



EAB

Trends in Student Affairs Responses to Recent Anti-DEI Legislation

Final Blinded Report

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1) Research Methodology

Research Parameters

This report provides a synopsis of recent legislation aimed at limiting college campuses from carrying out DEI-related initiatives, as well as how universities impacted by this legislation have responded.

EAB conducted extensive secondary research on anti-DEI legislation passed in the U.S. since 2021 and interviewed student affairs leaders at four institutions that have restructured their organizations in response to this legislation. All these institutions are in the southern United States, and three institutions are located in states that recently passed anti-DEI legislation. Institutions are blinded to protect the identities of research contacts and will be referred to as "Institution A", "Institution B", etc.

Interviewed Institutions

Institution	Region	Total Student Population
Institution A	South	Under 50,000
Institution B	South	Under 30,000
Institution C	South	Under 70,000
Institution D	South	Under 40,000

Key Research Questions

Partner institutions approached EAB researchers with the following questions:

- What are the key processes contact institutions use to adapt to recent legislation limiting DEI efforts on campus?
- How have institutions affected by this legislation changed their organizational structures to adapt to recent legislation limiting DEI efforts on campus?
- How should institutions likely to be affected by anti-DEI legislation in the future start planning to ensure a smooth transition?
- How does anti-DEI legislation impact the recruitment and retention of staff and faculty, both in general and for those with DEI-oriented work?

2) Executive Summary

Summary of Anti-DEI Legislation

In the past few years, there has been a marked increase in legislation intended to limit public higher education institutions' capacity to carry out DEI-related initiatives. More specifically, this legislation restricts institutions' abilities to provide exclusive services to any specific identity groups of students or promote specific identity-based groups over any others.

Over 71 separate bills have been introduced across 25 states since 2023, each seeking to make at least one of five changes to public colleges and universities. Although other restrictions are more common, **this report focuses primarily on institutions impacted by legislation that prohibits the creation, maintenance, or funding of a Diversity, Equity, and Inclusion Office.**

Different Types of Legislation Limiting DEI on College Campuses

This list of proposed limitations to college campuses is sorted by how commonly each type of limitation was included in bills that eventually became law.

- 1. Prohibits soliciting mandatory diversity statements from staff or faculty.**
 - a. A diversity statement is sometimes required from prospective employees at higher education institutions. These statements resemble a commitment to contribute to an environment that promotes diversity, equity, and inclusion.
- 2. Prohibits mandatory DEI training for staff, faculty, or students.**
 - a. This includes any DEI training that is a condition of potential or continued employment or enrollment.
- 3. Prohibits teaching or promoting divisive concepts in coursework.**
 - a. Divisive concepts most commonly refers to Critical Race Theory, or any concepts that promote one identity group over another.
- 4. Prohibits the creation, maintenance, or funding of a Diversity, Equity, and Inclusion Office.**
 - a. This includes offices that don't have DEI in their name but still maintain the same purpose (i.e., an office that provides exclusive services to Korean students who weren't born in the United States).
- 5. Prohibits identity-based preferences in admissions, student services, or hiring (i.e., affirmative action).**

[View page 15 for a detailed analysis of how each state is affected by anti-DEI legislation.](#)

How SA Organizations Have Restructured in the Wake of Anti-DEI Legislation

Many Institutions Started Planning Their Response to Anti-DEI Legislation Before it Became Law

There are two primary approaches institutions have taken to adapt to recent anti-DEI legislation:

- **Rename or rebrand the former DEI office:** This is the most common response to institutions affected by legislation barring DEI initiatives on college campuses. Across affected states, keeping a similar office appears to be the most efficient way to maintain support services for their students while keeping their staff employed. These offices often maintain many of the same functions as the old DEI office, but they operate under a new name and eliminate any programs that are outlawed under new legislative requirements.

