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New Title IX Regulations: What Faculty Leaders Need to Know

Eric Lyerly

The Biden administration's highly anticipated Title IX regulations have finally been issued. The new rules represent one of the most significant updates to higher education law in several years. These rules differ from previous Title IX regulations in major ways.

Faculty leaders play an important role in promoting departmental compliance with equity laws like Title IX. As a dean, department chair, or other departmental leader, you can help your colleagues understand the new Title IX rules and work to prevent sex discrimination against students and faculty alike.

This article explores the provisions of the law you need to know, followed by procedural information related to the rules.

The new scope of Title IX

Title IX restricts postsecondary institutions from discriminating on the basis of sex in their programs, services, or activities. The updated rules expand the definition of sex to include sexual orientation, gender identity, pregnancy and related conditions,

The new rule is set to take effect on August 1, 2024, giving institutions little time to come into compliance.

sex stereotypes, and sex characteristics (34 C.F.R. 106.10).

Faculty leaders should help colleagues understand that Title IX is now broader in scope. The rules officially include sexual orientation, gender identity, and pregnancy in its antidiscrimination provisions. This means the law prohibits discrimination against students, colleagues, or other individuals who are perceived to be (1) male, female, or nonbinary; (2) transgender or cisgender; (3) gender-conforming or non-conforming; (4) intersex; (5) lesbian, gay, bisexual, queer, heterosexual, or asexual; (6) and currently or previously pregnant.

Broader applications of Title IX

Interestingly, the new Title rules also apply to off-campus conduct, including (1) in locations supervised by the institution at issue, (2) in buildings operated by officially recognized student organizations, and (3) other conduct for which the institution

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BUDGETS AND FINANCE

Chairs and Deans Collaborating on Enhancing Department Budgets

N. Douglas Lees

Ask chairs what they would like to see in their budgeting system, and they will say ways to generate more dollars (no surprise there!). With this goal in mind, I will try to provide some ways to increase the department's budget, not by giving it a larger piece of the pie (zero-sum game) but by making the pie larger. The dean's role at the outset will be in assisting the chair in understanding the budgeting processes currently in place at the institutional and school levels; in assuring that the department, school, and institution share in the new income; and in supporting any policy changes necessary to facilitate budget increases.

Before we get into specific activities that might lead to revenue enhancement, there are a few preliminary items that need to be addressed before the collaboration starts. I have already mentioned one. Chairs will need to get up to speed on school and campus budgeting. This includes sources of revenue, institutional costs, policies and practices, and so on. Because of workload issues, the dean's budget person may provide this education; they actually may know more about the subject than the dean. Chairs must also understand that the dean has many mouths to feed. They will have to share all proposals for new revenue with the dean and perhaps with campus, and honest, accurate dealing with the dean will be necessary to generate or maintain credibility to have their ear for subsequent ideas.

Internal sources of new funding

There is a consensus that department budgets typically derive from tuition, state appropriation, and fees. Excluded are income from food and spirit wear sales, rentals, performances, athletic events (including TV contracts), and clinics. Private institutions may supplement their much higher tuitions with dollars from their endowments. Fees include course fees that are linked to specific courses (e.g., laboratory, field trip, tutoring center, and study abroad) as well as program fees, which are assessed to all students in a program because of the additional cost of instruction and comparatively low enrollments in these areas.

Fee income

Institutions often assess fees differently. For example, some do not charge lab fees, which means that funding for the additional expenses of lab equipment and materials must come from tuition or state appropriation. This reduces everyone's budgets. Chairs should make certain that all fees are being appropriately charged to their courses and that they appear in their budgets. Chairs should also calculate the full cost (materials, amortized equipment costs, hourly prep and cleanup assistants, and so forth) of running each lab to make certain that the budgeted fee covers it.

If you are running a math tutoring or help center or a writing center to support composition courses, then you should charge a course fee to the courses being supported. I realize that this will increase student costs. It is, however, justified by the real costs of a quality education that the department budget would otherwise have to cover.

New credit hours

As an example, imagine that you have a new academic program that can be initiated with existing faculty through reassignment, new course development, and the use of existing coursework. The program would increase the number of first-year majors in the department by 30–50 students in the first year and more thereafter. The dean agrees with this assessment. You have calculated an estimate of the new income that the two 5-credit-hour, first-year courses would generate for the department. If your students also take other courses in the school in the first year, include the income from this source as well. Assuming a public institution with a tuition rate of $400 per credit hour, those 30–50 students would generate $120,000 to $200,000 (excluding course fee income) in the first year from the two-course sequence alone! Additional data can be provided (year-four income, some student attrition, income from other courses taken in the school, and increased costs—such as an advisor and a new faculty line in year three to complete and expand the curriculum—over time).

Is there an institutional or school policy or practice that addresses the sharing of new tuition resources? What can the chair expect? Most institutions spend roughly 50 percent of their income on items that are infrastructural and nonacademic (e.g., heat, security, insurance, grounds) and support-related areas (administration, financial aid, library, registrar, admissions). That leaves 50 percent for the dean, who has faculty and staff salaries as the major budget item if the income comes to the school. The dean can ask this question if necessary. The new credit-hour income dollars would become part of the base budgeting and thus would have to pay their (reduced for all!) share of institutional and school costs. It should also be reflected in the department's budget. In the absence of a school policy, the chair and dean would negotiate the level of the return.

Internal grants

Most institutions have internal grant programs to improve undergraduate education, promote research and scholarship, and foster community engagement. If you have a successful program or an excellent idea that you are or will be funding from department resources, consider applying for internal funding that will allow you to transfer the costs. Success with an internal proposal will also help faculty applying for and earning external funding for their work.

