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How Universities Can Build and Sustain Welcoming and Equitable Campus Environments

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Preface

Over 50% of American students in our public schools are Latinx, Black, Asian American, Native Hawaiian and Pacific Islander (NHPI), or American Indian/Alaska Native (AIAN). Tapping into their talent and ensuring their access to a college education is essential to our future economic power and the success of our multi-racial democracy. Despite the historical exclusion and current underrepresentation of many Americans in our colleges and universities, in June 2023, the Supreme Court of the United States severely curtailed the use of race in higher education admissions, prohibiting the consideration of an applicant's racial status as part of that process.

Race-conscious admissions helped ensure America's colleges and universities were more diverse. Without it, there is a greater urgency for college leaders and policymakers to review current practices for equity, and to identify solutions that provide a fairer approach to preparing students for college, admitting them, and supporting their success. Towards that aim, the Campaign for College Opportunity is releasing a series of briefs, including this one, as part of our [Affirming Equity, Ensuring Inclusion and Empowering Action](#) initiative. The series elevates practices that support the college preparation, admission, affordability, and success of Latinx, Black, Asian American, NHPI, and AIAN students, ensuring America does not return to an era of exclusion in higher education.

Purpose of This Brief

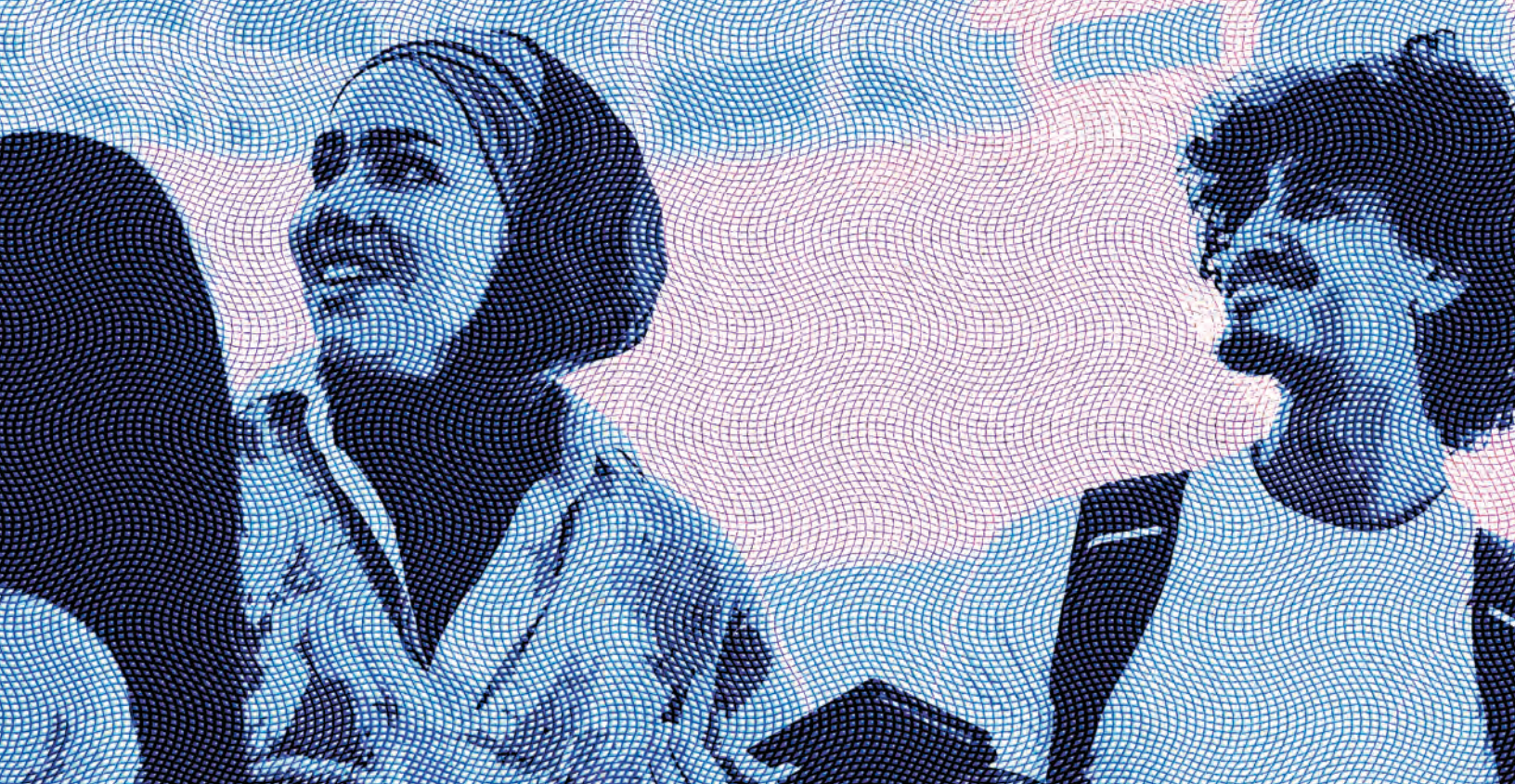
Every student deserves a welcoming university and college environment. In fact, it is impossible for students to thrive and succeed without feeling safe, valued, and cared for as they work toward earning a college degree. Universities should proudly proclaim their commitment to racial diversity and its educational benefits and remember their legal obligation to create equal learning environments that safeguard the civil rights of all students. As our nation's student body becomes increasingly diverse, the need to identify and ensure welcoming environments for all students, including racially minoritized ones, is paramount to ensure a strong multiracial democracy and workforce. In this brief, the authors highlight how campus leaders can create welcoming and equitable spaces for all of their students by using strategies informed by research and practice.

