

Phan, Q. (2026). Assessment as strategic resistance: Leveraging evidence for equity under political constraint. *Intersection: A Journal at the Intersection of Assessment and Learning*, 7(2). Early View
Assessment as Strategic Resistance: Leveraging Evidence for Equity Under Political Constraint

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"I have no conflicts of interest to disclose."

Intersection: A Journal at the Intersection of Assessment and Learning

Vol 7 Issue 2

Abstract: Escalating anti–Diversity, Equity, and Inclusion (DEI) legislation has reshaped U.S. higher education governance, constraining how institutions name, measure, and address inequity. In this climate, assessment risks becoming a tool of compliance — vulnerable to weaponization under the guise of objectivity and legal neutrality. This article reframes assessment as strategic resistance: a justice-oriented practice that preserves institutional agency, documents harm, and sustains commitments to student success under constraint. Drawing on the ACCELERATE framework, I operationalize ten assessment principles through four praxes: making institutional values legible and defensible, resisting co-optation by documenting structural inequity, practicing harm reduction through ethical data governance, and reclaiming power by cultivating a justice-oriented culture of assessment. Using the 2025 U.S. Department of Justice funding memorandum as a case example, I show how practitioners can design evidence systems that align with mission, withstand legal scrutiny, and center student well-being. Assessment professionals thus serve as stewards of care and accountability.

Keywords: *equity-centered assessment, anti-DEI legislation, higher education policy, justice-oriented assessment, data governance, student success*

Introduction of the Current Higher Education Political Landscape

Across the United States, higher education institutions are forced to navigate a rapidly shifting political environment in which state legislatures and increasing federal efforts are restricting or dismantling Diversity, Equity, and Inclusion (DEI) infrastructure. As documented by The Chronicle of Higher Education's Anti-DEI Legislative Tracker, only six states enacted anti-DEI laws in 2023; by 2025, that number had doubled, with twelve (12) states passing at least fourteen (14) such measures (Smith, 2025). These efforts include limiting what can be taught or required in curricula, curtailing crucial identity-affirming student supports for marginalized populations, banning identity-based programming, and enacting harmful policies that attack the livability of marginalized students (Briscoe et al., 2025; Gretzinger et al., 2025; Phan & Sperling, 2025). For example, Texas's Senate Bill 17 prohibited DEI offices, programs, and trainings at public universities, resulting in the closure of identity-based centers, the elimination of scholarships for undocumented students, restrictions on student organization activities, and the mass termination of DEI-affiliated staff (Dey, 2024). Alabama's Senate

Bill 129 similarly restricts the use of state funds for instruction addressing what lawmakers define as “divisive concepts” related to race and gender identity (Riddle, 2025). At the federal level, the U.S. Department of Justice’s July 2025 memorandum, *Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination* (the DOJ Memo), further expanded legal scrutiny beyond admissions to include identity-based scholarships, cultural centers, trainings, and student spaces — pressuring institutions to dismantle or neutralize initiatives supporting marginalized communities under the threat of legal and financial consequences. These laws do not merely signal political opposition to equity initiatives; they actively restructure institutional operations and have material consequences on students, faculty, and staff.

Scholars document these developments as coordinated and strategic attacks on higher education’s equity commitments rather than isolated or reactive policy choices. Anti-DEI legislation reflects a broader strategy by state actors and national political networks to reassert control over higher education and undermine institutional governance (Phan & Sperling, 2025; Kamola, 2024), while institutions and DEI advocates lack an equally coordinated or strategic framework for response (Miller et al., 2025). This asymmetry places assessment at the center of a contradiction: institutions must demonstrate progress and commitment to student success while being constrained in how inequity can be identified, named, or addressed. In the context of assessment, where state politics can dictate what institutions can name, track, and address, this compliance orientation becomes materially dangerous: assessment can be weaponized as a tool of governance to discipline institutional actors and normalize harm under the guise of objectivity and transparency (Wall et al., 2014). The Department of Justice’s (DOJ) Memo makes this risk explicit by identifying “DEI programs” as “legal pitfalls” (p. 2), prohibiting the use of protected characteristics such as race or sex as assessment criteria, and warning that indicators like “cultural competence” or “lived experience” may constitute “unlawful proxy discrimination” (p. 2), with the potential loss of federal funding for noncompliance. Left unexamined, assessment risks functioning as a tool of compliance that legitimizes DEI cutbacks and undermines institutional agency.

