

## University Affairs Committee – October 5, 2021

### Critical Race Theory – Proposed Resolution and Statement of Information

#### RESOLUTION:

The Board of Regents affirms its commitment to academic freedom in the Laws of the Regents as encompassing the “the freedom to inquire, discover, access, publish, disseminate, and teach truth as the individual understands it, subject to no control or authority save the control and authority of the rational methods by which knowledge is established in the field.”<sup>1</sup>

The Board of Regents affirms its commitment to the principle that “faculty members shall not be subjected to direct or indirect pressures in an attempt to influence their work in a manner that would conflict with professional standards in the field. The Board of Regents and administration shall not impose such pressures or influence and shall resist such pressures or interference when exerted from outside the university.”<sup>2</sup>

The Board of Regents recognizes that critical race theory is a recognized and legitimate field of academic inquiry and discourse.

The Board of Regents denounces any efforts to preclude or limit the teaching of critical race theory at the University of Colorado or at other institutions of higher education. Any such efforts are contrary to the principle that “all faculty members, within the scope of their faculty responsibilities, must have freedom to study, learn, and conduct scholarship and create work within their discipline, and to communicate the result of these pursuits to others, bound only by the control and authority of the rational methods by which knowledge is established in the field.”<sup>3</sup>

The Board of Regents recognizes that members of the university community and the public may disagree with the tenets of critical race theory, and the Board of Regents, fully respects their right to disagree and challenge those tenets. The Board of Regents is committed to the principle that the “best method for advancing the state of knowledge is engaging with the broadest range of theories, methodologies, data, and conflicting opinions,” rather than attempting in any way to preclude or limit the teaching of any academic theory.<sup>4</sup>

The Board of Regents supports training to advance diversity, equity and inclusion on University of Colorado campuses

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<sup>1</sup> [Article 5: Faculty | University of Colorado](#) (emphasis added)

<sup>2</sup> [Policy 5: Faculty | University of Colorado](#)

<sup>3</sup> [Policy 5: Faculty | University of Colorado](#)

<sup>4</sup> [Policy 5: Faculty | University of Colorado](#)

The Board of Regents determines that it would be inappropriate it to attempt to limit or define the content of any such training, other than to observe that the training should be consistent with Regent Policy 1.B., which states that the university will “ensure policies, programs, procedures, and practices promote a continuing commitment to building a community of faculty, students, and staff in which diversity is a fundamental value. Such policies, programs and procedures will also serve to ensure the rich interchange of ideas in the pursuit of truth and learning, including diversity of political, geographic, cultural, intellectual, and philosophical perspectives.”<sup>5</sup>

#### **STATEMENT OF INFORMATION:**

Critical race theory is an academic theory that has its origins in the 1970s and 1980s with legal scholars including Derrick Bell, Alan Freeman, and Richard Delgado. These scholars and others posited that racism is an enduring part of American society and that existing legal structures often exist to promote the majority’s self-interest.<sup>6</sup>

In the field of education, there are five major tenets of CRT that scholars advocate should inform theory, research, pedagogy, curriculum and policy: (1) the intercentricity of race and racism; (2) the challenge to dominant ideology; (3) the commitment to social justice; (4) the centrality of experiential knowledge; and (5) the utilization of interdisciplinary approaches.

- *The intercentricity of race and racism with other forms of subordination.* CRT starts from the premise that race and racism are central, endemic, permanent and a fundamental part of defining and explaining how US society functions . . .
- *The challenge to dominant ideology.* CRT challenges White privilege and refutes the claims that educational institutions make toward objectivity, meritocracy, color-blindness, race neutrality and equal opportunity. CRT challenges notions of ‘neutral’ research or ‘objective’ researchers and exposes deficit-informed research that silences, ignores and distorts epistemologies of People of Color . . .
- *The commitment to social justice.* CRT is committed to social justice and offers a liberatory or transformative response to racial, gender and class oppression . . .

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<sup>5</sup> [Policy 1: University of Colorado Self-Governance, Guiding Principles and Freedom of Expression | University of Colorado \(cu.edu\)](#)

<sup>6</sup> [Critical Race Theory | The First Amendment Encyclopedia \(mtsu.edu\)](#)

- *The centrality of experiential knowledge.* CRT recognizes that the experiential knowledge of People of Color is legitimate, appropriate, and critical to understanding, analyzing and teaching about racial subordination CRT draws explicitly on the lived experiences of People of Color by including such methods as storytelling, family histories, biographies, scenarios, parables, *cuentos*, *testimonios*, chronicles and narratives . . .
- *The transdisciplinary perspective.* CRT goes beyond disciplinary boundaries to analyze race and racism within both historical and contemporary contexts, drawing on scholarship from ethnic studies, women's studies, sociology, history, law, psychology, film, theatre and other fields.<sup>7</sup>

These five themes are not new in and of themselves, but collectively they represent a challenge to the existing modes of scholarship.<sup>8</sup>