As a reminder, all colleges and universities must comply with federal anti-discrimination law.¹

More specifically, as a matter of federal law:

- They may and should continue to consider each student's personal experiences with race and racism.
- They may and should continue to collect and analyze aggregate demographic information, including the racial identities of applicants and admitted students.
- They have a legal right to proudly proclaim their commitment to racial justice, diversity, equity, and inclusion.
- They have a legal obligation to remedy racially hostile environments and to curate an equal learning environment for all students.
- They have a legal obligation to avoid unjustified practices—including the use of unnecessary admissions criteria—that adversely affect minoritized students.
- Units and initiatives critical to supporting welcoming campus environments include diversity, equity, and inclusion (DEI) offices; ethnic studies programs; ethnic student organizations; cultural centers; race/ethnicity-themed houses or floors within residence halls; and the recruitment of a diverse faculty. Assuming such programs do not employ racial classifications and remain open to all students, they comply with the Supreme Court's ruling in *Students for Fair Admissions (SFFA) v. Harvard College* and raise no independent constitutional concern.
- Colleges and universities must ensure that offices without an explicit equity-related mission reach all populations on campus, including racially minoritized students.

¹This brief focuses on colleges' and universities' rights and obligations arising under federal statutory and constitutional law. In recent years, multiple states have passed laws designed to prohibit "diversity, equity, and inclusion" (DEI) offices, programming, and personnel within institutions of higher education. See Jeff Sachs & Jeremy Young, *More than Meets the DEI*, PEN America (May 25, 2023), <https://pen.org/more-than-meets-the-dei/>. Many of these laws appear designed to circumscribe the equity-oriented activities and speech rights of universities and their employees. Because we focus on federal law, we do not assess the legal effect or constitutionality of "DEI bans" or related state laws.



Introduction

In *SFFA v. Harvard*, (*SFFA*) the Supreme Court made it more difficult for universities to consider the race of individual applicants during the admissions process. *SFFA* has spawned numerous questions concerning the opinion's scope. One common question is whether, and to what extent, universities can continue to undertake affirmative efforts to build a welcoming campus environment for all students.

The short answer is: **Yes, colleges and universities may and should take affirmative steps to create an equal learning environment where all students, regardless of their racial identities, can enjoy the full benefits of university membership.** Moreover, universities may analyze how race and racism operate on their campuses and implement policies designed to mitigate institutional dynamics that uniquely burden Latinx, Black, Asian American, NHPI, and AIAN students. To support institutional efforts, this brief identifies legal rights that universities possess and the legal obligations they must satisfy. The brief then outlines practices and policies universities can implement to create a welcoming campus environment for all.

Legal Rights: Confront Racism and Proudly Proclaim Values

UNIVERSITIES MAY CONSIDER HOW RACISM AFFECTS INDIVIDUAL STUDENTS

In *SFFA*, the Supreme Court made it harder for universities to consider the racial identity of individual students during the admissions process. The ruling did not, however, outlaw all considerations of race during the admissions processes. At least three examples deserve note:

1

First, universities retain the right to consider each student's personal experiences with race and racism. Chief Justice Roberts, who authored the majority opinion in *SFFA*, emphasized this point: "[A]s all parties agree, nothing in this opinion should be construed as prohibiting universities from considering an applicant's discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise." **This language should reassure universities that they may employ policies and practices that attend to each student's personal experience with race and racism before and after the admissions process.**

2

Second, *SFFA* reinforced that colleges and universities may employ "race-neutral alternatives" to further equality-oriented goals like racial diversity and inclusion. For purposes of this brief, we employ the term "facially neutral" to capture such practices. Also, as a formal matter, *SFFA* directly applies to admissions decisions only. Chief Justice Roberts noted that the underlying "cases involve whether a university may make *admissions decisions* that turn on an applicant's race." **Thus, on its face, *SFFA* does not prohibit other institutional practices—such as financial aid, programming, or recruitment strategies—that consider a student's racial identity. Still, as a practical matter, it is clear that *SFFA* rendered all race-conscious practices vulnerable to legal attack.**

3

Third, the ruling exempts institutions with "distinct interests" in racial diversity. Chief Justice Roberts explicitly exempted military academies "in light of the potentially distinct interests" they present. There are reasons to believe that military academies are not the only type of educational institutions with "potentially distinct interests" in racial diversity.

UNIVERSITIES MAY PROUDLY PROCLAIM THEIR EQUALITY-ORIENTED VALUES

SFFA made it harder for universities to consider the race of individual applicants during the admissions process. But the ruling does not limit a university's expansive right to openly and unapologetically express its commitment to racial justice, diversity, equity, and inclusion. As the U.S. Department of Education (ED) has noted, such public proclamations help to foster a welcoming campus environment.¹

A university's right to speak is not diminished when a topic is controversial or divisive. In fact, such topics might increase the need for a university to share its viewpoint through intentional counter speech. This includes situations that, if left unaddressed, could create a racially hostile environment for Latinx, Black, Asian American, NHPI, and AIAN students. To illustrate how a university can use counter speech to promote a racially inclusive climate, Education Law scholar Kristine Bowman recounts how the University of Florida President, Dr. Kent Fuchs, used his platform to condemn the ideas espoused by the right-wing ideologue Richard Spencer:

"When Spencer came to the University of Florida in the fall of 2018, Fuchs was outspoken in his opposition to Spencer's message. Fuchs conveyed this through messages sent to the university community in email, video, the campus newspaper, via social media, and in public spaces. In all circumstances, Fuchs spoke persuasively, seeking to convince those in the university community and beyond that Spencer's views were wrong. Fuchs did not speak coercively, punishing Spencer or threatening to punish those who supported him. Fuchs was clear that he was speaking in his official capacity, so there was no confusion that he was speaking as the university."¹¹



As institutions work to defend free speech, it is essential that they do not lose sight of their responsibility to communicate their commitment to equality in all spheres of campus life.

