

ANTI-DEI LEGISLATION: TRENDS AND IMPACTS ON GRANTS

INTRODUCTION

In recent years, efforts to restrict diversity, equity, and inclusion (DEI) efforts in both K-12 and higher education through legislation have become commonplace. Earlier bills targeted critical race theory (CRT), but the movement expanded to target DEI more broadly, including not only newer practices like the use of diversity statements but also more established practices, such as specialized supports for minority students and mandatory training related to diversity and bias.

These efforts have had the most challenging impact at the state level, where a preponderance of laws, budgetary restrictions, and university system policies create a tangled web of prohibitions and mandates that educators, scholars, administrators, and consultants must navigate.

As of July 2024, 16 states have at least one law regulating DEI practices in higher education, and two more have state university system policies to the same effect. These laws and regulations all include one or more of the following categories of impact:

- Prohibitions of DEI offices, staff, and sometimes activities
- Restrictions and mandates targeting but not prohibiting DEI offices, staff, and activities
- Prohibitions of mandatory training on DEI or related issues

- Prohibitions of diversity statement use in admissions, hiring, and promotion
- Prohibitions of affirmative action and targeted services

The remaining 32 states fall into two categories:

- Sixteen states with where anti-DEI bills have been introduced but have not been successful
- Sixteen states where no such bills have been introduced

While these categories provide a reasonable proxy for which states should be closely monitored going forward, states where no anti-DEI bills have yet been introduced should not be presumed entirely “safe,” as anti-DEI efforts have arisen even in such unlikely places as Connecticut and Oregon, and the movement is backed by prominent conservative figures and institutions such as the [Heritage Foundation](#), the [Goldwater Institute](#), the [Manhattan Institute](#), and [ALEC](#).

TRENDS IN ANTI-DEI LEGISLATION

While many anti-DEI legislative efforts can trace their roots to 2020s surge of racial justice protests and the related backlash against critical race theory, the bulk of anti-DEI legislation has come into effect since 2021, with major legislative efforts in 2023 and 2024.

Daarel Burnette II, the editor of the Chronicle of Higher Education's DEI Legislation Tracker, [suggests](#) that there have been two distinct waves of anti-DEI legislation. The first wave, from 2021 to 2023, tended to use vague language in its restrictions, often relying on buzzwords like "critical race theory rhetoric," "identity politics," "divisive concepts," "discriminatory ideology," and even "diversity, equity, and inclusion" itself. Although sometimes these terms are defined in the text of the law, the definitions can be broad and ambiguous. This ambiguity creates what Jenny Young, Freedom to Learn program director at PEN America, [calls](#) an environment of "educational intimidation" where it seems like anything might be interpreted as illegal and which prompts self-censorship much more extensive than any actual enforcement. However, ambiguity also leaves room for significant challenges to legislation, such as the determination that part of Florida's HB7, or "Stop WOKE Act," is unconstitutional and impermissibly vague, a decision made final in July 2024 after two years of court battles.

The second wave of legislation, in late 2023 and 2024, is much more specific, with lengthy lists of detailed prohibitions on activities and ideas. These bills often use the same buzzwords as their earlier counterparts, but legislators tend to take care to define their terms extensively. These definitions are still expansive, but they are less

ambiguous, leaving less room for workarounds that were effective under earlier legislation, such as renaming offices and programs. Both waves of legislation, however, typically contain the same types of prohibitions, restrictions, and mandates, and use much of the same language.

COMMON TERMINOLOGY

Several key terms and concepts are common across the corpus of anti-DEI legislation, and understanding these buzzwords, their definitions, and their implications is essential to understanding the scope and impact of states' legislation. The list below gives an overview of a handful of the most important terms.

"Divisive concepts"

Occasionally called "certain concepts" or "specified concepts," the term "divisive concepts" typically refers to a list of ideas, derived from a particular interpretation of critical race theory, which constitute the ideology prohibited by the bill or law. The term was likely first outlined in a 2020 executive order entitled "Combating Race and Sex Stereotyping" ([EO 13950](#)). The order, immediately repealed by President Biden upon entering office, prohibited federal agencies from including in employee trainings any promotion of "divisive concepts," defined as follows:

The concepts that (1) one race or sex is inherently superior to another race or sex; (2) the United States is fundamentally racist or sexist; (3) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (4) an individual should be

discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (5) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (6) an individual's moral character is necessarily determined by his or her race or sex; (7) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (8) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (9) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. The term “divisive concepts” also includes any other form of race or sex stereotyping or any other form of race or sex scapegoating.

