How Faculty Contend with Threats to Academic Freedom and Racial Inclusion

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1. Executive Summary[1]

Academic freedom is at risk amid a coordinated political movement that seeks to restrict both academic freedom and racial inclusion efforts led by faculty through their teaching, research, and service. This instrumental case study draws on the concept of repressive legalism (Garces et al., 2021) to examine 22 faculty members' responses to restrictions on open, robust inquiry and expression at a public four-year university within a state that had proposed or enacted legislation targeting curriculum and knowledge production focused on race. Three main themes emerged from analyzing faculty interviews, observation field notes, and documentary data: (1) *Faculty Lacked Clarity on Their Rights and Protections Afforded under Academic Freedom* (2) *Administrators' Responses and Faculty's Positionality Shaped How Faculty Responded* (3) *Prioritizing Academic Freedom as a Frame for Protecting the Work of Faculty had Unintended Consequences for Racial Inclusion*. Findings illuminate how even the mere threat of possible legislation can curb faculty efforts, leading to potential negative consequences for racial inclusion within higher education and broader society. The report ends by presenting various strategies to facilitate understanding of academic freedom, foster support for Faculty of Color, and promote collective action among stakeholders at public postsecondary institutions as they are more susceptible to external political and legal threats.

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2. Background & Purpose

The rights afforded to faculty under academic freedom are at risk within the current restrictive socio-political climate, and these attacks could have severe negative consequences for racial inclusion efforts inside and outside the classroom. Protections afforded under academic freedom are meant to shield institutions from external influence so faculty may produce intellectual scholarship that benefits the public and advances institutional missions of social responsibility, which often requires scholars to confront and address systemic inequities in their work (Tierney & Lechuga, 2010; Rangel, 2020). Although the politicization of higher education and faculty roles is not new (e.g., Heineman Jr., 1965), rapid political polarization and the growth of coordinated political movements creates an urgency to understand these external pressures within the present context (Ellis et al., 2020). As of July 2023, Republican legislators have proposed 40 bills in 22 states that seek to restrict policies and practices focused on DEI at public postsecondary institutions (Lu et al., 2023). Even when no formal legal constraints are present, university leaders have proactively responded to these law-based pressures by removing diversity requirements from degree plans (Mcclellan, 2021) or pausing race-related research (Flaherty, 2021).

As postsecondary administrators succumb to law-based threats to academic freedom, little is known about how faculty understand and respond to these threats. Most of what is known about how faculty and administrators are responding (or not responding) to external law-based threats is primarily anecdotal, presented through media sources (e.g., Pettit, 2021). Thus, to examine this phenomenon more systematically, I conducted an instrumental case study at one public four-year university to illuminate the opportunities and challenges for faculty in responding to external political and legal attacks to uphold both academic freedom and racial inclusion. Findings illuminate strategies and practices that other faculty and administrators at public universities can use to safeguard academic freedom and protect racial inclusion within higher education, particularly as the coordinated proliferation of restrictive legislation continues across the United States.

3. Background on Backlash against Racial Inclusion Policy & Practice in Higher Education

Discourse and sentiments targeting racial inclusion policy and practice within higher education are not new yet have now become more explicit in targeting Critical Race Theory (CRT) and Diversity, Equity, and Inclusion (DEI) initiatives by name. Many conservative organizations like the Heritage Foundation and the Goldwater Institute have long fought against racial inclusion within education (e.g., affirmative action) (Stefancic & Delgado, 1996) and continue to do so currently by developing and sharing model restrictive legislation. Thus, the proliferation of bills targeting curriculum and knowledge production focused on race is the product of coordinated coalition building among these bad-faith external actors rather than the mere actions of individual legislators (López et al., 2021; Park & Penner, 2022). The purpose of these new threats remains the same as those prior: to undermine racial inclusion and racial progress.

Initial backlash targeting CRT began in the aftermath of *The New York Times*'s 1619 Project and the racial reckoning motivated by the public state-sanctioned murder of George Floyd (Friedman, 2021). Recent attacks on DEI initiatives date back to Trump's Executive Order on Combating Race and Sex Stereotyping, which subverts civil rights language to frame these racial inclusion efforts as divisive, pedagogically unnecessary, and anti-American (Ray, 2020). Currently, legislators continue putting forth state bills of their own that target both racial inclusion and academic freedom (Lu et al., 2023).