¹¹Kristine Bowman, *Universities' Speech and the First Amendment*, 99 *Nebraska Law Review* 896 (2020).



Legal Obligations: Prevent Racially Hostile Environments & Avoid Unjustifiable Disparities

TITLE VI MANDATES EQUAL LEARNING ENVIRONMENTS

SFFA made it more difficult for universities to consider the race of individual applicants during the admissions process. But the ruling has no effect on universities' ongoing obligation to ensure equal learning environments for all students. Specifically, Title VI of the Civil Rights Act of 1964² mandates that universities take affirmative steps to remedy racially hostile environments.³ Title IX creates parallel institutional obligations that protect students on the basis of sex.⁴

The Office of Civil Rights (OCR) within the ED has explained that “the existence of a racially hostile environment that is created, encouraged, accepted, tolerated or left uncorrected by a recipient” with actual or constructive knowledge violates Title VI.⁵ To constitute a racially hostile environment, the underlying conduct (e.g., physical, verbal, graphic, or written) must be “sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by a recipient.” OCR further explains that “an alleged harasser need not be an agent or employee of the recipient, because this theory of liability under Title VI is premised on a recipient’s general duty to provide a nondiscriminatory educational environment.”

When a racially hostile environment exists, the university’s response “must be tailored to redress fully the specific problems experienced at the institution as a result of the harassment ... the responsive action must be reasonably calculated to prevent recurrence and ensure that participants are not restricted in their participation or benefits as a result of a racially hostile environment.”⁶

In short, Title VI mandates that all covered universities take affirmative measures to remedy racially hostile environments. Failure to do so violates students’ civil rights and exposes the university to legal liability and the potential loss of federal funding.

Notably, Title VI’s campus climate requirements align with every student’s equality interests under the equal protection clause of the 14th Amendment. The Supreme Court has interpreted the equal protection clause as principally concerned with present and personal rights of identifiable students.⁷ Racially hostile environments undermine such rights because they deny actual students—because of their race—an equal opportunity to enjoy the full benefits of university membership.

TITLE VI’S IMPLEMENTING REGULATIONS PROHIBIT DISPARATE IMPACT DISCRIMINATION

The ED issues regulations to effectuate Title VI’s various mandates. These “implementing regulations” include a provision that prohibits universities from adopting admissions criteria—or employing other institutional practices—that “have the effect of subjecting individuals to discrimination because of their race, color, or national origin.”⁸ The U.S. Department of Justice (DOJ) has explained that this disparate impact-styled provision “seeks to ensure that programs accepting federal money are not administered in a way that perpetuates the repercussions of past discrimination.”

Under disparate impact theories of discrimination, the analysis focuses on the impact of a university’s actions, not the university’s motive or intent. The basic requirement is that a university avoid policies or practices that unjustifiably harm an identifiable racial group.⁹ When a policy is shown to have a sufficient negative effect on an identifiable racial group, the university must offer a “substantial legitimate justification” to support the policy. Even if the university offers an otherwise valid justification, the policy still violates Title VI’s implementing regulations if an available alternative could achieve the same goal with a less discriminatory impact.

Translated to the current context, Title VI's disparate impact provision implicates university policies that disparately disadvantage an identifiable racial group during the admissions process or on campus.¹⁰ This could include a college or university's overreliance on facially neutral admissions criteria, like standardized tests or legacy preferences. Drawing on this theory of liability, a Boston-based civil rights organization recently filed a complaint with OCR claiming that Harvard's legacy admissions preferences violate Title VI's implementing regulations because they overwhelmingly favor wealthy white applicants.¹¹

It is also worth noting that when universities fail to “rectify [admissions practices that produce an] unjustified racially discriminatory impact,” they compromise their ability to recruit and retain critical masses of underrepresented racially minoritized (URM)¹² students. This creates campus environments that subject URM students to heightened tokenization, stigma, and isolation—and thereby compromise their right to a learning environment free from racial harassment.¹³



Policy and Practice Recommendations

Institutions can and should engage in thoughtful campus programming and initiatives that convey a commitment to inclusion and healthy intergroup relations. In this section, we first note how *SFFA*'s limitation on race-conscious admissions practices could negatively affect campus life. We then outline policies and practices that institutions can utilize to foster more welcoming environments, which are especially needed following *SFFA*.

A WELCOMING CAMPUS HAS DIVERSE FACULTY AND LEADERSHIP

While *SFFA* restricted a university's ability to consider the race of individual students during the admissions process, it remains essential and legal for institutions to attend to the demographic composition of students, faculty, and leadership. The [racial composition of students, faculty, and administration](#) constitutes a key component of the campus racial climate.¹⁴ Among other benefits, racial diversity is linked with more positive views of the campus climate.¹⁵ The campus climate is also impacted by other interrelated components. For example, campus climate's behavioral dimension refers to how racial/ethnic groups interact with one another, as well as to how students engage within their own communities. Campus climate's psychological aspects include issues like whether students experience tokenism and isolation.¹⁶ Shifts in campus demographics have the potential to affect other components of climate, possibly trickling down into everyday campus life.



