



Arizona State Senate

Office of the President

February 10, 2025

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Dr. Suresh Garimella
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President
Northern Arizona University
Office of the President
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Re: Executive Order 14173 of January 21, 2025: Ending Illegal Discrimination and Restoring Merit-Based Opportunity

Presidents Crow, Garimella, and Rivera:

This letter requests that you act to ensure your respective institutions fully comply with federal law that will affect your funding and standing with federal regulators. As you likely know, on January 21, 2025, President Donald Trump issued an executive order entitled “Ending Illegal Discrimination and Restoring Merit-Based Opportunity” (“Order”).¹ Among other things, the Order

¹ Exec. Order No. 14173, 90 FR 8633 (2025), available at:
<https://www.federalregister.gov/documents/2025/01/31/2025-02097/ending-illegal-discrimination-and-restoring-merit-based-opportunity>.

revokes several previous executive actions and directs the Office of Federal Contract Compliance Programs to cease certain activities related to “promoting diversity,” “taking ‘affirmative action’” and, “[a]llowing or encouraging Federal contractors and subcontractors to engage in workforce balancing based on race, color, sex, sexual preference, religion, or national origin.”

Importantly, the Order further mandates that the head of every federal agency requires any recipient of federal grants or contracts to “certify that it does not operate any programs promoting [diversity, equity, and inclusion (“DEI”)] that violate any applicable Federal anti-discrimination laws.” This requirement operates in conjunction with the Order’s Section 4 directive to the federal Office of Management and Budget (“OMB”) to submit—in consultation with relevant federal agencies—a report to the White House that, in part, identifies:

A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated “DEI” or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, *each agency shall identify up to nine potential civil compliance investigations* of publicly traded corporations, large non-profit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, *and institutions of higher education with endowments over 1 billion dollars.*

(Emphasis added).²

The Order also instructs OMB to address “[o]ther strategies to encourage the private sector to end illegal DEI discrimination and preferences and comply with all Federal civil-rights laws” and additionally mentions potential litigation and regulatory action or guidance as topics to address.

Moreover, Section 5 of the Order directs the United States Departments of Justice and Education to:

[J]ointly issue guidance to all State and local educational agencies that receive Federal funds, as well as all institutions of higher education that receive Federal grants or participate in the Federal student loan assistance program under Title IV of the Higher Education Act, 20 U.S.C. 1070 *et seq.*, regarding the measures and practices required to comply with [the Supreme Court’s opinion in] *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023).

Given the Order’s directives, I am requesting through this letter that your respective institutions each identify and publicly release a plan for complying with the Order. It is important that no Arizona public institution of higher education be named as one of the potential

² As of this letter’s date, the respective endowments for both Arizona State University (“ASU”) and the University of Arizona (“UoA”) exceed this \$1 billion threshold. Although the endowment for Northern Arizona University (“NAU”) is not as large, I have nevertheless addressed this letter there as well because NAU receives taxpayer money as a public institution and the subject matter of the Order warrants appropriate action even if some of the enforcement thresholds may not initially apply.

civil compliance investigatory targets that will be identified pursuant to Section 4(b) of the Order. Furthermore, it plainly is in Arizona’s best interests to have its state universities take a proactive approach towards ensuring (1) that its policies and procedures will allow your institutions to comply with any certification required of recipients of federal grants and contracts, and (2) that no DEI-related practice puts an institution at risk for unwanted regulatory attention.

Issuing a public call to create a compliance plan is necessary because your respective institutions all have troubling records when it comes to using resources to implement DEI programs. For example:

- Until the Board of Regents ended the practice in 2023, job postings at all three institutions often required statements addressing commitments to DEI.³
- As late as 2023, ASU was identified as requiring all university faculty and staff to undergo inclusion training that, in part, espoused ideas that included “open[ing] the space to critique whiteness” and that “heterosexuality, the dominant sexual identity in American culture, is privileged by going largely unquestioned.”⁴
- UoA currently maintains a Faculty Senate Standing Committee on DEI that includes, as part of its mission statement, a commitment to “to dismantling systemic and institutional racism, and we will protect the identity of the University of Arizona as a diverse and inclusive Land Grant University and Hispanic Serving Institution, which is situated upon the traditional lands of Indigenous Nations.”⁵
- NAU in 2021 required that all students take 12 credits of “diversity requirements”—which reportedly could be met by such courses as “Intersectional Movements,” “Introduction to Queer Studies,” “Trans Existence and Resilience,” “Race, Power and Politics,” “Introduction to Indigenous Astronomy,” and “Multicultural Perspectives of Natural Resource Management”—as a condition to graduate.⁶

These examples, along with the fact that all three of your institutions continue to maintain “diversity” or “inclusion” departments that employ DEI-focused individuals,⁷ suggest that Arizona’s

³ Ray Stern, “AZ universities drop use of diversity, equity, and inclusion statements in job applications,” ARIZONA REPUBLIC, August 8, 2023, available at: <https://www.azcentral.com/story/news/politics/arizona-education/2023/08/08/asu-ua-nau-drop-use-of-diversity-statements-in-university-job-applications/70554093007/>.

⁴ See Complaint ¶¶27–29, Anderson v. Ariz. Bd. Of Regents, CV2024-005713, available at: <https://www.goldwaterinstitute.org/wp-content/uploads/2024/03/Complaint-Final-with-exhibits.pdf>.

⁵ Mission Statement for Faculty Senate Standing Committee on Diversity Equity and Inclusion, available at: <https://facultygovernance.arizona.edu/sites/default/files/DEI%20Mission.pdf>.

⁶ John D. Sailer, *A Bachelor’s in Diversity*, CITY JOURNAL, May 24, 2022, available at: <https://www.city-journal.org/article/a-bachelors-in-diversity>.

⁷ See, e.g., [ASU’s Office of Inclusive Excellence](#), [UoA’s Office of Diversity and Inclusion](#), and [NAU’s Office of Inclusion](#).

public institutions of higher education may be at risk of receiving enforcement-focused attention from federal regulators or law enforcement based on the Order.

As President of the Senate, I have a strong interest in ensuring that taxpayer funds are not wasted through promoting or defending actions that increase risk for our public institutions. Undertaking a proactive review of your institution's DEI-related policies, procedures, activities, and expenditures—and identifying recommended adjustments that may be submitted for action by the Board of Regents—will show that Arizona is serious about complying with the Order and making any necessary adjustments before law enforcement or regulators get involved. In addition, such action will make it easier to quickly apply any future changes based on upcoming joint guidance from the Departments of Justice and Education.

The strength of Arizona's diversity lies in the opportunities our state affords to all citizens, not in artificial and unfair constructs that seek special treatment for some and retribution for past wrongs. Arizona's public universities are at the forefront of ensuring those opportunities remain available for every Arizona citizen. The Order presents a chance to show that your institutions take seriously your responsibility to preserve that opportunity. I hope you will do so by proactively demonstrating compliance with the Order.

Respectfully,

A handwritten signature in black ink, appearing to read "Warren Petersen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Warren Petersen
President of the Arizona State Senate

Cc: Lisa S. Loo, General Counsel, Arizona State University
Laura Todd Johnson, General Counsel, University of Arizona
Michelle Geneva Parker, General Counsel, Northern Arizona University