



J. Kevin Stitt
Office of the Governor
State of Oklahoma

FILED

December 13, 2023
OKLAHOMA SECRETARY
OF STATE

**EXECUTIVE DEPARTMENT
EXECUTIVE ORDER 2023-31**

WHEREAS, the Equal Protection Clause contained within the Fourteenth Amendment to the United States Constitution provides: “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of laws.”; and

WHEREAS, the United States Supreme Court examined the Equal Protection Clause and its meaning regarding the college admission process in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 143 S.Ct. 2141 (June 29, 2023); and

WHEREAS, the Supreme Court explained that “[e]liminating racial discrimination means eliminating all of it. And the Equal Protection Clause, we have accordingly held, applies ‘without regard to any differences of race, of color, or of nationality’—it is ‘universal in [its] application.’”; and

WHEREAS, likewise, the State of Oklahoma’s Constitution was amended in 2012, Okla. Const. art. II, § 36A, to prohibit the state from granting “preferential treatment to, or discriminat[ing] against, any individual or group on the basis of race, color, sex, ethnicity or national origin in the operation of public employment, public education or public contracting,” with limited exceptions; and

WHEREAS, to the extent education theories of diversity, equity, and inclusion have led state entities to grant preferential treatment to, or discriminate against, a person based on his or her race, color, sex, ethnicity, or national origin, this Executive Order clarifies the legal prohibition against such treatment.

NOW THEREFORE, I, J. Kevin Stitt, Governor of the State of Oklahoma pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, and to the fullest extent permitted by law, hereby order as follows:

Executive state agencies shall not utilize state funds, property, or resources to:

1. Grant or support diversity, equity, and inclusion positions, departments, activities, procedures, or programs to the extent they grant preferential treatment based on one person’s particular race, color, ethnicity, or national origin over another’s;
2. Mandate any person to participate in, listen to, or receive any education, training, activities, procedures, or programming to the extent such education, training, activity, or procedure grants preferences based on one person’s particular race, color, sex, ethnicity, or national origin over another’s;

3. mandate any person swear, certify, or agree to any loyalty oath that favors or prefers one particular race, color, sex, ethnicity, or national origin over another's;
4. mandate any person to certify or declare agreement with, recognition of, or adherence to, any particular political, philosophical, religious, or other ideological viewpoint;
5. mandate any applicant for employment provide a diversity, equity, and inclusion statement or give any applicant for employment preferential consideration based on the provision of such a diversity, equity, and inclusion statement; or
6. mandate any person to disclose their pronouns.

Further, executive state agencies, including institutions of higher education, shall initiate a review of diversity, equity, and inclusion positions, departments, activities, procedures, and programs and, if deemed necessary, restructure and/or eliminate functions that are not necessary for compliance, accreditation, or student and employee support services intended to support success broadly.

Notwithstanding the limitations and mandates set forth above, nothing in this Executive Order may be construed to limit or prohibit institutions of higher education, including executive state agencies supporting those institutions' work, from applying for a grant or complying with the accreditation requirements by an accrediting or licensing agency, including, but not limited to, submitting to the grantor or accreditation agency a statement that:

1. highlights the agency's work in supporting:
 - a. first-generation college students, or
 - b. students from low-income families, or
 - c. students with unique abilities, or
 - d. underserved student populations; or
2. certifies compliance with applicable anti-discrimination laws, rules, and regulations.

Furthermore, this Executive Order shall not be construed to apply to institutions of higher education with respect to the following:

1. a policy, practice, procedure, program, class, or activity required for compliance with state or federal laws, rules, or regulations for obtaining or retaining institutional, academic, or discipline-specific accreditation or licensure;
2. academic course instruction; *i.e.*, the academic freedom of any individual faculty member to direct the instruction within his or her own course;
3. scholarly research or creative work by an institution of higher education's students, faculty, or other research personnel, or the dissemination of that research or work;
4. an activity of a student organization registered with or recognized by an institution of higher education;

5. guest speakers or performances on short-term engagements;
6. academic support, tutoring, and career services and student success centers, so long as the programming is designed and implemented without regard to race, sex, color, national origin, or ethnicity;
7. data collection; or
8. 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.

Executive state agencies shall become fully compliant with this Executive Order as soon as practicable, but in no event later than May 31, 2024. Prior to that date, all executive state agencies, including institutions of higher education, shall provide, through their senior administrative officials, a certificate of compliance to the Governor, the Speaker of the House, and the President Pro Tempore. In addition to the certificate of compliance, executive state agencies shall submit a report to the Governor, the Speaker of the House, and the President Pro Tempore. The report, which shall be submitted no later than May 31, 2024, shall include a description of the diversity, equity, and inclusion positions, departments, activities, procedures, and programs then in existence and identify what functions, if any, were restructured and/or eliminated after the issuance of this Executive Order. The Secretary of Education shall compile a list of those agencies that fail to comply with this Executive Order and transmit the list to the appropriations, budget, and finance committees with jurisdiction over agency appropriations no later than September 1, 2024.

Nothing in this Executive Order should be construed to prohibit the promotion of civil discourse and debate or speech that is protected by the First Amendment to the U.S. Constitution. On the contrary, civil discourse, viewpoint diversity, intellectual rigor, and evidence-based approaches to history and education and merit-based considerations in employment should be encouraged rather than unconstitutional preferential treatment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 13th day of December, 2023.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



ATTEST:



Josh Cockroft, SECRETARY OF STATE