To learn more about the importance of diversity in higher education leadership and faculty, read [*Still Left Out: How Exclusion In California's Colleges & Universities Continues To Hurt Our Values, Students, and Democracy.*](#)

WELCOMING STUDENTS: CAMPUS PRACTICES AND POLICIES IN STUDENT AFFAIRS AND ACADEMIC AFFAIRS

Practices that can help foster more welcoming campus environments are identified below. All the practices described are open to all students. They are also utilized in states that have banned race-conscious admissions (e.g., California and Michigan), showing how race- and diversity-related initiatives may and should exist, regardless of *SFFA*. We encourage universities not to “overread” *SFFA* as mandating silence on race in broader campus life.¹⁷ If anything, the reverse is true: Chief Justice Roberts described Harvard College’s and the University of North Carolina’s (UNC’s) underlying diversity-related goals as “worthy.” **This language, from the Supreme Court’s Chief Justice, reflects that facially neutral policies designed to achieve equality-oriented goals should remain legally sound.** This would include, for example, facially neutral policies designed to promote racial diversity, combat racial stereotypes, or cultivate a racially inclusive campus environment free from racial discrimination and harassment. The following list is not exhaustive, but it offers examples of facially neutral practices and initiatives that can facilitate more welcoming environments.

Policies and Initiatives Within Student Affairs to Support Racially Minoritized Students

Within student affairs, we address diversity, equity, and inclusion (DEI) offices/initiatives, cultural centers, support for racial/cultural organizations, and residential life theme houses or floors.

- ✓ **DEI offices and initiatives** broadly capture institutional efforts to create more diverse, equitable, and inclusive campus communities. DEI efforts further, and at times are necessary to satisfy, a university’s Title VI and Title IX obligations to create campuses free from race- and sex-based discrimination and harassment.¹⁸ DEI offices and initiatives can exist within both student affairs and academic affairs; they can also exist as independent divisions or structures.

In the months since *SFFA*, right-wing think tanks and public officials have escalated rhetorical and legislative attacks targeting DEI offices, personnel, and programming.¹⁹ These efforts buttress a broader campaign to discredit and purge universities of equality-oriented policies and initiatives.²⁰ **We emphasize that facially neutral DEI practices (i.e., programming that is open to all and does not distinguish between individual students on the basis of race) remain legal under *SFFA*.**²¹ The breadth of DEI offices in states with longstanding bans on race-conscious admissions reinforces that *SFFA* does not constrain such efforts. Roles, offices,

and titles related to DEI and related variants—e.g., JEDI (justice, equity, diversity, and inclusion) and EDI (equity, diversity, and inclusion)—are also common in states with bans on race-conscious admissions.

Universities must invest in necessary infrastructure needed to fulfill their responsibilities vis-à-vis students, staff, and faculty. This responsibility includes equipping personnel and offices with the skills and expertise necessary to design an inclusive campus community and to conduct professional and impartial investigations when discrimination complaints arise. Offices related to student programming and student organizations can fall under DEI infrastructure or under other units in student affairs. These offices provide critical support for students, supporting leadership development, programming, community-building, and other cocurricular initiatives.

- ✓ **Cultural centers** are a vital resource and source of community for students. Open to all students, regardless of race/ethnicity, these centers provide support for various populations, as well as raise awareness and support programming within the broader campus community.²² Of note, such centers are not limited to supporting students' racial/ethnic identities; for example, in addition to developing cultural centers for Asian American and Pacific Islander, bi- and multi-racial, Latinx, and Native/Indigenous students, the University of Maryland, College Park is also opening a cultural center geared toward supporting students with disabilities that will also offer programming and support to “uplift, affirm, and honor the diverse histories and experiences of students who identify with these communities.”²³



The mere existence of a cultural center does not guarantee that it is adequately equipped to serve students. Cultural centers may exist, but be persistently underfunded, and centers may have difficulty retaining staff due to salary, morale, or other issues.²⁴ In order to live out their mission, cultural centers need to be well staffed, with staff well supported and retained. Given the vital role that these centers play in supporting racially minoritized students, staff often serve as “institutional agents,” connecting students to key resources on campus.²⁵ *SFFA* has no direct impact on these centers.

- ✓ **Supporting racial/ethnic and cultural student organizations** is a vital part of welcoming and retaining Latinx, Black, Asian American, NHPI, and AIAN students during their college years. Affinity organizations are historically open to all students, regardless of race or ethnicity.²⁶ Participation in such communities is linked with higher interracial interaction, especially for Black and Latinx students, making these organizations an essential component of a healthy campus environment.²⁷ They provide students with many benefits as they learn how to navigate campus and class environments and offer them the chance to “refuel” so they can return to the broader campus and engage with peers of other races in the classroom and other settings.²⁸ Such refueling can include connecting with students with similar experiences, engaging in opportunities for peer and faculty support, and receiving affirmation around one’s culture and experiences. Participation in such groups is linked with other benefits for students, such as a greater sense of belonging.²⁹ Participation also contributes to critical educational programming on campus.
- ✓ **Race/ethnicity and culturally based theme halls** within residential life are other structures that support students with interests in a particular community or culture. Such programs, which are open to all students regardless of their race/ethnicity, have full rein under the post-*SFFA* legal landscape. University of California, Los Angeles (UCLA) is home to both Chicanx and African theme halls, and University of California, Berkeley (UC Berkeley) has several theme programs and houses that support racially minoritized communities (e.g., the African American Theme Program, the Asian Pacific American Theme House, Casa Magdalena Mora Theme Program, Native American Theme Program, and Native Hawaiian and Pacific Islander Pilot Program). Residential Life at UC Berkeley (2020) notes: “Theme Programs bring together students with a shared identity, interest, or academic area into unique living and learning environments. The programs combine all the opportunities of a large university with all the benefits of a small, close-knit community.”³⁰

Theme programs provide several initiatives, retreats, and programs that help enhance the residential experience. They often are integrated with an academic seminar, but also blend community service and cultural events, helping students reap the benefits that are commonly associated with living-learning programs.³¹ In this way, they can represent some of the richest offerings of a university, providing the chance to blend learning from both inside and outside of the classroom. Colleges and universities that do not already support theme hall/program type initiatives in residential life should consider these initiatives, which provide environments that support students desiring to explore racial/ethnic and cultural identity.

