State anti-DEI laws sow uncertainty in public colleges and universities

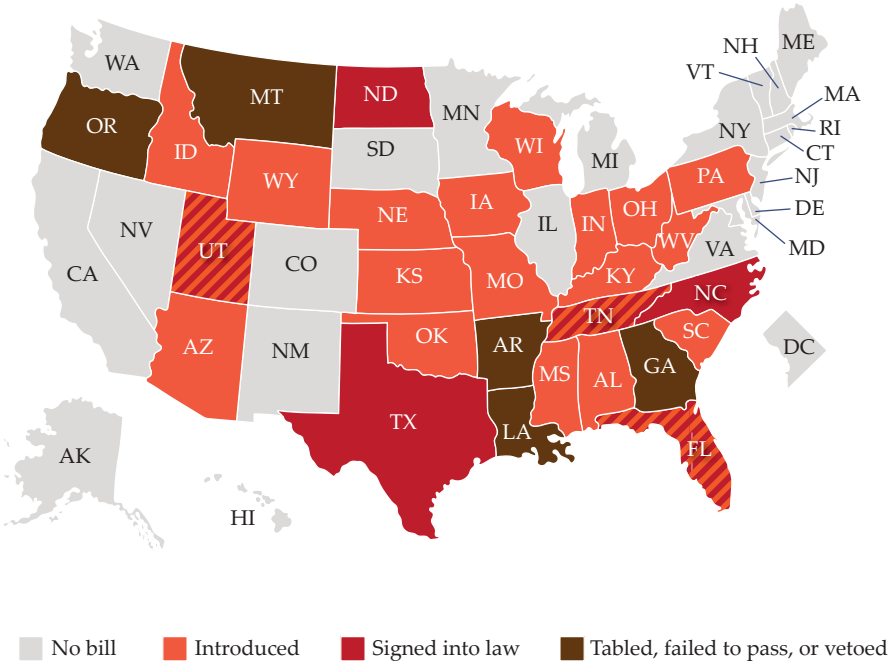
Inclusivity efforts are thwarted as faculty and institutions navigate new laws with unclear penalties.

Last July a law in Florida went into effect that banned many diversity, equity, and inclusion (DEI) activities in the state's public institutions of higher education. On 1 January, a similar law began in Texas, and this summer one kicks in for Utah. Additional legislation along the same lines in both those and many other states exists or is in the works. The new laws have academic communities scrambling to figure out how they can continue to legally support students and faculty from underrepresented groups.

Among the constraints the new laws impose are bans on campus DEI offices. Such offices have traditionally offered DEI training, facilitated community conversations, and the like. Spending state money for DEI activities, mandating DEI training, and requiring DEI statements from job candidates are also banned by many of the laws. Some also ban using federal money for campus DEI activities. Generally, classroom teaching, research, and student clubs and activities are exempt from the DEI bans.

The existing and proposed laws create tension with ongoing efforts to increase diversity in academia. The American Physical Society (APS) statement on diversity in physics, for example, says that the society "recognizes that the health of the physics discipline is best served by addressing the equally important goals of improving access to opportunities in physics to the betterment of all people, while also engaging the vast intellectual potential that resides in groups underrepresented in physics."

The laws are sending a chill across campuses, with uncertainty about what is legal and what the consequences are for individuals or institutions that overstep.



MORE THAN HALF THE STATES have introduced legislation that limits activities related to diversity, equity, and inclusion at institutions of higher education. (Map based on the DEI Legislation Tracker, *Chronicle of Higher Education*, 11 March 2024.)

Playing it safe

On 1 March the University of Florida announced that to comply with state regulations on prohibited expenditures, it has eliminated DEI positions. A university spokesperson said that 13 full-time positions were cut and 15 faculty members lost their DEI-related administrative responsibilities.

Chris Kelso, a physics professor at the University of North Florida (UNF), was part of a committee that focused on improving DEI across the College of Arts and Sciences. The committee was suspended last year after Florida's anti-DEI law passed, he says. "The chair was concerned that we couldn't have that kind of a committee. The efforts of the last three to four years will likely have to be scrapped." UNF is also phasing out its interfaith, intercultural, LGBTQ, and women's centers, he adds. "It's hard to know where the line is."

