

2024 September

HOW HIGHER ED

IS REBRANDING DEI DEI DEPARTMENTS

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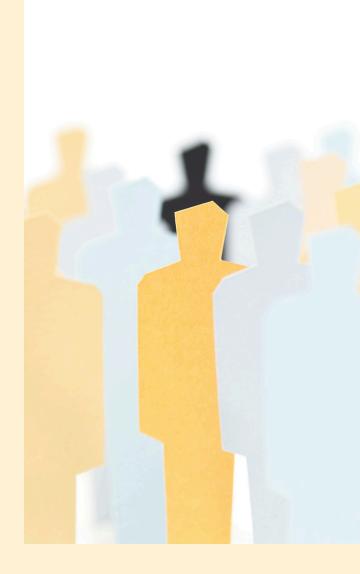
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Introduction

Over the last year and a half several states have taken action against Diversity, Equity, and Inclusion (DEI) on college campuses. But banning something never results in its eradication. A year ago, we wrote about this problem – that DEI isn't going away, it's just going underground. Whether campuses are renaming their DEI offices, or moving administrators into other departments to do the same work, DEI still exists.

So we dug in further, looking at the states who have taken legislative action against DEI in higher education to see their legislative efforts have panned out.

At CriticalRace.org, we have cataloged over 700 institutions of higher education and what is happening on their campuses, so far it pertains to DEI activities. In this report we dove into our database, exploring which states have taken action against DEI and the responses of the larger schools in those states.

- Out of the 26 Universities we have evaluated in states where DEI laws have been passed, 10 claim to have eliminated their DEI offices (and related activities) and have replaced them with new offices that have similar programming and/or personnel.
- New offices such as the "Office of Access and Engagement" and the "Division of Access, Opportunity, and Diversity" will replace former DEI offices.
- The 10 universities that have enacted this change include: University of Alabama, Florida State University, University of Iowa, University of Northern Iowa, Oklahoma State University, South Dakota State University, University of South Dakota, University of Tennessee (System-wide), University of Utah and Utah Valley University.

Overview

A common sentiment throughout Universities is the statement of a University of Texas Tyler employee who said, "No, you can still do it. You just have to be creative" regarding DEI practices at the school. 1 This attitude fuels concerns that state legislation will not stop Universities from practicing DEI, but will drive the ideological practices underground. With DEI practices deeply embedded into the ethos of higher education, lawmakers face a challenge to uproot the ideology from public institutions.

State Legislative Highlights:

- Alabama- SB 129 was signed into law on March 19, 2024. The law prevents state agencies, local boards of education, and institutions of higher education from sponsoring diversity, equity, inclusion (DEI) programs or offices and prevents staff, student, and faculty organizations from hosting DEI events and prohibits the teaching of "divisive concepts." 2
- Florida- Governor Ron Desantis signed several bills into law effective July 1, 2023. HB 931 and SB 266 target DEI. HB 931 bans the use of "political loyalty tests." SB 266 prevents Universities from using federal or state funding for programs or activities that "advocate for" DEI or "promote or engage in political or social activism." Under FL law, Universities general education classes will now be reviewed by the state education board and the Board of Governors to ensure courses are not teaching "theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities."
- Idaho- SB 1274 went into effect on July 1, 2024. The legislation bans public universities from requiring prospective students or workers to adhere to "diversity statements." The law also bars universities from requesting information regarding applicants' "contributions to diversity, equity, inclusion and social justice," in addition to their race- or sex-based privilege or from inquiring about candidates' opinions on social justice issues.
- **lowa** SF 2435 was signed into law on May 9, 2024. The legislation bans public institutions from having DEI offices and from hiring or assigning anyone "to perform duties" of a DEI office. Universities are restricted from making "Any effort to manipulate or otherwise influence the composition of the faculty or student body with reference to race, sex, color, or ethnicity." Furthermore, schools are not allowed to conduct trainings, trainings, or activities that are "designed or implemented with reference to race, color, ethnicity, gender identity, or sexual orientation." There is also a ban on what Universities can promote as their "official positions" on matters related to DEI. lowa has what it considered the most stringent laws surrounding DEI in higher education.
- Kansas- KS HB 2105 passed banning DEI in Kansas public higher education effective July 1, 2024. This bill authorizes "\$10,000 fines for every instance diversity, equity and inclusion programs were linked to faculty hiring or student enrollment." State funding now requires university administrators to stand before the State Finance Council to affirm they have abandoned DEI.
- North Dakota- SB 2247 was passed on April 24, 2023. The law prohibits public institutions
 of higher education from teaching, promoting, or any mandatory training on "divisive
 concepts." The law gives an extensive definition of divisive concepts, which are primarily
 based on DEI concepts and Critical Race Theory.