Updated names for rebranded DEI offices typically include at least one of the following terms:

- a. Campus Access
- b. Community Engagement
- c. Opportunity
- d. Student Experience
- e. Student Advocacy

Institution B's former DEI office used to serve directly under their president. After restructuring, this office now reports to the provost and has absorbed some student affairs responsibilities such as overseeing federal TRIO programs for underserved populations.

Some institutions also shifted their previous DEI offices to serve under the provost instead of the president. This change signals that the new office is academic affairs-focused and inherently different from the previous office.

In the case that institutions can't keep the renamed office running (usually due to resignations like at **Institution C**), remaining staff are reassigned to other departments.

- **Disband the former DEI office and reassign staff to various departments:** Reassigning staff across various departments (i.e., student affairs, enrollment, HR, etc.) is the easiest way to demonstrate that your institution no longer has a DEI office or pseudo-DEI office. It's common practice for these staff to maintain the scope and focus of their previous roles but locate it within a different office on campus rather than have it housed within a separate DEI office. This approach gives colleges the best bet at withstanding scrutiny from legislators and media, but this approach also has drawbacks.

One notable drawback is that DEI professionals may feel disconnected from a community of colleagues who share their passions (like they would have had in the DEI office), which may lead them to consider leaving their institution.

Another drawback is that some former DEI staff have effectively been demoted or reassigned to positions that overlap with existing roles on campus. Although their compensation and job titles remain consistent with their previous roles, these staff now face entirely different job responsibilities and reporting structures.

State governments typically give colleges and universities between three and six months to implement changes in response to anti-DEI legislation.

The turnaround time for these organizational restructurings is relatively short, but institutions typically have six months to adapt to the new law before risking penalties (usually financial) from their state governments. This timeline can vary between states but in Florida and Texas, anti-DEI legislation went into effect six months after the bills were signed into law.

In general, institutions that proactively planned to adapt to legislation before it became law had smoother transitions compared to institutions whose plans for adaptation started after legislation had already passed. Institutions with delayed responses were more prone to losing staff, rushing the decision-making process, and being unable to follow-through with their initial response plan.

Depending on their Organizational Structures, Some Institutions Required More Extensive Changes

The larger and more centralized a DEI Office is, the more complex their adaptation to anti-DEI legislation will be.

Colleges and universities that have large DEI offices such as those with VP-level leadership and multiple sub-departments will have the most trouble adapting to anti-DEI legislation.

When these offices are this large, it takes a lot of consideration to carefully move staff and faculty to other offices/departments and redistribute funds that were initially allocated to the old DEI office.

In contrast, some institutions had very small DEI offices with only a few staff. In these cases, the adaptation to anti-DEI legislation should be simpler (either through shifting these staff to new offices or creating a new office) and require significantly less time to implement.

Institutions with Smaller DEI Offices Required Less Restructuring



Institution B

This institution had a decentralized DEI office and only made dramatic changes to five roles on campus.



Institution C

This institution had a large, centralized DEI office that required the transition and modification of the roles of one cabinet-level staff and dozens of others.

Since student organizations can still legally receive government support, their funding is largely unaffected by anti-DEI legislation.

Institution A created a new form for student organizations to apply for funding for DEI-related initiatives and events. This form receives multiple requests per week.

In some cases, the prevalence of student organizations can make or break the adaptation of DEI services under new legislation. If the DEI office is large, but mostly contains student organizations, these organizations can continue to exist and receive federal/state funding related to their DEI initiatives.

Some exceptions are centers/spaces dedicated exclusively to serving specific groups of students (i.e., LGBTQIA+ students, Hispanic students). These functions seem to have been closed at-large in states that passed anti-DEI legislation.

Identity-based groups of students can still receive student services at impacted institutions, but there cannot be an office with a sole purpose of serving students with specific sexual orientations, races, ethnicities, countries of origin, or other identities. Moreover, there cannot be dedicated staff whose sole responsibility is to oversee student organizations with specific groups of students.