As of January 2023, legislators from 42 states have introduced "anti-CRT" bills targeting K-12, higher education, and state agencies, and 14 of these states had their bills signed into law or established other restrictions via executive orders (Bissell, 2023). Of the many bills put forth, four bills targeting DEI in higher education were signed into law in Florida, Texas, Tennessee, and North Dakota (Lu et al., 2023). Most proposed or enacted bills either draw from or specifically use similar language found within Trump's Executive Order to address CRT concerns by using words like "divisive" and "meritocracy" (Varney, 2021). While it is unclear how some of these bills will be implemented in practice given their overly broad and vague language, many fear that this legislation will produce a "chilling effect" that will stoke fear and, thus, lead faculty to curb teaching, research, and service focused on race and inclusion (PEN America, 2022).

Faculty Contributions to Racial Inclusion

These attacks on CRT and DEI initiatives target racial inclusion via the important work that faculty members engage in through their research, teaching, and service across various disciplines (e.g., education, health, sociology). For example, many faculty in the education and health fields ground their research in DEI principles to identify and address racial inequities within society (e.g., Ropers-Huilman, 2000). Additionally, some faculty center racial inclusion in their curricular and pedagogical choices to promote diverse perspectives, improve classroom discussions, and develop interpersonal relationships among all students (Booker & Campbell-Whatley, 2018; Castillo-Montoya, 2019; Ximena Zúñiga et al., 2012).

Faculty of Color are among the most impacted by the proliferation of restrictive legislation as they often lead racial inclusion efforts (Jimenez et al., 2019) and/or produce scholarship focused on race (Griffin, 2020; Urrieta & Mendez Benavidez, 2007). Faculty of Color contribute immensely to racial inclusion within the university and broader society. For many Faculty of Color, their mere presence on a university campus can increase a sense of belonging among Students of Color (e.g., Holloway-Friesen, 2021). Additionally, through their teaching, research, and service, Faculty of Color cultivate critical thinking and innovation (Milem et al., 2005), encourage civic engagement (Gurin et al., 2002), and intentionally engage all students in meaningful conversations around solutions for addressing national and global societal inequities (Milem, 2001).

Academic Freedom

In addition to potential impacts on racial inclusion efforts, these legislative threats also implicate principles of open, robust freedom of inquiry and expression, including academic freedom. Academic freedom is a moral, academic, and legal concept with principles that allow university faculty to openly pursue research, publicly disseminate scholarship, and teach within their areas of expertise without fear of consequence and external influence (Reichman, 2021). Thus, academic freedom provides institutions with the autonomy and authority to combat governmental pressures to affirm the role of higher education in sustaining democracy and improving society (Tierney & Lechuga, 2010). Although the courts have failed to clearly define and delineate parameters around academic freedom (e.g., Sun, 2023), the concept provides faculty with certain protections to pursue scholarly work that contributes to the mission of higher education and protects the public good (Finkin & Post, 2009; Poch, 1993). Faculty of Color, for example, can pursue research or teach courses that seek to address systemic racial inequities within society, in part, because of academic freedom and the security it provides. Despite these protections, there have been documented incidents where scholar speech has been unlawfully chilled (e.g., post-9/11) (Tierney & Lechuga, 2005). These new law-based constraints on open, robust inquiry and expression within higher education present a new wave of threats to academic freedom, with severe negative consequences for research, teaching, and service activities focused on racial inclusion (Hackett & Rivera, 2020; Schrecker, 2022).

Given the connections between academic freedom and racial inclusion, it is important to view the two as inextricably connected. However, academic freedom and DEI as principles are often positioned as in conflict rather than working in collaboration to further the values and mission of postsecondary institutions (Reichman, 2020). For instance, scholars note that White, neoliberal notions of merit in hiring, tenure, and promotion standards disproportionately harm Faculty of Color, making them feel less protected and less able to practice academic freedom in their work (Bell, 1993; Rangel, 2020). By accounting for racialized experiences and systemic disparities across all institutional policies and processes, university administrators can strengthen academic freedom protections so that Faculty of Color can more freely engage in their rigorous scholarship without fear of potential negative impacts on their careers (Rangel, 2020).