Yet, assessment can also be designed strategically to document harm, surface structural barriers, and generate evidence that sustains commitments to student success, well-being, and equity. Drawing on the established ACCELERATE framework, this article reframes strategic assessment as a justice-oriented response — one that enables coordinated, ethical, and proactive institutional action within anti-DEI policy regimes. Rather than concede to state and federal actors or engage in open defiance, which invites direct legal and political retaliation, strategic resistance operates within existing legal and administrative structures while resisting their coercive intent (Ewick & Silbey, 1998; Scott, 1985; Shrodes, 2022). This approach draws on Muñoz’s (1999) concept of disidentification, a survival strategy rooted in the experiences of queer and trans people of color that enables marginalized communities to navigate dominant systems without fully assimilating into or wholly rejecting them, instead subverting dominant norms and processes to sustain livability and protect community. Although Muñoz framed disidentification as an individual and cultural practice, its logic also applies at the institution’s level where language of compliance and neutrality can be subverted to support student success. In assessment, this means using evidence and assessment processes within the legal framework to preserve institutional commitments, protect vulnerable populations, and retain institutional agency.

The next section situates strategic resistance within the assessment literature and argues for a shift from compliance-driven to proactive, justice-oriented practice. The article then operationalizes the ACCELERATE framework through four interconnected praxes: making institutional values legible and defensible, exposing structural inequities and documenting harm through evidence, proactively mitigating risks and potential of data weaponization throughout the assessment process, and sustaining these practices through a justice-oriented culture of assessment. Although mutually reinforcing rather than strictly sequential, the praxes progress from defining institutional commitments to documenting, safeguarding, and institutionalizing them. The article concludes by considering the framework's implications for assessment professionals and its broader contribution to equity-oriented assessment.

Reframing Assessment: From Compliance-Driven to Proactive and Strategic

Assessment in higher education has long been shaped by external accountability pressures from policymakers, accreditors, and other stakeholders (Ewell, 2009; Heiser et al., 2023). Ewell (2009) argues that this accountability environment is defined by demands for transparency and outcomes reporting, and that institutions are under increasing pressure to choose between “proactively taking responsibility for demonstrating accountability on the academy’s own terms or passively having requirements dictated from the outside with little or no control” (p. 6). In anti-DEI policy regimes, where funding threats and legal intimidation are used as control mechanisms to advance the state’s agenda, higher education institutions and their leadership often default to overcompliance, obeying in advance to avoid political backlash (Phan, 2025; Phan & Sperling, 2025;). Overcompliance legitimizes government overreach, suppresses socially valuable initiatives, harms marginalized groups, invites further unreasonable demands, and can lead to reputational, institutional, and societal harm (Deo, 2025). Under these pressures, assessment in higher education is often redirected from educational inquiry toward managerial accountability and institutional self-preservation by emphasizing quantifiable outcomes, comparability, and performance metrics (Wall et al., 2014). In this context, assessment functions less as a shared governance practice and more as a mechanism of control: both externally, as a tool of political regulation, and internally, as a means of disciplining faculty and practitioners (Ewell, 2009; Wall et al., 2014).

Assessment scholars have long acknowledged that assessment practices can reproduce harm. Contemporary assessment in higher education often reflects neoliberal, externally driven mandates that fail to meet the needs of diverse students at best and, at worst, further marginalize students with minoritized identities (Bheda, 2023; Heiser et al., 2023; Wall et al., 2014; Zerquera et al., 2018). Collectively, this scholarship questions the fundamental purpose of assessment—including who assessment serves and centers—and whether highly compliance-driven assessment primarily exists to demonstrate institutional worth to external audiences rather than to remain responsive to students and their experiences (Bheda, 2023; Wall et al., 2014;). Similarly, the ACCELERATE framework, developed as assessment principles for best practice, offers guidance not only for minimizing harm but also for “actively contributing to creating empowering, thriving environments” (Samuga_Gyaanam+Bheda et al., 2025, p. 2) through ten (10) interrelated principles:

1. Aligned purposefully

2. Continuously cultivating
3. Collaborative and co-creative
4. Equity- and empowerment-motivated
5. Learning-centered
6. Energized by expertise
7. Responsiveness-oriented
8. Action-driven
9. Transparency and trustworthiness
10. Enduring and evolving design

In conjunction with a range of assessment frameworks — such as culturally responsive, culturally appropriate, and equity-centered assessment — ACCELERATE reflects a shared commitment to explicitly addressing inequity by disrupting deficit framings, honoring diverse ways of knowing, centering the experiences of marginalized students, and aligning the methodology of assessment with the goal of advancing equity (Heiser et al., 2023; Samuga_Gyaanam+Bheda et al., 2025). A crucial emphasis across these approaches is attention to power: both in the immediate assessment context and in broader sociopolitical structures, as well as to the positionality of assessment professionals and the populations being assessed (Heiser et al., 2023; Bheda et al., 2025). Assessment professionals are therefore called to move beyond simple student-level disaggregation toward examining policy- and process-level inequities by asking whom institutional policies and procedures are designed to serve, how power is organized, and how institutional narratives of “success” are produced and protected (Bheda, 2023). As assessment is a value-oriented praxis (Wall et al., 2014), it requires explicit ethical commitments to those most affected by inequity and is called toward justice and liberation. Justice- and liberation-focused assessment, then, requires re-centering purpose, redistributing power in the assessment process, and ensuring that evidence leads to material institutional change rather than compliance (Bheda, 2023; Samuga_Gyaanam+Bheda et al., 2025; Heiser et al., 2023).

In this political context, as institutions of higher education and their leaders are called to “[use] civic responsibility and the power of their positions to reject unreasonable and extralegal demands” (Deo, 2025, p. 5), assessment can be designed as a proactive and strategic tool that provides evidence for institutions to resist these external demands. Reframing assessment as a strategic practice requires moving beyond reactive compliance toward intentional, forward-looking design. The ACCELERATE framework explicitly calls on practitioners to “proactively explore and/or address systemic and emerging contextual needs of all learners, community partners, and the assessment context” (Samuga_Gyaanam+Bheda et al., 2025, p. 6). Applied within anti-DEI environments, this principle demands that assessment not merely respond to but also anticipate threats as well as potential harms from legislation, organizational restructuring, and the erosion of equity infrastructure. Strategic assessment enables institutions to identify which programs, populations, and outcomes are most vulnerable to policy change and to generate evidence before harm is fully realized or normalized. This positions assessment as an intentional institutional action that aligns assessment processes with the institution’s stated commitments to student success and educational responsibility. When deployed strategically, assessment can challenge erasure by making inequity legible within institutional decision-making systems. It also preserves accountability to the learners and communities inside the university

over external pressures, even when political forces discourage explicit equity work, ensuring that commitments to student success remain grounded in evidence rather than rhetoric. In this way, assessment becomes not merely a tool for institutional survival but a mechanism for ethical alignment under constraint.

Operationalizing ACCELERATE as a Justice-Oriented Framework

Operationalizing ACCELERATE as a justice-oriented framework means recognizing assessment as a site where power is made visible, negotiated, and reclaimed. In anti-DEI contexts, assessment shapes whose experiences are legible, which outcomes are prioritized, and what kinds of harm institutions are willing to name. The sections that follow operationalize ACCELERATE through four interconnected praxes, using the DOJ memorandum and other legislative constraints as concrete case studies to demonstrate how assessment professionals can respond in practice: (1) making institutional values legible and defensible, (2) resisting co-optation by documenting structural inequities and harm, (3) practicing harm reduction through ethical data governance, and (4) reclaiming power by cultivating a justice-oriented culture of assessment that informs decision-making rather than compliance.