Many Impacted Institutions Have Not Yet Achieved a “New Normal” on Campus

On many campuses impacted by anti-DEI legislation, faculty, staff, and students do not have a robust collective understanding of what this legislation means and/or how it impacts their campus.

Despite institutions sharing FAQs and campus guidelines, many students, faculty, and staff on these college campuses don't know how to interpret what has changed in response to anti-DEI legislation. Often, these people believe changes are more significant than they are, or they simply don't understand what is impacted by this legislation.

Common Scenario Observed by Institutional Leaders in Texas

Perception of Faculty Member

“So, I can't teach anything divisive or hang up decorations for black history month?”

Reality Check from University Leadership

“Neither of these decisions are impacted by the legislation passed in our state.”

Confusion around anti-DEI legislation and its effects on college campuses has left many staff and faculty members feeling paranoid about their compliance. This paranoia leads some campuses to spend additional staff time, above what was previously typical, analyzing policies, practices, and events on campus for compliance with anti-DEI legislation. This additional time places pressure on already busy staff and faculty and necessitates several rounds of communication from university leaders to ensure compliance.

“

“The amount of energy wasted on making sure we are not doing things is unbelievable.”

- Chief of Staff, Institution C

”

3) Communication Trends

Examples of University Leaders Addressing their Campus Communities

University Leaders Have Communicated Their Responses Through Campus-Wide Messages and Listening Tours

University leaders can mitigate negative reactions to compliance measures through proactive communication with and involvement of the campus community in the decision-making process.

Below are two approaches university leaders have used to communicate with their campuses to satisfy the immediate needs of their stakeholders while taking the time they need to craft long-term responses:

Institution A's president held a town hall to announce and discuss their institution's response to recent anti-DEI legislation. In follow-up, the President also frequently hosted office hours to answer outstanding questions from students, staff, and faculty. These office hours were well attended, especially by students.

● **1. Create opportunities for open dialogue between university leaders and campus stakeholders.**

Various institutions had their university leaders (i.e., President, former Chief Diversity Officer) host information sessions and town halls to bring their campuses to a collective understanding of the impacts of recent anti-DEI legislation. Often, the agenda of these meetings covers the content typically distributed in FAQs and campus guidelines, but it also gives various groups on campus the ability to ask questions and advocate for their needs.

While these meetings can vary in frequency and formality, they attempt to accomplish several goals for college campuses:

- a. Develop a collective understanding of anti-DEI legislation and what will change on their campuses among staff, faculty, and students. This can help mitigate some of the confusion and paranoia we are seeing on college campuses in response to this legislation.
- b. Create opportunities for students, staff, and faculty to feel heard and contribute to the decision-making process that will inevitably impact the services they receive and provide on campus.
- c. Humanize the campus' response by having one or a few institutional leaders be the face of the response. By interacting with the campus on a more intimate level, university leaders can show that the changes to their campuses are thoughtful and considerate of the multiple stakeholders on campus. Although the changes may not satisfy everyone, hosting stakeholders demonstrates respect for them and provides personalized communication, which is important when discussing potentially career- and life-altering changes.

Different Institutions Utilized Different Combinations of Leaders to Represent their Campus' Responses to Anti-DEI Legislation

Institution A	One Representative	<ul style="list-style-type: none"> • President
Institution B	One Representative	<ul style="list-style-type: none"> • Former Chief Diversity Officer
Institution C	Two Representatives	<ul style="list-style-type: none"> • President • Board of Governors* <ul style="list-style-type: none"> ◦ The board of governors sent out initial communications to the institution, but the President led all in-person interactions.
Institution D	Three Representatives	<ul style="list-style-type: none"> • President • Provost • Former Chief Diversity Officer

2. Proactively reach out to impacted stakeholders on campus to let them know that changes are coming, and how their input will be considered.