External sources of new funding

External grants can be a source of new dollars for the department. External research grants and contracts are found primarily in science and engineering departments, but a little effort can locate foundations and corporate entities that will support good ideas in teaching and research in other areas as well. Understanding that faculty grants support faculty work, you may wonder how the department might benefit financially. One way is through the funding organization's willingness to compensate the institution for the institutional or indirect costs of conducting the project. All federal government grants do this. The indirect cost recovery (ICR) dollars are also called overhead and pay for the research facilities on campus (including the space in which the work is done) as well as the administrative oversight to make certain that the grants are expended appropriately. For example, a large federal research grant may be awarded $2M over five years of which (indirect rates are individually negotiated with institutions), say, $700K (an ICR rate of 53.8 percent) are indirect cost dollars. These dollars are used to offset institutional research costs where they displace institutional dollars on a one-to-one basis. That means about $140K per year (of institutional dollars!) are now available for other uses. Most institutions return a significant portion of these dollars to the place where they were earned to incentivize more proposal writing. Grants for teaching projects, curriculum work and outreach are smaller in amount and have lower indirect rates, but they are still worth the effort.

A second way that external grants can add to the department budget is through faculty buy-outs. If permitted by the funding source, academic year salary should be a component of the proposal budget. The faculty member will set a percent effort for the project. It may be 100 percent in summer for someone on a 10-month appointment and 20 percent throughout the academic year. Requesting academic year pay is less common than requesting summer pay but is what is important here. For example, a faculty member whose 10-month salary is $100,000 would have budgeted $40,000 plus fringe benefits (adjusted for salary increments in years beyond the first year) for each year of the grant. The external academic-year salary displaces the institutional salary at $2,000 per month (called salary savings); the practice at many institutions is to return most or all of the salary savings to the department, with the dean holding the balance plus the fringe benefits. Let's say the return is 80 percent ($16,000). The only obligation on these dollars is to pay the cost of replacing the faculty member in 20 percent of their effort—the buyout part. This may mean recruiting an adjunct to replace some teaching or dropping a sec-

can take disciplinary action (34 C.F.R. 106.11). Moreover, institutions must address sex-based hostile environments even if some of the misconduct occurred outside the United States. Study abroad programs offer a primary example.

Deans, department chairs, and other leaders should impress upon faculty that Title IX's sex discrimination prohibitions do not stop at the schoolhouse door. Faculty are responsible for ensuring a discrimination-free environment in the classroom, at off-campus academic events, and even in study abroad programs.

Reporting obligations

The updated Title IX Regulations clarify which postsecondary employees have an obligation to report known sexual discrimination or harassment (34 C.F.R. 106.44). Confidential employees are excluded from reporting obligations. Confidential employees are employees who hold a professional license mandating confidentiality, such as mental health counselors, psychologists, and health center employees.

Under the new rules, a nonconfidential employee must notify the institution's Title IX coordinator of possible sex-based discrimination or harassment if the employee (1) has the authority to take corrective action or (2) has administrative, teaching, or advising responsibilities at the institution. All other nonconfidential employees have the option of notifying the Title IX coordinator of possible discrimination or providing the potential complainant with the Title IX coordinator's contact information and information about how to make a complaint.

Faculty leaders will note that the new rules require faculty to report possible discriminatory conduct from students and colleagues to the Title IX coordinator. Faculty leaders should foster a departmental culture where such reporting is encouraged.

Pregnancy-based protections

Historically, Title IX has restricted discrimination based on pregnancy or related conditions. The new rules expand existing protections to students and faculty experiencing pregnancy-related medical conditions, childbirth, lactation, termination of pregnancy, or recovery (34 C.F.R. 106.2).

This change will increase your department's legal responsibilities to provide reasonable modifications for students who are pregnant or experienced pregnancy-related conditions. Faculty leaders should help their colleagues understand that they cannot require documentation from students seeking pregnancy-related adjustments—unless such documentation is necessary and reasonable. Additionally, upon learning of a student's pregnancy, faculty must inform the student of the Title IX coordinator's contact information and their right to modifications under Title IX.

Notably, institutions must now also provide reasonable lactation breaks for students and employees as well as a clean, private space for such breaks ("other than the bathroom"). Institutions and departments do not have to provide separate spaces for students and employees. Students may simply have access to an existing employee lactation space.

Department leaders should also know that the new Title IX rules permit students and employees to use lactation spaces for breastfeeding—if such individuals are already allowed to bring their child to the institution through on-site childcare, a visitor policy, or state or local law. In publishing the Title IX rules, the Department of Education noted that federal laws like the Pregnant Workers Fairness Act and the PUMP ACT may provide additional protections to nursing employees to those of Title IX.

Sexual harassment

The new Title IX regulations have clarified that harassment based on sex is a form of sex discrimination. This includes behavior that is sexual in nature. It also includes harassment related to a person's sex, such as stereotypes, gender identity, or pregnancy-related harassment.

The revised rules define harassment as conduct that is (1) unwelcome, (2) based on sex, (3) both subjectively and objectively offensive, and (4) so severe or pervasive (5) that it limits or denies a person's ability to participate in or benefit from the institution's educational program or activity (34 C.F.R. 106.2). The previous 2020 Title IX rules required that harassment be severe, pervasive, and objectively offensive. The new rules require only that a plaintiff prove that the harassment was either severe or pervasive, which lowers the threshold for establishing sexual harassment.

