

LEGEND LABS

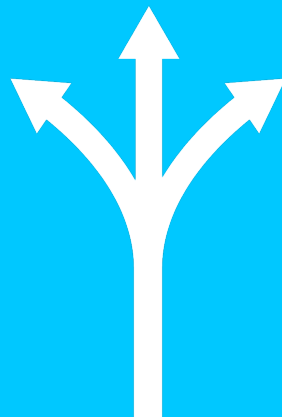
Diversity, Division, and Higher Education

Examining the intersection of DEI,
reputation, legislation, and culture in an
increasingly polarized landscape.

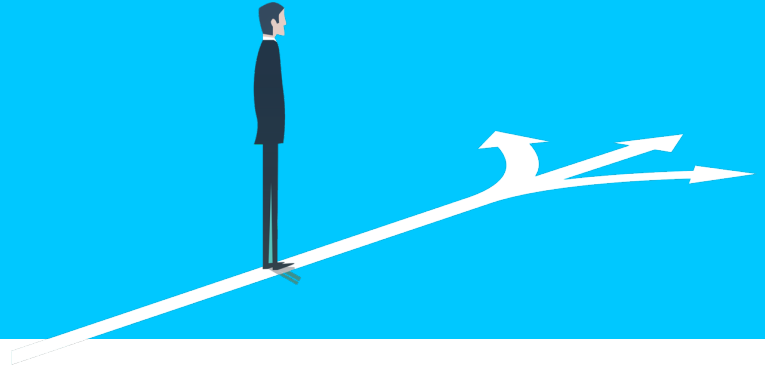
MARCH 2024

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Introduction



TOTAL MENTIONS 2023

2.1M

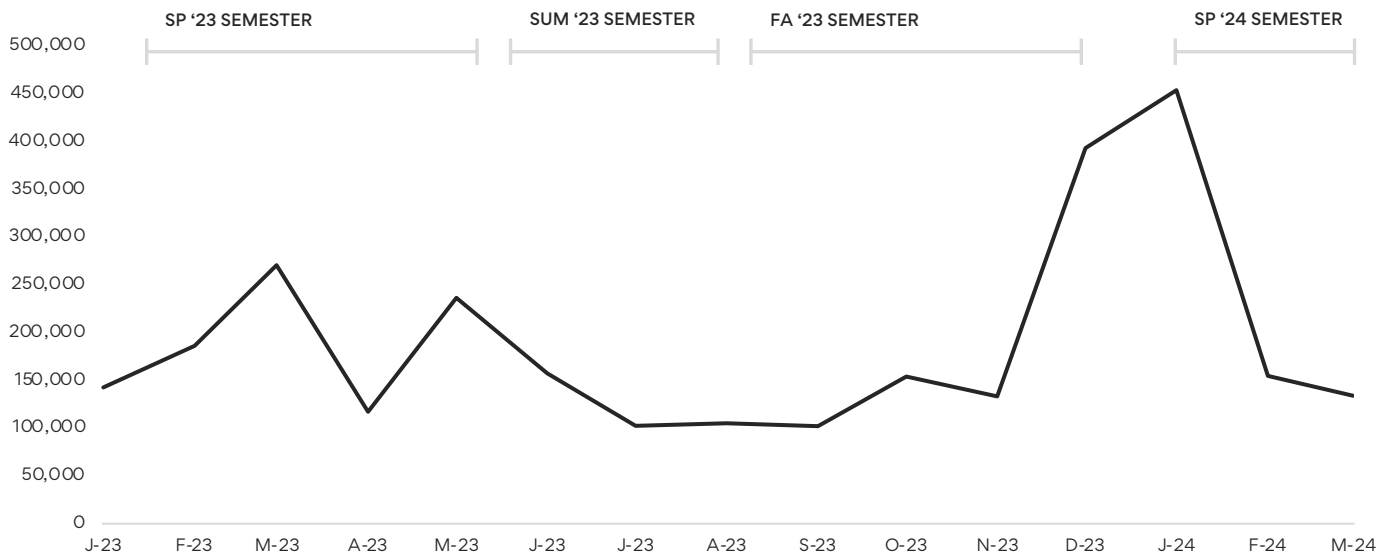
TOTAL MENTIONS 2024

740K ▲ 24% vs. previous year

Diversity, Equity, and Inclusion is one of the largest and fastest-growing topics in higher education this year. The same was true last year as well. Media readily cover DEI controversies both on campus and in the state house. University communicators and administrators must be prepared to speak to a variety of audiences — including staff, faculty, students, news media, local politicians, and activists — when DEI conversations and controversies come to campus.