“Race or sex stereotyping and scapegoating”

These terms often appear alongside “divisive concepts” in legislation as another prohibited ideology and practice. EO 13950 defines them as follows:

“Race or sex stereotyping” means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex.

“Race or sex scapegoating” means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex. It similarly encompasses any claim that, consciously or unconsciously, and by virtue of his or her race or sex, members of any race are inherently racist or are

inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others.

State anti-DEI legislation using these terms typically defines them in identical or very similar language.

“Political tests,” “loyalty oaths,” and other pledges, statements, and affirmations

These terms are most commonly found in legislation seeking to strengthen prohibitions on diversity statements by closing the obvious loophole of simply calling such statements by another name. Typically, diversity statements and prohibitions thereof are linked to employment and admissions, but these and related terms can also be found in clauses pertaining to coursework, financial aid, scholarship, and enrollment in programming, as well as those related to mandatory trainings. In various cases, institutions and educators are prohibited from compelling students and employees to pledge allegiance to, make a statement of personal support for or opposition to, adopt, affirm, adhere to, endorse, assent to, and in some cases even acknowledge either a specific “ideology,” such as DEI, CRT, and “divisive concepts,” or any political or social ideology, movement, viewpoint, etc.

The term “loyalty oath” is particularly notable, as it invokes universities’ controversial use of loyalty oaths in the McCarthy era. These oaths were largely deemed unconstitutional. While the legal principles underpinning those determinations may not be applicable to diversity statements, the term has galvanized public discussion and reflects both the legal reasoning and the political motivations behind diversity statement bans.

“Preferential consideration” and “preferential treatment”

These terms are used to refer to two types of preference, both of which are targeted by anti-DEI legislation. The first is preference on the basis of race, color, sex, national origin, etc. Clauses on this topic typically seek to prohibit affirmative action and related identity-based or identity-conscious practices in hiring, promotion, admission, financial aid, and program enrollment. The second is preference on the basis of political or ideological viewpoints. Clauses on this topic typically seek to prohibit consideration of voluntary political or ideological expressions in hiring, promotion, admission, financial aid, and program enrollment, usually as an addition to a prohibition on the use of required diversity statements or any of their analogs.

“Differential treatment”

This term is used to refer to any type of differentiation on the basis of race, sex, color, etc., and to construe all such differentiation as equivalently racist, discriminatory, and antithetical to American principles of equality and meritocracy. “Differential treatment” is often used to prohibit or restrict DEI activities, as well as practices such as targeted support services, campus spaces, or scholarships, on the basis that they are as inherently unfair and un-American as segregated public education or “whites only” clubs.

“Differential treatment” is also often found nested within other clauses defining the ideological scope of various prohibitions: alongside “divisive concepts,” educators and institutions might be prohibited from endorsing or compelling assent to ideologies “that promote the differential treatment of a person or a group of persons based on race” or other identity factors.

COMMON IMPACTS

Overall, anti-DEI legislation’s higher education focus tends to be on administrative practices and structures and on requirements faced by students and employees, and most laws make specific provisions to protect academic freedom, including faculty research and teaching. While mandates for campus climate surveys and reporting mechanisms may create an inhospitable environment for faculty working on certain topics, the letter of the law itself rarely restricts their scholarly work. Student support services and other campus programming, however, are widely impacted, whether they are explicitly DEI-focused or merely designated to serve specific demographic groups. The prohibitions, restrictions, and mandates common to anti-DEI legislation can generally be broken down into five categories, outlined below.

Note: The terms “DEI,” “diversity statement,” “identity-based preferences,” “targeted services,” etc., are used here to encompass all the associated legislative terminology detailed above. Not every bill included in a given category includes the exact language used here.