Praxis 1: Making Institutional Values Legible and Defensible

Principles: Aligned Purposefully, Transparent & Trustworthy

The assessment cycle begins with clarifying goals and outcomes and identifying how those outcomes will be achieved (Henning, 2015; Strine-Patterson, 2022). Strine-Patterson (2022) argues that assessment is a leadership process through which strategic planning aligns organizational efforts around shared priorities and prevents units from acting in isolation. Decisions about what is measured function as value statements, signaling whose experiences matter and what outcomes institutions are willing to protect. In anti-DEI contexts, however, this leadership function is increasingly disrupted by legal and political interventions that reshape how institutions articulate and retreat from their values. The DOJ memorandum frames DEI efforts as divisive, discriminatory, or even unlawful, while warning institutions against the use of “proxy” concepts that may function as substitutes for explicitly prohibited DEI language.

The Civil Rights Act of 1964 was originally enacted to dismantle formal systems of exclusion. Title VI prohibited discrimination in federally funded programs, while Title VII sought to remove discriminatory barriers in employment. In *Griggs v. Duke Power Co.* (1971), the Supreme Court ruled that the requirement of employees to hold a high school diploma and pass standardized tests to advance — criteria that disproportionately excluded Black employees because of unequal educational access under segregation, was a violation of the Civil Rights Act. Title VII also covers practices that appear neutral but still reinforce past racial exclusion. Congress later codified this disparate-impact framework to address arbitrary barriers concealed beneath formally neutral rules. However, the current administration has redirected this legal framework: Rather than using antidiscrimination law to address barriers facing marginalized groups, the DOJ now treats facially neutral concepts such as “lived experience” as potentially unlawful proxies when they are used to advance diversity. This colorblind approach overlooks the historical and structural conditions that produce inequities and prevent efforts to recognize or remedy those conditions. Higher education scholars situate this lack of identity-conscious interpretation within a broader pattern in which the language of neutrality and civil rights is

repurposed to restrict DEI work and weaken institutional efforts to address structural barriers (Jayakumar & Vue, 2025; Miller et al., 2025).

In response to the DOJ Memo, many institutions retreat from explicit equity language to more diffuse terms such as “student success,” “belonging,” or “community,” while simultaneously making decision processes less transparent to avoid political backlash. Under the pressure of the DOJ memorandum, institutions increasingly avoid even these constructs out of concern that they may also be seen as impermissible proxies, leading to more abstract goals and outcomes. These shifts may be framed as pragmatic survival strategies and necessary for operational continuity. However, if not carefully operationalized, they also create confusion for staff and faculty and signal withdrawal to the marginalized populations who are most affected by inequity (Phan & Sperling, 2025; Phan, 2025). This abstraction serves as a strategy that enables the state government to exert power over higher education while enabling institutional leaders to hide impacts, obscure who is affected, and create opportunities to deny accountability (Phan & Sperling, 2025). Praxis 1 responds to this pressure by operationalizing two interrelated ACCELERATE commitments: aligning contested values to institutional mission (Aligned Purposefully) and governing metrics with clarity and documentation (Transparent & Trustworthy).

Under “Aligned Purposefully,” institutions must treat the DOJ memorandum not as a directive to erase outcomes, but as a constraint requiring clearer alignment. Rather than assuming legal compliance requires erasing all equity-related outcomes (particularly when terms are labeled as potential “proxies” for DEI), assessment leaders must define, measure, and defend outcomes as core conditions for student learning and institutional effectiveness. A justice-oriented assessment stance treats this not as a shift in sentiment, but as a measurement problem: What does the institution claim to value, and how will those values be evidenced, governed, and protected over time? To do this, institutions must also make their values legible: explicitly defined, consistently measured, and anchored in policy and mission. For example, although the DOJ memorandum frames “cultural competency” as a potential unlawful proxy, it has long been established as a legitimate learning outcome in co-curricular settings such as residential curricula (Brown, n.d.) and is explicitly embedded in professional and programmatic accreditation standards in fields including social work (National Association of Social Workers, 2015), medical education (Association of American Medical Colleges, 2005), and general education across disciplines. Rather than abandoning such outcomes, institutions must articulate with specificity what students are expected to learn (such as skills related to effective communication across differences, ethical professional practice, or client-centered care) and link those outcomes to institutional mission, accreditation requirements, and documented educational responsibilities. When assessed through routine cycles and tied to student learning, persistence, and professional readiness, cultural competency is positioned as an essential educational function rather than an ideological commitment, strengthening legal defensibility against claims that it functions as an unlawful proxy.

