

Florida Diversity Equity Inclusion Senate Bill 266, Critical Race Theory Stop Woke Act, and House Bill 7: A Comprehensive Analysis to Address Race Consciousness in Higher Education Shared Governance

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Abstract

Critical race theory (CRT), “Stop Woke” Act House Bill (HB7), and diversity, equity, and inclusion (DEI) S 266 impede the progress of inclusiveness in the United States (U.S.), Higher Education (HE). This article **comprehensively analyzes** and draws on policies and practices, such as HB 7, which prohibits any training that fosters CRT, and Senate Bill (S 266), which limits DEI initiatives that educational practitioners utilize. It examines the barriers in the paradigms of shared governance to maintain a structure of shared governance that conceptualizes the interests of marginalized students. Higher education institutions recognize the aim of equity in fulfilling their mission to meet the students where they are. The article analyzes drawing on data from **empirical study findings**, Court Cases related to HB 7 and S 266, this article provides a framework of community practice (CoP) that engages all educational stakeholders through social justice and equity-minded approaches that would help to improve HE shared governance. This article underpins **social justice and equity-minded frameworks** through the implications of strategies to enforce the concepts of race consciousness in higher education, such as critical race theory (CRT) and DEI, despite policy and practice barriers.

Keywords

HB 7, S 266, DEI, CRT, CoP, Stop Woke, HE Shared Governance

1. Introduction

To date, the diversity, equity, and inclusion (DEI) and critical race theory (CRT)

backlash in higher education calls for scholars to educate stakeholders and act. From 2021 to 2022, lawmakers passed 153 measures against CRT (Hawkins, 2023). From 2022 to 2023, government entities enacted 57 measures to restrict CRT teaching in colleges and universities. Additionally, forty bills are in opposition to the DEI initiatives. “The anti-CRT and anti-DEI movements parallel recent Supreme Court decisions hindering affirmative action in race-conscious college admissions and even threaten the cornerstone established by *Brown v. Board of Education*.” In May 2023, Governor of Florida Ron DeSantis signed a State Bill 266 SB (266) law, passed July 1, 2023 (e.g., that bans multiple race studies and part of gender studies). S (266) prohibits funding to all programs and majors that promote DEI and CRT, and HB 7 prohibits workplace training that includes or discusses specific tenets associated with critical race theory (DeSantis, 2021). This article will examine anti-DEI and CRT funding that undermines core educational missions, and academic institutions must employ specific strategies to enhance these essential frameworks.

Researchers (e.g., Williams & Wade-Golden, 2013; Sweet, 2023) have emphasized DEI as a key transformation in HE. With the Civil Rights Movement era, the concept of DEI has garnered increasing scholarly attention (Yeo & Jeon, 2023). DEI is critical to improving students’ outcomes and offering a fair distribution of social justice and economic advantages. Positively, education is fundamental to enhancing democracy, which fosters good citizens by teaching them about human relations. Thus, students who train in diverse learning environments would have acquired heterogeneous knowledge, which motivates a democratic approach (Gurin et al., 2002). Understandably, social connections with diverse racial and ethnic groups enhance civic engagement. From researchers’ perspectives, many higher education institutions value the impact of DEI on educational outcomes (Claville, 2024; Conyers & Wright Fields, 2025; Cumming et al., 2023). However, in many states, government officials are reluctant to support DEI initiatives and have banned them (Bryant & Appleby, 2024). A national study encompasses knowledge of diversity based on informal interactional diversity (Gurin et al., 2002). Gurin et al. (2002) concluded that diversity experiences impact the active thinking and social engagement of students who will become future leaders in a democratic society. To support DEI, research has shown that industries with diverse teams experience a 19% increase in revenue and foster innovation (Lorenzo et al., 2018).

Recent legislative measures from DeSantis, the governor of Florida, have had systemic impacts on DEI initiatives at Florida State Colleges and Universities, exacerbating racial inequalities. Challenges created by the hegemonic power structure of the state, this article comprehensively analyzes the intersection of state governance, historical inequalities, community of practice (CoP), and legislative measures, such as HB 7 and SB 266. HB 7 prohibits instructors from teaching race-based material in public schools (Kuelzer, 2024). Shared governance models as collaborative decision-making processes that redistribute power and create more equitable policies, are proposed as a countermeasure to these challenges. This

analysis intentionally questions and examines legal cases related to racial discrimination to shed light on the work of scholars to enhance inclusivity in HE.

This paper analyzes the impact of recent Florida legislation (HB 7 and SB 266) that restricts diversity, equity, and inclusion (DEI) and critical race theory (CRT) in higher education. Using a framework of historical analysis, legal precedent, and social justice theory, the author argues these laws undermine educational missions and democratic principles. The paper proposes a Community of Practice (CoP) model within shared governance as a key strategy for stakeholders to resist these policies and improve inclusivity.

2. Literature Review

To tackle the discriminatory measures, the author draws on his experiences as a DEI student representative with backgrounds in (e.g., law, higher education faculty, social justice, multicultural, and cultural change). Furthermore, the article examined works that reference supporting scholarly literature by leaders in higher education. The author is dedicated to tackling the HB7 and S 266 issues raised on shared governance in higher education. *Share governance* inherits the power voiced by educational stakeholders (e.g., faculty, students, board members, administrators).

Recent issues raised concerns as there is a prediction that the U.S. population will become increasingly diverse (Espinosa et al., 2024). The growth of the diverse population in the U.S. makes government officials reluctant to implement DEI initiatives that support marginalized communities. Since 2020, over 200 state, local, and federal offices have enacted over 750 policies that exclude racial truth from black education (Carr & Yousfi, 2024). Bissell (2023) found that anti-CRT impacts Black student learning by emphasizing a race-discriminatory paradigm.

