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Campus Civic Engagement during Turbulent Times: Student Responses to State Based Attacks on DEI and Academic Freedom

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Proposed bills, enrolled legislation, and gubernatorial threats represent the political arm of a well-funded, coordinated campaign to dictate the scope of intellectual engagement on college campuses, with tenure protections for faculty and free expression for the whole campus community at risk (McGee, 2023c). In 2021, legislators advanced–and in many states succeeded in solidifying–restrictions on race- and gender-based scholarship through censorship efforts speciously promising protection from "CRT." Policy and professional organizations documented the ways that this political censorship created a "chilling effect" on campus, shutting down classroom expression and research–even in places where there was no legal restriction in place (PEN America, 2022; Sachs, 2022). Importantly, emergent scholarship (Pedota, 2023) establishes the systemic nature of institutional overcompliance through the lens of *repressive legalism* (Garces et al., 2021), a phenomenon whereby university leaders respond to threats from the legal environment in ways that unnecessarily restrict campus racial inclusion. Over the last two years, state attacks on higher education continued and expanded, with bills cropping up across the country aiming to further censor the study of race and gender; mandate the defunding and criminalization of diversity, equity, and inclusion (DEI); and eradicate tenure (Lu et al., 2023).

Texas's 88th legislature worked to advance three bills that would have profound consequences for students, marking what can be taught in their classrooms; whether they can participate in or benefit from diversity, equity, and inclusion offices and programs; and employment conditions for those who teach their classes. In response, students launched a tuition strike petition, organized protests, and contributed to broader solidarity efforts with allied legislators, faculty, and community members (Black Brown Dialogues for Policy, 2023). Through collective action and democratic engagement, students leveraged their learning and life experience to challenge state power in the fight for academic freedom and humanizing spaces on college campuses (Legal Defense Fund, 2024; Walker, 2023); minoritized students or those interested in protecting race and gender equity efforts led the way. This work examines their understandings of state efforts, their engagement strategies, and their experiences in coalition to understand how censorship attacks shape their relationships with the university and democracy. Findings offer insights for higher education leaders and others who work within higher education communities to support students and faculty in upholding institutional values of diversity, knowledge production, and democracy.

1. Background

Attacks on free expression in higher education are not new; neither is student-led resistance (Delgado, 2016; Rojas, 2007). When student protestors were banned from university campuses in California in the early 1960s, students at UC Berkeley launched the Free Speech Movement, grounding themselves in First Amendment rights with a socialist lens (Draper, 2020). At the end of that decade, a powerful student movement–led by minoritized scholars and informed by Third World liberatory theories–catalyzed the development of Ethnic Studies programs in higher education institutions nationwide (Lye, 2010; Wing, 1999). Though geographically close and methodologically aligned, the frameworks for these two Bay Area-based movements were distinct, with minoritized students speaking freely about racial equity and demanding that institutions include their ways of knowing and being in campus life and classrooms (Moreno, 2022).

Today, legislators and activist university governing boards (Killian, 2024) aim to dismantle precisely these structures that student activists helped to put in place (Rufo et al., 2023). Contrary to conservative framing of DEI as anti-meritocracy, decades of scholarship have demonstrated historical and ongoing structural inequities that cement privilege for those who have historically held power (e.g., Cuauhtin et al., 2019; Delgado & Stefancic, 2023; Ladson-Billings, 1998; Patel, 2021; Patton-Davis, 2016; Ray, 2023; Stein, 2022). DEI programs are one effort to mediate these oppressive forces (Ahmed, 2012; Harper & Assoc., 2024; Hurtado et al., 2012; Milem et al., 2005). Preliminary scholarship suggests that unions and professional organizations are supporting minoritized faculty under attack, calling forth principles of academic freedom broadly rather than by fundamentally insisting on the legitimacy of diversity, equity, inclusion, intersectionality, critical race theory, and gender studies as defensible scholarship (African American Policy Forum, 2022; PEN America, 2022). In their resistance, students make explicit connections between theories from their Asian American Studies or African American Studies classrooms and how they work to defend equity efforts on campus–including the jobs and well-being of the professors that teach them *as well as* the DEI programs that shelter them.

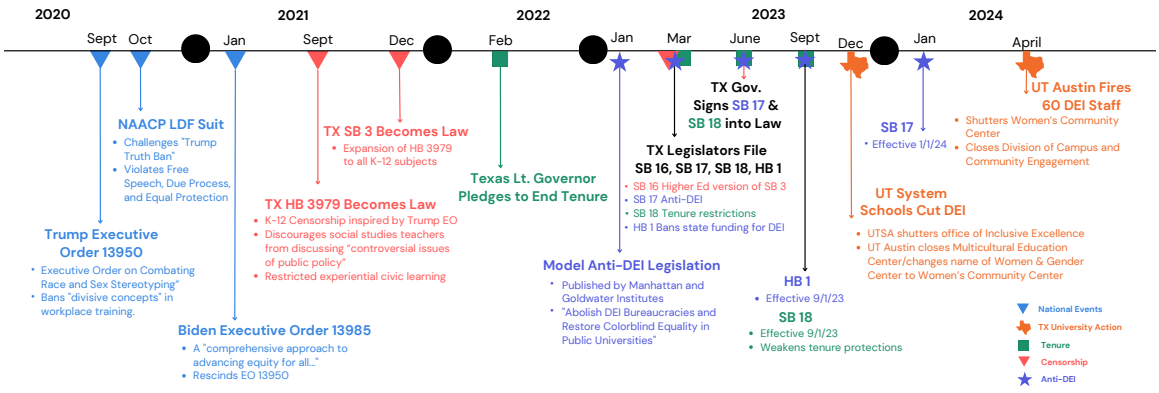
1.1 Academic Freedom

Academic freedom describes a set of widely adopted and tested principles that outline and protect the rights of faculty members to pursue teaching, research, and public dissemination of their scholarship without fear of reprisal from their employer (Reichman, 2021). Academic freedom distinguishes itself from free speech through the strength of its peer review process, in which scholars evaluate each other's work, taking on the responsibility of building and bestowing professional expertise. As such, when academic freedom is respected and actively leveraged by scholars and higher education leaders, institutional autonomy and authority are strengthened, thereby offering a layer of protection from state pressures and facilitating the role of higher education in sustaining democracy and providing solutions to societal challenges (Tierney & Lechuga, 2010; Thomas, 2010). Academic freedom is

compromised through institutional silence and when faculty members are not literate in its principles or active in its defense (Kateeb et al., 2012). Moreover, in practice, academic freedom functions within the same society plagued by historic and ongoing inequity. As such, scholars' understanding of and feelings about academic freedom can be mediated by race, gender, and job rank, where those most marginalized in broader society experience mirrored feelings about protections via academic freedom (Finley et al., 2018; Hutchens & Miller, 2023; Rangel, 2020).