Responses to Law-based Pressures & Repressive Legalism

Despite the very serious circumstances faculty are facing, many university presidents and other senior leaders (e.g., provosts) remain hesitant to provide guidance, often leaving faculty responsible for navigating these law-based threats on their own. Thus, it is crucial to understand how faculty make sense of and respond to these law-based threats as their actions ultimately shape the influence these threats have on the ground. To examine how faculty members' perceptions of the legal environment shape their work, I draw from a concept called "repressive legalism" (Garces et al., 2021). This concept draws attention to how law-based pressures shape educational policy and practice on racial equity and inclusion through the actions of educational professionals who succumb to those pressures. The concept emerged from a study exploring how higher education administrators responded to hate speech incidents on college campuses (Garces et al., 2021). In that study, researchers found that administrators acquiesced to pressures from the legal environment (e.g., the threat of lawsuits by advocacy organizations) at the cost of other lawful responses that would have promoted racial inclusion (e.g., public messages acknowledging the harm of hate speech).

Faculty who engage in racial inclusion efforts in their classroom, research projects, or service work must navigate similar pressures in the current socio-political context, yet their efforts remain understudied. Currently, some faculty have sought to defend academic freedom through the court system (e.g., Svrluga & Rozsa, 2022), but researchers have not explored how faculty respond to external pressures in their research, teaching, or service. I draw from the concept to examine how faculty, who often have more agency and job protections compared to administrators, interpret the legal environment and legal norms in more strict or repressive ways than they need to, which could ultimately curb racial inclusion efforts.

4. Research Questions & Project Methods

1. How do faculty at public institutions understand and respond to external political and legal pressures targeting teaching and knowledge production on race?
2. How, if at all, do faculty members' responses safeguard academic freedom and protect racial inclusion within the current socio-political climate?

This paper reports findings from interviews, observations, and documents gathered from a year-long instrumental case study (Stake, 1995, 2005) of one public university within a state experiencing significant legal and political pressures that target curriculum and knowledge production focused on race. An instrumental case study design (Stake, 1995, 2005) provides fertile ground to understand the phenomenon of interest, namely, how faculty safeguard academic freedom and promote principles of racial inclusion in the face of current external pressures and threats to these principles. The research site is anonymized to protect faculty participants, and I will assign the institution a pseudonym for peer-reviewed journal publications. The site was purposefully chosen as an instrumental case using the following criteria: (a) proposed or enacted restrictive legislation targeting curriculum and knowledge production focused on race, (b) Republican-controlled legislature, (c) public 4-year institutional context, (d) growing diverse student population, (e) documented incidents, faculty grievances, and external actor involvement (e.g., ACLU, FIRE).

Data sources for this study include 22 virtual and in-person 60-minute semi-structured interviews (Maxwell, 2013) with faculty of various ranks, 8 hours of observations of virtual meetings (e.g., faculty senate meeting) or public events (e.g., faculty town hall), and over 56 documents (e.g., email communication, legislative press releases, external advocacy group statements). Faculty interviewees were purposefully selected (Patton, 2002) based on the courses they teach, their areas of research, engagement with academic freedom committees, and participation in organizing efforts within the institution through formal faculty groups like the faculty senate. Of the 22 faculty interviewed, 13 were Faculty of Color (with six of those identifying as Black faculty), nine were untenured faculty (with three of those holding non-tenure track positions), and two held administrative roles in their respective college (e.g., DEI Assistant Dean) in addition to their faculty appointment. I engaged in analytical memoing (Saldaña, 2016) while reading interview transcripts to draw connections between participants' experiences and illuminate common threads that can be combined into broader themes.

5. Insights

Across the board, faculty had a range of responses to the legal environment and the restrictions they faced, or perceived they faced, in their work. For example, while some faculty continued to teach as they had in prior semesters, others changed how they approached teaching, seeking to appear more "neutral" on race-related topics. Some, especially Black faculty, looked for jobs elsewhere. As I explain in more detail below, these responses were shaped by faculty members' understanding of the rights and protections afforded under academic freedom, administrators' mediating responses, and faculty's race, gender, and rank. Ultimately, the proliferation of restrictive legislation represents both attacks on racial inclusion and academic freedom. When faculty groups (e.g., faculty senate) choose only to reference infringements on academic freedom and not acknowledge racial inclusion impacts, Faculty of Colors' experiences and expertise within the current socio-political context go unacknowledged, to the point where some have chosen to leave the university altogether.