The community of practice model, as applied originally by Lave and Wenger (1991), fosters a learning system that promotes the sharing of learning experiences. A group of people come together to learn by sharing their expertise. Thus, COP is critical for sharing governance with stakeholders through their expertise and passion for addressing students' needs (Simon, 2019). Learning experiences from the COP of faculty as experimental outcomes may serve as a vehicle at the board to strengthen the diversity and inclusion of students. The implications of the CRT and DEI, with further research from scholars, undermine the paradigm of divisive concepts of DeSantis (Bissell, 2023; Ladson-Billings, 2021).

The DeSantis movement encompasses the acknowledgment of reshaping higher education's political ideology instead of its academic mission. The S (266) and HB 7 hinder free academic inquiry, and the DeSantis decision influences universities by prohibiting programs that in favor of the marginalized groups through the board, despite its mission to enhance higher education paradigms (Bissell, 2023).

Shin et al. (2022) conducted a study in 10 countries across Southeast and North-east Asia to promote institutional autonomy and capacity in higher education,

thereby ensuring an optimal environment for good governance. Shi and colleagues emphasized that the lack of autonomy among higher education stakeholders hinders good governance. Like the U.S., the high number of part-time faculty often lacks participation in decision-making, impacting good governance. [Estermann and Pruvot \(2020\)](#) recommended that higher education be independent. Thus, the authors found that institutional dependence can be managed in strategic ways to ensure accountability in responding to external challenges and social and economic needs.

3. Background

In the background section, emphasis is placed on the term of education, followed by the terms “*Education*” and “*woke*”, which are clearly defined to determine the impact of anti-DEI and anti-CRT in Florida universities. In the hegemonic lens of HE, despite Florida being one of the most diverse States in the United States, Florida State influences the power structure of school governance to maintain the status quo based on racial discrimination. In the educational context, race is always the center of discriminatory measures, since race is constructed to underestimate those who are labeled under specific groups or categories. Thus, the anti-DEI and anti-CRT become a tool to disenfranchise the equity opportunities of the race consciousness by eliminating access to their history and background in an educational environment.

3.1. Education

Education is a way to mobilize marginalized groups in a dominant culture upwardly. Thus, Dewey defined education as a process that shapes, forms, and molds a lens to predict the outcome of moving in social activity as a standard form ([Dewey, 1944](#)). Dewey’s work, first published in 1916, serves as a seminar on public education in *Democracy and Education*, as one of the most famous scholars of the century. However, pervasive policies and practices continue to rise in the school system despite the *Brown v. Board of Education*. Despite the efforts of race theorists, government officials have the power to determine educational opportunities based on race. However, education is Blacks’ only path to success ([Carter & Walner, 2013](#)). Similarly, Blacks in the South during the antebellum era, in the Jim Crow exclusion context, faced hurdles as Black students face anti-CRT and anti-DEI.

Furthermore, the creation of knowledge by social scientists and public intellectuals rejects other cultural, social, and political interests ([Banks, 2002](#)). Thus, the construction of knowledge historically rejects other races, ethnicities, and values in Social, political, and historical contexts. Racism and discrimination in the American South persist. Scholars call that the American Dilemma ([Lopez, 1994](#)). [Lopez \(1994\)](#) argued that race predicts the future.

3.2. Woke

The term Woke was found in racial justice perspectives. [Robinson \(2022\)](#) men-

tioned that *Woke* is defined as an “in-group sign, urging Black people to be aware of the system that harms and otherwise puts Black people at a disadvantage” (p. 12). In other terms, *woke* is used by the black community as a group that is aware of social injustice and inequality. However, Governor DeSantis has his interpretation of DEI and CRT as divisive concepts (Edelman, 2023). Edelman claimed a clear framework to ensure accountability and progress of racial justice and DEI. The Governor says that by divisive concept, CRT tenets promote anti-white racism and cultural division and serve as a threat to public institutions of education. Yeo and Jeon (2023) noticed that equity is a sense of fairness or justice and stressed that diversity can be mandated, while inclusion is a voluntary action to make people feel part of the community. Despite DEI and CRT hurdles, educational leaders understand that all students must be aware of history to understand the present, project a future, and receive fair treatment.

This article focuses on two main questions to analyze several court cases of racial discrimination in higher education. The examination of this article would serve scholars, researchers, and policymakers to better predict higher education inclusivity.

1) How did higher education stakeholders respond to historical practices like anti-DEI and anti-CRT?

2) How can shared governance through CoP that this model can enhance diversity and inclusion?

3.3. Historical Racial Inequalities in Higher Education

Race is a social construction. Race has a definition attributed to the hierarchical group that is dominant in determining racial classification by marginalized other groups, called non-dominant. How did higher education stakeholders respond to historical practices like anti-DEI and anti-CRT? Over centuries, educational opportunities have been restricted to Black marginalized students (Carr & Youfsi, 2024; Givens, 2021; Thelin, 2019). Truly, education is a vehicle to drive students to Western values. To explain the racial issues of anti-CRT and anti-DEI, the author draws on a historical analysis of higher education. Higher education institutions have existed in the U.S. since the 17th century. U.S., HE began in 1636. For example, after World War I, Black enrollment increased by slightly more than a thousand in 1930 (Thelin, 2019).

Thelin (2019) mentioned that progress occurred in Black enrollment after Marcus Garry passed a law requiring universities to admit Black students, in addition to the segregated Black campuses. Black enrollment jumped from fifteen hundred to two thousand in the first year (Thelin, 2019). The state provided scholarships for Black students to attend graduate schools out of state to comply with the dictum of separate but equal from Plessy v. Ferguson of school segregation. Thus, scholars argued that some policies and practices have been enacted to address race consciousness since the 1960s (e.g., The Higher Education Act of 1965 (Coynne, 2019); Title IV of the Civil Rights Act of 1964 (Determan & Ware, 1966)) through

shared governance.