When this type of legislation is passed, impacted staff, faculty and students don't know if they, or the services they rely on, will have a place on campus going forward. To ease tensions and show support for impacted groups, many university leaders sent out campus-wide messages to acknowledge the gravity of anti-DEI legislation that had been passed in their state.

Elements of University Leaders' Campus-Wide Messages in Response to Anti-DEI Legislation

- Acknowledgement of specific anti-DEI legislation that was passed.
- Acknowledgement that the institution needs to make various changes to comply new legislative requirements.
- Preliminary plan for restructuring.

Consistent, Transparent Communication with Staff and Faculty Keeps Morale High

Institution C's leadership provided little to no communication to staff and faculty for the first four months following the passing of anti-DEI legislation. While their leadership needed this time to make comprehensive decisions about the future of their institutions, this lack of communication was detrimental to staff and faculty morale.

Institutions that waited to communicate with staff and faculty until after leadership decided their response face some common issues:

- Staff and faculty feel unseen and unheard.
- Many staff and faculty do not fully understand the anti-DEI legislation or how it affects their work. This uncertainty leads to workflow inefficiencies and risks of non-compliance.

As they move towards implementing changes, university leaders often share FAQs and guidelines to help their campuses understand the new legislation and how it affects their work.

University leaders share these documents to the larger campus community within one-to-four months after anti-DEI legislation has been passed. These documents attempt to give the campus clear and concise details about what this legislation impacts on their campuses and what it doesn't.

These FAQs are typically either written as a straightforward list of changes, or a list of questions and answers. Here are some examples of FAQs that institutions in Texas have publicly shared on their websites:

While these documents vary in format, they include the following elements:

Elements of Anti-DEI Legislation FAQs

- Definition of DEI.
- Acknowledgement that recently passed anti-DEI legislation will affect their university in various ways.
- Description of university functions that will change to comply with legislative requirements sorted by affected stakeholders (i.e., students, student organizations, faculty, staff, hiring committees, entire campus).
- Description of university functions that will not have to change in response to legislative requirements.
- Link or email inviting the campus community to ask follow-up questions.

[Here is an example of a FAQ that Texas A&M University shared on their website.](#)

4) What Should Higher Ed Leaders Monitor in 2024?

Trends to Watch

How are Colleges and Universities in States that Have Not Yet Passed Anti-DEI Legislation Being Influenced by Institutions in First-Mover States?

Some public institutions in non-impacted states have already started restructuring their DEI functions.

Institution D

redesigned its DEI office in 2023 despite no anti-DEI legislation being passed in their state. They want to future-proof their student affairs work so future legislation won't necessitate further changes to their organizational structures.

Since some public institutions throughout the country that haven't passed anti-DEI legislation already proactively started to shift away from DEI initiatives, EAB should investigate if these institutions are anomalies or if we are seeing the beginning of a sector-wide movement.

From our small sample of institutions, these institutions' efforts to restructure have more or less resembled the changes made by institutions in Texas. Some of these institutions are proactively restructuring in the hopes of avoiding more restrictive legislation in the future.

Colleges and universities in other states may develop interpretations of anti-DEI legislation that differ from Florida's and Texas's.

In less conservative states, it will be interesting to see how they adapt to legislation that prohibits DEI offices compared to states such as Texas and Florida. While many institutions in these conservative states have implemented strict reforms to ensure they fully comply with the letter and spirit of the law, the same doesn't have to be the case in less conservative states. Institutions in these states may interpret the law differently and prescribe less pervasive changes to their DEI programming.



Other State's Responses to Anti-DEI Legislation Do Not Need to Be as Conservative as Examples from Florida and Texas

Florida and Texas are politically conservative and adopted strict interpretations of the legislation limiting DEI initiatives on their campuses. Although these are the first states to implement such large restrictions on DEI, they do not necessarily have to serve as the blueprint for other states. Each state's university leaders should take a thorough approach to evaluating their state's legislation and ensure that they are complying with the law while still providing effective student services to their campuses.

