
Legislation Constraining Academic Freedom and Teaching Social Justice: Implications for Social Work Education

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Agenda

Overview of Anti-DEI legislation in different states

EPAS on Teaching & Learning DEI

Academic Freedom

Experiences of Faculty in Different States

Challenges

Strategies

Moving Forward

Objectives

Describe

how recent laws regulating higher education have had an impact on what and how educators teach content related to antiracism, privilege, power, LGBTQ+ individuals, implicit bias, and other issues related to ADEI and social justice.

Engage

colleagues in discussions about ways that social work educators can ensure opportunities to develop ADEI and social justice practice competencies despite legal restrictions.

Advocate

for social and legal policy reform to ensure academic freedom, viewpoint diversity, and intellectual freedom in social work education.

Anti-DEI Legislation

- Definition: any state law that bans or restricts teaching topics related to diversity, equity, and inclusion in higher education (including laws that “chill” DEI discussions)
- As of January 31, 2024: at least 8 signed into law (2 in Florida, one each in Texas, North Dakota, Tennessee, Texas, and Utah). Nearly half of states have proposed or enacted such laws.
- <https://www.bestcolleges.com/news/anti-dei-legislation-tracker/>

Examples of Anti-DEI Laws

- **Florida Senate Bill 266**: public institutions prohibited from funding the promotion, support, or maintenance of DEI programs; and from offering any general education course that "teaches identity politics, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States."
- **North Dakota Senate Bill 2247**: students, professors, and other employees of higher education institutions cannot be asked about their ideological or political viewpoints. Public institutions may not conduct mandatory training that includes "specified concepts," like the belief that "an individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously."
- **Texas House Bill 3164**: bans DEI offices, diversity training for students and employees, and "ideological oaths and statements" at public institutions (including higher ed.).
- **Utah House Bill 283**: bans funding of DEI offices
- Others?

Types of Restrictions and Actions Affecting Faculty

- Banning funding for DEI initiatives, offices, and mandatory trainings
- Banning discussion of “divisive concepts” or topics that make students feel uncomfortable (e.g., privilege, systemic discrimination)
- Weakening unions (e.g., requiring 60% membership)
- Weakening tenure (e.g., post-tenure review processes)
- Allowing students to video classes and create cause of action for restricting “viewpoint diversity”
- Appointing administrators that have particular political connections
- Banning diversity statements and DEI preferences during hiring processes

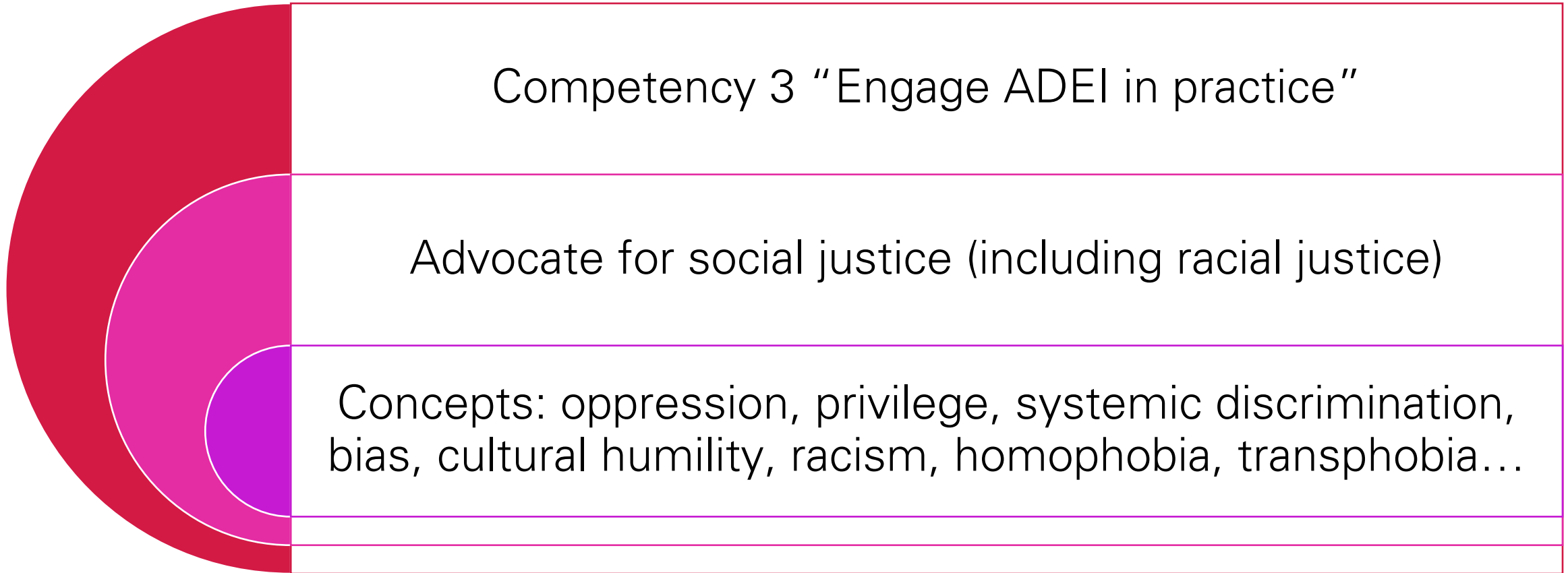
<https://www-chronicle-com.eu1.proxy.openathens.net/article/here-are-the-states-where-lawmakers-are-seeking-to-ban-colleges-dei-efforts>