Challenging Color Blindness to Combat Discrimination and Foster Inclusion

Besides student-facing initiatives with an explicit race- or DEI-related focus, institutions must ensure that units and services throughout campus are accessible to all students, including those from historically excluded and underrepresented backgrounds. **The responsibility for fostering a welcoming campus environment cannot rest on DEI- and multicultural-oriented units alone.**

For example, units such as the career center and student advising are traditionally not seen as DEI-related offices. However, when such units take a generic “all students matter” or colorblind approach, they often fail to serve students from historically excluded populations. Student affairs is a predominantly white profession, with high attrition from educators of color; units not explicitly related to equity- or inclusion-related purposes often operate under more colorblind norms versus being intentional about cultivating inclusion.³² Advising, which straddles the area between student affairs and academic affairs, has widespread influence on racially minoritized and low-income students. However, advising professionals often operate under colorblind and classist norms, despite the numerous implications of advising for racial and economic equity.³³

Both within student affairs and academic affairs, facially neutral or generalist policies often have disparate impacts on Latinx, Black, Asian American, NHPI, and AIAN students. For example, limited enrollment majors with strict GPA requirements for enrollment or transfer often shut out many Black, Latinx, and Indigenous students who have the potential to succeed.³⁴ This practice is often justified as necessary, given the high demand for these majors, but it often occurs alongside available alternatives that would not shut out qualified students. Further, this approach has major negative consequences for economic mobility.³⁵



Instead of taking a “talent development” perspective, where institutions see themselves as developing the talent and potential of students, many institutions exclude students who do not reach arbitrary academic thresholds. Policies from the university registrar can also adversely affect racially minoritized students; for example, putting a hold on a student’s transcript due to a small unpaid fine is a pedagogically unsound practice that should be discarded for the benefit of all students.

Another key element of fostering welcoming environments is supporting students’ needs, like food security, emergency financial support, consideration if they work full time, and childcare. Even if these supports are not explicitly marked as DEI, they play a critical role in supporting racially minoritized and low-income students. These students often are vulnerable to a number of stressors; unanticipated circumstances, like an unexpected bill or family emergency, can come with significant repercussions. Institutions must proactively prevent students from falling through the cracks. For example, **at The Ohio State University, its Student Advocacy Center is a one-stop shop “committed to helping students navigate Ohio State’s structure and to resolving issues that they encounter at the university.”³⁶** The office provides support for students’ academic struggles, financial emergencies, and health/personal crises. Access to affordable, on-site, high-quality childcare is also essential to supporting student parents, a growing population within higher education. **The Anna Bing Arnold Children’s Center and the W.M. Keck Infant and Toddler Center at California State University, Los Angeles, are examples of support for student parents, as well as for the children of faculty/staff members and members of the local community.**

The Role of Academic Affairs in Building Welcoming Environments

Within the academic space, key initiatives and resources that support welcoming environments include ethnic studies programs; programs that help retain racially diverse faculty members and graduate students; equity-minded efforts within colleges and departments; centers that support racially-minoritized students; and initiatives to support a sense of belonging.

- ✓ **Ethnic studies programs and courses are a vital part of promoting a robust curriculum and a welcoming environment so students can learn about key historical and contemporary issues related to minoritized communities.** Many vibrant programs are hosted in states with bans on race-conscious admissions. California is known as the birthplace of ethnic studies, with the historic strike for ethnic studies that occurred in 1968 at San Francisco State University and pioneered academic programs and departments in African American/Black studies, Asian American studies, Latinx/Chicanx studies, and American Indian/Native American studies. At some institutions, programs and departments are supported by centers that provide important complementary programming and research functions (e.g., the Asian American Studies Center at UCLA). These programs represent institutional commitments to scholarship and education that are intertwined with and responsive to community-based needs. Other program benefits include students learning the historical context of key issues; learning about communities traditionally underrepresented in the curriculum, including their own; and benefitting from the expertise of diverse faculty members. Various studies on ethnic studies programs at the K-12 level have linked participation by students with “surprisingly large effects” on outcomes—such as an increase in attendance, in GPA scores, and in the number of credits earned—to the point of reducing racial “achievement gaps.”³⁷ Critically, students from all racial and ethnic groups benefit from taking ethnic studies courses, and accordingly, many universities have integrated courses that address issues about race, diversity, and related issues into general education requirements.
- ✓ **Fostering a racially diverse faculty remains an essential part of a positive campus climate.** Latinx, Black, Asian American, NHPI, and AIAN faculty members play a critical role by serving as “debiasing agents”³⁸ and “possibility models,” and by providing all students with examples of leadership. They are also more likely to participate in activities vital to student learning, such as high quality, equity-minded teaching and scholarship.³⁹ Faculty of color—particularly women faculty members of color—often carry heavy service loads, working extra to support



Latinx, Black, Asian American, NHPI, and AIAN students. Thus, it is crucial that universities not only recruit faculty members of color, but that they support these instructors' progress toward tenure and promotion—in part, by formally recognizing this often-invisible source of labor. More specifically, universities can provide targeted mentoring, course releases from teaching, efforts to eliminate salary inequities, and compensation for extra service contributions.

