athletic events). Other times, state leaders do not communicate a vision for the public university system. An immense information asymmetry also exists between the president and the board, given that the former leads a large administrative apparatus, including an entire division responsible for institutional research. This allows presidents to shape the board's agenda by controlling the flow of information which can weaken accountability.

The only way to change this dynamic is to appoint stronger governing boards. Governors should look for principled board members—committed to the truth-seeking mission of the university and accountability to the public—who have also demonstrated fortitude and have a professional background that will prepare them for the hard work of overseeing a sprawling public enterprise. Governing boards function best when they include a range of pertinent backgrounds necessary to understand university operations, including public sector finance and accounting, higher education law, contracts and procurement, public-private partnerships, labor market demand in the service region, fundraising, and, above all perhaps, the byzantine art of higher education governance (including deep understanding of the role and responsibility of the faculty).

Boards that are committed to shared principles and priorities and that benefit from these skillsets will be able to ask the right questions and hold the administration accountable. More importantly, they will prioritize choosing the right president and establishing the right campus incentives. Governor DeSantis has shown leadership here, too, with his move to transform Florida's New College

by appointing accomplished new board members while communicating a clear vision for the school ([Office of Governor DeSantis, 2023b](#)).

States should establish regular professional development requirements for governing boards, by statute, bylaw reform, or regulation, as appropriate. In addition to hosting workshops on best practices on a range of topics, such meetings are also an opportunity for state leaders to communicate state priorities directly to governing boards. Governors should participate. They can also work with legislators to establish clear priorities for state institutions and ensure that funding formulas create strong positive incentives for universities that advance them.

Recommendation #6

Strengthen free speech protections for students and faculty and encourage viewpoint diversity.

As we have seen, DEI programs and administrators often make it a priority to shut down free inquiry and work to impose viewpoint conformity. State lawmakers should therefore work to strengthen protections for student and faculty expression and to promote viewpoint diversity on campus. Excellent work has already been done in this area and states have demonstrated that several approaches work. AFPI has published an overview of these strategies in an inventory of model higher education policies, which can be downloaded for additional context and detail ([2022, p. 1-5, 9, 10](#)). Recommended legislative actions include the following:

- Establish a definition of student-on-student harassment that is consistent with the Supreme Court's definition in *Davis v. Monroe Co. Bd of Ed*. This prevents institutions from prohibiting or investigating constitutionally protected speech that some may find subjectively offensive.



- Require schools to adopt a policy specifying sanctions for students who deliberately interfere with speech and assembly rights of other students, faculty, and speakers.
- Mandate that the governing board for each public institution publish an annual study of the campus climate for free speech and institutional viewpoint neutrality.
- Prohibit so-called “free speech zones” that have the practical effect of quarantining political speech to narrow areas of campus.
- Require that public colleges and universities educate all incoming students about the importance of free speech and viewpoint diversity.
- Forbid viewpoint discriminatory administrative policies with respect to speaker invitations.
- Establish a standing subcommittee on state boards of trustees (regents) responsible for compiling an annual report on the state of free expression for the university/state system.
- Forbid discrimination against student organizations with a religious mission or identity.
- Establish centers to bring viewpoint diversity and reasoned debate to campus.
- Require state universities to assess the level of intellectual diversity on campus and develop strategies to improve the marketplace of ideas.

Recommendation #7

Urge public universities to invest in race-neutral programs and develop evidence-based practices that truly support student success.

Legislation eliminating divisive DEI programs and offices should not, in any way, undermine the programs students need to succeed academically. Opponents of such legislation will nonetheless mischaracterize legislation reforming campus DEI programs as targeting minority students; some will even call it “racist.” Lawmakers can combat this narrative by reminding the public that the student services that accreditors expect universities to provide will not be affected. The list includes “academic teaching and resource centers, tutoring, academic advising, counseling, disability services... campus ministry, service-learning centers, teaching laboratories, career services, testing centers, student life, resident life programming, and information technology” ([SACSCOC, 2020, p. 113](#)).