Prohibitions of DEI offices, staff, and sometimes activities

Many laws explicitly prohibit institutions from maintaining a DEI office or DEI staff. Some go as far as prohibiting DEI programming altogether, while others allow DEI activities to be sponsored by other units or student or faculty groups. The restrictiveness of these clauses varies based on the language used to define the ideological scope of the ban—from “diversity, equity, and inclusion” to “divisive concepts,” and so on—as well as the mechanism of implementation, which can be a total prohibition or a prohibition on the expenditure

of state funds for various DEI purposes. Prohibitions typically make an exception for activities necessary for compliance with federal law and maintenance of accreditation, but this is not explicitly affirmed in all cases.

Restrictions and mandates targeting but not prohibiting DEI offices, staff, and activities

Some states shy away from full prohibition of DEI activities or expenditures and instead create complex labyrinths of restrictions pertaining to the funding, content, institutional placement, and documentation of DEI activities, while others mandate that DEI offices downsize, “realign” staff roles, promote “intellectual” or “viewpoint” diversity alongside their existing mission, shift from promoting DEI to promoting “neutrality,” conduct campus climate surveys on “diversity of thought” and freedom of expression, make annual reports on all DEI activities institution-wide, or any combination of the above. In some cases, DEI staff are limited to only the functions necessary for compliance with federal law and maintenance of accreditation.

Prohibitions of mandatory DEI training and education

Prohibitions on mandatory DEI training at their narrowest focus on employee trainings required as a condition of employment, particularly those trainings that require participants to affirm, adhere to, or assent to DEI “ideology” to be considered complete. However, these prohibitions have expanded to include mandatory orientations, classes, and other trainings for students, and in some cases, course content or assignments that require students to affirm, adhere to, or assent to DEI “ideology.” In some extreme states, such as Florida, certain “divisive concepts” are banned from the general education

curriculum altogether, while in Texas, prohibitions include any mandatory DEI training for participation any university function, even if the function itself is not mandatory.

Prohibitions of diversity statement use in admissions, hiring, promotion, graduation, etc.

Earlier diversity statement bans tended to prohibit only required diversity statements, but more recent legislation has expanded to include prohibitions of preferential consideration for voluntary statements as well. Similarly, earlier legislation focused on hiring and promotion, while more recent policy has addressed admissions, graduation, program enrollment, financial aid, and scholarships. As detailed above, diversity statements go by many names in anti-DEI legislation, including DEI statements, political litmus tests, ideological statements or pledges, loyalty oaths, and more, in order to cast the broadest net and prevent attempts to circumvent the law.

Prohibitions of affirmative action and targeted services

Prohibitions of identity-based preference or consideration and “differential treatment” appear in legislation both before and after the Supreme Court’s 2023 ruling against affirmative action, with a scope encompassing much more than admissions. State-level prohibitions target faculty diversity initiatives, identity- or demographic-specific student supports, scholarship programs, and any other program that considers race, ethnicity, sex, and sometimes other characteristics in decisions about hiring, promotion, program admission, participation, etc. Legislation may also include prohibitions on both required participation in and exclusion from programming on the basis of identity.

ACTIVE ANTI-DEI LEGISLATION

As of July 2024, sixteen states have active anti-DEI legislation, and two more have university system policies that restrict DEI activities. Figure 1, below, uses the categories outlined above to summarize each state's anti-DEI policies and their potential impact on Hanover Grants work.

Note: Although the significant commonalities in the text of many states' legislation allows these simplified categories to provide a reasonably accurate summary, details should always be verified with the text of the law, university guidelines, and university research, compliance, or legal offices. All laws below are applicable only to public institutions and are currently in effect, except where otherwise specified. Additional institutional or university system policies may apply.