DIVERSITY, EQUITY, AND INCLUSION IN HIGHER ED

MENTION VOLUME OVER TIME



Key Takeaways

1. VALUE AND VALUES

The DEI debate is framed in terms of value and values. Do DEI initiatives uphold American values or are they anathema to them? Have DEI initiatives provided students and taxpayers with a return on investment? Defenders and detractors alike frame their arguments around these questions.



2. INTERLOCKING ISSUES

DEI is such a potent issue because it is so easily amplified and intensified by pre-existing reputation related vulnerabilities. Interlocking issues — such as antisemitism, tenure and free speech — add a potency to DEI-related controversies that communicators and administrators should not (and cannot) ignore.



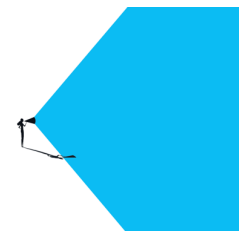
3. THE FUTURE IS FLORIDA AND TEXAS

While an increasing number of states have passed or considered anti-DEI legislation, such action is furthest along in the Lone Star and Sunshine states. Universities there offer a window into what lies ahead for others moving forward.



4. MESSAGING CONSIDERATIONS

As universities work to shape – not react to – an evolving narrative, there are a variety of factors including recent legislative “innovations,” media bias trends, and emerging battle fronts in the culture wars that can inform messaging.



Value and Values

FRAMING THE DEBATE

The vast majority of conversation around higher education comes back to questions of value and questions of values. Do universities uphold and promote American principles? Do universities provide taxpayers and students with a return on their investment? From AI to DEI, higher education discussion clusters around these concerns. Both defenders and detractors of DEI conceive their arguments in terms of value and values. Communicators and administrators should be prepared to do the same.

“Higher education must return to its essential foundations of academic integrity and the pursuit of knowledge instead of being corrupted by destructive ideologies. These actions today ensure that we will not spend taxpayers’ money supporting DEI and radical indoctrination that promotes division in our society.”

- Florida Commissioner of Education Manny Diaz, Jr.

VALUES

VALUE


While very much opposed to one another, both defenders and detractors of DEI initiatives and programs frame their positions as in the service of American values. They also craft their arguments in terms of return on investment.

	DETRACTORS	DEFENDERS
VALUES	DEI is inherently un-American — discriminatory on the one hand and a vehicle for destructive or divisive ideas on the other.	DEI cultivates diversity and helps to right the historic legacies of racial injustice. Anti-DEI measures turn the clock back.
VALUE	DEI is bureaucratic bloat — an expensive distraction from academia’s core research and teaching missions.	DEI is an effective way to teach crucial ideas while supporting minority students’ academic work, wellbeing, and sense of belonging.

VALUES

“Will America’s elite universities get back to the roots of educating American children — young adults — to be the future leaders of our country or are they going to maintain being lost in the wilderness of microaggressions and a DEI agenda that has no real endgame.”

- Ken Griffin, CNN



Antonio Arellano
@AntonioArellano

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BREAKING: Officials at the University of Texas at Austin just eliminated a scholarship for undocumented students, citing the state’s DEI ban.

We should be making education more accessible for all not less attainable. This is wrong!

VALUE

“When students are equipped with the knowledge and skills to promote equity and inclusivity, they not only contribute to a more welcoming campus environment but also become better-prepared individuals for the future workforce.”



- William Peace University

“The DEI infrastructure at UVA is funded with the equivalent of nearly 1,000 students paying tuition. Those are dollars not spent pursuing excellence within a college major field of study, but instead on radical ideologies and silly notions.”

- The Washington Examiner

RAISING THE STAKES, DARKENING THE DEBATE

In addition to framing their arguments in terms of value and values, DEI defenders and detractors regularly accuse each other of ulterior motives, helping to erode any semblance of trust within the debate. This lack of trust also darkens the discourse with allusions to medical malpractice, even segregation, becoming ever more prevalent in the discussion. As the stakes are raised and emotions run even higher, universities find it more difficult to speak in a way that appeals to both defenders and detractors.

 **Randall Woodfin** 
 @randallwoodfin Follow ...

If supporting inclusion becomes illegal in this state, hell, you might as well stand in front of the school door like Governor Wallace.

Mannnn it's Black History Month. Y'all could have at least waited until March 1.

 **Agolf Twitler Slayer** 
 @slayer_agolf Follow ...

Several Florida Universities have removed all Diversity, equity, and inclusion jobs.

