

RESPONDING TO ATTACKS ON DIVERSITY, EQUITY, AND INCLUSION

Considerations for Student
Affairs Leaders and Institutions

July 2024





Introduction

The conclusion of 2024 state legislative sessions this spring brought news of additional measures to limit higher education institutions' ability to offer initiatives focused on creating inclusion and belonging. In addition, and of particular impact on NASPA members, several states and institutions that have wrestled with how to comply with state-imposed restrictions have eliminated offices and positions and announced staff layoffs. The restrictions also create a cumulative chilling effect, with some institutions and state systems preemptively altering or constraining diversity, equity, and inclusion programming to avert potential scrutiny.

These responses to state and federal rollbacks of diversity, equity, and inclusion (DEI) initiatives represent the latest developments to undo progress in K-16 education to redress inequities embedded in law, policy, and practice. Bill sponsors and many in the media lump these programs together under the umbrella of diversity, equity, and inclusion and Critical Race Theory (CRT) and proliferate myths about their scale, cost, and content. Campus initiatives focused on equity, inclusion, and belonging include admission outreach and financial aid for low-income students, data-driven advising programs to close gaps in persistence for historically underrepresented students, veterans programming, women's centers, training for faculty to support a range of students' academic needs, intercultural centers, LGBTQIA+ centers, and support for first-generation students.

Diversity, equity, and inclusion initiatives account for less than one percent institutional spending and yield outsized benefits for institutions in terms of student recruitment and retention, faculty hiring and retention, a positive climate for learning and working, and workforce preparation for graduates. These initiatives evolve to meet emerging student needs, based on institutional data and assessment of learning outcomes and impact. The elimination of equity and inclusion programs required to comply with state law undermines progress made over the past several decades to close gaps in college-going, persistence, and graduation.

These legislative measures are also vastly out of step with what college students are seeking. Next year's high school seniors will be members of the nation's largest and most racially and ethnically diverse class ever to graduate high school. The diversity of the student body and the faculty remain the top concerns for prospective students' considerations about the campus community they want to join.

Staff, faculty, and students in states with proposed or enacted legislation are experiencing tremendous uncertainty and strain. Many of the student affairs staff working in programs at risk of elimination go into the field because of their commitment to equitable student success, and that commitment is being undervalued at a time when strides in closing attainment gaps should be receiving greater visibility. The underlying questions about the validity of the work of student affairs worsen staff burnout and exacerbate continuing hiring and retention challenges for institutions.

Student affairs divisions often represent the most demographically diverse staff and administrators on campus, resulting from focused efforts to hire employees who reflect the diversity of the student body. Layoffs and attrition resulting from efforts to comply with legislative limits on equity and inclusion programs may mean that students from minoritized backgrounds will have fewer opportunities to interact with administrators whose identities reflect their own. Representation matters for students' sense of belonging and success, and eliminating programs and staff positions will very likely have a negative impact on student persistence and graduation. Furthermore, research demonstrates that interactions with diverse educators and perspectives yields benefits in learning, empathy, and problem-solving skills for all students - key qualities that employers seek in their workforce.

NASPA implores legislators to reconsider the harmful impact this legislation will have on students and states.



The contributions of higher education to local and state economies are widely documented. Colleges and universities draw economic investment and industry, boost earning power and tax base, upskill workers, and promote innovation and entrepreneurship. Already students are changing their higher education choices because of states' social policies, with institutions losing opportunities to enroll out-of-state and in-state students and faculty changing how and what they teach. Enacted legislation has included carve-outs for programs that could affect accreditation and eligibility for federal or state funding, adding to the complexity of compliance and potentially creating a chilling effect on how institutions evolve efforts to support all students.

NASPA will continue to work with association partners and members to understand and communicate the harmful effects of legislation targeting diversity, equity, and inclusion initiatives. In spring 2024 we launched a study of the institutional impact of legislative rollbacks to diversity, equity, and inclusion programs on the capacity to serve underrepresented students. We anticipate publishing the results of this research later this academic year.

We are aware that the impacts of hostile legislative climates are having an immediate effect on the lives and livelihoods of student affairs staff, and we believe in the importance of community, dignity, and connection to purpose to counter those conditions.



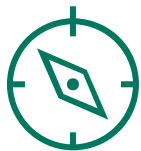
The coordinated, intersectional nature of attacks on diversity, equity, and inclusion - targeting queer and trans students, undermining programs focused on racially minoritized students, dehumanizing and threatening educators - create toxic educational and work climates for students, staff, and faculty and exacerbate enrollment, hiring, and retention challenges for institutions. The legislation affects institutions differentially, with some colleges and universities having less budgetary, financial, and staffing resources to pivot and redirect student success and retention initiatives. Rhetoric and legislative action that devalue higher education and diminish diversity will result in tangibly negative consequences for institutions and subsequently the places where they are located.

Well-being and individual wellness look different for each of us, and power and privilege affect access to resources and safety that should be taken into account when attending to others' needs.

Based on input from staff, organizational partners, and members, NASPA has developed the following considerations and resources for individuals and institutions. The information provided in this document is not intended to substitute for legal counsel and should not be used to circumvent compliance with state law and regulations. We offer this resource with the caveat that the landscape, legal interpretations of state action, and the impact of resulting changes continue to evolve. We will track these developments to offer any needed updates.

The actions in this document are sorted into individual and institutional domains, though there are areas of overlap and influence between the domains.