3.4. Shared Governance

Equity and inclusion enhance student success based on shared governance through the collaboration of leaders. Shared governance is the policy process that brings faculty and administrators together to collaborate on issues to make decisions (Kezar & Posselt, 2020; McNair & McNair, 2016). The shared governance structure may vary from faculty to Senates, working with administrative cabinets and task forces. Shared governance that DEI influences impacts the needs of diverse groups. The concept of DEI, which originated in 1960 with the Civil Rights Movement, primarily focuses on race, religion, gender, sexual orientation, and country of origin (Edmunds & Lind, 2021). Cumming et al. (2023) found that 73% of institutions reported that DEI is directly related to their mission statements. However, legislative measures are implemented against DEI and CRT, which impact higher education's shared governance. Several court cases constitute repetitive patterns in fighting racial discrimination. Thus, resistance through court cases is a critical tool for responding to historical practices like DEI.

3.5. Resistance through Litigations

The power structure of HE education strengthens shared governance that supports the status quo. Thus, litigation is a way to challenge discriminatory laws and policies outside of higher education structures. In the 20th century, numerous judicial cases were brought to address issues related to the education of people of Color and discrimination against students in higher education. Since the 1950s and the 1960s, Activists have made more efforts to enhance freedom.

Historically, from *Plessy v. Ferguson*, which upheld school segregation despite being outlawed by *Brown v. Board of Education*, to anti-CRT and anti-DEI sentiments, the U.S. school system has faced numerous controversies. Similar cases where the Supreme Court ruled on the unconstitutionality of race admissions. However, the marginalized groups of slave descendants have the opportunity to address the oppressive phenomenon. In *Regents of the University of California v. Bakke (1978)*, where California at Davis upheld a policy to reserve several places for minorities in its Medical School, the Supreme Court ruled on the constitutionality of program admission based on race. Similarly, in 2003, the Supreme Court in *Grutter v. Bollinger* and *Gratz v. Bollinger* ruled against the University of Michigan, which upheld the University's rights to foster diversity by considering race in admissions. In 2016, the University of Texas rejected a White woman for admission, which led to the case of *Fisher v. University of Texas*. The court ruled that race should not be the sole factor determining admissions. The Supreme Court of June 2023, like those cases, in the affirmative action was like anti-CRT, as both centered on race, and were a wake-up call to undermine race consciousness.

Despite hurdles (e.g., racism, exclusion, and being unfit) that faculty and students of the marginalized groups face, CRT remains a theoretical framework rooted

in legal studies (Levinson, 2011; Miller et al., 2023) that enhances critical legal analysis on race, drawing influence from the Civil Rights Movement (DiTomaso, 2024; Ladson-Billings, 1995, 2021). However, HB7 restricts marginalized groups from learning from faculty with similar backgrounds who teach CRT. Historically, previous policies in the educational context have ignored the fact that diversity has an impact on educational outcomes. Thus, promoting diversity is considered elevated for some races, such as Black and Mexican, over others. However, Stout et al. (2018) found, through a quantitative study of 63 schools, including Black Colleges and universities (HBCUs), Asian American and Pacific Islander and Hispanic-Serving Institutions (HSIs), that ethnic/racial graduation rates are positively impacted when the faculty share the same ethnic/racial group.

However, the adoption of the Statement on Academic Freedom and Tenure (1944), which established tenure to protect faculty from arbitrary administrative decisions and to ensure their academic freedom in research and teaching, SB 266 violates these fundamental principles (Kezar & Dizon, 2019; Vong, 2024). One significant case is *Keyishian v. Board of Regents* of the University of the State of New York (1967). In this case, Harry Keyishian and other faculty members at the University of Buffalo became state employees in 1962. However, they faced challenges in renewing their contracts due to a state loyalty oath policy that labeled them as communists. The Supreme Court ruled that such overly broad and vague requirements violated educators' First Amendment rights, as they suppressed free thought and open discourse in education.

The *Pickering v. Board of Education* case began when school board officials in Will County, Illinois, terminated Lockport High School science teacher Marvin Pickering to write a letter to the Lockport board criticizing the board's excessive funds allocated to Athletics compared to school functions. *Pickering v. Board of Education*, 391 U.S. 563 (1968), remains the Supreme Court's seminal case on the First Amendment rights of public employees. The court ruled 3 - 1 against the teacher in the first appearance. However, the Supreme Court ruled that public employees do not relinquish their rights to speak on matters of importance. Thus, Pickering won 8 - 1. Despite the illegality of the discriminatory measures that violate the First and Fourteenth Amendments, faculty and students of color face issues of inclusion.

Similarly, recent policies and practices hinder the progress of democracy. Governor DeSantis's laws restricting conversations about race in colleges have faced backlash from a federal judge in Tallahassee, Florida. District Judge Mark Walker issued a temporary injunction against the "Stop WOKE" Act, describing the legislation as "positively dystopian". Judge Walker declared that the act violates the First Amendment and is impermissibly vague (Thomas, 2023).

Pernell v. Lamb

The Stop Wrongs Against Our Kids and Employees ("Stop W. O. K. E."). The Act is a classroom censorship and oppression law that restricts educators from teaching about race and gender in higher education and workplaces. On Pernell

v. Lamb, challenges Florida's Stop WOKE Act and its provisions under HB 7. In August 2018, higher education students and educators sued against the anti-Critical Race Theory (CRT) legislation. The plaintiffs argued that HB 7 violates their constitutional rights under the First and Fourteenth Amendments. These cases are supported by the Legal Defense Fund, the ACLU, the ACLU of Florida, and the law firm Ballard Spahr, which advocates for professors restricted from teaching specific subjects, including race and gender. In this instance, the Governor's imposition of his education viewpoint is vague and unconstitutional.

Furthermore, Foundation for Individual Rights in Education (FIRE) attorney Adam Steinbaugh supported that "Florida faculty have the constitutional right to speak freely in the classroom and deserve to know they are not alone if they decide to push back against this legislation" (FIRE, 2022). FIRE stands against HB7 to protect the constitutional rights of faculty and students.