Similarly, some institutions even retreated from explicitly naming or assessing “belonging,” discontinuing campus climate measures or program evaluations that examine connection and inclusion. Yet, belonging is a well-documented condition for student learning, retention, safety, and well-being, with direct relevance to program improvement and institutional risk management (Bentrim

& Henning, 2023). Under the “Transparent & Trustworthy” principle, institutions must make both their belonging metrics and the rationale for using them explicit before external pressure narrows them. It requires institutions to regularly engage in auditing and self-examination, asking: How is “belonging” defined? Which indicators are used? Whose experiences are visible in reporting, and whose are absent? How are belonging results documented, reported, and used in institutional decision-making? These questions make power visible by identifying who controls institutional values and actions, enabling institutions to reclaim agency in politically constraining environments while informing concrete decisions (such as revising indicators, reallocating resources, or adjusting programs) rather than remaining at the level of abstract critique. In practice, this involves reviewing learning outcomes, programmatic objectives, and reporting tools to identify whose experiences are consistently measured, whose are absent, and how results are used in decision-making. By clearly defining “belonging” in operational terms and measuring it through established assessment practices, institutions preserve the evidence needed for informed decision-making and accountability.

In short, Praxis 1 establishes that institutional values must be explicit, documented, and defensible before they can be protected. When institutions document the purpose, methods, and uses of contested outcomes such as “cultural competency” or metrics such as “belonging” within dashboards, program reviews, and strategic plans, they create a defensible governance record demonstrating that these measures support institutional effectiveness and student learning rather than favoring preferential treatment. This strategic legibility allows institutions to retain control over how outcomes are framed and defended, grounding assessment in educational purpose rather than partisan interpretations of DEI. This documentation record, however, is only as strong as the evidence institutions gather to support it, evidence that anti-DEI pressures actively discourage institutions from collecting. Praxis 2 turns to that evidence-based work, showing how disaggregated and longitudinal data can expose the structural inequities resulted from political impacts.

Praxis 2: Resisting Co-optation — Exposing Structural Inequities and Documenting Harm

Principles: Continuously Cultivating, Learning-Centered, Equity- and Empowerment-Motivated, Responsiveness-Oriented, Action-Driven

Assessment has long been recognized as a tool for improvement, yet it can also be co-opted to preserve institutional legitimacy when it is narrowed to reputation management or public relations. In anti-DEI contexts, this risk intensifies as political and legal pressures incentivize institutions to use assessment primarily to reassure external audiences, shifting attention away from institutional failures and documented harm. The DOJ memorandum exemplifies this pressure by explicitly framing DEI practices as “granting preferential treatment based on protected characteristics” to historically marginalized groups (p. 4). Although the memorandum does not prohibit institutions from collecting or analyzing data by race, sex, or other protected characteristics, its emphasis on preferential treatment and proxy discrimination creates pressure on institutions to avoid examining disparities, as even identifying gaps could be interpreted as an intent to offer preferential treatment.

In practice, this leads institutions to limit data disaggregation and suppress analyses of unequal outcomes. At the same time, assessment data can be used externally to scrutinize and discipline institutions for perceived noncompliance or “subversive” practices. When framed solely as legal risk

mitigation, these choices become over-compliance: they prevent institutions from detecting how policies, programs, or legislative changes disproportionately affect marginalized students, shifting assessment from an improvement-oriented practice toward one that neutralizes critique and limits institutional accountability. Praxis 2 responds by operationalizing four ACCELERATE commitments as a governance strategy for resisting such co-optation: sustaining iterative improvement (Continuously Cultivating), centering student learning outcomes (Learning-Centered), tracking contextual shifts (Responsiveness-Oriented and Equity- and Empowerment-Motivated), and ensuring evidence drives corrective action (Action-Driven).