5.1 Faculty Lacked Clarity on Their Rights and Protections Afforded under Academic Freedom

From the various faculty perspectives, observations, and documentary data, most faculty participants did not have a strong or nuanced understanding of academic freedom. For instance, when referencing or defining academic freedom, several faculty used terms like free speech or First Amendment. While there are weak ties and some protections under the First Amendment, free speech rights and academic freedom are two distinct concepts (Sun, 2023).

Most participants shared that they were not oriented to these rights when they first began working at their institution. For example, when asked to share how they learned about academic freedom, three participants gave anecdotes about tensions in the classroom which prompted the need to understand academic freedom protections. Ashley, a full professor, shared how she didn't explicitly learn about academic freedom throughout most of her academic training, yet she came to understand its principles on her own through various classroom experiences:

> "When I was a grad student, there was another grad student who…taught *American Psycho* and some other texts in a freshman composition course…The university decided at that point that he should change the syllabus. He said, "No. Because academic freedom." They said, "No, academic freedom doesn't apply in this case. This is a freshman composition course. You are required to teach a syllabus that follows certain guidelines. You're a graduate student. You're not a faculty member…you really need to teach these particular texts for good, pedagogical reasons in this class"…I thought, "I kind of actually agree with that."

Through this experience, Ashley learned that academic freedom does not apply the same to graduate

students as it does to faculty, nor does it mean that instructors can teach any topic without certain guidelines, legitimate pedagogical rationale, or expertise. Like Ashley, several other participants noted that in past graduate student teaching roles, they were also not sufficiently oriented to academic freedom as a principle. Most participants had not even really thought about academic freedom explicitly until the external political and legal threats began to target their institution. From faculty narratives, it seems that academic freedom as a principle was historically viewed as an inherent, understood set of protections guaranteed through your academic training and expertise.

Additionally, many faculty, particularly tenured and full professors, did not understand how academic freedom is not always equitably afforded to everyone. Prior research has documented that a faculty member's race, gender, and rank shape how they perceive protections of academic freedom (Rangel, 2020). Within this study, three Black faculty members interviewed went so far as to share that as Black scholars who study racial inequities and anti-Blackness, they did not feel like they had academic freedom. This lack of a collective, nuanced understanding of academic freedom among faculty likely exacerbated existing challenges to faculty engagement, mobilization, and action to combat these law-based threats.

5.2 Administrators' Responses and Faculty's Positionality Shaped How Faculty Responded

Almost all the faculty responses gathered through interviews and observations were mediated by administrators' responses and preemptive compliance with external political and legal threats. For example, even when not required by law, faculty felt pressured by university administrators via email communication and in-person meetings to change course syllabi to comply with possible legislation. Most faculty participants shared how, as restrictive legislation was coming down the pipeline—but not yet enacted—they had received many explicit messages via email encouraging compliance from senior and college-level leadership (e.g., Deans and Department Chairs). For instance, Ralph, a Latino tenure-track assistant professor, shared how proposed restrictive legislation led him to reevaluate how he would approach his summer course:

> I think [the proposed restrictive legislation], probably, influenced the way I taught the summer class which was like the college student development in which I still had a lot of critical readings, but I let [students] choose which one. I would give them a bank of options in this edited volume like DL-Stewart and like Patton Davis. You have to pick two chapters, which was like a little bit of a cop-out if they complain. It's like, "Well, you picked the chapters. I didn't tell you what chapter to pick."

Given administrators' lack of guidance, Ralph acted more cautiously than in his previous courses and restructured course readings to allow students to opt out of readings that included more critical frameworks, ultimately shaping student learning.

Additionally, since there was little to no communication, guidance, or support coming from senior-level leadership such as the President or Provost, the work for supporting faculty fell mainly in the hands of college or department-level administrators such as Department Chairs and Deans. Many of these college-level leaders also experienced internal and external pressures to comply with university-wide interpretation of the legal environment and felt limited in what they could realistically do to change the climate for faculty in their department or college.