Good luck to anyone who is not a straight, white, male and Christian in Florida!



Welcome to DeSantis fascism!

 **J Michael Waller** 
 @JMichaelWaller Follow ...

DEI will kill public trust in the medical profession. And it will kill many of us.




Elon Musk Warns of DEI in Medical Schools: 'People Will Die'



 **Shanon Ingles wants to Save New College** 
 @EvilShanon Follow ...

But being able to discriminate on the basis of sex, gender, race, religion, etc. is exactly WHY they want to get rid of all diversity, equity and inclusion efforts.

If you don't believe me, look no further than what they're doing at New College of Florida [➔](#)

 **Steven Pinker**  @sapinker · Jan 14

Opposing D.E.I. Does Not Mean Opposing Diversity. "Universities can welcome students from all walks of life without unlawfully censoring speech. They can respond to campus sexual violence without violating students' rights to due process. They can diversify the student body..." [Show more](#)

 **Christopher F. Rufo** 
 @realchrisrufo Follow ...

There has been a shift. Americans are starting to turn against left-wing racialism, which presents itself as a form of justice, but, in truth, is a form of implacable resentment that would destroy American optimism, merit, and creativity. Abolish DEI, now and forever.

Interlocking Issues

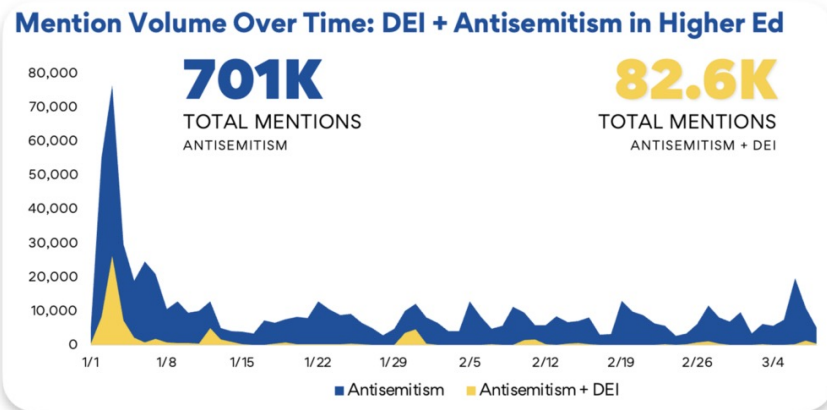
HOW TOPICS COMBINE WITH DEI

The January resignation of Harvard President Claudine Gay demonstrated how interlocking controversies — in Harvard’s case DEI, antisemitism, academic integrity and free speech — are greater than the sum of their parts. DEI interacts with many issues in higher education. In recent months, three topics in particular have been prominent within the DEI conversation:

- ANTISEMITISM
- FREE SPEECH
- TENURE

DEI AND ANTISEMITISM

Conflict in the Middle East and accusations of antisemitism on campus dominated higher education conversation in the Fall. DEI factored into the debate as detractors argued diversity employees and initiatives on college campuses were guilty of a double standard: protecting certain minorities from harassment but not Jews. In addition, detractors sought to portray disruptive pro-Palestinian protests as evidence of a deeper cultural problem on campus caused (in part) by DEI. Defenders dismissed such concerns as cynical or ludicrous — part of a wider right-wing effort to undermine higher education.



“The blatant antisemitism on college campuses has shocked millions of Americans over the past week and a half. But not me. I saw antisemitism on a weekly basis in my two years as a faculty “diversity, equity and inclusion” director. In fact, I can safely say that toxic DEI ideology deliberately stokes hatred toward Israel and the Jewish people.

- New York Post

“DEI is not the monster or bogeyman here. To use worries about antisemitism on campus to attack diversity is at best dangerous and at worst a terrible manipulation that uses one bigotry to attack another.

- TIME

“If the roles were reversed, and it were African American students, if it were L.G.B.T.Q. students, the university no doubt would crack down and make sure that this was a safe space for them on the college campuses. They’re not doing that for the Jewish students. And it’s absolutely outrageous.

