

Keep Accreditation About Academics Act

Accrediting agencies are increasingly calling for colleges and universities to incorporate diversity, equity, and inclusion (“DEI”) initiatives into their programs. In their effort to become or remain accredited, colleges and universities have deployed various DEI initiatives, such as “racial bias” trainings, that often push school employees and students to treat people differently based on the color of their skin. Accrediting agencies should be focused on academics, not enforcing political views on racial equity.

Summary: AN ACT relating to accrediting agencies doing business in this state; prohibiting accrediting agencies from reviewing or considering DEI policies in accreditation decisions; empowering the attorney general to investigate and file civil actions regarding violations; empowering employees and students to file civil actions regarding violations; providing remedies and penalties; and providing an effective date.

SECTION 1. Legislative Findings.

The State of [**name of state**] finds that:

- (1) Federal law requires accrediting agencies meet certain standards in order to be recognized as a reliable authority by the federal government. One such standard is that the accrediting agency must require that colleges and universities meet certain standards for accreditation, such as assessing student achievement, faculty, and grading practices. None of the standards for colleges and universities include diversity, equity, and inclusion (“DEI”) initiatives.
- (2) Nevertheless, in the past several years, accrediting agencies have been incorporating DEI requirements into their evaluations of colleges and universities.
- (3) According to a 2023 report in The Chronicle of Higher Education, six out of the seven major regional institutional accreditors “have adopted DEI standards for their institutions.”
- (4) The primary accrediting agency that accredits law schools now has added a requirement that law schools “provide education to law students on bias, cross-cultural competency, and racism” at least twice before graduation.
- (5) Accrediting agencies have issued several “warnings” or “notices of concern” to colleges or universities questioning the schools’ level of commitment to DEI, or put colleges on probation over similar DEI concerns.
- (6) At least one accrediting agency has added language to its standards of accreditation declaring that to be accredited, a college or university must “make[] explicit its commitment to diversity, equity, and inclusion” and “act[] with intention to advance diversity, equity, and inclusion in all of its activities.”

- (7) As a report observed, “Efforts to meet an accreditor’s concerns can be costly for colleges, especially for those that already enroll many traditionally underserved students.”
- (8) After accrediting agencies implemented DEI requirements, colleges and universities have instituted “racial bias” programs. For example, the University of Connecticut (UConn) recently announced that all students would be required to take an “Anti-Black Racism” course to graduate.
- (9) “Racial bias” or “anti-racism” efforts frequently advocate that people be treated differently based on the color of their skin, which conflicts with this state’s civil rights laws.
- (10) In addition, research suggests that racial bias programs: (a) are of limited academic value; (b) are expensive and administratively bloated; (c) may actually increase bias and stereotyping; and (d) actually increase the percentage of minority students that feel unwelcome.
- (11) However, in the view of accreditors pushing DEI, “racial bias” programs are positive “programs ... that create a favorable environment for students from underrepresented groups.”
- (12) A requirement for a college to “advance diversity, equity, and inclusion in all of its activities” also is likely to restrict the free flow of ideas and academic debate, as schools are forced to ensure that “all” of their activities advance DEI to remain accredited.
- (13) After accrediting agencies implemented DEI requirements, colleges and universities also have altered how they make hiring decisions. For example, an internal investigative report concluded that a faculty hiring committee at the University of Washington re-ranked three finalist candidates for a position based on race rather than qualifications. One of the stated reasons for the change was to avoid being “accused of ‘not prioritizing DEI,’” and a faculty member had stated approvingly that the department was “prioritizing DEI, operationalized as focusing on increasing hiring of URM [under-represented minority candidates].”
- (14) Accrediting agencies should not consider the existence of “racial bias” programs or other DEI policies, programs, or practices when making accreditation decisions.

SECTION 2. Definitions.

- (A) “Accreditation” means the status of public recognition that an accrediting agency grants to an educational institution or program that meets the agency’s standards and requirements.

- (B) “Accrediting agency” means a legal entity, or that part of a legal entity, that conducts accrediting activities and makes decisions concerning the accreditation or preaccreditation status of institutions, programs, or both. It includes any national, regional, or programmatic accrediting agency.
- (C) “Diversity, equity, and inclusion policy, program, or practice” means a policy, program, or practice established for the purpose of:
- (i) influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
 - (ii) promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity, including for the purposes of hiring, evaluating, or promoting administrators, employees, or teachers;
 - (iii) promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the institution of higher education’s general counsel and the [**state higher education board**] for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
 - (iv) conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by the institution of higher education’s general counsel and the [**state higher education board**] for the sole purpose of ensuring compliance with any applicable court order or state or federal law.
- (D) “Diversity statement” means any document or oral communication describing views on matters related to race, ethnicity, color, or national origin that is not required by applicable state or federal law.
- (E) “Institution of higher education” means a college, university, or other institution providing post-secondary education, and includes any program or school operated by such college, university, or other institution.
- (F) “Located in whole or in part in this state” for an institution of higher education means the institution has a physical campus in this state, or the institution offers online classes and more than [25]% of its online students are residents of this state.

SECTION 3. Prohibitions.

- (A) When taking any action on the accreditation or renewal of accreditation of an institution of higher education located in whole or in part in this state, an accrediting agency shall not:
- (i) base its accrediting decision in any way on a review or consideration of the diversity, equity, and inclusion policies, programs, or practices of that institution,
 - (ii) collect information related to the diversity, equity, and inclusion policies, programs, or practices of that institution, or
 - (iii) include any requirement related to diversity, equity, and inclusion, including, but not limited to, requiring a diversity statement from an institution of higher education, or any employee or contractor.
- (B) Pursuant to subsection (A), an accrediting agency considering the accreditation or renewal of accreditation of an institution of higher education located in whole or in part this state must implement policies to ensure that any person with any decision-making or recommendation authority related to that accreditation or renewal of accreditation does not collect and is not presented with any information regarding the diversity, equity, and inclusion policies, programs, or practices of that institution.

SECTION 4. Enforcement.

- (A) Section 3 of this Act may be enforced through a civil action brought against the accrediting agency by any person who was or is a student of the institution of higher education, or was or is employed by or contracted with the institution of higher education.
- (B) Section 3 of this Act also may be enforced against the accrediting agency by the attorney general on behalf of the state. Any violation of Section 3 of this Act shall constitute a violation of [**state civil rights law**], and the attorney general may investigate and seek remedies as provided in that law. Any violation of Section 3 of this Act also shall constitute an unfair act in violation of [**state UDAP statute**], and the attorney general may investigate and seek remedies as provided in that law.
- (C) In addition to any other remedies available at law or equity, an accrediting agency that violates Section 3 of this Act shall be obligated to pay the reasonable attorneys' fees and costs of the party bringing the lawsuit and to pay damages to the party bringing the lawsuit in an amount equal to three times all monies paid to the accrediting agency by the institution of higher education for the accrediting agency's services, whether dues, fees, or otherwise.
- (D) In addition to any other remedies available at law or equity, an accrediting agency that violates Section 3 of this Act shall be liable to pay civil penalties to the party bringing the lawsuit in an amount up to \$1,000 per student that attended the institution of higher education at the time the accrediting agency violated Section 3 of this Act.

SECTION 5. Severability.

Each section, paragraph, and portion of each paragraph of this Act is severable. If one or more sections, paragraphs, or portions of one or more paragraphs of this Act are held invalid on their face or as applied to particular facts, then the remaining portions and applications of the Act shall be given full effect to the greatest extent practicable.

SECTION 6. Applicability and Effective Date.