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- University of North Dakota There are many DEI resources available through the Office of Diversity and Inclusion including a cultural diversity scholarship, land acknowledgment, and bias incident reporting.
 - The Hilyard Center provides support for students who hold "historically excluded identities."
- Oklahoma State University The Office of Institutional Diversity was renamed the Division of Access and Community Impact.
- South Dakota State University The Diversity, Inclusion, Equity, and Access Office was renamed the Opportunity Center.
 - The School of Communication and Journalism still has a DEI plan and statement online.
- University of South Dakota The Center for Diversity and Community was renamed the Opportunity Center in 2022.
 - The Office of Multicultural Affairs was also launched under the new Opportunity Center. Inclusivity and belonging are essential goals of the office.
- University of Memphis Many Departments have centers for Diversity, Equity, and Inclusion. There is also a Center for Workplace Diversity and Inclusion.

The States:

There are currently eleven states that have signed laws prohibiting DEI including Alabama, Florida, Texas, Idaho, Kansas, Utah, Iowa, Tennessee, South Dakota, North Dakota, and Oklahoma. State laws vary but they all have a common thread, they limit DEI trainings, practices, and offices. Many of the laws went into effect this summer. Some Schools have completely gutted DEI Departments and Programs, while others are renaming departments and job titles to try to conserve diversity programs.

For example, the University of Alabama disbanded its DEI office and launched the Division of Opportunities, Connections, and Success; however, the new division is led by Dr. Christine Taylor, who was the Vice President and Associate Provost for Diversity, Equity and Inclusion. Florida State University took a similar approach by changing title names and reclassifying positions of employees who were already working in DEI to give them different roles; the approach circumvented the University laying anyone off. The Office of Equal Opportunity Compliance and Engagement was activated in October 2023 to replace the DEI office.

While some state laws are ambiguous, lowa left no room for confusion by limiting the positions that a University can promote including concepts such as "implicit bias, cultural appropriation, allyship, transgender ideology, microaggressions, antiracism, systemic oppression, social justice, gender theory, and racial privilege or any related formulation of these concepts." The lowa legislation bans public institutions from having DEI offices and from hiring or assigning anyone "to perform duties" of a DEI office. Currently, lowa has the most restrictive laws surrounding DEI.

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 concepts." The law gives an extensive definition of divisive concepts, which are primarily
 based on DEI concepts and Critical Race Theory. (7)
- Oklahoma- Governor Kevin Stitt signed executive order 2023-31 on December 13, 2023. The order blocks public university DEI initiatives and prohibits state agencies, colleges and universities from using state funds to support diversity, equity and inclusion initiatives. It also bans mandatory DEI training and other common DEI requirements from universities. (8)
- South Dakota- HB 1012 was signed into law by Gov. Kristi Noem on March 18, 2022 and
 was the first state to pass legislation related to DEI. The law targets "divisive concepts"
 related to DEI and Critical Race Theory, by prohibiting mandatory training or orientation
 about these concepts, but it does not restrict professors from teaching these subjects. (9)
- Tennessee- SB 817 went into effect on July 1, 2023. The bill also prohibits teaching "divisive concepts" related to DEI and CRT. It allows for students to report professors or faculty who violate the law and requires institutions to annually "report violations and any corrective action" to the comptroller of the treasury. Universities also must assure mandatory training do not include divisive concepts. (10)
- Texas- SB 17 went into effect on Jan 1, 2024. DEI offices and programs are not allowed, and must be dismantled. Schools that violate the law can lose state funding for one year. Universities must annually show the Texas Higher Education Coordinating Board that they are in compliance with the law and may be called before lawmakers to testify that they have not launched any DEI initiatives. Universities will also be audited every 4 years. (11)
- Utah- HB 261 went into effect on July 1, 2024. The bill prohibits any mandatory training for students or faculty that "asserts that an individual, by virtue of the individual's personal identity characteristics, is inherently privileged, oppressed, racist, sexist, oppressive, or a victim, whether consciously or unconsciously." Institutions are also restricted from expressing an opinion on "anti-racism, bias, critical race theory, implicit bias, intersectionality, prohibited discriminatory practices, or racial privilege." (12)

More than a dozen additional states have pending legislation including:

- Louisiana
- South Carolina
- North Carolina
- Missouri
- West Virginia
- Indiana
- Ohio
- Nebraska
- Wyoming
- Oregon
- Arizona
- Kentucky

Some states had introduced bills; however, they were ultimately shot down in the legislature.

Top University Responses

In states where laws have been passed, top universities have had a wide variety of responses. Some schools have accepted the changes without pushback; however, some universities have begrudgingly complied with lawmakers' demands.