1.2 Texas Legislative Context

Even before the start of the 2023 legislative session, Texas's Lieutenant Governor signaled his intent to eliminate tenure for new public university hires and strip tenure from anyone who taught critical race theory (Flaherty, 2022), while early in the session the Governor sent a letter to universities and state agencies conflating proactive efforts for equity with "racial discrimination" and calling it all DEI (McGee, 2023a). Around the same time, the Manhattan and Goldwater Institutes co-published a brief (Rufo et al., 2023) ginning up enthusiasm for conservative legislatures to "abolish DEI bureaucracies"–a directive taken up around the country but with particular vigor in Texas where legislators introduced a bevy of bills. By March 2023, three took hold, which banned: "indoctrination" by professors (SB 16); diversity statements, trainings, and programs (SB 17), and tenure (SB 18). Additionally, HB 1, the state's budget, included a section prohibiting state funds to be used on DEI in higher education.



In response, leaders in Texas higher education institutions publicly addressed tenure (Jaschik, 2022; SB 18 hearing, 2023; SB 17 hearing, 2023) but remained mum about DEI and direct censorship threats. Moreover, the University of Texas System Board of Regents placed a pause on all new DEI initiatives, and requested an audit of all existing programs, immediately following bill introduction in late February (McGee, 2023b). Around the same time, Texas A&M leaders mandated uniform hiring policies for all departments that did not include diversity statements (McGee, 2023b), while the Texas State system banned the use of diversity statements in hiring (Malick, 2023).

Faculty and students came together with organizations like the NAACP Legal Defense Fund (LDF), the American Federation of Teachers, the Texas Legislative Black Caucus, the Texas State Employees Union, and the American Association of University Professors (AAUP), along with nascent advocacy coalitions like the Black Brown Dialogues for Policy to advocate both on and off campus to protect tenure and DEI. About a month after the bills were introduced, a coalition called Texas Students for DEI, emergent from UT Austin but articulated toward and intent on featuring voices and perspectives from students statewide, began holding online and in-person meetings and teach-ins to build resistance. Over the next year and a half, they would continue their educational efforts, as well as host protests, develop advocacy toolkits, hold sit-ins, offer testimony-writing sessions, and build social media campaigns advocating for academic freedom, tenure, and DEI programs. This coalition included students from around the state and members of many of the aforementioned groups, as well as groups like the Texas Freedom Network (TFN), Texas Rising, Young Invincibles, and Students Engaged in Advancing Texas.

2. Methods and Data

This report presents insights gained from student interviews, observations, and documentary materials (e.g., social media posts, newspaper articles, statements) in Texas, a state where government leaders executed the backlash playbook, advancing a menagerie of boilerplate bills drawn from conservative think tanks that threaten public higher education autonomy via attacks on DEI programs, tenure, and classroom teaching. Texas was chosen as a case study site because of rapid, networked student opposition catalyzed by the state's nation-leading efforts in censorship legislation. Before this project formally began, we had attended student organizing meetings and contributed to student efforts–by showing up, engaging in information sharing, being in community, and offering labor.

Data sources for this report include perspectives gained from 60–90-minute virtual interviews with 14 higher education students enrolled in or recently graduated by Texas public institutions; 40 hours of observations (both virtual and in-person) of student organizing (e.g., town halls and teach-ins) and resistance (e.g., protests and hearings); and review of over 40 documents (e.g., public statements, news articles)–as well as countless social media posts by ten accounts representing students around the state. Most observations were virtual, including all legislative hearings, though I attended one in-person teach-in and one in-person protest in Austin. I attended these observations to understand how students and coalition partners understood state threats and how that shaped their strategic responses. Additionally, I was able to gather information about who was showing up, actor relationships, and collective energy. Interviews were conducted one-on-one (virtually) by me and by my research collaborator, Ángeles Desantos-Quezada. Interview participants were purposefully selected based on their participation in advocacy efforts to maintain DEI programming.

Most students with whom we spoke were a part of Texas Students for DEI, though three had not worked extensively with that coalition. Eleven undergrads and three graduate students participated in interviews. Ten students attended UT Austin, one UT San Antonio, two UT Dallas, and one Texas Women's College. We spoke with ten females, two non-binary students, and two male students. All names in this report are pseudonyms. To build insights, I created analytical memos and thematic outlines from participant interview recordings, interview transcripts, and notes from observations. I then iteratively coded interviews with a working codebook to categorize emergent ideas as presented below. I drew on documentary materials to further shape findings.

2.1 Researcher Relationality

We are a research team of two women, one Latina and one White. We and this study are situated in elite higher education spaces, and the questions we ask and this report itself explain and challenge oppressive systems without calling for their dissolution. Our decision to launch this project, generate and invest research funds, articulate questions within, and approach our participants relationally, gently, and with liberatory curiosity represents a praxis consistent with how we operate (as much as we are aware and able) in higher education spaces and beyond. Through the academy, which oversees the work operationalized in this study, we have learned the language of unequal power and privilege, but we have lived and observed these inequities every day. While we did not have existing relationships with any of our participants when we launched this work, moving forward we continue to walk alongside them in their efforts to reshape power relations, collectively and solidaristically.