Nevertheless, participants in departments with supportive leadership were more likely to act and respond in ways that could uphold both principles of academic freedom and racial inclusion, while other departments with compliant administrators could not. Several faculty detailed that supportive college-level leaders would encourage faculty to write op-eds about the ongoing political and legal attacks on higher education, aid faculty as they sought to build coalitions with external civil rights groups, and find creative ways to continue engaging in racial inclusion work. For instance, a faculty member of color who also served as DEI Dean in his college cared deeply about furthering racial inclusion and worked diligently to ensure the work continued within his college. While still limited, he made changes, such as forgoing marketing, to ensure he and others within the college could still continue racial inclusion efforts without drawing unwanted attention.

Across all participants, faculty responses to external political and legal pressures also varied based on race, gender, and rank. Faculty who held racially or ethnically minoritized identities and were in less secure roles (such as non-tenure track faculty) assumed the most risk and had to intentionally consider what was at stake when responding, compared to White faculty or tenured/full professors. Ashley noted this in her interview and went further to say how many graduate students were in even more precarious circumstances than faculty:

> I think people are very freaked out about [the restrictive legislation]…if you're untenured, if you're a lecturer…If you're a grad student, it feels very fraught and scary…our grad students are taking more of the brunt of this because they tend to be the ones teaching lower-division classes.

Out of the 22 participants, only a few took the opportunity to express a commitment to principles of racial inclusion and continued teaching or even incorporated more race-based content in their classes than they had previously. For example, Nelson, a White male tenure-track assistant professor, saw how current external attacks were impacting many of his minoritized colleagues and it motivated him to bring more perspectives that draw from CRT-related frameworks into his own classroom as a form of solidarity:

> I probably talk about it more in class. It sounds like a kid with a hot stove, and I'm told that it's hot, "Oh, is it?" I want to touch it…I want to be more involved for my colleagues. I'm not a perfect scholar. I do not want to make that claim, but I believe that is the focus of [critical scholars'] work, and I'm interested in their work…I do have a choice to not try to be more in solidarity with [critical scholars]. Right? I do quant work. If you want, I can just go do some policy quant work and never touch on [critical scholarship]…I have other faculty who—they don't have that choice. It feels wrong to me to not [be more in solidarity]. I wouldn't tell other faculty to feel the way that I feel, but I would hope that they would. Our students look at that. I'm not tenured, but, on the tenure track, I am more palatable than other faculty who are more contingent.

Even with his lack of job protections as untenured faculty, Nelson was one of the few faculty interviewed who felt it was his duty to leverage his privilege, both as a White man and quantitative scholar, to materially support his colleagues in actionable ways.

5.3 Prioritizing Academic Freedom as a Frame for Protecting the Work of Faculty Had Unintended Consequences for Racial Inclusion

To educate and mobilize both internal and external actors, faculty organizers within the university intentionally developed messaging to convey the current issues they were facing. The way various faculty groups, such as the faculty senate or committees, framed these external political and legal threats put an emphasis on academic freedom, even though threats also largely targeted racial inclusion efforts via curriculum and knowledge production focused on race. Based on observation, documentary, and interview data, these groups prioritized academic freedom in their framing within meetings (e.g., town halls) and through formal statements to gain broader, more robust support across the university and externally from organizations (e.g., AAUP) to maximize efforts to pressure university leaders.

However, issue framing that solely focused on academic freedom had unintended consequences for Faculty of Color, in particular Black faculty participants. Many Faculty of Color like Ralph felt that White faculty and administrators could not see beyond themselves and, thus, did not view current legislative threats as attacks on racial inclusion since they personally were not impacted, which likely influenced messaging and issue framing:

> I think that's the challenge. It's a lot of the White administrators on campus, men and women, they don't see how it's a threat to them. They don't see how other people—we know in the literature, Students of Color perceive campus racial climate differently than White students. I don't think there's been that level of thought. The Dean will just send out a little email that says, "We value academic freedom. We remain committed to the principles of academic freedom."