Since the threshold for establishing sexual harassment is lower, faculty leaders should demonstrate more vigilance in responding to reports of sexual harassment against faculty. Likewise, faculty must be responsive to student reports of sexual harassment against other students.

As the rule reads now, your department should respond to known incidents of severe harassment even if they are singular incidents of harassment. Title IX may no longer require such incidents to be pervasive or part of a larger pattern of harassing incidents to constitute a hostile environment.

Retaliation

The final regulations clarify that Title IX prohibits peer retaliation by other students, not just retaliation from faculty, administrators, or other institutional employees (34 C.F.R. 106.71). This change increases the responsibility of faculty to address peer conduct targeted at a student for exercising their Title IX rights.

Faculty leaders should help faculty understand that they have an important role in preventing student-to-student retaliation under Title IX. Many times, this retaliation will take the form of ha-

rassment of a student who filed a sexual assault or harassment complaint against another student. This retaliation may even be visible in class, taking place between an accused student and the complaining student, or between friends of an accused student and the complaining student.

If faculty see such retaliatory conduct, they should address it with the students in question and report it to their institution's Title IX coordinator.

Participation in Title IX matters

According to the 2024 Title IX rules, an employee's refusal to participate in Title IX investigations or proceedings is not a protected activity. Employees do not have the right to refuse to support a Title IX proceeding (34 C.F.R. 106.71).

Faculty leaders should help faculty understand that, under the new Title IX regulations, the institution may require them to participate in Title IX matters (e.g., investigations, proceedings, and hearings) involving students or colleagues.

Training requirements

The new Title IX rules require all employees of recipient institutions to be trained on the institutions' obligations to prevent and address sex discrimination in their programs and activities (34 C.F.R. 106.8). Training should include the scope of conduct that Title IX prohibits, including sex-based harassment. The training should also inform employees of notification and information requirements once an employee has knowledge of possible sex discrimination against a student.

Faculty leaders may be responsible for coordinating Title IX training for their departments. As a faculty leader, you should contact administrators to ensure the timely scheduling of training on your department's Title IX obligations.

When does the law go into effect?

The new rule is set to take effect on August 1, 2024, giving institutions little time to come into compliance.

Meanwhile, more than a dozen states have filed lawsuits challenging the 2024 Title IX regulations. Notably, several faculty have filed or joined in these lawsuits for various reasons, including concerns over using pronouns and accommodating student absences related to abortions. Critics argue that the Biden administration is redefining a law that was designed to ensure that female students had the same access to educational opportunities as male students. They argue the current iteration of Title IX unlawfully redefines the term "sex" in federal law. Some state officials have even told their educational institutions to refrain from changing their policies to comply with the updated regulations.

The outcome of these legal challenges could delay the implementation of the new rules or result in certain provisions being struck down as unlawful. Nonetheless, faculty leaders should bring their departments in compliance with the new regulations to the best of their ability since court challenges to the new rules will be prolonged and hard to predict. As a dean, department chair, or other leader, you can ensure that your department is at the forefront of Title IX compliance at your institution. 🏛

A Critical Framework for Supporting Faculty and Staff Mental Health and Well-Being

Rebecca Pope-Ruark

Prior to the COVID-19 pandemic, colleges and universities were ramping up their services to address the mental health crisis among students as depression, anxiety, loneliness, suicide, and other issues were on the rise. The pandemic exacerbated these mental health problems and also made it clear that students are not the only ones experiencing mental illness or mental distress—faculty, staff, and administrators are as well, and vocally so for perhaps the first time. Because the primary mission of most institutions of higher education is to serve students, it's easy to understand why attention to faculty and staff well-being was considered a lower priority. Moreover, workplace well-being initiatives often reside in human resources organizations, while faculty often do not consider themselves employees, thereby not knowing about or taking advantage of HR offerings that might support well-being and overall wellness.

But avoiding or ignoring faculty and staff mental health and well-being is no longer an option. There has long been a deep stigma around mental illness in academe; faculty, whose livelihoods depend on their ability to be intellectually present and exceptional, to take on the often competing weights of teaching, research, and service, are no longer willing to let their work lives be their entire lives. Since the start of the pandemic, faculty and staff have grown far more comfortable being vulnerable and discussing their mental and physical health as well as acting to protect that well-being in ways they might not have in the past. Higher education professionals will

no longer accept overwhelming stress, expectations of being always on, or the "do more with less" refrain heard every day.

So where do we even start in thinking about improving the mental well-being of faculty and staff in higher education, where the stigmas around mental illness, mental disability, and neurodiversity keep so many from acknowledging problems or seeking help?

As someone who engages with faculty across the country on issues of burnout and well-being, I was excited to be introduced to the *U.S. Surgeon General's Framework for Workplace Mental Health & Well-Being* (2022). Workplace well-being is one of six primary priorities for the Office of the Surgeon General. This is the first of a series introducing and exploring the framework in the context of the well-being movement on many campuses in the country. In this article, I'll introduce the framework and the first of its five essentials for mental health and well-being: protection from harm.

What is the U.S. Surgeon General's Framework for Workplace Mental Health & Well-Being, and why should higher education pay attention?

As a result of the pandemic, people across all sectors of life and work became more open to discussing mental health and less willing to sacrifice "their health, family, and communities for work" at the altar of work and productivity (4). Multiple studies cited by the report show that "rates of anxiety, depression, social

isolation, job burnout, and insecurity related to food, housing, and income rose between March 2020 and mid-2022" (7). From this standpoint, the surgeon general reports, "The pandemic has presented us with an opportunity to rethink how we work. We have the power to make workplaces engines for mental health and well-being" (4). These are certainly conversations I see happening at institutions across the country, and the framework provides a way to step forward with real care and consideration for campus communities.