3. Student Teachings

Students who organized against anti-DEI legislation in Texas were not a monolith, but they shared a collective desire to protect campus community spaces that were humanizing and supported them in their pursuit of classroom learning. Students strategically engaged in legislative resistance alongside coalitional partners but were and continue to be committed to grassroots enactments of civic engagement. Outside of the classroom, their experiences with legislators and campus leaders teach them about interlocking systems of power and the hegemony of White supremacy. In their defense of DEI, they wrestle with its imperfections and the tension of pursuing credentials from institutions and a state that are actively harming them. Their defense of DEI is not grounded in empty rhetoric or ahistorical glorification of higher education–as Haru noted, UT classrooms were built on the grounds of a plantation–but situated in collective solidarity and aimed towards the possibility of equitable and humanizing educational spaces.

3.1 State Actors Strategically Target DEI as a Means of Maintaining White Supremacy

Students with whom we spoke viewed anti-DEI bills as part of a broader effort by racist legislators to consolidate power, dehumanize minoritized students, and discredit scholarship that challenges White supremacy. Students characterized conservative legislators in Texas as "well-resourced," "politically savvy," and driven by "White supremacy, point blank, period." Legislators are "racist," "reactionary," and "motivated by fear," students said, because they believe that "their version of the status quo, what they have grown up with, is being disrupted by students who want change." Through their legislation, they "skew the narrative to ensure their comfort is not threatened" by using "rhetoric that calls anything that uses race at all or mentions race as racist." Bianca explained that legislators were drawing on this rhetoric to "move us into this colorblind way of being and to talk about reverse discrimination" which "pits people against each other and creates a boogeyman."

Students contended that legislators targeted higher education because it is a site for knowledge production and societal change. As Aubrey shared, "Universities provide resources, and thus the power to change things to people who historically have not had access." And, she continued, "the far right is afraid of people who aren't White and who aren't wealthy having access to these institutions because it means that the institutions will change, and they will lose power." Izar added, "They came for education because they knew that there's power in these classroom spaces." Izar continued, "It's even more painful to see that they came for spaces like multicultural centers because they're trying to deter us from creating community and be able to band together." As these students shared, they see efforts to ban DEI in higher education as strategic because they attack the site of knowledge production and shutter spaces that foster community strength.

Students described how legislative efforts to defund and remove DEI initiatives would undo decades of intentional work to humanize higher education institutions that were founded on the exclusion and oppressive of minoritized communities. Spaces like the Multicultural Education Center (MEC) at UT Austin were "home" for students and for student-led organizations working to enmesh politics, identity, education, social issues, and "just being". These were spaces where minoritized students "can exist and feel comfortable… and meet and interact with other people like themselves." With staff support, meeting and office space, and financial resources, students could use their organizing time to plan meaningful events, like "Trans Thursday" or "a panel about Asian American civic engagement". University efforts to support spaces like this, as well as their work to institutionalize broader campus programs, like the Office of Inclusive Excellence at UT San Antonio, the Division of Inclusive Excellence at Texas State University, or UT Austin's Plan for an Equitable and Inclusive Campus "was really inspiring" and created conditions that made campuses feel safe(r) for minoritized students. Bianca explained that she joined TX Students for DEI after the bill passed because she was really concerned that the loss of DEI spaces would harm future students and their academic success. "For me, I'm the first daughter of my immigrant parents. I survived only from others' help. So, by protecting DEI initiatives I could continue that help," she explained.

Moreover, students identified the ways that attacks on DEI are logical and strategic ways to discredit the important scholarship generated by disciplines like Ethnic Studies, Women and Gender Studies, and Sociology–the scholarship that underpins DEI initiatives and challenges White supremacy. Students shared that courses in these subjects helped them understand "the real world" and their experiences in it. Marvin commented, "Discrimination is a very emotional thing. It makes you uncomfortable. It makes you angry. It makes you sad," but contextualizing that experience through scholarship was meaningful and humanizing. Marvin continued, "to have an academic pillar, to have real knowledge by scholars validates these feelings because you understand that this is not unique to you, but that these emotions are supported by logic, that these things are systemic." Students decried that through anti-DEI laws, conservatives are legislating away the work of these disciplines and trying to erase the social and historical context of systemic discrimination–evident in UT Austin administrators' decision to remove from the wall a plaque commemorating the history of an identity-based center (detailed later in this section).

Finally, anti-DEI bills coupled with the legislature's attacks on tenure (SB 18) served to restrict the rights of faculty whose scholarship challenged normative or dominant ways of seeing the world. As Haru explained, "so-called 'oversight and accountability' for professors, increasing how a professor could be dismissed, or their tenure could be taken away…this is very dangerous." He specified that this was not a danger for professors whose work did not challenge White supremacy. "It's the teachers that are teaching legitimate things, teaching actual information about the university, about history, that are fearful, that engage in self-censorship, that have something to worry about. [These bills are] censorship, they're persecution." Haru noted learning from an African and African Diaspora Studies professor about UT being on "plantation land" as an example of "actual information about

the university" that legislators hope to eliminate–the knowledge that demonstrates the foundational nature of racism in higher education. Students expressed concern about the future of higher education for their peers who will have fewer resources and narrowed curricular options as a result of these state attacks and were motivated by these fears to organize.

3.2 Strategic Coalitions Generate Power and Learning but also Levy an Emotional and Academic Toll

Many of the students interested in protecting humanizing spaces and scholarship on campus had served or were currently serving in their campus student governing bodies, which allowed for an experienced approach to navigating institutional leadership structures and informed their work in coalition. They had learned through campus politics that while they had access to high-level leadership and opportunities to shape policy, "you are really controlled by the university." As Fatima shared, "If they don't like what you're doing, if your work is actually making a difference and going at the status quo in a way they don't like, they will make you limited in power, they will get involved." As such, she continued, "student organizing outside of these realms is a lot more effective and powerful and should be relied on heavily." One student government leader recounted an interaction with the UT Austin president early in the 2023 legislative session in which he assured the student–and others assembled–that there was no need to worry about the legislative threats. "He created a sense of false security," they said. Through conversations with faculty members at coalitional meetings, students understood the real threat posed by the legislation–and institutional inaction–and the need to organize "because clearly, the administration was going to do nothing about it."