Moreover, several Black faculty did not feel included or supported in these faculty groups and organizing efforts because of the lack of focus on racial equity and inclusion. In their interview, two Black male participants detailed how faculty groups did not readily get involved in their conflict with college-level administrators over racial equity courses and curriculum until they started using the term academic freedom. Only until these Black faculty framed their concern as an infringement on academic freedom rather than manifestations of institutional anti-Blackness did faculty groups take their issues seriously. These two Black faculty felt that this dominant issue framing would likely dictate institutional priorities and types of responses that prioritize academic freedom while simultaneously undermining racial inclusion.

In solely focusing on academic freedom in messaging and communication, Faculty of Color, but especially Black faculty, felt internal and external groups (e.g., PEN America, FIRE, AAUP) involved in faculty organizing were negating (even if unintentionally) the impact on racial inclusion. Various reports and statements from leading advocacy organizations raise concerns over tenure, academic freedom, and shared governance, but few make an explicit connection to racial inclusion within and beyond higher education. It is essential for internal and external groups to focus on impacts on tenure, academic freedom, and shared governance, but when these are prioritized without a reference to racial inclusion, it can inadvertently send the message that racial inclusion is not a priority. Ultimately, many Faculty of Color felt that their experiences and challenges within the current context remained unacknowledged, unaddressed, and unvalued through frames that solely focus on academic freedom. This failure to address racial inclusion as a priority was likely a factor Black faculty considered as many chose to leave the institution, including three Black study participants.

6. Recommendations and Considerations

Findings and strategies generated through this study serve to especially support Faculty of Color who engage most in racial inclusion efforts within higher education and broader society through public debate and activism (Turner et al., 2008; Urrieta & Mendez Benavidez, 2007). "Anti-CRT" legislation and other law-based pressures such as those that target DEI initiatives heavily target Faculty of Color (e.g., Pettit, 2021), and these volatile external pressures could exacerbate existing challenges with retention and recruitment (Jayakumar et al., 2009), particularly within public institutions. Furthermore, decreases in Faculty of Color could worsen the campus climate for Students of Color as Faculty of Color play an integral role in advocating for more inclusive institutional practices and policies (Museus et al., 2008; Turner et al., 2008).

Recommendations that detail how university administrators and faculty at public institutions can move forward in equally upholding academic freedom and racial inclusion are timely and needed. Below, I provide various strategies that serve to create a university culture that upholds academic freedom while also safeguarding racial inclusion efforts led by faculty through their teaching, research, and service. Rather than responding in more repressive ways than legally mandated, senior and college-level administrators (e.g., Deans) should make more explicit connections between both principles to help advance rather than undermine faculty's racial inclusion efforts.

6.1 Recommended Strategies

1. Create structures and processes to define and orient administrators, faculty, and graduate students to academic freedom

Within this site, there was a lack of adequate long-term structures and processes that facilitate proactive, ongoing engagement and mobilization around academic freedom. Since many faculty in this study did not feel the university sufficiently engaged them in understanding and practicing principles of academic freedom, I suggest that institutions create long-term mobilizing structures and processes to define and orient faculty and graduate students (future faculty) to academic freedom from the moment they step onto campus. This can include embedding academic freedom principles throughout graduate courses and teaching assistant training, regardless of discipline. Ultimately, creating a university culture that actively and continuously upholds academic freedom is integral in empowering faculty, particularly Faculty of Color, to engage in research, teaching, and service that promotes racial inclusion.

Moreover, structures and processes built to facilitate understanding and engagement with academic freedom principles should include administrators, as many faculty participants shared that their actions were mediated by administrators' stringent responses to the legal environment. Without a

common understanding among faculty and administrators as to what academic freedom entails, it can be challenging for internal and external groups to mobilize and address ongoing challenges. Senior and college-level administrators should use their knowledge of academic freedom to publicly connect principles of open, robust inquiry to the mission and values of their institution, academic college, and department. To prepare ethical and highly qualified future counselors, for instance, faculty must educate students on how best to work with diverse populations. College Deans and Department Chairs should leverage connections like this to further ground their work in principles of academic freedom, which can also serve to reinforce rather than undermine racial inclusion efforts.