At a rural public university in Texas, a professor who requested anonymity was uncertain whether they were allowed to promote the Conference for Undergraduate Women and Gender Minorities in Physics on their website. Since the conference was open to everyone, says the professor, they did advertise it. "We can't promote things that don't apply to all students. We can say we promote activities for 'underserved' students, but not for 'underrepresented' students."

One typical prohibition of anti-DEI laws is to bar requiring a DEI statement from job applicants. "We now say we are looking for a candidate who is 'interested in creating a sense of belonging,' " says the Texas professor. "We are tweaking language everywhere to play it safe."

Around the country, university DEI offices have changed their names to the likes of "office of student success" or "office of student engagement." Several of those offices did not respond to questions on whether and how their activities have changed.

At the University of Central Florida (UCF), says physics professor Talat Rahman, "any committee that had 'diversity and inclusion' in its title was renamed." Florida universities had for years been emphasizing diversity and inclusion, she says. "A lot of efforts are in place at UCF; that is how we got the [federal] status of 'minority serving institution.'" The laws are trying to undo progress made in the past decade, she adds. "Our department has changed for the better for everyone, not just minorities."

Rahman says she will "proudly" continue her work on DEI activities, including the APS Bridge Program, which since 2013 has been offering an alternate path to graduate school. (See "A bridge between undergraduate and doctoral degrees," by Ted Hodapp and Kathryne Woodle, Physics Today, February 2017, page 50, and Physics Today, April 2019, page 22.) Rahman adds, though, that "we can be more inclusive," an approach that is in keeping with the scope of anti-DEI laws. "I am sensitive to first-generation college goers," she says. "We should be cognizant of white Americans who don't have access." She notes that anyone can apply to the Bridge Program.

Some departments or schools have put on hold prizes given to marginalized students, because they are unsure whether the awards are legal. Or they have changed the description to include students who have overcome barriers. That's also part of how many universities have pivoted with their admissions processes since the Supreme Court struck down affirmative action in higher education last June.

Academics are also questioning whether anti-DEI laws will negatively affect their applications to funding agencies, which often require a DEI statement. An NSF spokesperson wrote in an email to Physics Today that external factors such as state DEI laws are not considered in the evaluation of proposals. The agency, she wrote, "will continue to emphasize the importance of the broader impacts criteria in the merit review process and . . . is committed to continuing supporting programs and activities that broaden participation in STEM for the benefit of the Nation."

RAMÓN BARTHELEMY, a physicist at the University of Utah, is running for a seat in the state house, motivated in part to combat legislation that targets diversity, equity, and inclusion activities. (Courtesy of Ramón Barthelemy.)

Before Florida's anti-DEI law took effect, Kelso submitted a grant proposal to the US Department of Energy, which required a plan for promoting inclusive and equitable research (PIER). "I obtained funding," he says, "but it wasn't clear if UNF would take the money since my PIER plan may be in violation of state law." His proposal specifies that students who are hired on his grant participate in the APS Inclusion, Diversity, and Equity Alliance. APS-IDEA was started in 2018 to connect physics faculty and students at different institutions so that they could advance DEI in their home contexts. The program, says Kelso, "has been a very large benefit to our students. It's helped us to create a community for historically excluded students."

Ramón Barthelemy, whose physics education research at the University of Utah focuses on LGBTQ and other marginalized groups, expects grants to continue. "Universities find ways to let money flow in," he says.

Although research and teaching are supposedly unaffected by the new laws, professors worry about students reporting on comments that they make in class. "That could lead to a reprimand, or worse," says Barthelemy. He also notes that even though Utah's anti-DEI legislation is not yet law, a university announcement about his project, "Queering STEM Education," avoided the word "queer" in the public-facing abstract.

And anti-DEI laws may contribute to brain drain. UCF has openings in every department, says Rahman. In physics, four of five recent departures were because of the "political situation"

in Florida, she says. "You can't trace it all to the anti-DEI legislation, but that plays a role." The legislation will also make it harder to recruit both faculty and students, she and others say.

Maria Ong is a senior research scientist who studies the culture of physics at TERC, a STEM education R&D nonprofit in Cambridge, Massachusetts. Women and people of color already face "roadblock after roadblock" when they pursue physics careers, she says. "My fear is that with these new pieces of legislation, individuals will opt out early in their education and careers, and physics will be the worse for it."