Each institution we interviewed discussed the collective fear that their campuses are feeling since adapting to anti-DEI legislation. No one wants to be the epitome for non-compliance and risk legal recourse from their state. This pressure is amplified by the frequent calls they receive from legislative offices and media around their compliance with new legislative requirements.

What are the Long-Term Impacts of Restricting DEI Initiatives on College Campuses?



Students Having Access to Community and Positive Support Systems are Key Factors Associated with College Success

Especially for demographic groups that are less likely to graduate college on average, making these communities more obscure or harder to access could prove to be detrimental to some students.

- Our research on [Black and Latino Men on college campuses](#) looks into the impacts of racial/ethnic minorities being isolated on college campuses. At the very least, this research shows that students who feel like they belong on campus are more likely to utilize campus services (i.e., mental health support, academic advising), and are more likely to graduate.

Anti-DEI legislation may make it more difficult for institutions in affected states to maintain and recruit staff and faculty in the future.

All institutions we have spoken to have lost some staff and faculty response to the changes mandated by anti-DEI legislation (between one and dozens of employees). Fortunately, most of these institutions were able to keep most of their former DEI-oriented staff (at least so far) and provide them with alternative roles on campus with comparable titles and compensation.

Many staff and faculty who were in DEI-oriented positions are passionate about furthering DEI-work, and institutional leaders worry that although they have retained these employees so far, they may be looking for other employment opportunities.

In the coming years, it will be important to monitor staff and faculty retention and hiring trends in states that pass anti-DEI legislation. This information will help inform future talent strategies for institutions in these states.

5) States Affected by Anti-DEI Legislation

Nine States Have Passed Anti-DEI Legislation as of February 16th, 2024

Legislative Trackers

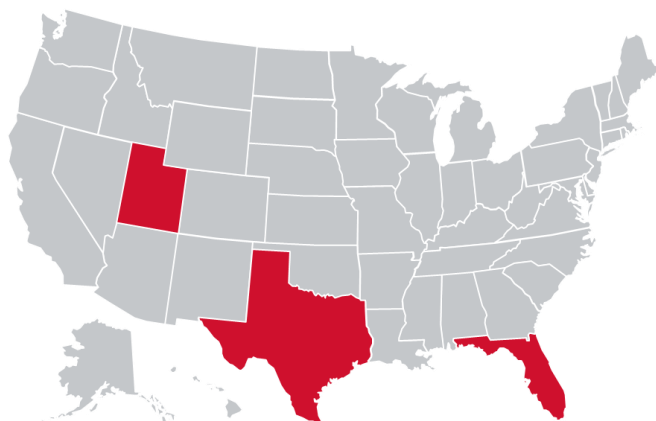
Below are three trackers that provide insightful details about the various bills that have been introduced to limit DEI on college campuses. **Out of the three, EAB recommends revisiting the Chronicle of Higher Education's legislation tracker.** This tracker is the most consistently updated out of the three, and categorizes legislation by state, legal status (i.e., passed, failed, tabled), and proposed change (i.e., prohibiting teaching divisive concepts, prohibiting the funding of a DEI office).

1. [Chronicle of Higher Education](#)
2. [The Education Trust](#)
3. [Best Colleges](#)

State Maps Tracking Anti-DEI Legislation

Which States Have Had Their DEI Offices Defunded?