Figure 1: Summary of Anti-DEI Legislation by State

STATE	POLICY	CATEGORIES OF IMPACT	KEY POINTS FOR GRANTS
AL	SB129 , effective October 1, 2024	<ul style="list-style-type: none"> ✓ Prohibition of DEI offices, staff, and sometimes activities ✓ Prohibition of mandatory DEI training and education ✓ Prohibition of affirmative action and targeted services 	<ul style="list-style-type: none"> • May not pursue a grant or funding, including private funding, for programs designed to require people to affirm or agree to any "divisive concept," or for any other prohibited purpose • Research and instruction are protected, though some constraints apply to teaching "divisive concepts" • Recruiting and outreach programs targeted to specific demographics are allowed • Academic supports targeted to specific demographics are allowed if equivalent support is available to other groups
FL	SB266 , HB931 , HB7 ("Stop WOKE Act" or "Individual Freedom Act") State Board of Education Rule 6A-14.0303	<ul style="list-style-type: none"> ✓ Prohibition of DEI offices, staff, and sometimes activities ✓ Prohibition of mandatory DEI training and education ✓ Prohibition of diversity statement use in admissions, hiring, promotion, graduation, etc. 	<ul style="list-style-type: none"> • Academic freedom and faculty research are not explicitly protected, but research is also not restricted • Access programs for veterans, Pell grant recipients, first generation and nontraditional students, "2+2" transfer students, students from low-income families, and students with unique abilities are protected, though other demographically specific programs are not

STATE	POLICY	CATEGORIES OF IMPACT	KEY POINTS FOR GRANTS
		<ul style="list-style-type: none"> ✓ Prohibition of affirmative action and targeted services 	
GA	University System of Georgia Policy on Employee Recruitment and Policy on General Criteria for Employment	<ul style="list-style-type: none"> ✓ Prohibition of mandatory DEI training and education ✓ Prohibition of diversity statement use in admissions, hiring, promotion, graduation, etc. 	<ul style="list-style-type: none"> • Impact limited to hiring and employee training
ID	SB1274	<ul style="list-style-type: none"> ✓ Prohibition of diversity statement use in admissions, hiring, promotion, graduation, etc. 	<ul style="list-style-type: none"> • Impact limited to hiring and admissions
IN	SB202	<ul style="list-style-type: none"> ✓ Restrictions and mandates targeting but not prohibiting DEI offices, staff, and activities ✓ Prohibition of diversity statement use in admissions, hiring, promotion, graduation, etc. 	<ul style="list-style-type: none"> • Academic freedom, faculty research, and teaching are protected • Compliance with federal requirements for grant eligibility are protected • Various requirements to promote neutrality and intellectual diversity across the university, including restrictions on awarding tenure that may impact faculty research agendas • Diversity committees directed to promote recruitment and retention of “underrepresented” rather than “minority” students
IA	SF2435 , effective July 1, 2025; HF744 , HF802 Board of Regents DEI Directives	<ul style="list-style-type: none"> ✓ Prohibition of DEI offices, staff, and sometimes activities ✓ Prohibition of mandatory DEI training and education ✓ Prohibition of diversity statement use in admissions, hiring, promotion, graduation, etc. 	<ul style="list-style-type: none"> • Faculty research and academic course instruction are protected • All services, programs, and events must be open to all students, “subject to applicable state or federal eligibility requirements” • Institutions’ plans for and responses to SF2435 are still in development

STATE	POLICY	CATEGORIES OF IMPACT	KEY POINTS FOR GRANTS
		✓ Prohibition of affirmative action and targeted services	
KS	HB2105	✓ Prohibition of diversity statement use in admissions, hiring, promotion, graduation, etc.	<ul style="list-style-type: none"> • Impact limited to hiring, promotion, admissions, and aid • Scholarship programs must not request diversity statements or similar and may not consider voluntary statements • Academic freedom, faculty research, and teaching are protected
LA	HB904	✓ Restrictions and mandates targeting but not prohibiting DEI offices, staff, and activities	<ul style="list-style-type: none"> • No immediate impact; only requires institutions to report on DEI activities and expenditures • May be establishing a foundation for future legislation or university policies based on report results
MS	SB2113	<ul style="list-style-type: none"> ✓ Prohibition of mandatory DEI training and education ✓ Prohibition of affirmative action and targeted services (possible) 	<ul style="list-style-type: none"> • Primarily restricts curriculum and instruction related to two “divisive concepts” • Prohibition of “distinction or classification of students based on race” may impact provision of targeted services
NC	SB364 UNC Policy Manual Section 300.8.5	<ul style="list-style-type: none"> ✓ Prohibition of DEI offices, staff, and sometimes activities ✓ Prohibition of mandatory DEI training and education ✓ Prohibition of diversity statement use in admissions, hiring, promotion, graduation, etc. 	<ul style="list-style-type: none"> • Academic freedom, faculty research, teaching, and student organizations are protected • Targeted programs or services are allowed, provided they align with institutional neutrality and do not discriminate • Institutions are still developing their responses to and guidance regarding system policy change, though implementation reports are due to the Board of Governors on September 1, 2024
ND	SB2247	<ul style="list-style-type: none"> ✓ Prohibition of mandatory DEI training and education ✓ Prohibition of diversity statement use in admissions, hiring, promotion, graduation, etc. 	<ul style="list-style-type: none"> • Impact generally limited to hiring, promotion, admissions, graduation, and mandatory trainings • Also prohibits the use of state funds to incentivize a faculty member to incorporate a divisive concept into the curriculum