External programs

Although independent DEI programs don't require state funding, physicists and their departments in states with anti-DEI legislation are reconsidering whether they can legally participate. Rahman says her department chair said they would pull out of APS-IDEA. "I said no, and the department chair said I have to do it on my own time," she says. At least one Texas physics department withdrew its application to join APS-IDEA because of that state's new law.

Erika Brown, the APS-IDEA program lead, notes that institutions are still interpreting the new legislation. "Ambiguity makes it unclear for some folks whether participation might be construed in a way that negatively impacts them," she says, adding that the consequences are "serious sounding."

The TEAM-UP Together initiative, launched in 2022 by the American Institute of Physics (publisher of PHYSICS TODAY) and partners, aims to double the number of African American physics bachelor's recipients by 2030. It grants money to students and to de-

ASHAUNI LENNOX/AAPT

Scientific progress and preservation clash in demolition of Curie building

A compromise involves relocating the historic structure.

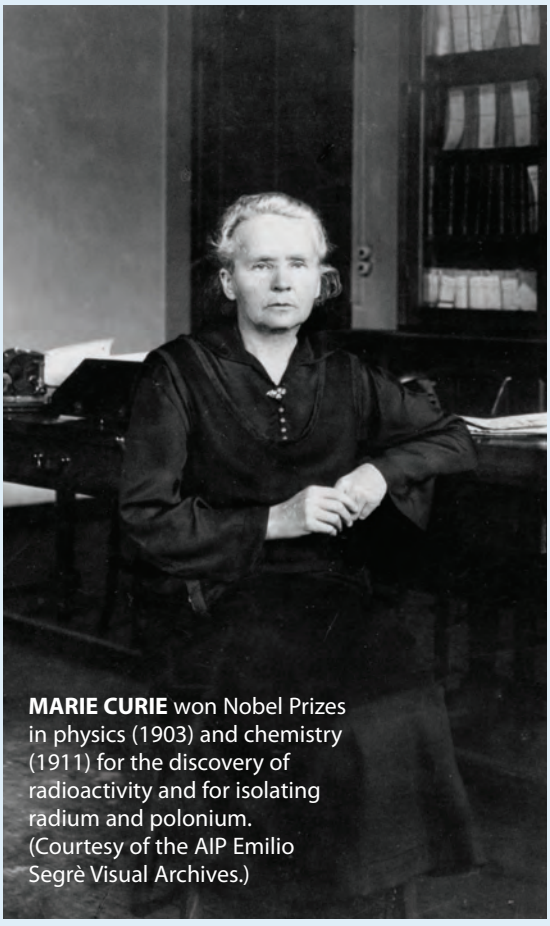
The Pavillon des Sources in Paris, where Marie Curie prepared and stored radioactive samples, is set to be removed to make way for a building that will house offices and laboratories for cancer research.

The plan was originally approved by the city of Paris in March 2023. At least two petitions were circulated worldwide in favor of preserving the building in honor of Curie—a two-time Nobel Prize recipient and possibly France's most prominent physicist as well as the world's most famous female scientist.

In response to opposition, the demolition plan was delayed and revised: Instead of razing the Pavillon des Sources, the building will be taken apart brick by brick and rebuilt nearby as an expansion to the Curie Museum. The solution was put forward by the Curie Institute—a nonprofit foundation created by Marie Curie that focuses on cancer research, teaching, and treatment—which announced it in a press release on 31 January.

Taking apart and rebuilding the Pavillon des Sources adds €5 million ($5.4 million) to the €13 million cost of the new building, according to the Curie Institute press office. The new building is supposed to be completed by 2026, the office says. It did not provide a date or exact site for the reassembly of the Pavillon des Sources. Many observers doubt it will really happen. "It's a decision that will not be fulfilled," says a Curie Institute scientist who requested anonymity because of the topic's controversy.

Completed in 1914, the Pavillon des Sources and two companion buildings were erected for Curie partly because people were "making pilgrimages to meet her, and she worked in disgraceful labs," says Laura Dawes, a science histo-



MARIE CURIE won Nobel Prizes in physics (1903) and chemistry (1911) for the discovery of radioactivity and for isolating radium and polonium. (Courtesy of the AIP Emilio Segrè Visual Archives.)