3.6. Higher Education Institutions' Resistance

To respond to the discriminatory laws, the American Psychological Association's Division of Educational Psychology filed an amicus curiae brief in *Falls v. DeSantis* (2022) to protect democracy. The court ruled against the Governor DeSantis. However, research examines how diversity impacts college students, as *Castelin* (2024) found that the STOP WOKE Act, supported by DeSantis and other legislators, is hindering the progress of DEI. In fact, colleges and universities are safe spaces for students to be taught as leaders. If society is diverse, education is the vehicle to drive the desires of society. Students who engage in race and diversity courses are more likely to understand racial issues. DeSantis wants to rewrite history; thus, HB 7 enforces the pedagogy of unfreedom and oppression. Students have to learn both white and Black versions of history.

Certain states resist the anti-CRT and anti-DEI laws. The Jackson State University Faculty Senate in Mississippi opposes any efforts to control or modify the university curriculum on racial and social justice (Faison, 2023). Faison (2023) recommends that university administrators, faculty, Senate, and student government associations unite and take collective action to counter and thwart current or new legislation restrictions on CRT or DEI. This collective effort is crucial in shaping the future of education. Faison (2023) recommended that any resistance make education leaders understand and believe that race and gender are not integrated into history, science, literature, etc.

3.7. Stakeholders' Participation in Higher Education Shared Governance

3.7.1. Role of University President and Administrators

University presidents and other leaders are often neutral in the face of political attacks based on their position and relationship with the state authorities. They may have a constraint in following the political agenda of the White power structure. However, the power structure of higher education is white-dominant. The HE U.S. system is mainly white, dominant with white full-time tenured faculty

(Gasman et al., 2015; Patton, 2016). In this white structure, those leaders often do not have racial consciousness. DeSantis forced Florida universities to stop DEI. DEI training provided leaders with knowledge of race consciousness. Education imposes hegemonic discourse (Gramsci, 1971). The white power structure impacts both faculty and student-minoritized groups.

Despite the role of higher education leaders in tackling inequality and disparities, McNair and McNair (2016) noticed that “higher education leaders rarely acknowledge how higher education’s expectations, practices, policies, and unspoken rules further stratify and marginalize students” (p. 13). During the headline at Alabama University with protests about school segregation, Detroit Press noticed how President UA Frank Rose was surrounded under the pressure of government officials, “the new element” that altered UA officials’ plans to maintain peace, and Rose was seen as cowering under political pressure (Cole, 2020: p. 216). Alabama Governor George Wallace maintained pressure on the UA president. Without the contribution of all stakeholders, marginalized students would be eternal victims of discriminatory policies like HB 7 and S 266.

3.7.2. Role of Faculty and Students in Shared Governance

Students and faculty are often more vocal about their resistance to unlawful policies and practices. Historically, higher education has had a top-down governance structure (Kezar & Dizon, 2019). For example, faculty have less input in shared governance key responsibilities, while administrators have more control. Consequently, many faculty are part-time adjunct professors with no benefits and are not fully engaged in the higher education decision-making process. Thus, the power structure impacts faculty inclusion in higher education shared governance. Scholars have noticed in the last decades that faculty inclusion in shared governance faces roadblocks that enhance a decline of their voice in decision-making (Kezar & Dizon, 2019).

3.7.3. Student Participation in Shared Governance

Participation of students is critical to the client/customer paradigm. Students’ attitudes and perceptions mostly rely on the social cognitive theory (SCT) framework. Students are rarely invited to shared governance (Lac & Mansfield, 2018). Students’ participation in shared governance may increase their awareness of their school experiences. Lac and Mansfield (2018) recommended that higher education leaders include students in school governance. Student voices can shape policies and practices that affect young people’s school experiences (Lac & Mansfield, 2018). From the previous policies and practices on CRT and DEI, students did not make a difference, even though they protested the anti-CRT and anti-DEI. Student protests in the 1960s and 70s impacted campus decision-making. However, nine students were expelled from campus for their protests, and university administrators considered them a threat to the university. The governor of Alabama stated to prevent bloodshed in the city, “If we ever bow to the threat of a mob, we are on our way out and they’ll get more arrogant every

day” (Cole, 2020: p. 203). Student participation is a threat to the higher education status quo.

Students of Color recognize the impact of their lived experiences on their learning. For example, Ayana, a Haitian student featured in Tichavakunda (2021), grew up in New York and profoundly understands how cultural differences shape experiences. Black students feel more welcomed in schools that value and affirm their cultural backgrounds. In this sense, Ayana believes race is a social construct without a biological basis. Thus, Black students feel a stronger sense of belonging when colleges actively engage with and incorporate their culture. From this perspective, scholars argued that CRT adopts a form of racial essentialism if students of color bring valuable knowledge shaped by their racial consciousness (Delgado & Stefancic, 2023). Additionally, the campus racial climate is a crucial learning environment in higher education, shaping students’ racial and political development (Tichavakunda, 2021).

Dewey stated the following about democratic education: With the experiences that make students value real and significant experiences for their own lives, preparing them “for democratic life by involving them in democratic living appropriate for their age”. Dewey envisioned teachers encouraging students to reconsider and revise their values and beliefs (as cited in Carter & Welner, 2013: p. 213). He added that school is a special environment dedicated to developing its members’ moral and mental development (Dewey, 1930). For example, education is the vehicle that drives the desires of society. Students who engage in race and diversity courses are more likely to understand racial issues.

Without explicitly naming it, Dewey advocated for an equity-minded approach to addressing students’ needs fairly within the learning process. Students have expressed a sense of motivation when their values and cultural backgrounds are reflected in the curriculum. For example, Linda shared both pride and pressure in her learning experiences, stating: “I would get a kind of pride out of being the only Black woman, like look at me. Look at me doing it! Representing my people” (Tichavakunda, 2021: p. 119).