Students strategically built and joined coalitions across the state, with faculty, and with external actors. Students were particularly excited to share the ways that they could teach faculty about how a bill moves through the legislative process. They noted that their professors in African and African Diaspora Studies or Mexican American Studies, who "are doing really important work," would ask, "'Wait, what happens when a bill is out of committee?'" In these moments, Aubrey thought, "'Wow! I learned so much from you a couple of months ago in this class and now you're asking me questions about this work?' We can share this knowledge. It was a cool exchange." Other students spoke glowingly about working with faculty as well, in particular with faculty members of the American Association of University Professors. "Honestly, I think they're a godsend," said Fatima. "They're amazing and getting to work with faculty who really believe in what we believe in–protecting DEI and supporting marginalized students–was very refreshing." Students fought alongside faculty to shape SB 17's language to protect teaching and learning and create carveouts for student groups. Additionally, law students authored an adopted amendment (Senate Bill 17, 2023) requiring a biennial study by the Texas Higher Education Coordinating Board on the law's impact on public higher education (e.g., application rates, matriculation rates), disaggregated by race, sex, and ethnicity, to provide concrete evidence of its effects on educational equity.

To build power, students focused on reaching peers who held minority identities or took classes with them in disciplines like Women and Gender Studies or Ethnic Studies. For students engaged with Texas Students for DEI, they primarily coordinated teach-ins, with an emphasis on introducing the legislative process–for which they received support from the NAACP Legal Defense Fund (LDF). They also leveraged social media, creating posts that described how DEI programs and staff supported student achievement to signal what would be lost by proposed legislation. Texas Students for DEI arranged buses to Austin, enabling students from across the state to meet with legislators, and organized virtual phone and email banks for those unable to travel. Student advocacy led to "less bad" versions of both the anti-DEI law and the anti-tenure law. Law students who were part of the coalition wrote two amendments for the anti-tenure bill, which were successfully adopted, including one that protected due process for faculty.

Coalition with external organizations offered benefits like more access to resources (e.g., funding for buses for students from geographically distant campuses to come to Austin for hearings) but was not without friction. Students knew they were fighting "a mammoth" so partnership was important. But, at times, some non-faculty coalition members, particularly those with little experience in Texas, minimized student concerns about how much was at stake. For example, some coalition members had their sites on later lawsuits, advocating for letting the most restrictive version of the bills make it into law, while students focused on the immediate impacts of threats to DEI offices for their peers and professors. As Minika explained, these actors were "falsely portraying 'the law' as something that is going to save you. It's not going to. Those cases take years. Meanwhile, when SB 17 comes into effect [students] are still shit out of luck." Some partners pointed out the potential power that a broad coalition of students could wield, yet, as students discuss below, resisting anti-DEI efforts was not taken up broadly, their power was deeply limited, and their energy spread too thin as they juggled coursework, jobs, and campus leadership roles.

Importantly, coalitions were hard work done predominantly by students and other minoritized folks most impacted by the bills and laws. For students, resistance required engagement with "additional labor" that was exhausting and forced them to "sacrifice a lot of focus on academics." Moreover, this resistance fell to a coalition of students and faculty who were predominantly people holding minoritized identities. "It's just more work on the shoulders of people of color and of underserved bodies to get back to that level that we should have been at the beginning," commented Marvin. "We are full-time students, all of us," said Bianca. "So, the fact that we have to fight for our place while trying to do our classes, we're feeling overburdened…and so frustrated and tired." "It's been a challenge to keep that balance," said Sadia. "Unfortunately, you will get burnt out." Kami echoed, "Only the people affected are really doing anything. And then the ones that aren't are just carrying along as if nothing's going on."

When Fatima was asked about how resistance impacted her health, she laughed–and noted that she wanted us to share that she laughed when we reported findings. "Because," she said, "the work is valuable, and working alongside people that are on the same side as you is incredibly insightful, and makes you feel less alone." Despite this, she shared, she was struggling with some mental health challenges, which she attributed not to the work of resistance, "but to the people you are going up against in the institution. They are the problem. They will do everything in their power to make sure you're as minimized and feel as little as possible." As the next section shows, institutional responses to state threats further exacerbated these feelings of exhaustion and frustration and shaped students' feelings about future civic engagement.

3.3 Institutional Actions Shift Students' Relationships with their Universities and Foster Collectivist Civic Engagement as a Means of (Campus) Survival

Students with whom we spoke understood their resistance as one enactment of civic engagement within a larger repertoire of possibilities. They deemed this resistance crucial for survival within higher education as they observed campus leadership abandoning their values around equity and kowtowing to an oppressive legislature.

Students criticized their university leaders for "eagerly" over-complying with the law, thereby abandoning institutional values and unnecessarily harming campus inclusion. When the bill became law, students noted that university administrators across the state failed to communicate with students and staff in a supportive manner. "Unfortunately," said Fatima, "the administration failed to be collaborative, cooperative, and communicative overall." Aubrey noted that institutional interpretation was important and really confusing. "We're seeing different school systems interpreting [SB 17] in different ways–like the A&M system provided different guidance than the UT System. So, how do we make sense of that?" she asked. Beyond guidance, there was little communication about the law from university officials. As Devon explained, there was this "huge gray miasma of nobody knowing what the hell upper levels of administration are doing."

Importantly, the silence from the institution means that most students–the students not organizing–did not know about the state's attacks, the loss of resources, and the consequences for student success. Izar intoned, "As a student, I think it would be helpful if the institution would really provide the tools for student advocacy, how to educate, provide resources…if there were the tools for that I think it would be a completely different conversation than we're having right now." Izar highlights the important role of higher education leaders in shaping the future. This silence from administrators left students to find their own community, strengthening their relations with each other but challenging their trust in the university.

Exacerbating this tension was that institutional silence was accompanied by swift (over) compliance with the new law. Haru and Kami shared that early in the spring 2024 semester, after the Gender and Sexuality Center at UT Austin became the Women's Community Center, that a plaque commemorating the history of the center–how it originated in a close–was removed from the wall. "Where in SB 17 does it say you have to take the things off your walls…That's deliberate censorship." Removing the plaque is an example of what students saw as institutional responses as going beyond what was necessary, "doing the work of the state," and abandoning institutional values around equity. "We're worried about the erasure of it all," said Ime.