Alabama

Auburn University

- On July 29, 2024, it was announced that Auburn University will shut down its Office of Inclusion and Diversity to meet new state law regulations.
- No new office or group has been formed to replace the former office. (13)
- In a University-wide email, it was announced that no employees will be fired. Staff will be moved to existing roles or new positions in different departments. (14)

• University of Alabama

- It was announced in July 2024 that the University of Alabama would cut off its DEI programs to meet the new state law change.
- The Office of Access and Engagement will replace the DEI office, with seemingly the same goals.
- UA President Stuart. R. Bell stated, "Our mission has not wavered, and we remain committed to our institutional goals to welcome all, serve all, and see all thrive and succeed." (15)

Florida

University of Florida

- On March 1, 2024, UF announced it had "closed the Office of the Chief Diversity Officer, eliminated DEI positions and administrative appointments, and halted DEI-focused contracts with outside vendors." (16)
- Approximately \$5 million in funds that were previously allocated for DEI expenses, were moved into a faculty recruitment fund.
- Staff who lost their jobs were encouraged to apply for other open positions at the University through an expedited process.
- UF stated, "it is, and will always be, unwavering in [its] commitment to universal human dignity."

• Florida State University

- FSU "quietly dismantled" its DEI offices. (17)
- The University avoided laying anyone off by changing title names and reclassifying positions for those who were working in DEI.
- The positions of EDI Coordinator and Chief Diversity Officer were eliminated.
- The Office of Equal Opportunity Compliance and Engagement was activated in October 2023 to replace the DEI office.

Idaho

University of Idaho

- The Office of Equity and Diversity is still operating and states, "We collaborate with faculty, staff, and students to develop an intentional, culturally literate, and responsive community founded on respect for the individual and the collective." (18)
- It offers "presentations and workshops," that explore various diversity issues. (19)

• Boise State University

• BSU still has a public statement on diversity and inclusion. (20)

• Idaho State University

- The University has an Office of Equity and Inclusion. (21)
- o It also has a Diversity Resource Center.

lowa

Iowa State University

 University President Wendy Wintersteen told the Board of Regents the university is closing its DEI office in July 2024.

• University of Iowa

- President Barbara J. Wilson states that the university intends to "reimagine the current system." (22)
- The Office of Diversity, Equity, and Inclusion will be renamed to the Division of Access,
 Opportunity, and Diversity.
- A new policy has been added to the university's manual, stating that "all student groups and registered organizations must include a statement that their program is open to all."
 (23)

University of Northern Iowa

 Will eliminate its Diversity Inclusion Social Justice Office and replace it with a Center for Civic Education, with a projection of \$300,000 devoted to that center annually.

Kansas

University of Kansas

- The University still has a DEI mission and DEI vision on its website.
- It states that it prioritizes a curriculum "that emphasizes equitable and inclusive learning and classroom environments, approaches, and content." (24)
- A statement was released to address how it will comply with the new state law. It also
 explained that the school is currently reviewing existing policies, procedures, content, and
 structures to ensure they comply with state law.
- The University will "discontinue any 'diversity statement' related questions for faculty, staff and student hiring." (25)

• Kansas State University

- The university has not released a statement addressing how it will comply with state law.
- A list of all trainings, policies, and guidelines related to nondiscrimination, diversity, equity, inclusion, belonging and bias is available online, as required by HB 2105. (26)
- There are diversity and inclusion resources available online along with a list of diversity scholarships for historically underrepresented students. (27)

North Dakota

North Dakota State University

- Prior to the passing of SB 2247, the Faculty Senate released a statement opposing the proposed state law. It stated, "Any restrictions placed on nondiscrimination training, credit or noncredit, may still have a chilling effect on the curriculum." (28)
- The University has not released any statements since the bill became state law.
- o There are still Diversity and Inclusion resources available online. (29)
- A list of DEI trainings is available online, which includes training on Gender Equity and Allyship, microaggression, and Safe-Zone, among others. (30)

• University of North Dakota

- The university is reviewing both mandatory and optional training to ensure that it complies with state law.
- According to Tamba-Kuii Bailey, special assistant to the president for diversity & inclusion at UND, "some DEI training will be affected, but training related to non-discrimination requirements in compliance with state and federal law will not be affected." (31)
- Bailey also stated, "We will continue to make sure we're being thoughtful and continue to do the work as it relates to diversity, equity and inclusion that we need to do here, at UND." (32)
- There are many DEI resources available through the Office of Diversity and Inclusion including a cultural diversity scholarship, land acknowledgment, and bias incident reporting.
- The Hilyard Center provides support for students who hold "historically excluded identities." (33)

Oklahoma

University of Oklahoma

- On December 13, 2023, the university president Joseph Harroz, Jr. released a statement addressing the executive order eliminating Offices of Diversity, Equity, and Inclusion in Oklahoma. He stated, "This news evokes deep concern and uncertainty about the future, and in many ways feels like a step backward."
- President Harroz also stated, "Though we are obligated to comply with the governor's executive order, we will remain committed to ensuring an education from the University of Oklahoma remains accessible and available to all."
- The university will "continue to work to recruit and retain a workforce of talented and qualified minds that is representative of our state," implying that it will find new ways to enact DEI values in recruitment and hiring. (34)
- The website for the DEI Office was removed.