STATE	POLICY	CATEGORIES OF IMPACT	KEY POINTS FOR GRANTS
OK	EO 2023-31	<ul style="list-style-type: none"> ✓ Prohibition of DEI offices, staff, and sometimes activities ✓ Prohibition of mandatory DEI training and education ✓ Prohibition of diversity statement use in admissions, hiring, promotion, graduation, etc. 	<ul style="list-style-type: none"> • Faculty research, creative work, and academic course instruction are protected • Academic support, tutoring, career services, and student success center programming must be designed and implemented without regard to race, sex, color, national origin, or ethnicity • Access programs for military veterans, Pell Grant recipients, first generation college students, students from low-income families, students with unique abilities, or underserved student populations are protected • Protects statements for grant applications that highlight institutions' support for first-generation college students, students from low-income families, students with unique abilities, and underserved student populations and that certify compliance with applicable anti-discrimination laws, rules, and regulations • Prohibits all DEI roles and functions not necessary for legal compliance and maintenance of accreditation
SD	HB1012	<ul style="list-style-type: none"> ✓ Prohibition of mandatory DEI training and education ✓ Prohibition of affirmative action and targeted services (possible) 	<ul style="list-style-type: none"> • Academic freedom and academic instruction are protected; faculty research is not mentioned • Enrollment or attendance in a class, training, or orientation may not be conditioned on the basis of race or color, potentially impacting targeted programming
TN	SB102 (PC 438) SB2290 (PC 818) SB817 (PC 268) SB2501 (PC 815)	<ul style="list-style-type: none"> ✓ Restrictions and mandates targeting but not prohibiting DEI offices, staff, and activities ✓ Prohibition of mandatory DEI training and education ✓ Prohibition of diversity statement use in admissions, hiring, promotion, graduation, etc. 	<ul style="list-style-type: none"> • Academic freedom, instruction, and research are protected • Requires DEI employees to support student success more broadly • Prohibits the use of state funds to incentivize a faculty member to incorporate a divisive concept into the curriculum

STATE	POLICY	CATEGORIES OF IMPACT	KEY POINTS FOR GRANTS
TX	SB17	<ul style="list-style-type: none"> ✓ Prohibition of DEI offices, staff, and sometimes activities ✓ Prohibition of mandatory DEI training and education ✓ Prohibition of diversity statement use in admissions, hiring, promotion, graduation, etc. ✓ Prohibition of affirmative action and targeted services 	<ul style="list-style-type: none"> • Scholarly research, creative work, academic instruction, student organizations, and guest speakers are protected • Protects statements for grant applications that highlight institutions' support for first-generation college students, low-income students, and underserved student populations and that certify compliance with state and federal anti-discrimination laws • Prohibition of DEI offices extends to any unit or employee "performing the duties of a DEI office," which include: <ul style="list-style-type: none"> ◦ promoting differential treatment or providing special benefits to students on the basis of race, color, or ethnicity ◦ conducting trainings, programs, and activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than those developed by an attorney and approved by institutional and system administration for the sole purpose of ensuring legal compliance • Prohibition on giving preference on the basis of race, sex, color, ethnicity, or nation of origin extends to "participants in any function of the institution," as does the prohibition of mandatory DEI training, even if the function itself is not mandatory • All student services, programs, and activities must be open to all
UT	HB261	<ul style="list-style-type: none"> ✓ Prohibition of DEI offices, staff, and sometimes activities ✓ Prohibition of mandatory DEI training and education 	<ul style="list-style-type: none"> • Academic research and course teaching are protected • All programs and services must be open to all students, though they may have a demographic focus or target • Prohibition of DEI offices extends to any employee assigned to perform equivalent functions related to "prohibited