Scholars from the DEI and CRT center believe there is potential to address the current laws. Ladson-Billings (2021) stated that students’ real-life experiences are legitimate as part of the official curriculum (p. 71). Thus, a class environment that enhances intellectual discourse under students’ lead fosters inquiry to challenge the status quo (Ladson-Billings, 2021). Learners can be a source of knowledge and skills in culturally relevant pedagogy. From this culturally sustaining pedagogy, students consider them as subjects rather than objects (Freire, 2014). Emdin (2017) also argued that student realities often differ despite considering culturally relevant pedagogy. An open discourse environment that enhances student reality sharing is crucial to viewing students as subjects rather than objects (Freire, 2014). Thus, as immobilizing and fixation forces, banking theory and practice have not acknowledged men and women as historical beings; problem-posing theory and practice take people’s history as their starting point (Freire, 2014: p. 84). Partici-

pants' voices are central to their learning.

4. Conceptual Theoretical Framework

4.1. Community of Practice (CoP) through Equity-Minded and Social Justice

To respond to questions related to shared governance, scholars believe that an equity-minded and social justice approach is crucial to reduce gaps between marginalized groups and the dominant groups. However, equity-minded institutions require many efforts to enhance mind-shifts and move from the traditional approach to building awareness and increasing knowledge to promote social justice (Malcom-Piqueux & Bensimon, 2017). For example, the anti-CRT and anti-DEI perpetuate a call to action to increase the knowledge of educational leaders on race consciousness. Collaborative efforts can drive a systematic change by creating equity-minded perspectives (Malcom-Piqueux & Bensimon, 2017; Sidman-Taveau & Hoffman, 2019). Thus, community of practice (COP) enhances collaborative networks for educational stakeholders to share resources to thrive in student success (Kezar & Posselt, 2020; McNair & McNair, 2016). Thus, educational stakeholders sharing similar interests would develop their knowledge on race consciousness to impact the shared governance decision-making process.

Furthermore, Hakkola et al.'s (2021) study on (CoPs) found that communities of practice provide a supportive space for faculty to work and critique policies and practices by advocating for social justice to change the systematic structure. The authors used grounded theory to investigate Northeast University participants' understanding and motivation. In this study, all participants expressed their positive attitudes regarding collaborative work to foster environmental equity. One respondent from Hakkola et al.'s (2021) study mentioned that:

I think my understanding of equity has broadened and deepened in the sense that I am closer to understanding ways in which the structure of education and culture might be sexist, racist, ableist, ageist, and so on. It feels like. It feels like a glacier moving so little and so slowly despite the feeling of much effort (Hakkola et al., 2021: p. 403).

Similarly, another respondent expressed that:

I left the last meeting pondering my role in reinforcing inequitable patterns and structures by "meeting students where they are" or staying silent in some professional spaces. I think the tension between remarking these institutions and maintaining their traditional patterns through continued forms of participation is a thing I struggle with constantly in all my work (Hakkola et al., 2021: p. 403).

Another study by Furco and Moely (2012) looked at eight higher education institutions from the perspective of incorporating service learning. Two hundred twenty-one faculty members collaboratively shared knowledge about experiences to improve service learning. This study conducted an 8 to 10-week-long seminar.

The syllabus was designed to meet students' learning services needs, share readings, and examine conceptual issues through faculty collaboration to foster social justice and equity to meet marginalized students' needs. Participants noticed that, as they completed the service-learning seminars, they were motivated to make fundamental changes on campus through institutional support. Thus, educational innovation requires stakeholders' collaboration.

Higher education institutions must help develop faculty competent in social justice and equity lenses. [George \(2017\)](#) urged social justice leaders to address the structural inequities that impede student access and success. [Esters' \(2017\)](#) study included a cohort of thirteen institutions working toward improving student success, focused on equity and excellence. Institutions recognize that collaboration among educational stakeholders can assist students in overcoming obstacles to achieving success.

[Bensimon \(2018\)](#) defines equity as achieving racial proportionality in education outcomes and critically assessing whiteness at institutional and practice levels (p. 98). Scholars argue that equity is critical to working toward student success by tackling inequalities ([Sidman-Taveau & Hoffman, 2019](#)). Despite policies and social movements to enhance equity, the higher education structure maintains hegemony in an academic environment. Thus, equity-mindedness is a powerful tool for changing educational policies, practices, and historical realities perpetuating campus disparities ([Bensimon, 2018](#); [Bensimon et al., 2016](#)). In this instance, faculty and educational stakeholders who are not color-blind are at the center of promoting change in universities and college environments. Despite anti-CRT and anti-DEI laws that leave the power to government officials to control curriculum, participants in CoPs feel that they struggle with the traditional structure and must act. Thus, educational leaders play a central role in enhancing an equity-minded approach.

Previous research (e.g., [Furco and Moely, 2012](#)) got similar results to [Hakkola et al. \(2021\)](#) that an equity-minded approach through sharing resources impacts students' achievement. Equity-minded practitioners reflect an awareness of responding to the systemic nature of racial/ethnic inequities. The role of the teacher in the equity-minded paradigm is crucial to enhancing equity in the classroom. Researchers argued that black teachers emphasize the relationship between knowledge production and black life's social, psychic, and material realities ([Givens, 2021](#)). Thus, higher education must shift from traditional paradigms to a student-ready college where all students can be educated with skills to participate in a global and interconnected society ([McNair & McNair, 2016](#)). Institutional policies must consider the global aspect of education to support global citizens.

4.2. Social Justice and Equity Minded Theoretical Framework to Empower Shared Governance

While scholars focus on the impact of anti-CRT and anti-DEI, little has been done to take proactive measures. Thus, equity-mindedness and social justice are the most essential frameworks that scholars have found in the era of the dismantling

of academic freedom and freedom of speech (Kezar & Dizon, 2019; Kuelzer, 2024). For this instance, higher education institutions enhance equity measures (Kezar & Dizon, 2019) that conflict with the bans on CRT and DEI. The anti-CRT and anti-DEI call for a shared governance framework, which involves collaboration between faculty, staff, and students in decision-making processes, is not just a tool but a powerful force for tackling policies and practices that trigger CRT and DEI (Kezar & Dizon, 2019). This framework, viewed through a lens of power redistribution, creates more socially and equitably driven decisions and policies that foster inclusion in higher education.