In some instances, institutions changed the names of offices. This was clearly exemplified when some public university leaders, like those at University of Houston and Texas State, disbanded their DEI initiatives immediately after the law passed. Additionally, students saw university leadership as taking "deliberate" action to "keep students in the dark as long as they could" to minimize student responses and resistance. For example, administrators sent emails over winter break announcing the shutdown of critical student support structures, like the Multicultural Engagement Center at UT, just days before January 1st when the law became effective. Kami contended the short notice "was purposeful to prevent any attempts to fight against [the shutdowns]."

Students experienced institutional silence and the timing of shutdowns as hostile. "I don't feel welcome here anymore," said Kami. She noted that she has found "some phenomenal professors and mentors and teachers" on campus, but that "on the administrative level, I've been repelled. I feel repelled." Institutional silence and overcompliance felt like "a mental hit" and left students feeling "confused, scared, and scraping by" as they attempted to "rebuild the foundation" of the humanizing organizations suddenly stripped of funding that they were now trying to continue supporting. "It's like a lot of fish out of water right now," said Marvin. "For Latin American students, for Black students, for queer students. A lot of people are focused more on the primal nature of just surviving and like existing."

Student experiences in the Capitol, as well as what they learn from university administrators as detailed above, reveal to them a democracy allegiant to power, resistant to change, and not attractive to students. Aubrey shared,

> The whole point of a representative democracy is to have this be easy access–and not just easy access, which it isn't–but to have folks have your representatives genuinely take into account the needs of their constituents. And when that's not a reality, it's kind of a come to Jesus moment of like, "Oh, damn, this isn't how it actually works."

Fatima expanded, "People in power don't like to listen to their constituency, which is really concerning, because that's your job, but you're not doing it." What Fatima learned from this is that "just being incredibly annoying as a collective is something I've found very, very critical." Students were learning from their experiences–both in higher education and in the Capitol–about the shallowness of democracy and efforts for equity being put forth by universities.

This learning was pushing them towards more quotidian engagements with democracy and collectivist ideas about civic engagement which was necessary work as institutional structures disappeared. Bianca said, "When I was 18, civic engagement meant voting but now I see civic engagement as a year-round thing." Marvin shared, "I think that getting more involved with grassroots organizing and mutual aid that centers Black, Indigenous, and people of color has honestly made me less motivated to be civically engaged on a national scale" because voting is not "a comprehensive solution to all the issues that targeted communities are currently experiencing." Haru spoke of joining in local city council struggles, while Ime, Fatima, and Izar and others talked about continuing relationships with local non-profits. They envision and work towards a liberatory democracy that is inclusive and expansive.

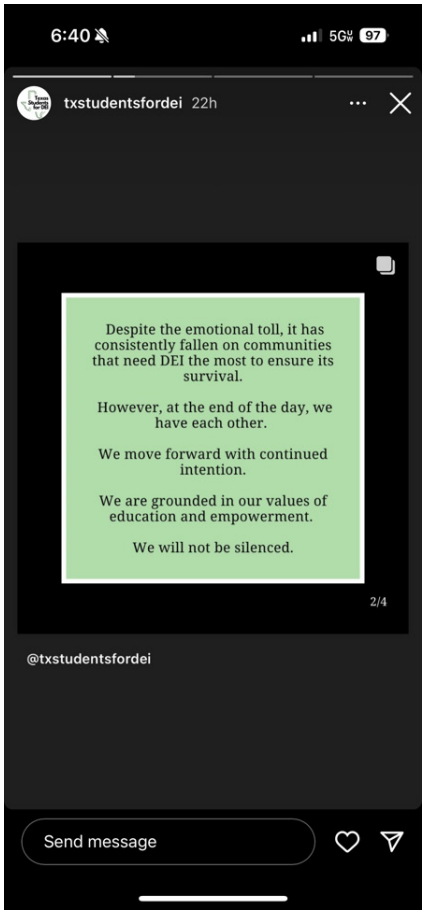
With public funding for campus equity efforts removed and concerns about "endangering the employment of faculty and staff," students were reaching out to local non-profits and building relationships more directly with the community around them. "Alumni," said Bianca, "have been a rock to me," because they have done so much of this work in their lives after university. Kami commented, "Organizing spaces become like found families and communities for marginalized people… Organizing is necessary, and it has to continue, because we have to, like, survive."

Importantly, students recognize the continuity of this work with past collective movements and share that they hope to carry it forward to their "much less diverse, much more suburban" hometowns. As Haru noted, "Every right, every privilege, every protection, every safety that exploited students have, that students of color have, that Black students have, that queer and trans students have on campus in this state, in this country, in the society came through organized resistance." And students hoped for and engaged in this work in pursuit of "a better Texas." As Bianca said, "The Texas that I'm in, I'm not too proud of it…So, I think I'm trying to make a Texas that I want to be proud of. And that's not the reality at the moment."

4. Implications and Ideas

In both material and emotional ways, public higher education has become a less safe place for minoritized students in Texas since the start of 2024. In part, this can be attributed to laws passed by legislators intent on rolling back hard-fought advances in racial and gender equity–both in higher education and society. But what students teach us here, is that university leaders and governing boards are going beyond the letter of the law, making decisions that prioritize institutional funding over the explicit equity goals and student success they purport to be working towards. Elected officials and administrators are modeling a weak democracy characterized by inaccessible and non-relational politicking (e.g., silence and not listening), while students are working and directing us towards a praxis (i.e., actions informed by theory) of solidarity and visions for collective futures, learned in their university classrooms and enacted in their lives.

Students act amidst critical struggles that implicate free expression on college campuses–which students remind us repeatedly are being waged in a manner that obfuscates ongoing genocide–as university officials call on police and the state to, often violently, shut down student protests and teach-ins. Even in "liberal" states like California, university regents are limiting university speech, banning departments from posting "political statements" while the legislature is moving forward a bill forbidding speech that "creates a hostile environment on campus"–a vague directive that was more clearly articulated at pro-Palestine speech in earlier drafts (Valdez, 2024). On UT's campus this spring, a planned rally for DEI solidaristically shifted days to accommodate the speech of Faculty and Students for Justice in Palestine. While students and faculty push for expansive speech, democracy, and learning, university leaders lean towards policies that, as the AAUP argue, "impose severe limits on speech and assembly" (Bellows, 2024).