STATE	POLICY	CATEGORIES OF IMPACT	KEY POINTS FOR GRANTS
		<ul style="list-style-type: none"> ✓ Prohibition of diversity statement use in admissions, hiring, promotion, graduation, etc. ✓ Prohibition of affirmative action and targeted services 	<p>discriminatory practices,” an extensive list integrating “differential treatment” and “divisive concepts” clauses</p> <ul style="list-style-type: none"> • Requirements necessary for establishing or maintaining eligibility for federal programs are protected • Private scholarships administered by an institution are protected • Grants that would otherwise require engaging in a “prohibited discriminatory practice” are protected if they have been reviewed and approved by the board of trustees
WI	University of Wisconsin System Board of Regents agreement	<ul style="list-style-type: none"> ✓ Restrictions and mandates targeting but not prohibiting DEI offices, staff, and activities ✓ Prohibition of diversity statement use in admissions, hiring, promotion, graduation, etc. 	<ul style="list-style-type: none"> • Prohibition on new DEI hiring and realignment of existing DEI roles could impact programmatic grants • AJR 109, a proposed state constitutional amendment to ban the consideration of race, sex, ethnicity, and other factors in hiring decisions and public accommodations, passed both chambers in 2024. If it passes again next year and then is ratified in a statewide election, it could impact targeted student services and programming.
WY	HB1 (2024 Budget) Additional University of Wyoming internal policy changes based on DEI Review Working Group Report	<ul style="list-style-type: none"> ✓ Restrictions and mandates targeting but not prohibiting DEI offices, staff, and activities ✓ Prohibition of diversity statement use in admissions, hiring, promotion, graduation, etc. ✓ Prohibition of affirmative action and targeted services 	<ul style="list-style-type: none"> • Only applicable to University of Wyoming • Academic freedom is protected • Requirements for accreditation are protected • Access programs for military veterans, Pell grant recipients, first-generation college students, nontraditional students, low-income students or people with disabilities are protected • University of Wyoming is still reviewing programs and practices that might be giving “preferential treatment,” and guidance is still in development

GRANTS IMPACT SUMMARY

Research

In every impacted state except Florida, faculty research is either protected by an academic freedom clause, explicitly exempted from restrictions, or entirely outside the scope of legislation (i.e., those laws that focus exclusively on diversity statements or mandatory training). Some protections explicitly include research designed to address or support specific demographic groups. Academic freedom protections also generally extend to academic classroom instruction, though some restrictions may exist, such as requirements that “divisive concepts” must be taught in an objective manner or only as part of a larger course of study.

Programming

Anti-DEI legislation and policies affect student support programs and other campus programming in roughly half of impacted states. “Preferential treatment” clauses restrict programming that targets or serves specific groups in a number of different ways, from simply requiring that equivalent services be available to all students, to requiring that all services or programs be open to all students, to taking aim at the programs themselves for promoting a prohibited ideology, regardless of their actual practice.

In Florida, Oklahoma, and Wyoming, specific exemptions to “preferential treatment” prohibitions are made for categories such as military veterans, Pell Grant recipients, first-generation college students, nontraditional students, low-income students,

or people with disabilities. These exemptions often accommodate many of the students previously served by now-prohibited programs, but only Oklahoma’s provision for “underserved student populations” affords any real flexibility.

Restrictions based on “divisive concepts” or “DEI ideology” rather than “preferential treatment” also often leave room for programs to persist through semantic adjustments, minor revisions, and clarifications of actual purpose and practices. Legislation based on these ideological frameworks is often so concerned with extreme practices that smaller-scale and commonly enacted DEI-related practices may emerge relatively unscathed.