- Matt Brooks, the president of the Republican Jewish Coalition

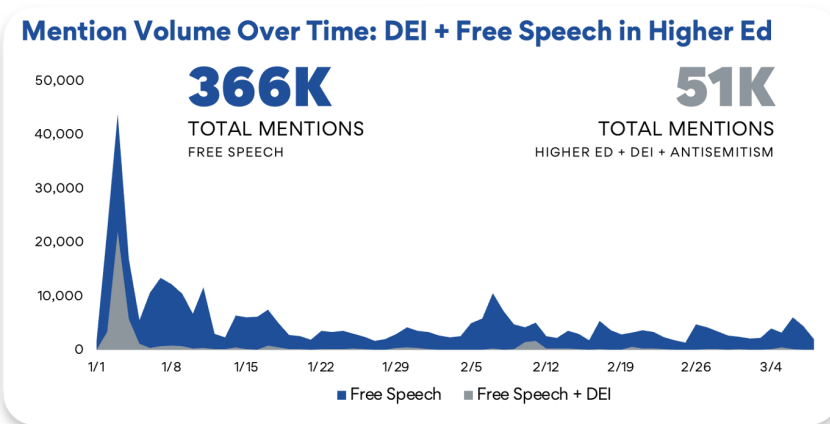
“The specter of swastikas dotting college campuses known for their liberal values has been catnip for Fox News and other conservative news outlets. These outlets have delivered a drumbeat of coverage, casting antisemitic incidents — and the cautious responses many university leaders initially put out — as symbolic of views that have overtaken not just the Democratic Party but also the nation’s higher educational system.

- New York Times

DEI AND FREE SPEECH

The Israel-Hamas war has led to a contentious and lasting debate on campuses about the limits of free speech and academic freedom. Is speech permitted when it constitutes harassment? Should speech be determined by whether or not someone “feels” harassed or marginalized? DEI dovetails into this conversation because defenders and detractors see each other’s positions as an attack on free speech.

Defenders see DEI and free speech as complimentary values while accusing detractors of trying to control students and faculty’s academic freedom through anti-DEI measures. Detractors of DEI portray diversity initiatives as a front through which left-wingers impose orthodoxy on the campus, chilling conservative speech and mandating adherence through bureaucratic mechanisms such as diversity statements.



“Free speech must be foundational to DEI efforts. . . . Heavy handed approaches to DEI can neuter the campus experience and leave students unprepared for the rough-and-tumble of a diverse society where they will unavoidably confront the unpalatable.

- Suzanne Nossel (CNN)

“The real diversity that universities are supposed to stand for—exposure to new ideas, different perspectives, and different people—has gradually eroded.

- Professor David Schultz, Hamline University (Counterpunch)

“The principles of diversity, equity and inclusion depend on free speech, and a culture of free speech will be incomplete if it makes DEI a victim of cancel culture. Rather than simply defend or defund DEI, universities and other institutions need to find a way to pursue both free speech and DEI because these principles are two sides of the same coin.

- Bryan Gentry (Discourse)

“The exposure to wide-ranging experiences and fresh perspectives encourages understanding and creativity. By restricting what students can learn, the state is actively suppressing students’ academic and intellectual freedom.

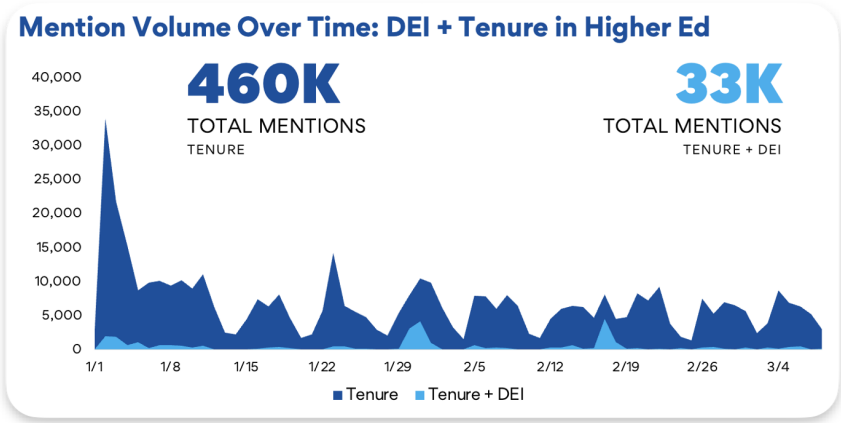
- Sen. Shevrin Jones | FL (AP)

“When it comes to DEI ... whether they were created with good intentions or not, it has become clear that they now are ideological enforcement centers that suppress the pursuit of truth and, most importantly, merit.

- Iowa Rep. Taylor Collins, R-Mediapolis (The Gazette)

DEI AND TENURE

DEI and tenure are connected in several ways. First, detractors see DEI and critical race theory as two sides of the same coin — and see tenure as an obstacle to getting rid of both. Second, conservative legislators (as noted below) are seeking to tie tenure to the promotion of “intellectual diversity.” In addition, conservative lawmakers have often targeted both DEI and tenure with proposed legislation. Finally, detractors are critical of the use of diversity statements in hiring, promotion and tenure processes.