As the introduction to the framework argues, "Organizational leaders must prioritize mental health in the workplace by addressing structural barriers to seeking help and decreasing stigma around accessing mental health support in the workplace" (8). The framework is the surgeon general's response to this public health priority, "a starting point for organizations in updating and institutionalizing policies, processes, and practices to best support the mental health and well-being of workers" (11). The framework defines five essentials for workplace mental health and well-being (11):
1. Protection from harm
2. Connection and community
3. Work-life harmony
4. Mattering at work
5. Opportunity for growth

Each of the essentials is partnered with two human needs that ground our understanding. Safety and security, for example, are the needs paired with protection from harm, while dignity and meaning connect with mattering at work.

In this first essay in the series, I explore the first essential, protection from harm.

Why does protection from harm matter to higher education professionals?

As I continue to support institutions across the country as they come to terms with cultures that are causing significant stress, overwhelm, and burnout among faculty and staff, protection from harm lies at the foundation of work that needs to be done. Faculty especially talk about their holistic well-being going ignored in the name of student success, needed accommodations or leaves being ungranted, and lingering feelings of betrayal for how the pandemic and return to campus were handled in many places.

And in the wake of the loss of Lincoln University's Dr. Antoinette (Bonnie) Candia-Bailey to suicide in January, higher ed is yet again faced with crucial questions about the well-being of faculty and staff, not just our students. Emails from Candia-Bailey reveal a pattern of bullying from her supervisor and multiple unfulfilled attempts to gain accommodations for anxiety and depression. We cannot allow workplace cultures and behaviors that lead our colleagues to believe there is no other way out.

This essential goal is to provide a "safe and healthful work environment, protected from physical harm, injury, illness, and death. This is done through continued efforts to minimize occupational hazards and physical workplace violence, as well as psychological harm such as bias, discrimination, emotional hostility, bullying, and harassment. Security builds on safety to include financial and job security" (12). It suggests doing so by taking on four actions, listed below with my suggestions for enacting in higher education:

- *Prioritize workplace physical and psychological safety*, which includes "examining workload and adequacy of resources to meet job demands (e.g., staffing and coverage), reducing long working hours, and eliminating policies and productivity metrics that cause harm" (14). For example, leaders among faculty and staff could work together to audit workloads across the institution and establish baselines, metrics, and evaluation processes that honor well-being.
- *Enable adequate rest and recovery time* because "long work hours have been shown to raise workers' risk for exhaustion, anxiety, and depression. Fatigue diminishes productivity as the risk of burnout soars" (15). Leaders can model taking real breaks and vacation time while authentically encouraging others to do so, which might mean creating conditions for faculty and staff not on nine-month contracts to have more vacation or sick time available.
- *Normalize and support mental health and decrease mental health stigma* "by validating challenges, communicating mental health and well-being as priorities, and offering both support and prevention services" (14). Research shows that many faculty decide not to disclose mental health information about themselves even when they could benefit from accommodations, because they fear stigma and alienation, even losing their jobs, in the culture of higher education that values logic and brainpower. Creating "mental health matters" working groups, offering workshops and opportunities to learn about mental health and cultural stigma, and training chairs and other leaders to engage with faculty about mental health could all support this action.
- *Operationalize DEIA norms, policies, and programs* by "confronting structural racism, microaggressions, ableism, and implicit bias" (15). Diversity, equity, inclusion, and accessibility (DEIA) is under assault from the political right, so creating action here might be harder than it was even a year or two ago, but it's crucial nonetheless. How that happens will depend on the climate of the state and the institution.

In the next essay in this series, I'll review the second and third essentials in the framework: connection and community as well as work-life harmony, further exploring how leaders in higher education can create workplace cultures that support faculty and staff mental health and well-being as well as students'. 🏛

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Navigating the New Landscape of Equity and Inclusion

Molly Kerby

If you're a mid-level leader in higher education, you're no stranger to the push and pull between senior leadership and your constituents. The passions and purposes of faculty, staff, and students frequently clash with the mandates set forth by board-governed provosts and presidents, most of whom are governed by state legislators and external politics. This leaves department chairs, deans, and mid-level leaders in the crosshairs when making decisions, creating policies, and crafting strategic action plans. This is precisely the tug of war felt among those of us doing diversity, equity, and inclusion (DEI) work. Adding fuel to the fire, many states have passed legislation to regulate what can and can't be taught or done on college campuses, pulling funding for DEI offices and programs, prohibiting the use of diversity statements in hiring and tenure and promotion, and banning identity-based admissions and scholarly practices at public colleges and universities. When we thought circumstances couldn't be more dire, on June 29, 2023, the Supreme Court overturned 40 years of precedent and ruled that race cannot be a factor in college admission decisions. Many institutions are now in the throes of fight or flight. Is it prudent to push back on the system that financially and politically supports us? Do we give up, surrender, and move away from this work? Is there another, less volatile path that will allow us to progress without fear of retribution?

Since legislative decisions and community pressures are forcing institutions to look for new ways to recruit, retain, and graduate a diverse student body, collaboratively exploring tactics for navigating this volatile frontier is paramount. Colleges and universities have spent years building equitable and inclusive practices targeting historically marginalized populations, and most are finding inventive ways to hang onto successes, progress, and momentum. Two of the most common approaches in traversing the internal and external anti-inclusion pressures are developing a people-first culture and embracing the notion of targeted universalism.