SFFA does not directly address employment and hiring. Nor does it constrain, in any regard, facially neutral efforts to recruit, hire, and retain faculty members of color. **Equity-minded hiring efforts** are critical to making progress in this area and can include, but are not limited to, cluster hiring and the use of hiring criteria that consider a faculty candidate's demonstrated efforts to create inclusive educational environments in which all students, including racially-minoritized students, can thrive.⁴⁰ Numerous programs that further these goals have long existed in states that already have banned race-conscious admissions. For example, the UC system maintains: "We are committed to . . . reflecting the population of California in our faculty, students, and other academic personnel, especially those who have been systematically and historically underrepresented."⁴¹ Initiatives like the UC President's Postdoctoral Fellowship awards have been pivotal in helping to open the UC system to faculty members from historically excluded groups. UC institutions have also turned to methods like cluster hiring, such as University of California, Irvine's Black Thriving Initiative Faculty Cluster Hiring Program, which sought to hire

cohorts of faculty members committed to interrogating anti-Blackness through their research, teaching, and service.⁴² A benefit of cluster hiring is that the cluster, or cohort, structure can provide a sense of connection and support for faculty members as they navigate the institution.

- ✓ **Supporting graduate students is also essential to pave the way for the next generation of faculty members.** Graduate student needs, such as salary, insurance and benefits, affordable childcare, and parental/family leave have an outsized effect on racially-minoritized and low-income graduate students. Retaining and supporting graduate students—including, but not limited to, graduate students of color—are essential to laying the groundwork for the future of the university, as well as to supporting innovation, creativity, and diversity in graduate education.



To learn more about effective practices for recruiting, hiring, and supporting diverse faculty, read [*Equity-Minded Faculty Hiring Practices: Promoting Fairness, Inclusion, and Faculty Diversity to Support Student Success in Higher Education.*](#)



- ✓ **Comprehensive support for equity-minded efforts within colleges and academic units can buttress efforts to support racially-minoritized students.** These initiatives can be undertaken by departments or colleges, and they vary considerably in scope. Some functions of these units include structures for bias reporting, mediation, programming, admissions support, climate assessments, faculty support, and long-term vision-setting. One challenge is that leadership roles related to diversity and equity in academic units are at times held by non-tenured individuals (sometimes due to the lack of available faculty members with relevant expertise in a particular department or college), which can limit the ability of individuals to advocate without fear of losing employment. Having a tenured individual hold a leadership position is no guarantee that the person will lead effectively, but it does allow for key protections given the sensitive manner of equity-related advocacy.
- ✓ **Support for centers working to support racially-minoritized students in the academic realm via stable and sufficient funding and staffing remains essential.** These programs are especially critical in STEM fields, where Black, Latinx, and Indigenous students, among others, often face a hostile climate.⁴³ Academic support services, federal TRIO programs, and other programs, like the California State University Louis Stokes Alliance for Minority Participation program, remain vital to students. Also critical are research centers and institutes that foster research and creative collaboration around issues related to racial equity. Even with a ban on race-conscious admissions, the National Center for Institutional Diversity at the University of Michigan has been a vital hub that nurtures research related to race and anti-racism in higher education and provides support and mentorship for numerous graduate students and faculty members.
- ✓ **Social-psychological interventions** that seek to increase a sense of belonging and to reduce stereotype threat (i.e., when academic performance is diminished due to the activation of negative assumptions about group identity⁴⁴) are not exclusively related to academic affairs or student affairs, but they are helpful in supporting students from a wide variety of backgrounds.⁴⁵ The Indiana University (IU) Equity Accelerator houses a number of resources developed by the College Transition Collaborative (CTC) and other partners that seek to help students overcome challenges, support a growth mindset, and foster a sense of belonging

in higher education.⁴⁶ Initiatives like the [Social Belonging for College Students](#) program, developed by CTC and the Project for Education Research That Scales (PERTS), aim to help students recognize that setbacks and incidents in their transition to college, like failing a test, are “normal and improvable,” and that they still have a place in college, even when they encounter challenges.⁴⁷ While these interventions can be helpful to all students, they can be especially helpful to students from historically underrepresented backgrounds, given that they are especially vulnerable to conditions like stereotype threat and imposter syndrome. The IU Equity Accelerator also houses resources related to syllabus revision and other ways to facilitate inclusive pedagogy. Of note, mindset interventions are no replacement for financial and other resource-related investments in addressing structural and institutionalized inequality, such as efforts to diversify the faculty and the student body. However, they do offer one set of initiatives that can help educators reflect on the role of language and messaging in supporting historically excluded students.



Conclusion

SFFA is a setback for higher education. However, it neither diminishes a university's right to proudly proclaim its commitment to racial diversity and its educational benefits, nor does it relieve a college or university of its legal obligation to create equal learning environments that safeguard the civil rights of all students. As higher education braces for changes in campus demographics nationwide, the need to foster welcoming environments for racially minoritized students has never been more essential. The programs and initiatives listed above are non-exhaustive; a welcoming campus requires additional efforts, ranging from inclusive pedagogy to campus policing. Altogether, *SFFA* should be viewed as a call for campuses to not only double down on measures to attract a racially and economically diverse student body, but to work harder than ever to retain students by fostering a positive campus experience for all. From efforts that specifically address diversity-, equality-, and inclusion-related issues (e.g., cultural centers and ethnic student support organizations) to ensuring that all parts of the campus are truly accessible, inclusive, and supportive, educators, researchers, and policymakers must continuously collaborate to foster campus environments where all students can flourish, with special attention to those populations that have been historically excluded from, and underrepresented within, higher education.