“Go to a private school, let them raise their own funds to teach, but we’re not going to fund them. I’m not going to pay for that nonsense.”

- Texas Lt. Gov. Dan Patrick linking tenure and the teaching of critical race theory. (Texas Tribune)

Vivek Ramaswamy @VivekGRamaswamy

Claudine Gay’s rise to Harvard President was no doubt in part the result of affirmative action, but the more interesting dimension is how it reflects the rise of *bureaucrats* over intellectuals at top universities. Over two decades, Gay published just 10 articles & zero books. Harvard Prof Roland Fryer published more in a single year than Gay did in her entire career (yet she tried to torch him for his non-academic failures). Heck, I’m not even an academic but in the last 2 years wrote 3 books & published more articles than Gay did in two decades. It wasn’t just the rise of intersectionality that propelled Gay to the top of Harvard. It’s a deeper cultural shift in our country that favors bureaucrats over creators & administrators over intellectuals that has infected nearly every major institution in American life. We miss the deeper point if we focus only on the race/gender/DEI dimension, which is as much a symptom as it is an underlying cause of the problem.

Christopher F. Rufo @realchrisrufo

Left-wing activist professors are leaving Florida, which, I told the New York Times, is a “net gain” for the state. Woke out-migration is a benefit, not a cost, of good academic policies. DeSantis for the win.

Amy Sater @SaterAmy

Thanks to @cltomlinson for this terrific piece on the importance of DEI efforts - and tenure - at Texas universities for the Texas economy:

Tomlinson: Texas attacks on DEI, tenure, CRT will hurt economy, scare comp...

The Future is Florida and Texas

COLLEGES RESPOND TO DEI

Anti-DEI legislation in Texas and Florida was enacted last year. Their continuing implementation offers universities in other states a set of cautionary case studies. Typically, universities have responded to anti-DEI legislation in two ways: committing to complying with state law while also affirming vague commitments to a diverse student body, to a widespread sense of communal belonging, and to minority student success.

“*What will not change is our University leadership’s commitment to attracting, supporting and retaining exceptionally talented staff, faculty and students with diverse backgrounds and perspectives, and fostering and celebrating diversity across our community. Within the scope of the new law, we will remain focused on making sure the very best students want to come to UT.*”

- President Jay Hartzell, (UT Austin)

“*To comply with the Florida Board of Governors regulation 9.016 the University of Florida has . . . eliminated DEI positions and administrative appointments. . . As we educate students by thoughtfully engaging a wide range of ideas and views, we will continue to foster a community of trust and respect for every member of the Gator Nation.*”

- The University of Florida (statement)

However, such an approach does not insulate universities from the messaging headaches that arise throughout DEI controversies, such as peer denunciation, mass layoffs, accusations of over or under compliance, and criticism for perceived overreaction.

NEW COLLEGE OF FLORIDA: PEER DENUNCIATION

New College Florida has been envisioned by some as a new bastion of conservative thought. Last year, Governor Ron DeSantis led efforts to overhaul the college’s Board of Trustees and championed anti-DEI measures at the college. However, in February, the New College of Florida was sanctioned by the American Association of University Professors’ Governing Council for “substantial noncompliance with widely accepted standards of academic government.”



“*The board of trustees and administration thoroughly restructured the college’s academic offerings without meaningful faculty involvement and denied academic due process to multiple faculty members during their tenure applications and renewals. . . The takeover of the college stands as one of the most egregious and extensive violations of AAUP principles and standards at a single institution in recent memory.*”

- The American Association of University Professors

“*What is happening at New College of Florida is part of a national strategy to overtake public education and subvert a fundamental pillar of democracy.*”

- Alt New College website quoted in (AP)



“*The AAUP lacks the authority to sanction New College of Florida, or any college or university for that matter. The recent announcement from the AAUP is a headline grab, echoing the sensationalistic tone of their report issued over two months ago. . . Their persistent targeting of New College for any change they disagree with is clear evidence that New College is at the forefront of reforming higher education.*”

- New College of Florida

THE UNIVERSITY OF TEXAS: OVER-COMPLIANCE OR UNDER-COMPLIANCE

In 2023, Texas passed SB 17, prohibiting DEI initiatives at public universities. Implementation began on Jan 1, 2024, and universities within the UT system are caught between perceptions of under-compliance and over-compliance. For example, in February, a UT-Tyler employee was secretly recorded by a right-wing group suggesting anti-DEI laws could be circumvented through “creative” measures — “We carry on. We do the work. I plot and plan.” The employee was subsequently placed on leave.