> *Data-informed decision making is key to making the best choices.*

People–first approach

The people-first approach was borne out of business models designed to prioritize employees over profits. While that's not really the focus here, higher education can learn a great deal from the underlying philosophies of this practice. By encouraging individualism, innovation, and diversity of thought, leaders in higher education can build a culture steeped in divergent skills, views, and backgrounds among faculty, staff, and students. But you've heard all this before, right? What does it really mean? The truth is, higher education is changing rapidly, and students, faculty, and staff are demanding we pay attention. This is why it is so crucial to know, on an individual level, what everyone wants and needs in order to discover new ways of making meaningful change. As leaders in higher education institutions, we are keenly aware that diverse communities equal inventions of divergent thought and the creation of new information; it's really that simple. Data-informed decision making is key to making the best choices. But how do we produce data that accurately describes reality?

When working with groups of people, it's always better to collect information and ask questions than it is to guess what they need or want and lump people together based on one or two shared characteristics. But even when we have the best intentions, data seeking can inadvertently create feelings of exclusion and othering. For example, it is crucial to collect campus demographic information when attempting to determine which areas need improvement and to facilitate the construction of interventions, initiatives, and resources. Unfortunately, survey "checkboxes" do just that: they box people in and often force them to choose options that don't accurately describe who they are or how they identify. Unintentionally, the people we designed the collection process for in the first place become isolated—usually the most vulnerable. With closed-ended questions, we never get to the root of individual experiences. People experience the world in different ways, so allowing individuals to express that experience as completely and deeply as possible is key. While sometimes it might be helpful to view data in the aggregate, results are much more useful and less problematic when disaggregated as much as possible. In other words, quantitative data can be extremely valuable, but the pitfalls can include erroneous conclusions and the

assumption that all people in certain groups share the same characteristics. Grouping, or recoding, data for simplification or because there are so few respondents or participants in a particular category also risks lumping people into unrelated groups rather than highlighting inherent differences in terms of identity and intersecting variables. For example, the disaggregated categories African American, Hispanic, and "two or more races" are often collapsed (aggregated) into one group.

Using a people-first approach incorporates open-ended questionnaires, focus groups, and interviews, allowing participants to provide the best answers for themselves rather than choose from preconceived categories that might not paint an accurate picture. The data this research yields can give a clearer picture of individual experiences.

To achieve the often-sought-after cultural shift, efforts must prioritize equity, promote transparency and honest communication, and match the mission and values of the institution. Our end goal goes beyond equity and inclusion, leaning instead into true liberation, the dismantling of oppression, and the removal of barriers to success. It's a moonshot, but we should always strive to be better. We can come close to achieving this goal by using a person-first rather than "metric"-first approach. In other words, institutions should look beyond traditional categorical metrics and instead consider holistic recruitment and retention efforts that are more individualized methods of assessing student capabilities. Recruitment efforts and admission practices, for instance, should consider a combination of experiences and background characteristics as well as a variety of academic metrics (not exclusively GPA) when making decisions and scholarship offers, not just single test scores and cumulative high school GPAs.

Targeted universalism

The current national climate has radically pitted people with differing ideologies against one another, creating a shift to salient binary and dichotomous ways of thinking and interacting. Right or wrong. Left or right. Progressive or conservative. There is no mixing of ideologies or room for moderate views and opinions. In the same way, political unrest and cultural polarization trap us into believing that there are universal truths that inhere in single characteristics, like skin color, ability, sexual orientation, gender identity, or class. As a result, we come to view that group as homogeneous and its members as having similar needs that the same targeted solutions can address. Universal responses often receive an overwhelming degree of legitimacy in a diverse and pluralistic society, but in fact they're inadequate at helping those most vulnerable on an individual level. These general solutions are sometimes more efficient, but by targeting groups according to one characteristic, these approaches often unfairly help one group at another's expense, breeding hostility and resentment.

Targeted universalism means establishing comprehensive common processes and outcomes to achieve a set of goals in the context of a universal framework. It means setting common goals for the entire population concerned. The strategies for achieving those goals, however, are targeted and based on how different groups and individuals are situated within structures, culture, and geographic space, not necessarily attached to a certain group. In looking at retention and graduation rates, we universally want students to succeed and to have the resources they need to graduate and secure employment. Targeted universalism, then, leads us to identify all barriers to success and recognizes that individuals represent vastly different circumstances; the goal is universal, but the strategy must be targeted. In this scenario, everyone has the same target or goal, but it's

understood that not everyone is in the same situation, has the same resources, or has had the same experiences. Targeted universalism, in this case, positions access and opportunity front and center.

The same holds true for policies and procedures. Although they're efficient, universal policies can intensify existing disparities because the underlying framework fails to consider inter- and intragroup differences. For example, open admission policies may give everyone the chance to attend college, but they don't guarantee that students who are unprepared will succeed or matriculate. If institutions instead share the common goal that all students should have equal access to resources that can help them succeed, and truly believe it, then it is imperative for changes in policies, procedures, and resource allocation to occur.

Berkeley professor John A. Powell of the Othering and Belonging Institute believes by developing strategies and universal goals for everyone rather than grouping by certain characteristics, political pressures to eliminate equity and inclusion efforts in higher education can be addressed and mitigated. Below are powell's five steps for targeted universalism:

1. Set a universal goal.
2. Assess the general population performance relative to the universal goal.
3. Assess and identify the performance of groups that are performing differently with respect to the universal goal.
4. Assess and understand the structures and other factors that support or prevent each group from achieving the universal goal.
5. Develop and implement targeted strategies for each group to reach the goal.

