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Ethics Alive! Anti-DEI Laws, Moral Distress, and Student Roles

BY **ALLAN BARSKY**

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by Allan Barsky, JD, MSW, PhD

For social work students and practitioners, developing competence in relation to diversity, equity, and inclusion is a cornerstone of social work education. Under the [Code of Ethics of the National Association of Social Workers \(NASW, 2021\)](#), social workers have ethical obligations to conduct practice with cultural humility and cultural competence, and to address social injustices such as racism, sexism, xenophobia, ableism, ageism, and homophobia. Under the [Educational Policies and Accreditation Standards of the Council on Social Work Education \(the national accrediting body for BSW, MSW, and DSW programs, CSWE, 2022\)](#), one of the core competencies that social work students are expected to acquire is Competency 3, the ability to “Engage Anti-Racism, Diversity, Equity, and Inclusion (ADEI) in Practice.”

From 2021 to 2023, a concerning trend has emerged as 22 states have introduced or enacted 40 pieces of legislation that would restrict DEI initiatives and the teaching of DEI at publicly funded institutions of higher education ([Chronicle of Higher Education, 2023](#)). These laws may present social work educators with a conflict between their ethical and legal responsibilities. On one hand, as social work educators, they are supposed to help students develop DEI competencies. On the other hand, they may face harsh repercussions if they contravene laws restricting DEI training and education on campus. This article begins with an overview of anti-DEI legislation, including what such statutes actually state. The

balance of the article explores the moral distress that social work educators may face, as well as options for social work students who want to develop DEI competencies, support their instructors, and advocate for legislative reform that advances DEI education.

What Are Anti-DEI Laws?

For the purposes of this article, “anti-DEI law” is an umbrella term for any law that bans or restricts the training, education, or support of DEI in institutes of higher education.^[1] Anti-DEI laws include legislation, regulations, or executive orders that:

- restrict teaching material related to diversity, equity, inclusion, implicit bias, antiracism, critical race theory, LGBTQ+ individuals, abortion, or topics that may cause students to feel “uncomfortable” ([Brin, 2022](#); [Florida House Bill 7, 2022](#); [Florida House Bill 1557](#); [Florida Senate Bill 266, 2023](#); [Myskow, 2022](#); [North Carolina Senate Bill 364, 2023](#));
- permit students to video record classes without their instructor’s consent and file complaints against instructors who they feel are restricting their rights to intellectual freedom and intellectual diversity ([Cohn, 2021](#); [Florida House Bill 233, 2021](#));
- prohibit universities from using state funds for DEI offices or activities ([Diep & Pettit, 2023](#); [Texas Senate Bill 17, 2023](#));
- impinge academic freedom by weakening or ending tenure, or subjecting faculty to discipline for contravening state laws, regulations, or policies ([American Association of University Professors \[Georgia\], 2021](#); [South Carolina House Bill 4522, 2022](#)).

Note that most of these laws apply to public universities, but not private universities. Also, note that some laws pertain to content taught in credit courses, whereas others refer to trainings that may be required of university instructors, staff, or students. Several anti-DEI laws have been challenged as unconstitutional. Critics of these laws suggest that they are vaguely worded and punitive; they will be used to suppress certain political viewpoints; and they breach the principles of academic freedom, freedom of expression, and equality under the law. As the enactment of anti-DEI laws in various states is a rapidly evolving situation, it is imperative to keep

apprised of legal challenges, current injunctions, and subsequent rulings that affect these laws' enforcement.

How Are Anti-DEI Laws Affecting Social Work Education?

Various BSW/MSW/DSW programs and instructors^[2] are grappling with anti-DEI legislation in different ways. Some instructors, driven by their commitment to the principles of DEI and academic freedom, remain steadfast in covering DEI in their courses. In doing so, they may be placing themselves at heightened risk for legal sanctions, as well as discipline by their universities or colleges. In instances in which instructors face termination for violating anti-DEI laws, civil liberties organizations and faculty unions may assist with bringing forth test cases to challenge the constitutionality of these laws. In contrast, other instructors, wanting to avoid sanctions against themselves and their institutions, have stripped their courses of DEI content to ensure that they are compliant with the laws. Still other instructors, taking a middle ground, have removed certain types of DEI content but selectively maintain other types. For example, they may avoid contentious concepts such as implicit bias, systemic racism, and social privilege, but continue to teach about working with people from different cultures, belief systems, ethnicities, and socioeconomic backgrounds. As part of the fallout of anti-DEI laws, some social work schools have canceled courses such as "Race and Social Work," or have restructured courses such as "Anti-Oppressive Social Work" to include macro practice while eschewing direct references to concepts such as anti-oppression or anti-racism.