As Ewell (2009) reminds us, “deficiencies in performance must be faithfully detected and reported so they can be acted upon” (p. 7) when assessment is used for improvement. The principles of “Continuously Cultivating,” “Learning-Centered,” and “Equity- and Empowerment-Motivated” work together to reaffirm assessment’s purpose of identifying barriers, informing change, and enhancing conditions for learning and well-being. The DOJ memorandum outlines restrictions on preferential treatment, not on analyzing outcome disparities. Institutions can disaggregate divisional or institutional surveys on belonging, well-being, and student experience to uncover the disproportionate impact on different student groups that may be hidden by campus averages. When directly linked to student results, institutional values, and quality assurance processes, disaggregated data serve as lawful evidence for assessing whether programs and policies effectively support all students. In practice, this involves integrating disaggregated indicators into dashboards, annual reports, and program reviews as standard evaluation tools. For legal justifications, assessment leaders should (1) document the educational purpose of each metric, (2) tie disaggregated indicators to mission statements, accreditation standards, and risk-management responsibilities, and (3) ensure that results are used for program improvement. Equity-centered assessment practices are defensible and enable institutions to identify gaps, address barriers, and demonstrate accountability without constituting preferential treatment.

As previously discussed, the critical examination of power and institutional structure is not new to assessment (Bheda, 2023; Heiser et al., 2023). However, the anti-DEI context demands that we make its ethical and political stakes visible by acknowledging that legislation itself may be a mechanism producing or intensifying inequity and making visible the power relations that shape student experience. I argue that justice-oriented practice requires asking not only where gaps exist, but also how current legislation, institutional responses, and shifts in language may be widening those gaps or creating new barriers. This means that assessment leaders must treat legislative constraints as part of the assessment context rather than as a reason to narrow the inquiry. The “Responsiveness-Oriented” principle reinforces the need for adaptable, context-attentive approaches that can document legislative impacts and assess the effectiveness of institutional responses. Responsiveness calls for small, recurring snapshots paired with longitudinal indicators that examine outcomes such as belonging and safety or engagement metrics before and after policy or structural changes.

For example, when institutions remove or censor DEI language on websites or rename services to reduce perceived legal exposure, students may lose clear pathways to crucial resources. This can result

in decreased utilization of identity-based services, student organizations, or identity-affirming spaces — not because the need has disappeared, but because wayfinding has become more difficult and student trust has declined. Additionally, departments directly affected by DEI policy shifts can monitor engagement metrics such as first-time visits, repeat usage, referral completion, and unmet-need assessment. When examined longitudinally and situated within specific socio-political contexts as well as institutional changes, shifts in both outcomes and engagement indicators, especially among historically marginalized populations, can reveal whether language suppression or restructuring creates barriers to access.

Finally, the “Action-Driven” principle ensures that evidence of institutional gaps is not merely documented but informs decision-making. Assessment can expose inequity by shifting the unit of analysis from individuals to systems (Bheda, 2023; Heiser et al., 2023). In addition to disaggregating outcomes, assessments conducted in collaboration with campus partners must critically examine where processes, policies, and resource decisions create barriers — and for whom. This inquiry is important because it helps us understand power by shifting it from an abstract concept to an analysis of how it influences the development of policies, structures, and resource distribution that directly impact individuals and communities. The goal is not to label students within deficit-framing as “disengaged,” but to demonstrate how institutional responses may actively produce disengagement. This evidence not only highlights structural issues and legislative impacts, but also enables affected departments to evaluate the effectiveness of mitigation strategies such as revised wayfinding, referral protocols, communication campaigns, or cross-unit handoffs. Consistent with the principle of “Action-Driven,” assessment in anti-DEI contexts enables practitioners to pivot swiftly when these intervention strategies fall short. In doing so, justice-oriented assessment transforms evidence into a practical tool for system-level accountability and continuous institutional learning.