Findings from this report can help university personnel, as well as those working with higher education institutions, to support students and their communities as they navigate ongoing, powerful state-based attacks on democracy and equity. To outline these recommendations, I am guided by an excerpt from a TX Students for DEI press release (TX Students for DEI, 2024), later shared as an Instagram story on February 3, 2024. This post was written while students and staff at UT Austin gathered in the space formerly known as the MEC–stripped of its signs but still buzzing with spirit and care,

while students at UT Dallas still had the shelter of the Office of Campus Resources and Support (which would shutter just two months later), but peers around the state could no longer seek resources from student support centers like the Office of Inclusive Excellence at UT San Antonio or the LGBTQ Resources Center at the University of Houston. They wrote:

Despite the emotional toll, it has **consistently fallen on communities that need DEI the most to ensure its survival**. However, **at the end of the day, we have each other**. **We move forward with continued intention**. **We are grounded in our values of education and empowerment**. **We will not be silenced**.

4.1 Don't be silent. Help carry the load.

Higher education leaders need to publicly speak out to defend institutional autonomy, which includes defending academic freedom in race-attentive ways that acknowledge targeted attacks on scholarship that challenges White supremacy. Students showed up at the Capitol in force over the course of the spring legislative session, both to testify against oppressive legislation and to raise their voices in protest. Social media accounts from organizations like Texas Students for DEI (@txstudentsfordei) shared information-packed calls to action with step-by-step instructions, as well as student stories about the importance of DEI. Students also showed up to speak against SB 18, noting the importance of strong labor protections for the faculty who invested in them–specifically faculty members whose work challenged dominant narratives. During this time, higher education leaders in Texas made no public statements, while two members of legal counsel from Texas A&M and the University of Houston provided comment "on" the bills as technical support to lawmakers. Conversely, organizations committed to equity and academic freedom, like the AAUP, the National Association of Diversity Officers in Higher Education (NADOHE), and the African American Policy Forum published reports and made statements that established the critical importance of equity policies and programs, as well as the way that institutional silence exacerbated the harm for minoritized faculty and students on campus. These organizations can amplify their reach by investing in local efforts. For example, NADOHE leadership can provide resources and support to the Texas Association of Diversity Officers in Higher Education. Local enactment of support is crucial, but national offices must act to provide resources and infrastructure.

4.2 Be grounded in education and empowerment.

University leaders need to be brave and to recommit themselves to the purpose of their institutions–knowledge production and the strengthening of democracy and community. Students acknowledge that they come to higher education for skill development and job preparation, and that they sacrifice this *with intention* for the more important task of protecting collective futures and each other.

University leaders can act *with intention* to protect knowledge production and support democratic futures by attending to all that is still possible despite SB 17. Roderick Ferguson, professor of race and critical theory and scholar of student social movements, recently noted in an interview that Governors DeSantis (FL), Abbott (TX), Youngkin (VA), and other leaders are articulating attacks on higher education because "they are fearful of what young people have done and are doing in terms of their thinking and activism" (Ferguson et al., 2024, n.p.). His guidance is to focus on relationship building, in the classroom and beyond. SB 17 specifically carves out protections for teaching and for research, making space for the influential scholarship and scholars that are activated in defense of DEI and equity. University leaders can lean on classrooms and faculty as spaces to foster equitable learning opportunities by communicating, both internally and externally, support for faculty whose work is being targeted.

4.3 Move forward with continued intention.

Moving forward, universities could provide clear guidance about what faculty, students, and staff *can do* in spite of SB 17. Students noted the vagueness of the law and the "huge gray miasma" of silence from institutional leadership. While organizations like the ACLU of Texas and the Texas Legislative Educational Equity Coalition have released one-pagers clarifying the law, guidance from universities has been shared at the highest levels in long, complex legalese. Additionally, students at UT Dallas, where the student government is funded by student fees rather than state dollars, have more freedom to operate than student governments at other UT campuses like UT Austin. Students are juggling these additional responsibilities with their schoolwork. University leaders can make policy changes that allow ample time for students to address new restrictions. Announcements made during finals, during holiday breaks, and on short timelines just make things harder for overburdened students. Moreover, university leaders can intentionally exercise and invite shared governance around new policy design and implementation. In the summer of 2023 after passage of the law, faculty and students advocated for a seat at the table in shaping university compliance with SB 17, with students holding a sit-in at the August Board of Regents meeting. Both groups were largely shut out of the conversation. While SB 17 creates restrictions on *what* can happen in higher education, it does not impact *how* things happen. As students observed, democracy is inaccessible. Policy- and decision-making is a democratic process in a university and leaders can cultivate more equitable and democratic policymaking processes by bringing in more voices, transparency, and collaboration as state threats are navigated.

4.4 At the end of the day, we have each other.

University leaders can leverage community relationships, including alumni and private universities, to continue supporting marginalized students. Many student organizations lost crucial funding, resources, and staff support after the implementation of SB 17. Local non-profits and alumni groups stepped in to fill immediate needs during the spring semester, for example hosting special graduation ceremonies traditionally hosted by the university (e.g., Lavender Graduation, GraduAsian). At the same time, UT Austin shuttered one of its strongest outreach arms, the Division of Campus and Community Engagement, in the wake of SB 17. Students involved in resistance to anti-DEI legislation are making connections with city councils, local non-profits, and other grassroots collectives, some of which are turning into employment for recent graduates or internships for current students. University leaders can take action to bolster these connections for more students through partnerships with local organizations or with private universities. For example, faculty at UT San Antonio and Trinity University, a private school in San Antonio, co-hosted a forum in February of 2024 entitled *Academic Freedom in an Era of Educational Intimidation*, in which community members, students, staff, leaders, and faculty came together for conversations that provided clarity on vague and differing interpretations of the law which built community and strengthened efforts to uphold that which is still permissible. Meanwhile, Our Lady of the Lake University, another private university in San Antonio, held a public forum entitled *Crucial Dialogues: Equity and Inclusion at HSIs* in fall 2023, in which panelists remarked on the importance of private schools doubling down on equity efforts and supporting public universities amidst state attacks.