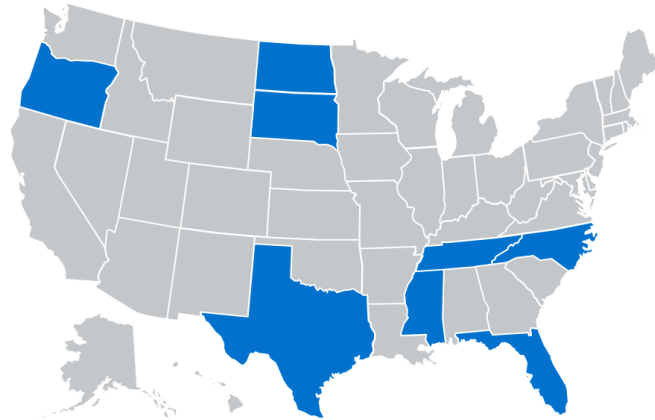
- Florida, Texas, and Utah (*legislation passed in January 2024*)



Which States Have Passed Anti-DEI Legislation More Broadly?

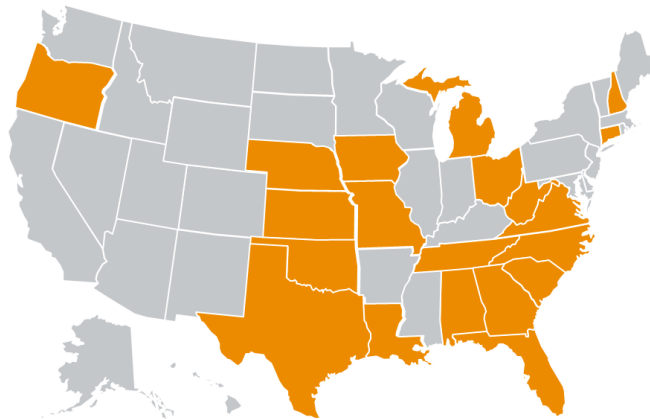
(This legislation includes prohibiting teaching divisive concepts, mandating employees to agree to DEI/diversity statements, mandating employees to attend DEI trainings, or including preferences for specific identity groups in admissions or student services).

- Iowa, Mississippi, North Carolina, North Dakota, South Dakota, and Tennessee



Which States Have Pending Anti-DEI Legislation?

- Alabama, Connecticut, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Michigan, Missouri, Nebraska, New Hampshire, North Carolina, Oklahoma, Ohio, Oregon, South Carolina, Tennessee, Texas, and West Virginia



Passed Anti-DEI Legislation as of February 16th, 2024

State	Legislation	DEI Restriction
Florida	HB 17	Prohibits Teaching Divisive Concepts
	HB 931	Prohibits Mandatory Diversity Statements for Staff/Faculty/Students
	SB 266	Prohibits DEI Offices
		Prohibits Identity-based Preferences in Admissions or Student Services
Iowa	HF 744	Prohibits Mandatory DEI Training for Staff/Faculty
	HF 802	Prohibits Teaching Divisive Concepts
Mississippi	SB 2113	Prohibits Teaching Divisive Concepts
North Carolina	SB 364	Prohibits Mandatory DEI Training for Staff/Faculty
		Prohibits Mandatory Diversity Statements for Staff/Faculty/Students
North Dakota	SB 2247	Prohibits Teaching Divisive Concepts
		Prohibits Mandatory DEI Training for Staff/Faculty
		Prohibits Mandatory Diversity Statements for Staff/Faculty/Students

South Dakota	HB 1012	Prohibits Teaching Divisive Concepts
		Prohibits Mandatory DEI Training for Staff/Faculty
		Prohibits Mandatory Diversity Statements for Staff/Faculty/Students
Tennessee	SB 0101 / HB0158	Prohibits Mandatory DEI Training for Staff/Faculty
		SB 0817 / HB 1376
Texas	HB 1	Prohibits DEI Offices
		SB 17
		Prohibits Mandatory Diversity Statements for Staff/Faculty/Students
		Prohibits Mandatory DEI Training for Staff/Faculty
Utah	HB 261	Prohibits DEI Offices
		Prohibits Mandatory DEI Training for Staff/Faculty
		Prohibits Identity-based Preferences in Admissions or Student Services
		Prohibits Mandatory Diversity Statements for Staff/Faculty/Students

[Review the trackers on page 15 to see the most up-to-date legislation.](#)