2. Acknowledge faculty power differentials and encourage faculty to become co-conspirators

The proliferation of legislation restricting curriculum and knowledge production focused on race disproportionately impacts faculty with less power, as differentiated by race, gender, and rank. Thus, faculty who have more power should acknowledge these dynamics and act accordingly as co-conspirators to build coalitions, foster faculty solidarity, and materially support other faculty at their institution who have less power, especially Faculty of Color who are among the most visible targets. Co-conspiracy differs from allyship in that faculty who act as co-conspirators do so through actions that support their most vulnerable and marginalized colleagues (Love, 2019). Furthermore, allies often only act when the prospective goal is mutually beneficial, while co-conspirators leverage their privilege and decenter themselves to work towards a long-term, grander goal: safeguarding academic freedom and racial inclusion within higher education.

For instance, a Latina tenure-track assistant professor in her interview shared how a White, male tenured colleague in her department materially supported her by taking on the DEI role she held within the department's hiring committee. In doing so, he acknowledged the inherent power his identities and rank afforded him, and he chose to assume the risk to protect his colleague, knowing that he would unlikely be targeted or harmed. Other internal strategies to mitigate harm towards Faculty of Color during this time can include extending additional course releases to untenured Faculty of Color who teach DEI courses or having tenured faculty take on teaching those courses as they are considerably targeted by external political and legal threats. Ultimately, faculty solidarity is a necessary condition for large-scale faculty collective action and institutional change (Tarrow, 1994).

3. Intentionally connect principles of academic freedom to principles of racial inclusion

Faculty of Color are among the most impacted by the current restrictive socio-political context and, thus, to ensure they are acknowledged and supported, internal and external actors engaged in responding to political and legal pressures should work to intentionally connect principles of academic freedom to principles of racial inclusion. If administrators and faculty leaders purposefully integrate both principles in their responses, they can bolster racial inclusion as a priority, which could encourage Faculty of Color to remain at the institution and join organizing efforts to combat these pressures. While it might be challenging for institutional leaders to connect principles of academic freedom and racial inclusion amid the current climate, it's important to do so as both principles work in tandem to further institutional missions, sustain our democracy, and improve society. For example, the

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Federation of Associations of Schools of the Health Professions (FASHP) recently released a statement that connected principles of academic freedom, DEI, and health professions in a way that upheld both principles as reinforcing and equally necessary to support students and members of society. This statement represents a united coalition of colleges across the country and details how, without principles of academic freedom and DEI, they cannot fulfill the mission of their institutions to advance health and medicine for the betterment of society, especially if students are unable to properly serve diverse patients.

Both academic freedom and racial inclusion should be mutually reinforcing concepts within higher education to produce better-equipped professionals and further civic participation within an increasingly diverse society. However, within this understanding, it must be acknowledged that within society, not everyone was historically afforded the same level of academic freedom or the same access to higher education. Academic freedom should not be understood as an ahistorical concept whose principles and the implementation of said principles fail to attend to power. For instance, an institution does not truly advance academic freedom as a priority or core value if only White, tenured professors at the university feel that they have academic freedom. Thus, faculty diversity must be viewed as a prerequisite for espousing academic freedom as a core value (Bell, 1993). Deans and Department Chairs should direct more attention (e.g., consistent one-on-one meetings) and resources (e.g., additional research funds or release from service responsibilities) to Faculty of Color and non-tenure track faculty in their departments to combat barriers exacerbated by legislation and further facilitate their teaching and research efforts focused on race.

Moreover, instead of preparing to comply with possible (not enacted) legislation that seeks to restrict teaching, research, and service focused on race, administrators should value and elevate the extensive expertise and diverse perspectives faculty bring, especially Black faculty. One promising response can be seen on a website sponsored by the Office of the Provost at the University of Tennessee, Knoxville, a public institution, with information and resources intended to support faculty amid the proliferation of restrictive legislation that targeted "divisive concepts". These messages explained the legal protections that faculty had under academic freedom and tenure, communicated actions that the university was taking during the legislative session (e.g., pushing for exemptions), and reaffirmed the institution's principles and commitments (e.g., diversity). These types of responses (rather than silence) may help faculty feel more empowered in navigating law-based threats to academic freedom and racial inclusion (e.g., Kateeb et al., 2012).

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