5. Future Research

As noted earlier, this report challenges elite institutions without demanding their dissolution. In the decades to come, advanced teaching and learning may look different than the classrooms and collaborative spaces studied here (Meyerhoff, 2019; Patel, 2021). These may be "reparative universities," rich with "a poetics of refusal", in which campus communities, led by students like those in this study who have been marginalized, actively address historic and ongoing inequities and work to create something new (González-Stokes, 2023, p. 206). As la paperson (2018) suggests, "a third university" may be possible. From this report, we learn what one group of students experienced as they resisted the extinguishing of campus DEI efforts on their campuses. Importantly, their orientation towards engaged democracy and solidarity calls for further understanding of others' perspectives within the higher education landscape. As such, future research that examines the work and responses of administrators, faculty, and staff (Briscoe & Jones, 2024; Pedota, 2022), as well as those off-campus (e.g., legislators, policy advocates, professional organizations) would offer a richer and more complete understanding of higher education's trajectory and where racial inclusion policy and practice fit moving forward.

6. References

African American Policy Forum. (2022). #TruthBeTold. https://www.aapf.org/truthbetold

Ahmed, S. (2012). Whiteness and the general will: Diversity work as willful work. *PhiloSOPHIA*, *2*(1), 1–20.

Bellows, K.H. (2024, August 15). Campus protests are coming back. Students and administrators are digging in. *The Chronicle of Higher Education*. https://www.chronicle.com/article/campus-protests-are-coming-back-students-and-administrators-are-digging-in?utm_campaign=che-social&utm_content=20240816&utm_medium=o-soc&utm_source=tw&sra=true

Black Brown Dialogues on Policy. (2023, February 13). *Black Brown Community Response to Attacks on DEI Programs* [press release] https://blackbrownpolicy.org/wp-content/uploads/2023/03/MEDIA_ADVISORY_02142023.pdf

Briscoe, K. L., & Jones, V. A. (2024). Challenging the dominant narratives: Faculty members' perceptions of administrators' responses to Critical Race Theory bans. *Equality, Diversity and Inclusion: An International Journal*, *43*(3), 459–480. https://doi.org/10.1108/EDI-01-2023-0040

Cuauhtin, R. T., Zavala, M., Sleeter, C., & Au, W. (Eds.). (2019). *Rethinking Ethnic Studies*. Rethinking Schools.

Delgado, Z. J. (2016). *The longue durée of Ethnic Studies: Race, education and the struggle for self-determination (Doctoral Dissertation UC Berkeley)* [University of California, Berkeley]. https://escholarship.org/uc/item/84n3f8kh

Delgado, R., & Stefancic, J. (2023). *Critical race theory: An introduction* (Vol. 87). NYU press.

Draper, H. (2022). *Berkeley: The student revolt*. Haymarket Books.

Ferguson, R. A., K. P Pha & J.M. Santillana Blanco. 2024. "Building Relations, Critical University Studies and Student Activism: A Conversation with Roderick A. Ferguson." In eds. José Manuel Santillana Blanco, Kidiocus King-Carroll, Naimah Zulmadelle Pétigny, and Kong Pheng Pha in collaboration with *AGITATE!* Editorial Collective. *Seditious Acts: AGITATE! Special Volume with CRES*: https://agitatejournal.org/article/building-relations-critical-university-studies-and-student-activism-a-conversation-with-roderick-a-ferguson/

Finley, S. C., Gray, B. M., & Latrice Martin, L. (2018). "Affirming our values": African American scholars, white virtual mobs, and the complicity of White university administrators. *AAUP Journal of Academic Freedom*, *9*, 1–20.

Flaherty, C. (2022, February 20). 'A new low' in attacks on academic freedom. *Inside Higher Ed*. https://www.insidehighered.com/news/2022/02/21/texas-lt-govs-pledge-end-tenure-over-crt-new-low

Garces, L. M., Johnson, B., Ambriz, E., & Bradley, D. (2021). Repressive legalism: How postsecondary administrators' responses to on-campus hate speech undermine a focus on inclusion. *American Educational Research Journal*, *58*(5), 1032–1069. https://doi.org/10.3102/00028312211027586

González-Stokas, A. (2023). *Reparative universities: Why diversity alone won't solve racism in higher ed*. Johns Hopkins University Press.

Harper, S., & Associates. (2024). Truths about DEI on college campuses: Evidence-based expert responses to politicized misinformation. Los Angeles: University of Southern California Race and Equity Center.

Hurtado, S., Milem, J., Clayton-Pedersen, A., & Allen, W. R. (1998). Enhancing campus climates for racial/ethnic diversity: Educational policy and practice. *Review of Higher Education*, *21*(3), 279-302.

Hutchens, N. H., & Miller, V. (2023). Florida's stop WOKE act: A wake-up call for faculty academic freedom. *Journal of College and University Law*, *48*(1).

Jaschik, S. (2022, February 21). UT Austin president defends tenure. *Inside Higher Ed*. https://www.insidehighered.com/quicktakes/2022/02/22/ut-austin-president-defends-tenure

Kateeb, I., Lewis, M., & Hamoush, S. (2012). Understanding the concept of academic freedom in North Carolina A&T State University. *International Journal of Science in Society*, *3*(2), 9–22. https://doi.org/10.18848/1836-6236/CGP/v03i02/51322

Killian, J. (2024). At UNC-Chapel Hill, interim chancellor selection attracts growing student opposition. *NC Newsline*. https://ncnewsline.com/2024/04/02/at-unc-chapel-hill-interim-chancellor-selection-attracts-growing-student-opposition/

Legal Defense Fund. (2024, May 24). *Texas Rising, Texas Students for DEI, and the Texas American Federation of Teachers march to Texas State Capitol before Senate Subcommittee testimony about harms against Black, Brown and LGBTQIA Students, staff, and faculty caused by implementation of new anti-DEI Law, SB 17* [press release]. https://www.naacpldf.org/wp-content/uploads/FINAL-Press-Release-SB-17-Protest-March58.pdf