“The University of Texas at Tyler is investigating a video that included comments from a UT Tyler employee. The university fully follows all state and federal laws, regardless of what was portrayed in the video.

- UT Tyler Spokesperson

“We’re not going to look for loopholes. We’re not going to look for workarounds. We’re going to implement the law as passed.

- UT System Board of Regents Chair Kevin Eltife

Meanwhile at UT-Austin, administrators have been criticized by students and faculty who they accuse of over complying with SB 17. Since January 1, UT has responded to the law by closing its multicultural education center and cutting funding to certain programs, including Black Graduation and the Monarch program for undocumented students.

aaup UT Austin AAUP @aaup_utAustin

The best account we’ve seen of what UT students, staff, and faculty lost as #SB17 is implemented across campus. #DEI is being interpreted extremely broadly, with huge impacts on programs that support student success. @UTAustin’s silence about changes makes it even worse.

Dr. Jasmine Harris @DrHarrisJay

We’re dealing with over-interpretation of SB-17 all over Texas.

It’s as big of a problem as the bill itself.

“UT-Austin officials have provided little information to students and faculty who have demanded more transparency about how they are interpreting the law.

- Texas Tribune

TEXAS A&M UNIVERSITY: PRE-EMPTIVE OVERREACTION

In June 2023, Texas A&M tapped Kathleen McElroy to head up the university’s journalism program but rescinded the offer after a backlash from conservative stakeholders and media outlets highlighted her prior work with DEI initiatives. News of A&M’s about-turn made even greater waves than McElroy’s hiring and created a faculty firestorm. A&M’s president resigned as a result of the controversy, and the university agreed to a hefty legal settlement with McElroy.



“This is not only having a chilling effect on our faculty but is further damaging the national reputation of our university. And it will make it even more difficult to recruit and retain the best and brightest talent.

- Texas A&M Faculty Senate Letter to Chancellor Sharp

Ben Crump @AttorneyCrump

Kathleen McElroy reached a \$1 million settlement with Texas A&M after her hiring was sabotaged by conservative backlash to her past diversity and inclusion work! We need to support those who strive for diversity and inclusion, not punish educators for it!

“Please tell me this isn’t true. But since it’s not April Fools Day, I assume it is. I thought the purpose of us starting a journalism program was to get high-quality Aggie journalist[s] with conservative values into the market. This won’t happen with someone like this leading the department

- A text from Jay Graham, a member of the Board of Regents, to chancellor John Sharp

Messaging Considerations

Legend Labs is actively involved with universities dealing with DEI controversies. In addition to framing messages through the *value* and *values* framework, we approach messaging with a variety of other factors in mind, including recent legislative innovations, media bias analysis, and emerging battlefronts in the culture wars.

THE NEW LEGISLATIVE LANDSCAPE

State legislative bills targeting DEI are nothing new. However, the next batch of conversation in state houses — as well as the nuances of the proposals being discussed — has shifted.

“Intellectual Diversity”

In Indiana, SB 202, mandates that universities promote “cultural and intellectual diversity,” became law in February. Professors can now be denied promotion or tenure if they are found “unlikely to foster a culture of free inquiry, free expression, and intellectual diversity.” Crucially, the law leaves it to the boards of regents to define what intellectual diversity means, a clause many find irksome.

“Divisive Concepts”

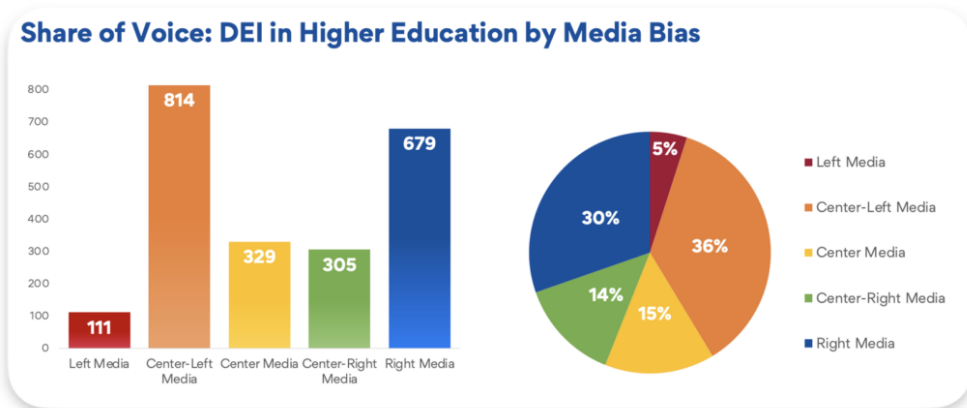
In Alabama, SB 129 became law in March. The law prohibits DEI offices at public universities as well as any program or event “that advocates for a divisive concept.” According to the bill’s text, such concepts include, “that meritocracy or traits such as a hard work ethic are racist or sexist” and “that slavery and racism are aligned with the founding principles of the United States.”