All Grants

One common area of impact that could affect both research and programming is restrictions on hiring and training practices. Prohibitions on diversity statements, consideration of ideological viewpoint, and consideration of identity characteristics are widespread and must be accounted for in any project that intends to hire or promote staff. Similarly, should any staff training be required, prohibitions on required DEI training are likely applicable.

Ultimately, although anti-DEI laws have much in common from state to state, variability in language, details, exemptions, etc., is extensive enough that meaningful generalizations are limited. Impacts on and approaches to grant projects cannot be

predetermined, especially as each state and institution continues to work out the implementation and enforcement of recent legislation. Additionally, lack of specific legal prohibition or the presence of ambiguity cannot guarantee that there will be no negative consequences for work in “divisive” or DEI-related areas.

If a project in an impacted state presents any potential concern in terms of topic, includes any mandatory components for any student or employee, serves or addresses a specific population, or involves coursework, hiring, or training, the project director and any consultant involved should familiarize themselves with that state’s restrictions in consultation with university research, compliance, or legal staff.

RESOURCES FOR ONGOING MONITORING

The most comprehensive resources for monitoring anti-DEI legislation nationwide are four online “Anti-DEI Legislation Trackers” maintained by the Chronicle of Higher Education, BestColleges, the Education Trust, and the Heritage Foundation. None is perfectly comprehensive; the strengths and limitations of each are summarized in Figure 2.

Figure 2: Overview of Anti-DEI Legislation Trackers

PUBLICATION	STRENGTHS	LIMITATIONS
<u>Chronicle of Higher Education</u>	<ul style="list-style-type: none"> • Interactive, color-coded map and some infographics • Includes data on numbers of students, employees, and institutions impacted, and percentage of students and employees who are nonwhite • Frequently updated • Search by state • Includes statement of methodology • Includes links to text of bills 	<ul style="list-style-type: none"> • Requires login for limited free access, or paid subscription for full access • Level of detail and update frequency appear inconsistent across states
<u>BestColleges</u>	<ul style="list-style-type: none"> • Free • Interactive, color-coded map • Clear, non-technical summaries of legislation content and status 	<ul style="list-style-type: none"> • Not consistently up to date • Not as frequently updated as other trackers • Level of detail is sometimes lacking
<u>The Education Trust</u>	<ul style="list-style-type: none"> • Free • Interactive, color-coded map and customizable data visualization • Frequently updated • Includes data on faculty and undergraduates of color 	<ul style="list-style-type: none"> • Not comprehensively up to date • Possibly partially reliant on crowdsourcing • Varying levels of detail regarding each bill
<u>The Heritage Foundation</u>	<ul style="list-style-type: none"> • Free • Interactive, color-coded map • Frequently updated • Provides insight into conservative perspective 	<ul style="list-style-type: none"> • Very little detail • More narrowly construes relevance, leading to information on fewer states, bills, and laws

Alongside anti-DEI legislation trackers, a number of other resources may be helpful for monitoring both national trends in the anti-DEI movement and state-level legislative details:

- The [Chronicle of Higher Education](#), [Inside Higher Ed](#), and [Insight into Diversity](#) provide consistent coverage of anti-DEI legislation impacting universities. Both the Chronicle and Inside Higher Ed require subscriptions for unlimited access and logins for limited free access.
- [States Newsroom](#), a national nonprofit, non-partisan news organization, provides national coverage at [News from the States](#), as well as [individual publications for each state](#) with reporting from every capital. While DEI is not a specific focus, anti-DEI legislation is consistently covered by education and politics reporters.
- Although coverage varies, [state ACLUs](#) and [education associations](#), as well as local NPR, PBS, CNN, and NBC affiliates, often provide updates and clarification regarding anti-DEI legislation in their state.
- Three other legislation trackers have some overlap with anti-DEI legislation and may be useful for certain projects: EducationWeek's tracker of "[Where Critical Race Theory Is Under Attack](#)," NASPA's tracker of [state legislation impacting student affairs](#), and the [Trans Legislation Tracker](#).

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In addition to the legislation and resources linked throughout the text above, the following works were consulted in the preparation of this report.

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