



Do No Harm

Myths and Facts About Diversity, Equity, and Inclusion (DEI)

Myth: Federal civil rights laws require colleges and universities to operate “diversity, equity, and inclusion” (DEI) programs.

Fact: Laws like Title VI and Title IX simply prohibit discrimination in education; schools don’t discriminate if they lack DEI programming, and DEI programming can even conflict with these laws by treating people differently based on race. Texas and Florida have already enacted DEI bans in publicly funded institutions of higher education. Texas [SB 17](#) clarifies that publicly funded institutions of higher education “may not establish or maintain a diversity, equity, and inclusion office or hire or assign an employee of the institution, or contract with a third party, to perform the duties of a diversity, equity, and inclusion office.” Florida [SB 266](#) meanwhile clarifies that public universities “may not expend any state or federal funds to promote support, or maintain any programs or campus activities that...advocate for diversity, equity, and inclusion, or promote or engage in political or social activism.”

Prohibitions on DEI in Texas and Florida are possible because no statute in federal civil rights law requires DEI programming, and no statute guarantees the continuity of existing programs. In a similar vein, other states have mulled legislation requiring DEI in higher education. DEI mandates (whether compelling or prohibiting it) would not occur if federal law already clarified this matter.

Myth: Universities must embrace DEI or risk losing accreditation.

Fact: Accreditors tend to follow changes in the law, not resist them; their compliant reactions to the Supreme Court’s recent ban on the use of race in admissions is a case in point. So, while several major accreditors do in fact list a commitment to DEI principles as part of their accreditation process, lawmakers are not powerless to disrupt the status quo. A [bill](#) introduced in Congress this past summer would have prohibited DEI policies as criteria for accreditation. Recent legislation in Florida and North Carolina allows universities to [switch](#) accreditors, limiting the capability of any one accreditor to impose politics and ideology into the accreditation process.

Importantly, recent history demonstrates that accreditors wilt under pressure when asked to clarify their diversity requirements. The Liaison Committee on Medical Education, for example, stipulates that medical schools must engage in “ongoing, systematic, and focused recruitment and retention activities, to achieve mission-appropriate diversity outcomes.” When the House Committee on Education and the Workforce asked them to clarify the requirement, LCME responded that “diversity” is open to interpretation and should not be interpreted as a statement about race. Their [clarification](#) represents “an opening for Missouri, Tennessee, Utah and other states looking for ways to get the DEI bureaucracy out of medical schools.”

Furthermore, loss of accreditation is almost exclusively exercised in response to financial troubles. Even then, it's used sparingly. A 2015 [article](#) reported that in the previous 15 years, accreditors rescinded the membership of only 26 of the more than 3,000 higher education institutions in their portfolio. Put simply, accreditors are not interested in revoking accreditation over political differences, especially since they are funded through accredited member institutions.

Myth: Universities will face penalties from the NCAA for closing DEI offices.

Fact: Athletic programs on the Division II or Division III level are [not](#) required to conduct DEI reviews. Division I programs are [required](#) to do DEI reviews at least once every four years. However, [vague wording](#) in the review process means that it is possible for DEI offices to be shuttered but for schools to nonetheless remain in good standing with the NCAA.

On a practical level, the NCAA will inevitably lack the ambition or political will to sanction schools in Florida or Texas, states with large and passionate college sports fanbases. With many more states moving to ban DEI mandates or defund DEI offices over the coming year, their appetite for enforcement will only wane so that the NCAA does not lose hundreds of member schools in conservative states. Once again, recent history is instructive. In 2021 the NCAA [threatened](#) to move championship events out of states that ban biological men from participating in women's sports. They [never](#) made good on the threat, even as the policy gained popularity and spread to other states.

Myth: DEI offices are good because they promote the values of diversity, equity, and inclusion.

Fact: DEI officials don't promote the values of diversity, equity, and inclusion. Instead, they promote and protect divisiveness and racial separatism by assigning groups into oppressor or oppressed categories. DEI offices orient their messaging programming around an oppressor/oppressed paradigm. Dr. Tabia Lee, a former DEI official, was [lambasted](#) for her efforts to address antisemitism through DEI programming, and ultimately not retained at the community college where she was once employed. Further, there is no indication that DEI programming is beneficial even for those identity groups that it tends to treat as [victims](#). Data show that colleges' vast DEI bureaucracy has little relationship to students' satisfaction with their college or their personal experiences with diversity.

Myth: Abolishing DEI offices would be an imposition on academic freedom.

Fact: DEI [staff](#) are not professors and not covered by norms of academic freedom. "They are staff, just like the bureaucrats who run student housing or work in the bursar's office. No one thinks that how students are assigned to housing or pay their bills are matters covered by academic freedom." In fact, abolishing DEI would enhance academic freedom. DEI programming often entails [compelling speech](#) in favor of DEI principles and [chilling speech](#) that does not align with progressive orthodoxy.