Individual Actions



Identify and access communities of practice, support, and ongoing learning

- Visit the [NASPA virtual resource hub](#) created especially to provide resources, information about gatherings, discussion boards, videos, articles, and a link to NASPA's Countering Political Attacks on DEI website, which includes state legislation trackers and publications
- If your role has been eliminated or changed or if you are considering a new role, review resources created by The Placement Exchange (available on the Job Support tab in the [resource hub](#)) that address navigating being laid off, search strategies, identifying and marketing transferable skills, and assessing professional goals
- To remain connected to professional development resources during a job-related transition, apply for a [NASPA Transitional Membership](#) and/or a [NASPA Foundation Membership Scholarship](#) to continue to access member benefits through NASPA; for those who are able, please consider giving the [gift of membership](#) by donating to the fund that makes these scholarships possible
- Sign up to receive monthly updates from NASPA's [Public Policy Division](#) to receive information about federal and state legislation affecting student affairs
- Apply to receive professional development support through the [NASPA Foundation Access Scholarship](#), which supports members with conference registration and on-site housing for select NASPA events



Attend to your wellness and that of colleagues

- Take time to understand and recognize the impact of working in climates where your lived experience and purpose-driven work are invalidated
- Find communities inside and outside of higher education that will support your whole person and provide a space of safety and security
- If able, seek out mental health resources that integrate an understanding of the impacts of DEI political attacks
- Do not minimize the positive impacts of meeting physiological needs such as getting enough sleep, drinking enough water, spending time in fresh air, moving our bodies, or eating foods that make our bodies and our minds happy
- Check in on friends and colleagues whose work has been impacted, without the expectation for an immediate response or their capacity to process the context
- Avoid overly broad or simplistic critiques or advice that chasten colleagues who are navigating complex dynamics
- Understand that all staff with minoritized identities may be affected by anti-DEI and anti-trans legislation, even if DEI is not in their job description
- Check in with supervisees who are affected, asking what they need to feel supported

Individual Actions



Build awareness of legal obligations, protections, and restrictions

- “ Review and develop clear understanding of what evolving state legislative updates mean for your work through resources such as NASPA's [What's Happening in the States?](#) topical legislation trackers
- “ Understand the laws in your state governing one- or all-party [consent laws to record conversations](#), as well as limitations on the use and dissemination of recorded conversations
- “ Look into whether your state has shield provisions protecting those who provide reproductive and gender-affirming care from being prosecuted, subpoenaed, or compelled to share records in another state where such care is banned



Expand capacity for individual advocacy

- “ Review institutional policies and employee handbooks to understand specific guidelines and constraints regarding advocacy activities during work and personal hours
- “ Participate in compliance training provided by the institution to understand how to align advocacy efforts with institutional guidelines
- “ Attend workshops and training sessions focused on understanding the legal boundaries of DEI advocacy, including insights on freedom of speech and academic freedom
- “ Find mentors or experienced professionals in the field who can provide guidance on how to advocate effectively within institutional constraints
- “ If able, become more civically involved at the local, state, national, and/or sovereign nation level to combat anti-DEI legislation

The underlying questions about the validity of the work of student affairs worsen staff burnout and exacerbate continuing hiring and retention challenges for institutions.

Institutional Actions



Educate broader university community about what is at stake, equipping stakeholders with key talking points

- “ Measure and highlight the impact of programs that have been eliminated or scrutinized on institutional mission, student enrollment, accreditation, grant eligibility, and graduates’ workforce readiness
- “ Leverage employers and funders to elevate the impact of diversity-related educational experiences on career preparation
- “ Continue to collect, analyze, and disaggregate data, in accordance with federal and state reporting requirements and institutional goal-setting, to understand impact of services to students and to highlight narratives affirming the importance of equity efforts
- “ Collaborate with other higher education and K-12 institutions and organizations to align efforts and messaging about educating all students equitably



Avoid overly broad interpretations and application of legislation

- “ Acknowledge the challenge of developing strategy amid chaos
- “ Understand what is permitted and not permitted in applicable legislation and follow guidance from general counsel
- “ When possible, invest in initiatives and efforts that are still permitted by most legislation, including data disaggregation, faculty curricular agency, student scholarships and fellowships, and student organization programming



Provide clear, ongoing guidance to staff and students about what is and is not permitted

- “ Regularly cover state guidance about compliance with legislative limits on diversity, equity, and inclusion programming
- “ Provide clear guidance for staff about their rights and about permissible civic engagement activities, such as [this resource document](#) from the National Association of Independent Colleges and Universities about political activity on campus
- “ Provide robust support if staff who are in compliance with institutional legislative guidance are nonetheless targeted, such as [this example](#) from the University of California, Irvine of resources to support staff targeted by online harassment

Institutional Actions



Ensure the provision of wellness-related resources for staff

- “ Openly acknowledge the impact of anti-DEI legislation on staff wellness
- “ Promote resources for staff and faculty wellness during times of reorganizations and layoffs, accounting for varying levels of privilege regarding access to resources and safety
- “ Expand the efficacy of policies and resources to support employee wellbeing, including but not limited to: enhanced access to mental health resources, increased EAP session eligibility, additional paid time off, extended health insurance offerings following changes in employment, flexible work hours and locations, and expanded FMLA benefits
- “ Invest in Employee Resource Groups and staff mentoring programs



Invest in developing democratically-engaged students

- “ Educate students about how their state government functions and the impact of legislation limiting higher education equity, such as laws dismantling DEI programs, targeting transgender individuals, and hindering voting rights
- “ Connect with [NASPA civic learning and democratic engagement initiatives](#), which provide resources related to democratic participation, dialogue across difference, and social responsibility
- “ Create opportunities for students to receive eligible federal work study funds for voter engagement initiatives, in compliance with a February 2024 [Dear Colleague Letter](#) from the Department of Education



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