To learn more about the many ways campuses can better support their students, please explore the following briefs that also are part of this [Affirming Equity, Ensuring Inclusion, Empowering Action](#) series, including:

- [Ensuring Fairness in College Admissions: Rethinking Recruitment, Demonstrated Interest Strategies, Early Decision, and Legacy Admissions](#)
- [The Urgency of Fair and Equitable Holistic Review of College Applicants](#)
- [Advancing Equity by Rethinking the Use of Tests in College Admissions](#)
- [Direct Admissions: Reimagining College Applications to Promote Equity](#)
- [Equitable College Affordability Policies and Practices](#)
- [Equity-Minded Faculty Hiring Practices: Promoting Fairness, Inclusion, and Faculty Diversity to Support Student Success in Higher Education](#)

Endnotes

- 1 Ellis, N.T. (2024, Mar 11), What is DEI and Why Is It Dividing America?, CNN (Mar. 11, 2024), <https://www.cnn.com/2024/03/09/us/what-is-dei-and-why-its-dividing-america/index.html>; Kamola, I. (2024). Manufacturing Backlash: Right-Wing Think Tanks and Legislative Attacks on Higher Education, 2021-2023, [report]. American Association of University Professors (May 2024); PEN America, (2024). Letter to UNC Board of Governors; U.S. Dept. of Education, Office of Planning, Evaluation, and Policy Development, (2016) Advancing Diversity and Inclusion in Higher Education: Key Data Highlights Focusing on Race and Ethnicity and Promising Practices, 41.
- 2 Title VI states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. 2000d. Along with other federal agencies, the Office of Civil Rights (OCR) within the United States Department of Education enforces Title VI and its implementing regulations.. U.S. Department of Education, Office for Civil Rights, Education and Title VI (April 23, 2003) <https://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html>.
- 3 U.S. Dept. of Education, Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics (May 7, 2024), <https://www.whitehouse.gov/wp-content/uploads/2024/05/colleague-202405-shared-ancestry.pdf>.
- 4 See U.S. Dept. of Education, (2024). Sex Discrimination: Overview of the Law.
- 5 U.S. Department of Education. (1994). Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance.
- 6 *ibid.*
- 7 Feingold, J.P. (2019). “Hidden in Plain Sight: A More Compelling Case for Diversity.” 2019 UTAH L. REV. 59.
- 8 U.S. Dep’t of Justice Civil Rights Division, (.n.d.). Title VI Legal Manual, Section VII: Proving Discrimination – Disparate Impact, <https://www.justice.gov/crt/fcs/T6Manual7> (quoting 28 C.F.R. § 42.104(b)(2)).
- 9 *ibid.*
- 10 West-Faulcon, K. (2009). The River Runs Dry: When Title VI Trumps State Anti-Affirmative Action Laws, 157 U. Penn. L. Rev. 1075, 1121
- 11 U.S. Dep’t of Educ. Office for Civil Rights (2023). Complaint Under Title VI of the Civil Rights Act of 1964 at 3, Chica Project, African Community Economic Development of New England and Greater Boston Latino Network v. President and Fellows of Harvard College (Harvard Corporation).
- 12 We use the term “racially minoritized” versus “racial minorities” in order to “better highlight the active processes of structural racism” affecting these populations, as well as to de-emphasize the marginal status associated with the term “minority” (see Carmen Black, et al., I am not your minority. The Lancet Regional Health–Americas, 19 (2023).
- 13 Garces, L.M. & Jayakumar, U.M., (2014). “Dynamic Diversity: Toward a Contextual Understanding of Critical Mass.” Educational Researcher 43(3), 115-24 (2014); Bowen, D., (2010). “Brilliant Disguise: An Empirical Analysis of a Social Experiment Banning Affirmative Action” 85 Ind. L. J. 1 (2010).
- 14 Gottfredson, N., et al., (2009). The Effects of Educational Diversity in a National Sample of Law Students: Fitting Multilevel Latent Variable Models in Data With Categorical Indicators. 44 Multivariate Behavioral Research 44(3); Pettigrew, T.F. & Tropp, L.R. (2006) “A meta-analytic test of intergroup contact theory.” Journal of Personality and Soc. Psychology 90 (pp. 751–783).
- 15 Park, J.J. (2009) “Are we satisfied?: A look at student satisfaction with diversity at traditionally white institutions.” The Review of Higher Education 32, no. 3.
- 16 Hurtado, S. et al., (1998). “Enhancing Campus Climates for Racial/Ethnic Diversity: Educational Policy and Practice,” Review of Higher Education 21 (3); Hurtado, S., et al. (2008). “Assessing the value of climate assessments: Progress and future directions.” Journal of Diversity in Higher Education 1 (4).