Social justice and equity-minded models provide a framework that actively aims to address systemic inequities and promote fairness by considering the unique needs and experiences of marginalized groups, working to dismantle oppressive structures, and ensuring everyone has equal access to school opportunities and resources. Despite differences in background or identity, the social justice and equity-minded framework emphasize critical reflection on the power structure of higher education dynamics and actively works to disrupt biased practices to achieve social justice. The American Association of Colleges & Universities (AACU), in the context of improving college success, access, and completion, promotes diversity, equity, and educational efforts through its mission (George, 2017). Implications of those frameworks require leaders to equip themselves with knowledge through a social justice and equity-minded approach.

Equity-mindedness is defined as “the perspective or mode of thinking exhibited by practitioners who call attention to patterns of inequity in [college] student outcomes” (Center for Urban Education, University of Southern California, n.d.: para. 1). A deficit-minded approach shifts to not blame marginalized students for a lack of motivation, preparation, or study skills (Malcom-Piqueux & Bensimon, 2017). Historically, marginalized students have been judged for what they do not have instead of focusing on their values. Educational practitioners cannot resolve the equity gap outside the socio-historical context of the United States. Thus, scholars recommend (e.g., that equity-minded approaches focus on conscious public commitment, widening the circle, dynamic institutionalization, and transformative discourse (Kezar & Posselt, 2020).

To address the challenges of dynamic issues in the power structure, Kezar and Dizon (2019) proposed that shared governance is a paradigm that fosters collaboration between faculty and administrators to make decisions at various levels. However, marginalized faculty and students often have no voice in decision-making. Thus, transformative discourse is one of the tenets of social justice and equity that Kezar and Dizon (2019) believed would enable all members to listen to multiple viewpoints and reach a consensus in the best interest of the mission of HE institutions.

Importantly, the transformative share of governance model, which shares power among all stakeholders, is critical to serving marginalized groups. However, the state redefines the tenure status by prohibiting professors from teaching spe-

cific topics (e.g., race, gender, and ethnicity). These new laws banning CRT and DEI create uncertainty about how academic communities can serve and legally support students and faculty from marginalized groups. Academic communities weaken language to play it safe, as a Texas professor mentioned: “Office of Student Success” and “Office of Student Engagement” (Feder, 2024). Educational leaders find a way to change the language of the courses and move DEI by switching to programs that can provide similar services to students from low-income families.

4.3. Litigations against “Stop WOKE”

Governor DeSantis’s laws restricting conversations about race in colleges have faced backlash from a federal judge in Tallahassee, Florida. District Judge Mark Walker issued a temporary injunction against the “Stop WOKE” Act, describing the legislation as “positively dystopian” (Thomas, 2023). Walker wrote about democracy in education:

Our professors are critical to a healthy democracy, and the state of Florida’s decision to choose which viewpoints are worthy of illumination and which must remain in the shadows has implications for us all. If our priests of democracy are not allowed to shed light on challenging ideas, then democracy will die in darkness.

The judge ruled against the “Stop WOKE” Act, which restricted diversity and race-based discussions in educational institutions. Like previous legal interpretations, Judge Walker declared that the act violates the First Amendment and is impermissibly vague. ¹ He also found that a related law, which applied to diversity, inclusion, and bias training in businesses, effectively turned the First Amendment “upside down”.

4.4. Stakeholders’ Participation in Higher Education Shared Governance

4.4.1. Role of University President and Administrators

University presidents and other leaders are often neutral in the face of political attacks based on their position and relationship with the state authorities. They may have a constraint in following the political agenda of the White power structure. However, the power structure of higher education is white-dominant. The HE U.S. system is mainly white-dominant with white full-time tenured faculty (Gasman et al., 2015; Patton, 2016). In this white structure, those leaders often do not have racial consciousness. DeSantis forced Florida universities to stop DEI. DEI training provided leaders with knowledge of race consciousness. Education imposes hegemonic discourse (Gramsci, 1971). The white power structure impacts both faculty and student-minoritized groups.

Despite the role of higher education leaders in tackling inequality and disparities, McNair and McNair (2016) noticed that “higher education leaders rarely acknowledge how higher education’s expectations, practices, policies, and unspoken rules further stratify and marginalize students” (p. 13). During the headline

at Alabama University with protests about school segregation, Detroit Press noticed how President UA Frank Rose was surrounded under the pressure of government officials, “the new element” that altered UA officials’ plans to maintain peace, and Rose was seen as cowering under political pressure (Cole, 2020: p. 216). Alabama Governor George Wallace maintained pressure on the UA president. Without the contribution of all stakeholders, marginalized students would be eternal victims of discriminatory policies like HB 7 and S 266.

4.4.2. Role of Faculty and Students in Shared Governance

Students and faculty are often more vocal about their resistance to unlawful policies and practices. Historically, higher education has had a top-down governance structure (Kezar & Dizon, 2019). For example, faculty have less input in shared governance key responsibilities, while administrators have more control. Consequently, many faculty are part-time adjunct professors with no benefits and are not fully engaged in the higher education decision-making process. Thus, the power structure impacts faculty inclusion in higher education shared governance. Scholars have noticed in the last decades that faculty inclusion in shared governance faces roadblocks that enhance a decline of their voice in decision-making (Kezar & Dizon, 2019).

