



## Why Higher Education Leaders Must Interpret Anti-DEI Laws Carefully

**Uma Mazyck Jayakumar**, University of California-Riverside

**Rican Vue**, University of California-Riverside

Across the United States, colleges and universities are responding to [anti-DEI legislation](#) and race-related executive directives by closing offices, eliminating staff positions, restricting language, and dismantling programs. These actions serve to [exert control](#), though they are frequently framed as legal compliance. Many anti-DEI laws leave significant room for institutional discretion, but rather than exercising it, institutions often self-restrict, treating ambiguous legislation as a mandate for compliance. Faculty hesitate to assign scholarship that centers race, fearing administrative scrutiny. Student affairs professionals withdraw programming not because it is prohibited, but because its status is unclear. Deans preemptively narrow hiring priorities. Staff who previously held formal equity roles find their work displaced into unofficial labor. How institutional leaders respond in this moment will shape not only legal compliance, but also campus trust, academic freedom, employee morale, student belonging, and the institution's ability to uphold its educational mission.

### How Do Higher Education Institutions Respond When Anti-DEI Laws Pass?

Our [study](#) of anti-DEI policy implementation examines what happens *inside* institutions once legislation is passed. Rather than focusing only on statutory language, we analyzed how institutional actors enact policy across time and governance levels.

Under political pressure, **institutions often adopt the most restrictive possible interpretation** of ambiguous mandates. Programs are dismantled not because they are prohibited, but because leaders anticipate litigation, reputational risk, or political retaliation. Compliance becomes overcorrection. For example, after the UNC Board of Governors passed its 2024 policy redefining nondiscrimination to prohibit most race-conscious practices, the system quickly ordered the closure of DEI offices, cut 59 DEI-related positions, reassigned 132 staff members, and redirected \$17 million previously supporting equity initiatives—even though the policy language itself did not explicitly require dismantling those structures.

Universities often **present reductions in diversity, equity, and inclusion programs as efforts to stay “neutral” or “balanced.”** Equity work is redefined as bias. These decisions remove important support for students and staff. Framing them as neutral hides their real impact and can erode trust across the campus community. In the institutional case we examined, the policy repeal was publicly framed as a commitment to “principled neutrality” and open discourse. Yet the same decision triggered the dismantling of DEI infrastructure and the review of programs such as Project Uplift, which is one of the university's longest-running college access initiatives serving tens of thousands of students from historically excluded communities.

Beyond eliminating formal programs, these institutional responses also reshape what kinds of knowledge and support are seen as legitimate within the university. **Institutions monitor and remove research, teaching, and support programming related to race, racism, and diversity.** The work continues but without formal recognition or protection. Faculty, staff, and students build informal networks to sustain equity commitments. As a result, the knowledge, experiences, and traditions these programs uphold are devalued or questioned.

Institutional leaders **affirm a commitment to fairness, equal opportunity, and nondiscrimination, while simultaneously narrowing the policies that make those commitments possible.** This dual messaging produces confusion across governance levels. The [UNC DEI repeal](#) explicitly affirms a "longstanding commitment to the equality of opportunity in education and employment as a core value." Yet the same policy required chancellors to certify annually "reductions in force and spending ... undertaken as a result of implementing this policy." Affirmation and dismantling lived in a single document. For staff in equity roles, the contradiction was not rhetorical: many were tasked with implementing the cuts that dismantled the very structures they were hired to sustain.

## Practical Guidance for Higher Education Leaders Navigating Anti-DEI Legislation

In this era of anti-DEI legislation, higher education leaders must move beyond asking, "*What does the law prohibit?*" Instead, they must ask, "*How will we interpret and act upon this moment in a way that reflects our organizational mission?*"

### 1. Distinguish legal requirements from political pressure.

- Issue clear guidance that distinguishes legal requirements from overcompliance.
- Create an internal "boundary statement" (what we must stop, what we can continue, what needs review) that deans, departments, and administrative offices can use consistently.

### 2. Resist automatic rollbacks.

- Require a deliberative review process before closing offices, renaming programs, or eliminating roles.
- Engage faculty governance and student affairs leadership early, not after decisions are made.

### 3. Make policy interpretation transparent.

- Publish a campus-facing explanation of interpretive choices and implementation logic.
- Provide deans and unit leaders with shared language to reduce contradictory messaging.

### 4. Align rhetoric with practice.

- Audit whether mission statements and public commitments are being undermined by internal directives.
- Ensure the institutions's "neutrality" rhetoric is not functioning as a cover for cutting programs.

When university leaders overcompensate for legal pressure, consequences unfold across institutional life. At the same time, students and other institutional actors resist, organize, and remember. The question for institutional leaders is not whether race-conscious commitments survive, but whether they survive through

transparent and institutionally supported structures or only through informal labor.

**Read more in "'Justice, Like Beauty, is in the Eye of the Beholder'\*: A Critical Historical Reimagining of Justice Possibilities in an Anti-DEI Higher Education Landscape" *The Journal of Higher Education* 96, no. 7 (2025): 1300-1326.**