• Oklahoma State University

- The Office of Institutional Diversity was renamed the Division of Access and Community Impact. (35)
- The university's diversity statement was removed from the Student Union and OSU website.
- No official statement has been released regarding the governor's decision.

South Dakota

South Dakota State University

- The Diversity, Inclusion, Equity, and Access Office was renamed the Opportunity Center.
- At least four faculty heading up diverse student retention quit in Fall 2022. (36)
- The School of Communication and Journalism still has a DEI plan and statement online.

University of South Dakota

- The Center for Diversity and Community was renamed the Opportunity Center in 2022.
 (37)
- The Office of Multicultural Affairs was also launched under the new Opportunity Center.
 Inclusivity and belonging are essential goals of the office. (38)

Tennessee

• University of Tennessee

- The university released a statement addressing HB 1376 stating "We are committed to diversity and engagement." (39)
- It also stated, "The issues of diversity and divisive concepts as defined in the legislation have been widely conflated; they are not the same." (40)
- The state law allows students to report faculty for violations; however, the university states it is committed to protecting faculty.
- The UT system renamed the Division of Diversity and Engagement to the Division of Access and Engagement. (41)

• University of Memphis

- The university states "Diversity within our community makes us stronger as an institution and provides a more meaningful environment for diverse thoughts and experiences."
- According to the university, Faculty are not required to modify the content of their academic courses or seminars to comply with the mandatory training prohibitions of the Public Chapter as long as students are not "forced or compelled to endorse, adopt or adhere to any of the divisive concepts." (42)
- Many Departments have centers for Diversity, Equity, and Inclusion. There is also a Center for Workplace Diversity and Inclusion.

• Middle Tennessee State University

- The University stated it "does not read the Act as a prohibition on DEI trainings, but [it] must take care in considering the design of those trainings."
- To comply the University is reviewing current training programs and confirming that they
 do not contain any divisive concepts; ensuring that those who create new training
 programs understand the prohibitions in the Act; and requiring third parties who conduct
 training to abide by the Act. (43)

Texas

University of Texas

- The Campus and Community Engagement Division was closed.
- Around 60 DEI employees were laid off from UT after the "reorganization" of the university following the new law. (44)
- UT Austin ended the Monarch program that advised and mentored undocumented students.
- UT Austin canceled its "black graduation." (45)

Texas A&M

- John Sharp, chancellor of the Texas A&M University system, said it had "eliminated the positions of eight DEI officers and 114 other jobs." (46)
- President Welsh addressed the change stating "Diversity of thought is a cornerstone of great universities, and quite frankly, it's a key ingredient to our continued success.
 Implementation of S.B. 17 will not change that." (47)
- The Office of Diversity and Inclusion was closed.
- Hiring practices and training will be updated, and policies will undergo revisions. (48)

Utah

University of Utah

- A statement addressing HB 261 was released assuring the university will "follow state law." It is currently assessing how to adjust and reorganize to appease state law.
- The Center for Equity and Student Belonging, LGBT Resource Center and Women's Resource Center were all closed and replaced with the Center for Student Access and Resources and Community and the Cultural Engagement Center. (50)

Utah Valley University

- The Culture and Talent team has been restructured, with the Culture team reporting to the Office of Engagement and Effectiveness and the Talent team reporting to Compensation and Benefits."
- The cultural centers and programs Multicultural, LGBTQ+, Native American and Women's, per the new law, will focus on "cultural education, celebration, engagement, and awareness to provide opportunities for all students to learn with and from one another." (51)
- The university noted the distinction between institutional speech and individual speech.

• Utah State University

- The university stated it "remains committed to USU's mission of excellence, access, and inclusion for all members of our communities across Utah and will work within the guardrails of state law to ensure our campuses are a place where everyone feels welcome." (52)
- The Division of DEI was closed along with the Women's Resource Center, Black Cultural Center, LGBT Resource Center, and Center for Equity and Student Belonging. (53)
- The vice president for equity, diversity, and inclusion, will remain on the president's cabinet as an adviser but will have new work duties.

Footnotes

- 1. The employee was later placed on leave.
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This report was made possible by donor contributions and the hard work of the research team at CriticalRace.org, a project of the Legal Insurrection Foundation.

We thank you for your continued support in our efforts to contribute to transparency in education.

Contact

Legal Insurrection Foundation 18 Maple Avenue #280 Barrington, RI 02806

criticalrace.org



legalinsurrectionfoundation.org



criticalrace@legalinsurrection.com