Court Cases / Injunctions

- *Pernell et al. v. Florida Board of Governors of the State University System et al.*
- Florida's House Bill 7, "Stop W.O.K.E." Act
- Plaintiffs argue it violates: (1) 1st and 14th Amendments by imposing viewpoint-based restrictions on instructors and students in higher education that are vague and discriminatory; (2) Equal Protection Clause - enacted with a racially discriminatory purpose and will have disparate impacts on Black students and educators.
- Current status: Temporary injunction pending appeal to Circuit Court
- Legal documents available: <https://www.aclu.org/cases/pernell-v-lamb#legal-documents>

Anti-Racism, Diversity, Equity and Inclusion (A DEI) in EPAS 2022

<https://www.cswe.org/centers-initiatives/center-for-diversity/>



Academic Freedom - Defined

Academic freedom is the freedom of a teacher or researcher in higher education to investigate and discuss the issues in his or her academic field, and to teach or publish findings without interference from political figures, boards of trustees, donors, or other entities. Academic freedom also protects the right of a faculty member to speak freely when participating in institutional governance, as well as to speak freely as a citizen.

~ [American Association of University Professors](#)

Effects of Anti-DEI Efforts

Taylor, A. (2024, January 18). 3 ways that anti-DEI efforts are changing how colleges operate. *Chronicle of Higher Education*.

- took DEI out of the office names and job titles
- retooled or discontinued diversity training
- stopped asking faculty/staff members for statements explaining their commitment to DEI as part of hiring/promotion processes
- changing or removing courses related to DEI

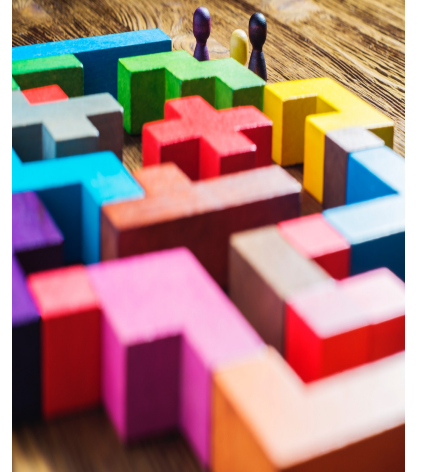
What have your **experiences** been in your state and in your programs?

1. Name, University, State
2. Types of Programs: BSW, MSW, PhD, DSW
3. Stories (brief examples) – what concerns have been raised in your programs? How have you, your colleagues, and/or your administrators responded?



Challenges: Themes

- **EPAS/Legal Dilemma:** How can I teach what I'm supposed to teach if it's against the law?
- **Unknown:** What does the law actually say and mean? What's going on with the court challenges? What's going to happen next?
- **Impact on Students:** What are the impacts on students (including students who identify as Black, Indigenous, People of Color, LGBTQ+)?
- **Model:** How can I expect my students to learn and practice DEI competencies unless I am a good model for them?
- **Emotional impact:** Disheartened, angry, shocked, energized?
- **Recruitment and Retention:** Harder to attract; greater turnover?
- **Risks:** What risks am I willing to take? Will I have the support of administration and my colleagues? How can I act with moral courage, without simply becoming a martyr?



Strategies: How do you think that we should move forward?

- Individual strategies – what I could do as a SW educator: advocacy, teaching, research...
- Programmatic strategies – what our school or program could do...
- Collective strategies
 - CSWE? BPD? NASW? ASWB? Accrediting bodies? Licensing boards?
 - Unions or Faculty Associations
 - With Allied Professions and Disciplines
 - With Particular Advocacy or Human Rights and Freedoms Organizations
 - Media / Social Media

Futurism – What can we learn from the past – Jim Crow, Weimar Republic, and McCarthyism?
What futures can we imagine – and shape?

Strategies – ST / LT (Dr. LeaAnne DeRigne)

1. Protect faculty jobs – get people through tenure...
2. Collaborate with unions, state bodies, and civil rights advocacy organizations to challenge unconstitutional and harmful laws and regulations (court challenges, legislative advocacy)
3. Do not change curriculum, but may need to change titles of courses, titles of certificates (difficult conversations)
4. Keep teaching to CSWE standards
5. Stripped down syllabus
6. Class strategies – present legislation to students directly – let students critically analyze and discuss its implications (rather than the professor)
7. Educate students about voting

Informed Choices: Examples

Higher Risk

Civil Disobedience: Break law in a very public way to change the law



Stealth: Continue to teach to EPAS, but avoid “risky terms/topics”

Lower Risk

Compliance: Comply with law and avoid any topics that are remotely related to prohibited topics (Over-compliance? Chilled? Censored? Administrative complicity?)

Other Suggestions from Group

- Create email group – and perhaps a more effective method of sharing information, resources, ideas, updates on legislation and lawsuits, and actions
- Engage more effectively with legislators/students/others who come from different political or ideological perspectives
- Develop group through NADD or field consortiums of programs from red states (perhaps open to people from all states)
- Engage with CSWE, NASW, and ASWB to provide more guidance and action (conferences, consultation re EPAS, social action, guidance, support)
- Provide opportunities for students to learn about DEI outside of state universities
- Consider how to deal with defunding of groups at universities that help various groups – survivors of sexual violence, LGBTQ+, Black students and other students of color...
- Backup plans and emergency response for faculty who are reprimanded, fired, etc. (legal and financial support; transition to other jobs within or outside state)
- Using non-university computers and emails for sensitive communications

Conclusion: Next Steps

- Summary of Key Points
- Potential Goals, Plans, and Action Steps



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