Critical race theory often critiques traditional liberal ideology, which has attempted to divest race categories of social significance and treat all persons equally. Critical race theorists have argued that traditional liberal ideology perpetuates privilege and fails to recognize inherent racism in systems.<sup>9</sup> More recently, scholars have advocated that systems must be reformed to be consciously “antiracist” because in the absence of making antiracist choices, those systems unconsciously uphold aspects of white supremacy, white-dominant culture, and unequal institutions.<sup>10</sup>

Critical race theory is not universally accepted. To the contrary, there are those who sincerely disagree with the tenets of critical race theory and its core teaching that systemic racism pervades American society.<sup>11</sup> In the past year, legislation was introduced or passed in at least sixteen states that attempts to limit the teaching of concepts that proponents of the legislation

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<sup>7</sup> Tara J. Yosso \* (2005) Whose culture has capital? A critical race theory discussion of community cultural wealth, *Race Ethnicity and Education*, 8:1, 69-91, DOI: [10.1080/1361332052000341006](https://doi.org/10.1080/1361332052000341006) (internal citations omitted). Available at: [Full article: Whose culture has capital? A critical race theory discussion of community cultural wealth \(tandfonline.com\)](https://www.tandfonline.com/doi/full/10.1080/1361332052000341006)

<sup>8</sup> Yosso, note 7.

<sup>9</sup> [Critical Race Theory - New Discourses](#)

<sup>10</sup> [Being Antiracist | National Museum of African American History and Culture \(si.edu\)](#)

<sup>11</sup> [Eight Big Reasons Critical Race Theory Is Terrible for Dealing with Racism - New Discourses](#)

associated with critical race theory. For example, in the State of Texas, newly effective legislation states that a K-12 school district may not “make a part of a course the concept that . . . meritocracy or traits such as a hard work ethic are racist . . . [or] that “slavery and racism are anything other than deviations from, betrayals of, or failures to live up to, the authentic founding principles of the United States, which include liberty and equality.”<sup>12</sup> In Idaho, legislation applicable to public institutions of higher education found that teaching critical race concepts “exacerbate and inflame divisions on the basis of sex, race, ethnicity, religion, color, national origin, or other criteria in ways contrary to the nation. . . .”<sup>13</sup>

No such legislation has been introduced or passed in Colorado, but institutions of higher education and scholars within them have been criticized for teaching concepts associated with critical race theory, including at the University of Colorado.<sup>14, 15</sup> Before it was rescinded,<sup>16</sup> the former president issued an executive order prohibiting workplace training on “divisive concepts,”<sup>17</sup> including concepts mistakenly associated with critical race theory, leading some universities to postpone training intended to promote diversity, equity and inclusion.<sup>18</sup> In response to this order, several institutions of higher education filed amicus briefs asserting that the order unconstitutionally infringed upon the concept of academic freedom and freedom of expression as recognized in the United States Supreme Court’s precedent.<sup>19</sup>

Research has established that organizations that respect and promote diversity are more successful and produce better outcomes than non-diverse organizations.<sup>20</sup> Recognizing the value of increased diversity in higher education, the Office of Planning, Evaluation and Policy Development in the United States Department of Education has recommended that institutions of higher education “develop and facilitate programming to increase the cultural competency of leadership, faculty, staff, and students” and has noted that “diversity training and workshops

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<sup>12</sup> [87\(R\) HB 3979 - Enrolled version \(texas.gov\)](#)

<sup>13</sup> [HOUSE BILL NO.377 \(2021\) - Public education, nondiscrimination \(idaho.gov\)](#)

<sup>14</sup> [Campus Reform | Prof claims that violence against Asians from non-white people is still caused by ‘white supremacy’](#)

<sup>15</sup> [University Teaching Conference Suggests ‘Perfectionism,’ ‘Sense Of Urgency,’ ‘Individualism’ Are All Part Of ‘White Supremacy’ | The Daily Wire](#)

<sup>16</sup> [Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government | The White House](#)

<sup>17</sup> [Executive Order on Combating Race and Sex Stereotyping – The White House \(archives.gov\)](#)

<sup>18</sup> [Colleges cancel diversity programs in response to Trump order \(insidehighered.com\)](#)

<sup>19</sup> [filed\\_brief.pdf \(stanford.edu\)](#)

<sup>20</sup> [delivering-through-diversity\\_full-report.pdf \(mckinsey.com\)](#)

can influence the behavior and attitudes of academic leaders and faculty, including acting inclusively and engaging in fair hiring practices.”<sup>21</sup> The same report observes that cultural competency training as part of orientation can “create opportunities for students to have positive interactions with peers, which research demonstrates can lead students to feel a greater sense of belonging with their college or university.”<sup>22</sup>

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<sup>21</sup> [Advancing Diversity and Inclusion In Higher Education](#)

<sup>22</sup> [Advancing Diversity and Inclusion In Higher Education](#)