Merit vs. DEI

In West Virginia, the “Restoring Sanity Act,” would ban DEI offices at public universities. The bill also mandates that unexpended DEI budgets must be used for “merit scholarships” that benefit students from “lower-income and middle-income” families — or to “reduce tuition and mandatory fees for resident students.”

MEDIA BIAS

Interest in DEI is strong across the news spectrum. Understanding the size, reach and engagement, as well as writing prowess and subtopic interest, helps universities to position their communications more effectively.



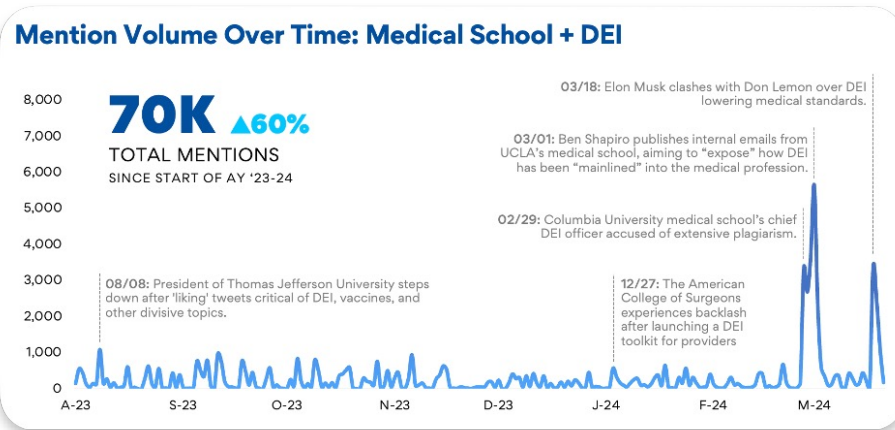
Hard right and left outlets are the most vociferous critics of DEI, while the center and center left are the most likely segments to cover DEI positively. Center media outlets include many business publications and coverage tends to focus more on the return-on-investment debate around DEI. Center-left media, which included heavy hitters such as the New York Times, NPR, and Washington Post, is the largest segment of the media and the most sympathetic to pro-DEI arguments. Anti-DEI measures are eagerly reported on by Left, Center Right, and Right outlets, with obvious differences in how they greet such developments.

NEW BATTLEFRONTS

In addition to interlocking with existing reputation-related vulnerabilities, DEI controversies can also negatively impact a university’s established reputational strengths. Already in 2024, DEI flashpoints have arisen on new fronts, specifically in medical schools and college sports. Such historically robust reputational assets could become vulnerabilities in the future.

BATTLEFRONT #1: MEDICAL SCHOOLS

In March, congressional Republicans introduced legislation to “uphold color-blind admissions” and “cut off federal funding to medical schools that force students or faculty to adopt specific beliefs, discriminate based on race or ethnicity, or have diversity, equity, and inclusion (DEI) offices or any functional equivalent.” The legislation represents the culmination of numerous DEI-related controversies that have impacted medical schools in recent months. Unlike the Liberal Arts, the Sciences have generally avoided DEI blowback. A raft of recent healthcare-related controversies suggest that may not be the case moving forward.