4.4.3. Student Participation in Shared Governance

Participation of students is critical to the client/customer paradigm. Researchers argued that student involvement in decision-making is valuable (Lac & Mansfield, 2018). Students’ attitudes and perceptions mostly rely on the social cognitive theory (SCT) framework. Students are rarely invited to shared governance (Lac & Mansfield, 2018). Students’ participation in shared governance may increase their awareness of their school experiences. Lac and Mansfield (2018) recommended that higher education leaders include students in school governance. Student voices can shape policies and practices that affect young people’s school experiences (Lac & Mansfield, 2018). From the previous policies and practices on CRT and DEI, students did not make a difference, even though they protested the anti-CRT and anti-DEI. Student protests in the 1960s and 70s impacted campus decision-making. However, nine students were expelled from campus for their protests, and university administrators considered them a threat to the university. The governor of Alabama stated to prevent bloodshed in the city, “If we ever bow to the threat of a mob, we are on our way out and they’ll get more arrogant every day” (Cole, 2020: p. 203). Student participation is a threat to the higher education status quo.

Students of Color recognize the impact of their lived experiences on their learning. For example, Ayana, a Haitian student featured in Tichavakunda (2021), grew up in New York and profoundly understands how cultural differences shape experiences. Black students feel more welcomed in schools that value and affirm their cultural backgrounds. In this sense, Ayana believes race is a social construct without a biological basis. Thus, Black students feel a stronger sense of belonging

when colleges actively engage with and incorporate their culture. From this perspective, scholars argued that CRT adopts a form of racial essentialism if students of color bring valuable knowledge shaped by their racial consciousness (Delgado & Stefancic, 2023). Additionally, the campus racial climate is a crucial learning environment in higher education, shaping students' racial and political development (Tichavakunda, 2021).

Dewey stated the following about democratic education: With the experiences that make students value real and significant experiences for their own lives, preparing them “for democratic life by involving them in democratic living appropriate for their age. Dewey envisioned teachers encouraging students to reconsider and revise their values and beliefs (as cited in Carter & Welner, 2013: p. 213).

Without explicitly naming it, Dewey advocated for an equity-minded approach to addressing students' needs fairly within the learning process. Students have expressed a sense of motivation when their values and cultural backgrounds are reflected in the curriculum. For example, Linda shared both pride and pressure in her learning experiences, stating: “I would get a kind of pride out of being the only Black woman, like look at me. Look at me doing it! Representing my people” (Tichavakunda, 2021: p. 119).

Scholars from the DEI and CRT center believe there is potential to address the current laws. Ladson-Billings (2021) stated that students' real-life experiences are legitimate as part of the official curriculum (p. 71). Thus, a class environment that enhances intellectual discourse under students' lead fosters inquiry to challenge the status quo (Ladson-Billings, 2021). Learners can be a source of knowledge and skills in culturally relevant pedagogy. From this culturally sustaining pedagogy, students consider them as subjects rather than objects (Freire, 2014).

5. Findings and Discussions Supported by Empirical Studies

The comprehensive approach analyzes litigations, higher education background, and court cases through historical inequalities of HE, and scholarly works demonstrating that (e.g., CoP through social justice and equity-minded, awareness of race consciousness, and DEI impacts) are crucial to impact shared governance in higher education. Proactive actions, such as CoP, are crucial to help all stakeholders collaborate and resist anti-CRT and anti-DEI. Many studies have supported social justice and equity-mindedness (Hakkola et al., 2021; Kezar & Dizon, 2019; Malcom-Piqueux & Bensimon, 2017; Williams & Wade-Golden, 2013). Research has shown that faculty who participate in a community of practice enhance curriculum and service-learning changes (Hakkola et al., 2021). Thus, CoP needs a diversity of philosophies that embrace (e.g., Blacks, White, Afro-Caribbeans, Hispanics, Asians, etc.). DiTomaso (2024) promoted DEI and CRT to HE diversity. This article highlights the need for diversity to be applied to the Board to foster diverse perspectives and reject the traditional approach of supporting the status quo. Often, discriminatory policies such as (e.g., anti-CRT, anti-DEI, and banned affirmative action) are enacted by the homogenous dominant groups.

This article confirmed from empirical findings that anti-CRT and anti-DEI have an impact on marginalized students' learning. Thus, training educational leaders in race-conscious awareness through shared governance may positively impact marginalized students' learning. Thus, McNair and McNair (2016) noticed that HE leaders do not often mention how higher education expectations, practices, policies, and even unspoken rules affect marginalized students. For example, excluding students' race from curricula is one of the approaches that impacts the achievement of marginalized students. Thus, stakeholders may focus on social justice and equity by providing comprehensive strategies (George, 2017; Williams & Wade-Golden, 2013), including the assessment of the needs of marginalized groups to improve inclusion.

Despite policies like *Brown v. Board of Education*, affirmative action, CRT, and DEI, scholars have found that higher education culture still hinders Black students' academic achievement (Cole, 2020; Condrón et al., 2013). Although *Brown v. Board of Education* outlawed school segregation that fostered inequalities in 1954 (Patterson, 2001), higher education remains reluctant to provide equal educational opportunities. Several scholars (e.g., Dewey, 2024; Emdin, 2017; Freire & Macedo, 1995; Ladson-Billings, 1995) may agree on a consensus that education cannot be effective without incorporating participants' cultures, needs, and realities. Dewey (1944) advocated providing quality education through a democratic approach that argues against any threats to democracy in education. Similarly, Freire (1970) advocated dialogue between teachers and learners. The institutions must continue providing data to undermine DEI and CRT's assumptions as divisive concepts. The DEI center at universities can improve the campus climate for marginalized students. Festl (2025) emphasized the concept of education from Dewey's philosophy to enhance practice that teaches democratic values.