These are just two approaches to navigating the unrest in campus DEI offices across the country. Person-first and targeted universalism allow us to take a

tion from the course schedule and reassigning some service obligations.

If there are existing polices for adjusting department budgets for increased enrollments, distributing ICR, and sharing salary savings, you are ready to go. If not, meet with dean about these ideas and bring along examples of policies from other institutions to facilitate the conversation.

Philanthropy

You are probably thinking that philanthropic donations are designated expenditures and that we need assistance with funding for a variety of purposes. But some efforts can indirectly assist departments. Donations can replace items you would otherwise have to purchase. Instrumentation for teaching labs (in biology, chemistry, geology, physics, and engineering) or for research from local industry is an example. Industry replaces equipment on a shorter schedule than we do. Office furnishings are another area where departments would benefit from having a local donor.

A significant portion of donated dollars goes to student financial aid. The larger donations are in endowed accounts that spin off a certain percentage of the principal each year for scholarships. Used wisely, these funds can allow recipients to take more classes, avoid missed semesters, replace some external work hours, and graduate sooner. Marketing can also use the availability of these scholarships to attract more students. The dean's role would be in making available the school's development and marketing staffs to assist. Many of these outcomes will increase department enrollment. 🏛

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root-cause analysis approach and discover new ways of mitigating inequities. In other words, traditional ways of looking at data and information encourage us to alleviate symptoms rather than uncovering the underlying problem. Students don't fail because of demographics; they fail because we aren't giving them what they need to succeed. It is important in any approach that we focus on fixing the system, not the people, because the structure of the institution is truly the problem. It is also important to note that limited snapshots and categorical data don't provide the entire picture of the lived experiences of our students, faculty, and staff. The achievement and wisdom of individuals are truly our strength. 🏛

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How We Can Turn AI into an Opportunity Rather Than a Threat

By Doug Ward

In dozens of discussions I've had about artificial intelligence this year, faculty members have offered variations of a single lament:

I wish someone would just tell us what we need to do.

They don't really mean that, of course, but their uncertainty reflects the larger concerns that all of us in higher education face. Generative AI has added yet another burden to change-weary faculty members who were already struggling with pandemic fatigue and challenges brought on by online and hybrid classes, mobile technology, shifting student needs, and instant access to information.

Unfortunately, the need for change will only grow as technology, jobs, disciplines, society, and the needs of students evolve. Seen through that lens, generative AI is really just a messenger, and its message is clear: A 19th-century educational structure is ill-suited to handle changes brought on by 21st-century technology. We can either move from crisis to crisis, or we can rethink the way we approach teaching and learning, courses, curricula, faculty roles, and institutions.

In a recent article in Change magazine, several colleagues from the Bay View Alliance and I offer steps institutions can take to integrate generative AI into teaching and learning. Those steps—from accepting AI as a tool for learning to developing education-focused AI tools—offer a framework for integrating generative AI into courses and curricula. Those suggestions are only a beginning, though. Academic leaders must create strategies for significant change if our institutions are to thrive amid rapid social and technological change. They must also speak up and help frame the integration of generative AI into teaching and learning as a much-needed opportunity to make our systems more flexible.

Academic leaders should speak up about generative AI

Generative AI can seem like something beamed in from science fiction, making faculty, staff and administrators feel lost. Teaching centers have provided many workshops, examples, and ideas on how to proceed. Online communities have been created to share ideas on teaching with generative AI. Some universities have also provided frameworks for using AI. All that has been helpful, but it's not enough. Leaders need to break the silence and weigh in on generative AI. They shouldn't issue edicts, but they should help guide conversations and reassure instructors. Faculty and departments need opportunities and time to explore generative AI and to engage in discussions about how it is changing their disciplines and how curricula might change in response. Leaders should also work to create consensus around common disciplinary guidelines on the use of generative AI in classes. A patchwork of individual policies has created confusion and uncertainty among students and faculty—confusion that won't go away on its own.

Identify faculty leaders to help

Faculty are hungry for examples of ways to use generative AI effectively in teaching and learning. Ideas abound, but faculty lack the time to keep up with AI-related material. To help with that, departments, schools, and colleges should identify faculty members who feel comfortable with generative AI and can help colleagues better understand how to use it. Offer them time or other compensation to delve deeper into AI and to act as guides. Faculty are more likely to listen to advice that comes from colleagues than from administrators or outside sources, so identifying faculty AI leaders can help promote discussions. Provide time at meetings not only for updates but also for sharing examples of effective use of generative AI and ideas on how curricula might need to change.

Don't try to do this alone

None of us has the expertise to address every aspect of generative AI, so tap into the many resources available on and off campus.

- Representatives of **teaching centers** can guide adaptation of assignments and curricula.
- Staff members from **writing centers and libraries** can provide insights from helping students negotiate a confusing collection of course policies on generative AI and from hearing how students have been using AI.
- **Instructional designers and educational technology specialists** can provide advice on how to adapt online and hybrid courses and how to use learning management systems effectively.
- **Organizations** like the POD Network; UNESCO; the Modern Language Association and the Conference on College Composition and Communication; and the Center for Innovation, Design, and Digital Learning have created working groups or issued

reports about the use of generative AI. Similarly, most educational conferences have added sessions related to generative AI.

- **Students** are also an important constituency in discussions about AI and learning, curriculum, and academic integrity. Last August, a group of students primarily from the University of Illinois Urbana-Champaign organized the AI x Education Conference to explore the impact of AI on education. More recently, Stony Brook, the University of Wisconsin–Whitewater, and Georgia Tech, among other institutions, have included students in panel discussions about AI. Those types of discussions are important because we need students' perspectives on finding an effective way forward.