Anti-DEI laws have undeniably instilled a sense of moral distress among social work educators. Educators understand the importance of incorporating DEI in their courses, and, at the same time, many feel that their careers have been imperiled by looming threats of anti-DEI laws and political attacks against educators who embrace DEI in their courses. Given this challenging landscape, some faculty have left their positions, seeking new jobs in other states or in private universities. Others are reevaluating their futures in academia. Many educators remain in positions affected by anti-DEI legislation and are coping as best they can, hoping that

these laws will be overturned in court or reformed through significant shifts in government policy.

What Roles Can Social Work Students Play?

If you are a social work student, your primary role is to immerse yourself in professional development, nurturing the skills, knowledge, and self-awareness that you will need to be an effective and ethical social worker. Key among these skills are DEI competencies. Ensuring your proficiency in these skills not only benefits you, but also benefits the individuals, families, groups, organizations, and communities that you will be serving throughout your professional career. Ideally, your curriculum will encompass lectures, experiential exercises, assignments, discussions, and examinations that facilitate development of DEI competencies. However, if you perceive any gaps in your DEI education because anti-DEI laws are restricting what instructors may teach, consider ways in which you may enhance this aspect of your education through other means. For example:

- speak with your instructors outside of class, asking for supplementary resources or opportunities to develop your DEI knowledge and skills,
- use your field experience and discussions with your field instructors to enhance your DEI knowledge and skills,
- collaborate with student organizations to develop and provide guest speakers, in-person and online discussion groups, theatrical performances, or other opportunities to enhance your DEI education, and
- step beyond your educational institution by attending conferences, seminars, book clubs, and discussion groups that relate to DEI.

Historically, students have played pivotal roles in social movements, including the civil rights movements of the 1950s and 1960s, and climate change activism in recent years. Given their passion, idealism, and higher levels of education, students may play keys role in promoting social policies that are more supportive of DEI in higher education. Social work programs provide students with knowledge and skills to analyze public policies and engage in legislative advocacy. Consider using your knowledge and skills to gain a better understanding of anti-DEI laws, and consider whether

and how you might engage legislators in constructive discussions about the impact of these laws.

As a social work student, you may not have thought about the possibility of supporting your instructors. While traditionally, educators are expected to help students to succeed in their academic and professional endeavors, the relationship between students and instructors in higher education is a reciprocal one. Students have a powerful influence on the well-being of their instructors and faculty. In states where anti-DEI laws have made life difficult for social work instructors, however, even small gestures of alliance can make significant differences. Imagine being in the role of an instructor, navigating a turbulent landscape, fraught with moral dilemmas and professional risks, and fearing discipline for simply teaching about how to work with individuals, families, groups, and communities from diverse backgrounds. Consider speaking with your instructors outside the classroom setting. Let them know you are aware of the anti-DEI laws and their impact. Let them know what you appreciate about their teaching and research. Ask what you can do to be supportive. Simply demonstrating empathy and appreciation can remind your instructors that they are not alone and that they are valued, bolstering their morale and resilience in these challenging times.

Although anti-DEI laws may place significant restrictions on what instructors may teach, you and your social work colleagues should continue to follow the fundamental tenets of DEI: demonstrate respect for the dignity and worth for all people, be open to hearing different values and views from colleagues who come from different backgrounds, demonstrate empathic understanding, and strive to make the classroom and student interactions inclusive of all people in the class. When you share opinions about DEI on instructor evaluations or on social media, choose your words carefully so that they are more likely to have positive effects and not be misconstrued. Should a colleague experience racism, homophobia, ableism, religious bigotry, microaggressions, or other forms of discrimination, offer support and explore what may be done to rectify the situation. Should an instructor face unfair accusations of misconduct, consider how you may be able to speak up and support the professor against such allegations. As social workers, we need to support one another and

summon our moral courage to stand up for what is right. If we believe in DEI and social justice, silence is not an option. Heed the words of Mahatma Gandhi, “Be the change that you wish to see in the world.”

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[1] There are other forms of anti-DEI legislation that focus on kindergarten through 12th grade education (publicly funded elementary, middle, and high schools), as well as other organizations that receive state or federal funding.

[2] In this article, the term *instructors* is used to encompass assistant professors, associate professors, full professors, adjunct professors, and full- and part-time instructors.



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