“*Medicine is about serving others and doing the best job possible in every circumstance. We cannot afford to sacrifice the excellence and quality of medical education at the hands of prejudice and divisive ideology*

- Congressman Greg Murphy R-NC

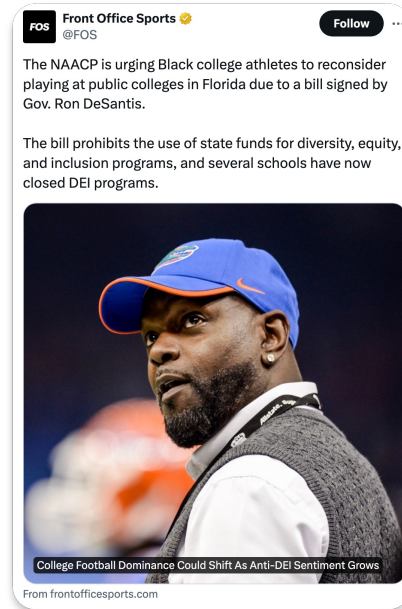
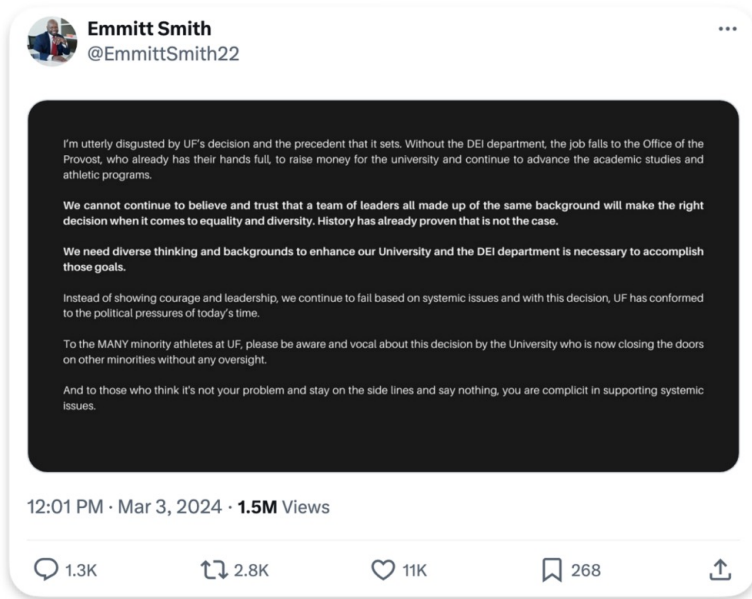


“*DEI in medicine means that even if doctors injure patients, they might still be protected (even promoted). It means that top hospitals are abandoning key metrics when hiring surgeons. And it means research by whites may be disregarded.*

- Ben Shapiro, conservative commentator

BATTLEFRONT #2: COLLEGE SPORTS

In response to anti-DEI measures in Florida and Alabama, public figures have begun to call upon black student-athletes to rethink their commitment to schools in those states. After the University of Florida eliminated all DEI staff positions and initiatives, Legendary Dallas Cowboys running back Emmitt Smith, who played for UF in college, blasted the decision and called on student-athletes to “be aware and vocal about this decision.” A similar note was struck by Birmingham, Alabama Mayor Randy Woodfin, who said he would have “no problem” helping UA commits transfer to colleges in states that “prioritize diversity.”



Student-athlete activism is nothing new. Social justice was the second hottest topic in college sports during 2020 and 2021 (trailing only COVID-19). However, with revenue-sharing proposals, conference realignments, and the NIL revolution transforming college athletics, student-athlete activism is taking new forms. In short, student-athletes will have unprecedented opportunities to vote with their feet in response to the votes in the state house.



“The transfer portal is a real thing... Our Black athletes are watching what happens here.”

- Ricki Barber, secretary of the Lincoln chapter of the NAACP, addressed Nebraska lawmakers pushing anti-DEI legislation. (AP)

Afterword

Across the DEI debate, people generally agree that while talents are broadly distributed across society, opportunity is not. Universities have always sought to bridge the gap between talents and opportunities. It is also up to universities to bridge the gap between DEI defenders and detractors. By bridging the latter, universities enlist a greater coalition to bridge the former. Doing so requires reimagining approaches to DEI from a policy, philosophical, and communication perspective. That is “the work” before universities today.

LEGEND LABS

Legend Labs is a brand and reputation consulting firm for the digital age. We operate at the intersection of strategy, data and creativity, bringing deep experience and innovative thinking to the brand, communications and reputation management challenges posed by accelerating digital disruption.

SERVICES

CREATE

- Positioning
- Messaging
- Visual Identity
- Brand Architecture

GROW

- Communications Strategy
- Content & Digital Experiences
- Digital Listening & Analytics
- Training & Executive Coaching

PROTECT

- Vulnerability Assessment
- Issues Monitoring
- Crisis Planning & Playbooks
- Crisis Communications



Legend Labs leveraged Meltwater, an AI-powered media intelligence and social listening platform, to inform key aspects of this report.

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Diversity, Division, and Higher Education

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reputation, legislation, and culture in an
increasingly polarized landscape.

MARCH 2024

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