Build in key events to help create a climate of trust

AI detectors may sound like a good idea, but like plagiarism checkers, they treat symptoms rather than address the underlying problem. Instead of spending countless hours tracking down academic misconduct, we need to take a hard look at why students are drawn to generative AI and how we can create an atmosphere of honesty and trust. The motivations to cheat are diffuse and complex: Students feel intense pressure to maintain high grades. They often don't see the relevance of courses. They have jobs and family obligations. They increasingly see a degree as a consumer product rather than a challenging process of learning. Rarely do we talk with students about any of that. Only by building a sense of community, belonging, and trust can we encourage students to avoid the shortcuts and focus on the long-term value of learning and integrity. This can happen at orientation, in first-year experience courses, and in introductory courses within majors, but helping instructors adopt inclusive, flexible practices and

helping students feel a part of a broader academic community will be crucial to building trust.

Provide safe, equitable tools

Surveys suggest that far more students than faculty are using generative AI. Many faculty I talk with would like to integrate AI into their teaching, but institutions have been slow in providing tools that meet privacy standards. Institutions can't prevent students from using new technology. They can commit to providing equitable access to technology in timely ways, though, so that faculty aren't perpetually several steps behind students. University-created and vetted tools also ensure that all students have access to technology, not just students who can afford to pay. Ideally, universities should also recruit faculty to experiment with new software and hardware and identify digital tools that can improve teaching and learning, save faculty time, and engage students in meaningful ways. EDUCAUSE has advocated for a variation of that approach with AI. The Technology Innovation in Educational Research and Design initiative at the University of Illinois Urbana-Champaign is a good example of an interdisciplinary approach to experimenting with technology for teaching. That sort of forward-looking experimentation can help universities better harness technology and perhaps temper the sky-is-falling mentality that generative AI has brought on. 🏛

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Reducing Pipeline Leaks: Faculty Development for Advancing and Retaining a Diverse Faculty

By Katherine Robertson

Adiverse faculty is beneficial for enhancing institutional innovation and creativity, and cultivating culturally competent students who are prepared to solve global problems from diverse perspectives. While many universities are taking steps to increase the presence of diverse faculty on their campuses (structural diversity), they still lag when it comes to promoting and retaining women and faculty in underrepresented groups. The leaky pipeline metaphor, originally applied to the attrition of women in STEM (Pell, 1996), applies to all underrepresented groups in all disciplines, and for many underrepresented faculty members, the path to success has many barriers. Faculty development professionals can make an important contribution to reducing pipeline leaks and ensuring that the path to promotion and success for faculty at their institution is paved with equity.

The leaky pipeline

Data from the National Center for Education Statistics on the demographics of full-time faculty at degree granting institutions indicates that women and nonwhite (all genders) academics are leaking from the pipeline in most if not all disciplines. Although female assistant professors across disciplines outnumbered their male counterparts by 8 percent in 2021, male full professors outnumbered female full professors by 28 percent (Table 1). Similarly, while white assistant professors outnumbered nonwhite assistant professors by 26 percent, white full professors outnumbered nonwhite full professors by 54 percent

RANK	%Women	%Men	%White (all genders)	%Nonwhite (all genders)
Assistant Professor	54	46	61	35
% Difference Assistant Professor	+8 women		+26 white	
Full Professor	36	64	76	22
% Difference Full Professor	+28 men		+54 white	

Table 1. Ranks of full-time faculty by gender and race at degree-granting US accredited institutions in 2021 (data for undeclared gender/race not shown). (National Center for Education Statistics, 2021)

(Table 1). The implication is clear: women and other underrepresented groups are not attaining promotion at the same rate as white men, which in turn affects their retention. Minimal data exists on LGBT faculty by rank; however, a 2013 report indicated that 42 percent of self-declared LGBT faculty had considered leaving their positions due to campus climate (AFT Higher Education, 2013).

The need for faculty diversity

Faculty demographics currently don't reflect student demographics in most US institutions of higher education, resulting in a lack of role models and mentors for students from underrepresented groups. Students in underrepresented groups learn better from faculty with backgrounds like theirs. Moreover, when

an institution lacks a diverse faculty, it sends a message to underrepresented students that they are unlikely to succeed in academic careers. In addition to serving students from underrepresented groups, a diverse faculty enhances all students' learning by increasing the diversity of course content, broadening the scope of classroom discussion, and exposing students to new concepts and ideas. Having worked in an international university in China, I witnessed firsthand the benefits that a diverse, international faculty had for students — in particular, in fostering culturally competent, broad-thinking entrepreneurs. Faculty diversity is essential to cultivating future leaders who can solve global problems from diverse per-

spectives and to delivering a world-class, modern education.

The need for formative research

Improving structural diversity is necessary but insufficient for fostering a positive campus climate (Hurtado et al., 2008). To improve campus climate with a view to supporting and retaining underrepresented faculty, it is important to first understand the climate that faculty perceive (faculty climate) and how it influences their professional development.

Leaders should initiate efforts to address the success and retention of underrepresented faculty with an honest assessment of faculty climate and potential barriers to success. Such an assessment will be most informative if an evaluation of faculty success accompanies it. While climate assessment methods are well documented (Hurtado et al., 2008) and leaders can easily customize them to address faculty needs, assessment of faculty success is less well described. Leaders should design a good set of measurable outcomes that align well with institutional expectations (see Table 2 for examples). Further analysis may reveal whether specific groups (e.g., white men) more successfully meet those outcomes than others.