- 17 Garces, L.M. & Cogburn, C.D. (2015). "Beyond declines in student body diversity: How campus-level administrators understand a prohibition on race-conscious postsecondary admissions policies," *American Education Research Journal* 52(5).
- 18 U.S. Department of Education. (2023). Fact Sheet: Diversity & Inclusion Activities Under Title VI
- 19 Martin, D.S. et al. (2024). "Education Roundup: Challenges to DEI Efforts Continue in the Wake of Students for Fair Admissions," *Venable LLP* retrieved from: <https://www.venable.com/insights/publications/2024/04/education-roundup-challenges-to-dei-efforts>.
- 20 Kamola, I (2024). *supra* note 1.
- 21 Samuels, J. & Shirazi, Z. (2023, July 11). "The High Court Didn't Kill DEI at Work," *Bloomberg Law*. Retrieved from: <https://news.bloomberglaw.com/us-law-week/the-high-court-didnt-kill-dei-at-work-employers-shouldnt-waver>.
- 22 Patton, L.D. (2023). *Culture Centers in Higher Education: Perspectives on Identity, Theory, and Practice*. Taylor & Francis.
- 23 University of Maryland Division of Student Affairs, Cultural Centers, <https://studentaffairs.umd.edu/diversity/students/cultural-centers>.
- 24 Park, J.J. et al., (2021) Report on Campus Climate, Diversity, and Racial Equity at the Univ of Illinois Urbana-Champaign. Univ. of Maryland, College Park.
- 25 Museus, S. D. & Neville, K. M., "Delineating the ways that key institutional agents provide racial minority students with access to social capital in college." *Journal of College Student Development* 53 (3).
- 26 Harpalani, V. (2017) "Safe Spaces" and the Educational Benefits of Diversity" *Duke Journal of Constitutional Law and Policy* 13 (pp.138-47).
- 27 Bowman N.A. & Park J.J., "Interracial Contact on College Campuses: Comparing and Contrasting Predictors of Cross-Racial Interaction and Interracial Friendship." *Journal of Higher Education* 85 (5).
- 28 Park, J.J. (2018). *Race on Campus: Debunking myths with data*. Harvard Education Press.
- 29 Mendoza-Denton, R. et al., (2002). "Sensitivity to status-based rejection: Implications for African American students' college experience." *Journal of Personality and Social Psychology* (81)4; Strayhorn, T.L. (2011). "Singing in a foreign land: An exploratory study of gospel choir participation among African American undergraduates at a predominantly White institution." *Journal of College Student Development* (52) 2.
- 30 University of California, Berkeley. (n.d.). Residential Life, Theme Programs in Residence Halls, Retrieved from: https://reslife.berkeley.edu/wp-content/uploads/2020/11/RESL200211_ThemeProgramsFlyer_WEB_FINAL.pdf.
- 31 Inkelas, K.K. & Soldner, M.E. (2011). "Undergraduate Living–Learning Programs and Student Outcomes." *Higher Education: Handbook of Theory and Research* 26 (pp.1-55).
- 32 Bazner, K.J. (2022). "Views from the middle: Racialized experiences of midlevel student affairs administrators." *Journal of Diversity in Higher Education* 15(5); Briscoe, K.L. (2021). "Student affairs professionals' experiences with campus racial climate at predominantly White institutions." *Journal of Diversity in Higher Educ.* 15(5).
- 33 Sarcedo, G. L. (2022). "Accepting educational responsibility for whiteness in academic advising: Moving towards anti-racist advising practices." *International Qualitative Studies in Education* 35(4).
- 34 Park, J.J., et al., (2021). Report on Campus Climate, Diversity, and Racial Equity at the University of Illinois Urbana-Champaign. University of Maryland, College Park.
- 35 Bleemer, Z. & Mehta, A. (2021). *College Major Restrictions and Student Stratification*. University of California, Berkeley, Center for Studies in Higher Education
- 36 The Ohio State University. (n.d.) Office of Student Life Student Advocacy Center, Retrieved from: <https://advocacy.osu.edu/>.
- 37 Bonilla, S. et al., (2021). "Ethnic studies increases longer-run academic engagement and attainment." *Proceedings of the National Academy of Sciences (PNAS)* 118(37).Cabrera, N.L. et al. (2014). "Missing the (Student Achievement) Forest for All the (Political) Trees: Empiricism and the Mexican American Studies Controversy in Tucson." *American Education Research Journal*. 51 (6); Dee T.S. & Penner, E.K. (2017) *The Causal Effects of Cultural Relevance: Evidence From an Ethnic Studies Curriculum*, *American Educational Research Journal* 54(1);
- 38 Dasgupta N. & Greenwald, A. (2001). "On the Malleability of Automatic Attitudes: Combating Automatic Prejudice with Images of Admired and Disliked Individuals." *Journal of Personal & Social Psychology*. 81 (p.800).

- 39 Antonio, A.L. (2002). "Faculty of color reconsidered: Reassessing contributions to scholarship." *The Journal of Higher Education* 73, no. 5.
- 40 Wood, J. Luke, and Frank Harris III. (2023). "Equity-Minded Faculty Hiring Practices: Promoting Fairness, Inclusion, and Faculty Diversity to Support Student Success in Higher Education." In Siqueiros, M. & Reddy, V. (Eds.). *Affirming Equity, Ensuring Inclusion and Empowering Action*. Campaign for College Opportunity; McNair, T. B., Bensimon, E. M., & Malcolm-Piqueux, L. (2020). *From equity talk to equity walk: Expanding practitioner knowledge for racial justice in higher education*. Jossey-Bass Publishers.
- 41 University of California Office of the President, (n.d.). Diversity: Faculty and other academic personnel, Retrieved from: <https://www.ucop.edu/faculty-diversity/>.
- 42 University of California, Irvine, Office of Inclusive Excellence. (2024). UCI Black Thriving Initiative Cluster Hiring Program. Retrieved from: <https://inclusion.uci.edu/action-plan/msi/uci-black-thriving-initiative/uci-black-thriving-initiative-cluster-hiring-program/>
- 43 McGee, E.O. (2021). *Black, Brown, Brusied: How racialized STEM education stifles innovation*. Harvard Education Press.
- 44 Claude. S. (2011). *Whistling Vivaldi: How stereotypes affect us and what we can do*. WW Norton & Company,
- 45 Yeager, D.S. & Walton, G.M. (2011). "Social-Psychological Interventions in Education: They're Not Magic." *Review of Educational Research* 81(2).
- 46 Indiana University Equity Accelerator (n.d.). Tools & Resources. Retrieved from: <https://accelerateequity.org/tools-and-resources>.
- 47 Project for Education Research That Scales, (n.d.). Social-Belonging for College Students, Retrieved from: <https://www.perts.net/orientation/cb>.

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