Contrary to anti-CRT and anti-DEI, Phil Murphy, the governor of New Jersey, took the opposite approach by protecting marginalized groups' literacy when he passed a law in December 2020, into *law A3446/S2421*, known as the *Freedom to Read Act*, ensuring that (e.g., students, parents, communities, learners) have access to the equitable tools and resources necessary to become stronger and more proficient readers. Regarding proactive actions, other states have a model to follow to protect Black literacy. Furthermore, educational leaders, including the Board of Trustees, are trained and aware of race consciousness to enhance equitable governance. Thus, enhancing diversity in all sectors can help shift policies to create an inclusive environment that serves all students equitably.

6. Conclusion and Implications

This article elucidates that anti-CRT and anti-DEI violated the citizens' rights and proclaimed a threat against democracy. The anti-CRT and anti-DEI attacks democracy, where higher education stakeholders can apply a social justice and equity-minded approach to undermine inequities. Niehoff (2018) mentioned *Pickering v. Board of Education*, 391 U.S. 563 (1968), which serves as the Supreme

Court's seminal case on the First Amendment rights of public employees. Murchie (2019) argued that teachers are apolitical but can fight for social change.

Dewey (1930) advocated for what must be done to improve social conditions. Thus, some educational stakeholders resist discriminatory policies. For example, Judge Walker, in his statement in *Pernell v. Florida* (2022), mentioned that HB 7 is "positively dystopian" (Thomas, 2023). The U.S. Constitution is above state policies, and marginalized groups deserve the right to quality education, and their voices need to be heard. However, anti-CRT and anti-DEI impact HE shared governance. In a multi-country research project, Croucher et al. (2020) found that the stakeholders' values and characteristics are crucial to good governance. Hudson and Wood (2021) called for investment in diverse faculty to match the diversity of students. Furthermore, the Board of Trustees should be diverse with the growth of students of color in HE. Yeo and Jeon (2023) suggested that leaders enhance the practicability of the diversity paradigm for the best interest of individuals.

To build a better world, the University of Pennsylvania's motto, "Leges sine Moribus vanae" (Laws without morals are useless), is applicable. Despite the academic freedom protections acquired for faculty, Florida HB 7 attacks scholars and their scholarship. The First Amendment guarantees free speech for students and professors as citizens. The Fourteenth Amendment provides equal protection, as DEI is a framework to enhance diverse knowledge. Wendell Dabney, who founded the NAACP in 1915, supported the appointment of color teachers when he stated: "for Dabney, Blacks had sacrificed their rights to secure color teachers, color song, and color prayers" (Douglas, 2005: p. 194). However, People of color are marginalized in the educational spectrum and have recently been put back in before *Brown v. Board of Education* to enforce the Jim Crow and *Plessy v. Ferguson*, where both enhanced segregations to undervalue Black education.

The paradigms of the equity-minded framework can shift higher education culture to new institutional mechanisms (Dowd & Elmore, 2019; Liera & Desir, 2023; George, 2017). Thus, the higher education cultural shift is a better way for all the higher education stakeholders through shared governance to collaborate and face the dilemma of anti-CFRT and anti-DEI to foster democracy. For example, the Freedom to Read Acts Protect Black literacy. Black students prevail. Despite the exclusion Black students faced, for example, Paul Robeson was an honors student at Rutgers University and became a world-famous baritone and actor, a star football player, a television star, and a producer. In 1915, Paul Robeson won an academic scholarship at Rutgers University and was the only African American student. Thus, CRT is an essential academic framework and "*sine qua non*" to enhance knowledge through race consciousness (Liera & Desir, 2023). The "Stop Woke" intentionally ruled against Black literacy (Russell-Brown, 2023).

There is a call to enhance DEI using College Mottoes and American Aspirations of the colonial period, with the equitable purposes "Veritas," where Harvard emphasized truth, and the "Lux et veritas" (light and truth) as Yale adopted the two

concepts of revelation and reason (Theelin, 2019) to tackle the Stop Woke. However, the U.S. is the world's top university, creating a threat against diverse marginalized groups, including international students, which hinders higher education progress. Research has shown that DEI higher education training implications are relevant to quality education (Claville, 2024). Higher education in the United States is not only the cornerstone of the economic and job markets, but also the global admiration for academic excellence, innovation, and intellectual recognition. Thus, recommendations from this article can serve as a safeguard to keep its global values.

7. Recommendations

The role of Boards of Trustees is questionable, and it is up to educators to determine whether the boards effectively support the mission of higher education. Thus, the political influence on the board's decisions requires depoliticization of the board to protect shareholder governance. However, policies impact higher education decisions (Mutua, 2022). In this context, *Brown v. Board of Education* underscores that race consciousness can be at the center of higher education research as a guide to hinder the progress of *Jim Crow*.

Furthermore, diversity (e.g., race, ethnicity, gender, and professionals) on board, guided by an equity-minded framework, is essential to ensure that students from various ethnic groups have a platform to express their voices. Inclusion in academia to bring expertise from faculty without undermining knowledge-based weight of voices as discriminatory) of campus stakeholders (Weiss & Partridge, 2025). Others suggested that well-trained, loyal staff and board independence are high, which will enhance a more informed role of board governance practices (Kretek et al., 2013). However, most board control is by state legislators and governors through political processes (Weiss & Partridge, 2025). Thus, in this context, the university has the freedom to nominate its board, university presidents, faculty senates, or student groups through the community of practice, which effectively implements an equity-minded shared governance model.

The implication of institutional autonomy is central to good governance in addressing an equitable-minded framework through a race-conscious approach. Otherwise, the hegemonic power of certain officials over the board of governance will continue to undermine programs that enhance diversity and inclusion, which promote race consciousness to address disparities in HE. Thus, the equity-minded framework is crucial for continuing to provide DEI programs that meet the diverse needs of all students and emphasize social justice. Recommendations based on evidence from this article will encourage the involvement of stakeholders (e.g., educational stakeholders, researchers, and policymakers) to address anti-CRT and anti-DEI practices, thereby enhancing policies and practices that promote equitable outcomes for historically marginalized groups.

Conflicts of Interest

The author declares that to complete this paper, he has no conflict of interest.

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