Leaders should take care not to make assumptions about the data. For example, if on average more white men have successful tenure reviews than women and underrepresented groups, it may indicate not that the latter are of lower quality but that they are subject to more scrutiny and must achieve more to receive tenure. Similarly, lower course evaluation scores for women and underrepresented groups may reflect unconscious student bias rather than teaching quality. Analyzing faculty climate concurrently with faculty success measures will reveal barriers to success and point toward further helpful research.

Measurable outcomes	Units measured (average per faculty member)
Successful tenure review	Total number
Peer-reviewed articles per year	Average number; average journal impact factor
Books per five years	Average number
Book chapters per year	Average number
Grants per year	Average number applied for per faculty member; average number received; average funding amount
Patents per five years	Average number
Quality of teaching	Average overall score on course evaluations; average score on peer-review reports
Service contribution	Average number of committees per year; average number of students mentored per year; average number of external service roles (e.g., journal editor, society chair) per year
Recommendations by reappointment, midterm, and tenure review committees	Number and nature of positive recommendations (e.g., about scholarly productivity or teaching); number and nature of negative recommendations (e.g., about scholarly productivity or teaching)
Self-evaluation	Self-report of success on a Likert scale in teaching, scholarship and service, and sub-areas such as publication rate

Table 2. Examples of measurable outcomes (applicable to the faculty as a whole or different demographic groups of the faculty or both)

Example barriers to faculty success and advancement

While intentional prejudice is uncommon at academic institutions, unintended or unconscious bias commonly produces barriers to faculty success (Moody, 2012), resulting in chronic marginalization, tokenism, and exclusion that often cause faculty to consider leaving their positions (Settles et al., 2022). Student evaluations are just one example. External biases toward women and underrepresented groups can also impede faculty success. For instance, research conducted mostly in STEM and the social sciences indicates that reviewers are less likely to recommend articles for publication if the authors are women or underrepresented groups (Silbiger & Stubler 2019) and that men are less likely to cite articles that have female authors (Dion et al., 2018). Additionally, epistemic exclusion (devaluing certain types of scholarship because of disciplinary biases) affects how promotion review committees judge scholarly excellence and which scholarship internal and external colleagues choose to recognize (Settles et al., 2022).

Women and underrepresented faculty face disadvantages that their peers, who benefit from affinity bias (the tendency to favor people from like backgrounds), do not. Examples of affinity bias include informal mentorship and promotion of a colleague's scholarship in the form of invitations to collaborate or present at seminars and conferences or by highlighting their work in written reviews.

Suggestions for improving climate, success, and retention of underrepresented faculty

Most universities and colleges have a diversity office whose job is to investigate and improve diversity, equity, and inclusion (DEI) and climate on campus. Unfortunately, this sometimes means that other departments and offices don't feel responsible for DEI, and diversity offices struggle to maintain a campus culture of inclusion. In addition, such offices often hold a primary responsibility for students and may not always have the time or resources to extend their efforts to faculty. DEI is everyone's responsibility, and everyone can contribute. Faculty development can and should be a lot more than just offering workshops, and faculty development personnel can contribute a lot to removing barriers to faculty success for women and other underrepresented groups. Here are some possible interventions:

- Take steps to avoid structural diversity without adequate support; talk to leadership about the institution's mission and how diversity supports it. Talk to them about how to articulate the mission to all members of the community and how to promote the mission through curriculum and other programing. If one of your institution's educational goals is to cultivate cultural competency in students, talk to faculty, department chairs, and your office of assessment about how the curriculum achieves that goal and

how diverse faculty members can contribute.
- Guard against tokenism and overcommitment of women and underrepresented faculty on committees and in other service roles. Ask them where their interests lie, and which committees will enhance their professional development.
- Involve your chief diversity officer in policy review—especially policy that pertains to faculty reappointment, tenure, and promotion; workload; and teaching assessment.
- Get involved in recruitment, reappointment, tenure, and promotion reviews. This is a good way to stay informed about what institutional expectations are and what review committees look for; it is also a way to encourage equitable practices. Develop a training program in collaboration with your diversity officer for faculty volunteers to serve as equity consultants to such committees or as bias response team members to address complaints about inequity. Better still, offer faculty a professional certificate program in educational diversity and inclusion and advocate for reduced course loads to allow them to take it.
- Establish a confidential reporting system for faculty to report incidences of inequity.
- Reevaluate your mentorship programs; consider establishing peer mentoring for underrepresented groups. Consider inviting other colleges and universities to join the initiative. Advocate for funds so the group can organize a monthly seminar or social event to encourage collaboration and mentorship.
- Promote faculty scholarship through your website, a newsletter, internal seminars and awards, or a combination thereof; make sure that everyone's scholarship receives recognition. If the opportunity arises, recommend women or underrepresented facul-

ty (or both) for external seminars, presentations, and other promotional events.
- Facilitate social events that encourage collaboration among faculty. For example, invite small groups of faculty members with similar interests to regular lunches.
- Advocate for funds to support diverse hiring practices—for example, to assist with travel costs for international candidates.
- Advocate for funds to incentivize and support faculty-driven diversity and inclusion efforts. These could be anything from curricular diversity initiatives to community service projects to faculty development programs.
- Advocate for funds to support an internal faculty development award that supports research in areas of diversity, disparity, justice, and equity.
- Organize DEI workshops in collaboration with your office of diversity and facilitate follow-up socials, retreats, or discussion groups so that faculty can get to know each other and one another's scholarship.

Reducing pipeline leaks will be an ongoing effort, but the more people take responsibility to get involved, the faster we will be able to offer underrepresented faculty and students a brighter future.

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