Administrators should redouble efforts to help support underprepared students who are at risk of failing to complete college—both because it is the right thing to do and because it will make defunding CRT-inspired diversity programs more palatable. University leaders can even direct funds from ideological DEI activities to new approaches that take a colorblind approach to helping every student succeed, regardless of demographic background. Because underprepared, first-generation, and low-income students are more likely to be underrepresented minorities, this is the best way to genuinely help African American and Hispanic students—without singling them out for different treatment based on the color of their skin.

Universities can formalize mentorship programs, which have shown real success in a business context. (White males in leadership positions are sometimes uncomfortable “reaching out informally to young women and minority men” even though they are eager to mentor younger colleagues; [Dobbin & Kalev, 2016](#).) Universities can such create programs for students, faculty, and staff. They can also consolidate wrap-around services into a one-stop shop to improve access for all students ([Mowreader, 2023](#)). They can use predictive

analytics to understand where in their academic programs students with weaker preparations are likely to struggle (Wong, 2021). By doing so, academic advisors can reach out in advance to make students aware of support programs. Universities should use their institutional research departments to investigate what leads some of their students to drop out while others, with similar profiles, succeed, then draw on those lessons to provide better academic support. It may also be that the organization of residential life, the structure of financial aid, or the availability of mental health services are creating barriers.

Universities can also refocus their public service efforts. Instead of advancing a divisive ideology, the immense intellectual capital of the campus could be deployed to help underprepared students become truly college ready in the years leading up to matriculation. Summer boot camps before the freshman year, which allow matriculants to complete mathematics and other barrier courses before the fall semester in a high tutoring dosage environment, show immense promise. Faculty, graduate students, and program personnel can also look for opportunities to help enhance instruction and tutoring in area high schools in the years leading up to postsecondary education ([University of Michigan, 2023, p. 106-7](#)).

Academic researchers should undertake additional research to identify national best practices and help other schools replicate them. For example, data from the Integrated Postsecondary Education Data System can be analyzed to identify institutions that do better at graduating high proportions of Pell-eligible students or that have the smallest graduation rate disparities between students from high- and low-income households, or that have unusually high graduation rates for institutions accepting high numbers of underprepared students. The next step would be to conduct interview research with the academic and student success administrators responsible for those successes. Building upon and

replicating programs with proven records of helping students succeed will do much more to improve outcomes than highly ideological DEI initiatives.

Conclusion

It is hard to imagine a force in American society today doing more to coarsen our public dialogue or deepen societal divisions than campus DEI programs. Today's college graduates join the workforce with grand aspirations to wokeify the businesses and organizations that hire them. And because DEI socializes students to view those who do not subscribe to their social and political agenda as morally deficient, many graduates leave campus uninterested in—and incapable of—civil discourse and reasoned deliberation. Reversing these societal trends begins with campus reforms.

Universities and states that make this shift, abandoning DEI for programs laser focused on providing students with necessary academic support, will become known as oases in an increasingly barren postsecondary landscape. But the fight against DEI will not be easy. DEI's proponents tend to be skilled activists, and their commitment to CRT is ironclad. Media allies will amplify their complaints.

Many of those complaints will be false or misleading. For example, universities in Ohio claimed that reasonable restrictions on DEI programs could imperil access to Title IV funding and even healthcare funding under Medicare and Medicaid ([Kissel, 2023](#)). In other states, opponents have claimed that bills before the legislature could negatively impact postsecondary accreditation, eligibility for research funding, and even NCAA compliance standards ([Brewer, 2023](#)). So leaders will have to educate themselves to prepare for the inevitable pushback. (AFPI has published primers on these issues to help and is developing additional Q&A-style factsheets; [Pidluzny, 2023a](#); [Pidluzny, 2023b](#)).

The good news is that, in many states, the public strongly supports efforts to reform highly ideological universities. Shifting college application patterns show surging interest in southern colleges and universities, especially the region's long-established destination campuses, leading some to suggest a critical mass of students may be trying to avoid campuses that make it their mission to drive the "radical reckoning" forward (Laporte, 2022; Nietzel, 2021). An additional jolt to adopt colorblind policies came in June 2023, when the Supreme Court ruled that Harvard's use of race preferences violates the 14th Amendment and Title VI of the Civil Rights Act, a ruling sure to reach beyond university enrollment offices. University presidents and state leaders can no longer ignore the issue.

States that make higher education reform a priority along these lines 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.

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