Lu, A., Elias, J., June, A.W., Marijolovic, K., Roberts-Grmela, J., & Surovell, E. (2023, 9 March). DEI legislation tracker. *The Chronicle of Higher Education*. https://www.chronicle.com/article/here-are-the-states-where-lawmakers-are-seeking-to-ban-colleges-dei-efforts

Lye, C. (2010). US Ethnic Studies and Third Worldism, 40 years later. *Inter-Asia Cultural Studies*, *11*(2), 188–193. https://doi.org/10.1080/14649371003616128

Malick, O. (2023, March 14). Lamar University, state colleges remove diversity statements in hiring process. *Beaumont Enterprise.* https://www.beaumontenterprise.com/news/article/texas-state-university-system-removes-dei-17825760.php

McGee, K. (2023a, February 7). Gov. Greg Abbott tells state agencies to stop considering diversity in hiring. *The Texas Tribune.* https://www.texastribune.org/2023/02/07/greg-abbott-diversity-equity-inclusion-illegal/

McGee, K. (2023b, February 22). University of Texas System pauses new diversity, equity and inclusion policies. *The Texas Tribune.* https://www.texastribune.org/2023/02/22/university-texas-system-dei-pause/?utm_campaign=trib-social&utm_content=1677104438&utm_medium=social&utm_source=twitter

McGee, K. (2023, March 10). Texas Senate's priority bills on higher ed would end tenure, diversity policies. *The Texas Tribune.* https://www.texastribune.org/2023/03/10/texas-senate-tenure-diversity/

Milem, J. F., Chang, M. J., & Antonio, A. L. (2005). *Making diversity work on campus: A research-based perspective*. Association of American Colleges and Universities.

Moreno, J. G. (2022). Ethnic student radicalism and activism: The Chicana/o Studies movement at the University of Washington, 1968–1980. *Journal of American Ethnic History*, *41*(3), 65–83. https://doi.org/10.5406/19364695.41.3.03

Meyerhoff, E. (2019). *Beyond education: Radical studying for another world*. University of Minnesota Press.

paperson, la. (2017). *A third university is possible*. University of Minnesota Press.

Patel, L. (2021). *No study without struggle: Confronting settler colonialism in higher education*. Beacon Press. https://books.google.com/books?hl=en&lr=&id=w1Q0EAAAQBAJ&oi=fnd&pg=PP1&dq=no+study+without+struggle&ots=an7fDE-HPZ&sig=AmyJaGLuBlPISsCVHF7Ueiyk1KU

Patton, L. D. (2016). Disrupting postsecondary prose: Toward a critical race theory of higher education. *Urban Education*, *51*(3), 315–342. https://doi.org/10.1177/0042085915602542

Pedota, J. (2023). How faculty contend with threats to academic freedom and racial inclusion. *UC National Center for Free Speech and Civic Engagement*.

PEN America. (2022). Educational gag orders: Legislative restrictions on the freedom to read, learn, and teach. https://pen.org/wp-content/uploads/2021/11/PEN_EducationalGagOrders_01-18-22-compressed.pdf

Rangel, N. (2020). The stratification of freedom: An intersectional analysis of activist-scholars and academic freedom at U.S. public universities. *Equity & Excellence in Education*, *53*(3), 365–381. https://doi.org/10.1080/10665684.2020.1775158

Ray, V. (2023). *On critical race theory: Why it matters & why you should care*. Random House Trade Paperbacks. https://books.google.com/books?hl=en&lr=&id=ecmuEAAAQBAJ&oi=fnd&pg=PR9&ots=uIbrZCX2wx&sig=vlXDEl5mQXtMZiErUFvMZJ5TiII

Reichman, H. (2021). *Understanding academic freedom*. John Hopkins University Press.

Rojas, F. (2007). *From Black Power to Black Studies: How a radical social movement became an academic discipline*. Johns Hopkins University Press.

Rufo, C., Shapiro, I., & Beienburg, M. (2023). Abolish DEI bureaucracies and restore colorblind equality in public universities. *Manhattan Institute*. https://media4.manhattan-institute.org/sites/default/files/model_dei_legislation013023.pdf

Sachs, J. (2022, January 24). Steep rise in gag orders, many sloppily drafted. *PEN America.* https://pen.org/steep-rise-gag-orders-many-sloppily-drafted/

SB 18: Hearing before the Texas Senate Subcommittee on Higher Education, 88th Leg.. (2023, March 20). https://tlcsenate.granicus.com/MediaPlayer.php?clip_id=17554

SB 17: Hearing before the Texas Senate Subcommittee on Higher Education, 88th Leg. (2023, April 6). https://tlcsenate.granicus.com/MediaPlayer.php?clip_id=17622

SB 17., 88th Leg. Texas (2023). https://capitol.texas.gov/tlodocs/88R/billtext/pdf/SB00017F.pdf#navpanes=0

Stein, S. (2022). *Unsettling the university: Confronting the colonial foundations of US higher education*. JHU Press. https://books.google.com/books?hl=en&lr=&id=0d5cEAAAQBAJ&oi=fnd&pg=PP1&dq=Unsettling+the+university&ots=g2QqxtlnbX&sig=nymWnTw5EAFzqfoZ9XdgNKVTvII#v=onepage&q=Unsettling%20the%20university&f=false

Tierney, W. G., & Lechuga, V. M. (2010). The social significance of academic freedom. *Cultural Studies ↔ Critical Methodologies*, *10*(2), 118–133. https://doi.org/10.1177/1532708609354316

TX Students for DEI. (2024, January 15). *Our message to SB 17* [press release]. https://www.txstudentsfordei.com/press-releases/our-message-to-sb-17

Valdez, J. (2024, August 12). As students return to school, a proposed law targets campus protests. *The Intercept.* https://theintercept.com/2024/08/13/california-campus-protests-israel-palestine-free-speech/

Walker, J. (2023). *Texas Students fight for DEI* [press release]. https://www.txstudentsfordei.com/press-releases/texas-students-fight-for-dei

Wing, B. (1999). Educate to liberate! Multiculturalism and the struggle for ethnic studies. *Colorlines; Oakland*, *2*(2), 15.