Praxis 2 builds on the foundations of Praxis 1 by examining the legislative context, documenting how anti-DEI pressures may intensify existing inequities, and generating evidence of harm through disaggregated and longitudinal assessment of student experiences. Together, these praxes position assessment not only as a mechanism for articulating institutional commitments but also as a structured process for monitoring context, identifying gaps, and evaluating institutional responses to political pressures. However, the disaggregated and longitudinal evidence that Praxis 2 generates carries its own risks: data that names harm can also be misused to identify, surveil, or discipline the very communities it is meant to protect. Praxis 3 turns to this tension, asking how assessment professionals can gather necessary evidence while minimizing exposure for the people that evidence concerns.

Praxis 3: Practicing Harm Reduction - Anticipating Harm, Mitigating Risk, and Preventing the Weaponization of Data

Principles: Responsiveness-Oriented, Transparent & Trustworthy, Energized by Expertise, and Collaborative and Co-Creative

Praxis 3 centers on designing assessment systems that are both adaptive and anticipatory in politically precarious environments. The “Responsiveness-Oriented” principle emphasizes adaptation to context, but it also demands proactivity. Responsiveness is not the opposite of anticipation; it is a strategic approach to building assessment systems that can detect emerging risks and respond before harm

becomes normalized. In anti-DEI environments, this means assessment must function both defensively to prevent erasure, mischaracterization, or scapegoating of students, staff, faculty, and programs, as well as offensively, by countering misinformation and compelling institutional accountability. Anti-DEI rhetoric often relies on claims that DEI work creates division, politicizes education, lowers standards, or unfairly advantages some students. When these narratives circulate without evidence-based challenge, they become justification for dismantling structures that materially support marginalized communities. Especially for those of us who work in DEI, the uncomfortable but necessary question becomes: if our program were challenged tomorrow, what readily available evidence demonstrates impact, alignment with mission, and student success outcomes? Proactive assessment answers that question ahead of external audits or political accusations. In one instance, following the release of the DOJ memorandum, cultural welcome events during new student orientation at a large flagship institution in a conservative state were criticized as “preferential treatment.” Rather than responding rhetorically, practitioners examined how the program aligned with divisional learning goals and institutional indicators, including sense of belonging, awareness of resources, first-year retention, and early academic performance. Examining persistence patterns and academic outcomes within the entering cohort enabled the program to be understood as a transition- and retention-support initiative rather than solely as an identity-based benefit. Framed within student-success reporting, the evidence clarified the program’s educational purpose and institutional value.

At the same time, harm reduction requires acknowledging that data can be weaponized (Priddie & Taylor, 2025; Webber, 2019). Numbers can be stripped of context, selectively reported, or used to discipline politically vulnerable units. Therefore, the “Transparent & Trustworthy” principle must be practiced with nuance: ethical transparency is not naïve openness, but strategic clarity about what the data show (and do not show), paired with careful governance that protects people and the community. In practice, transparency should include strong interpretive guardrails, such as limitation statements, contextual notes, and explicit cautions against deficit framing so findings are interpreted within structural conditions rather than attributed to individual failure. It also requires “right-sized” data practices: collecting only what can be protected, used ethically, and defended. Making the justice orientation explicit matters because “more data” is not inherently equitable; data can just as easily be mobilized to justify cutbacks or support surveillance. For example, in states advancing legislation targeting trans communities, queer and trans students have expressed concerns that identifiable attendance logs for programs such as name-change workshops could be requested and disclosed. Similar apprehensions have been raised by international and undocumented students who fear that sharing personally identifiable information at campus events or institutional surveys may carry unforeseen risks given the heightened xenophobia at the federal level. In response, some programs have shifted from named sign-in sheets to aggregate headcounts or anonymized records, preserving impact documentation while reducing exposure. These adjustments emerged through dialogue with affected communities, illustrating how the “Collaborative and Co-Creative” principle operates as a harm-reduction mechanism: data systems are redesigned with those most at risk, rather than imposed upon them. In practice, this means explaining to constituents not only what is being collected but also why, how it will be protected, and under what circumstances it could be disclosed.

Similarly, discussions around data governance (including whether and when identifiable records should be destroyed) reflect anticipatory responsiveness. Even when data destruction has not yet occurred, establishing retention timelines, access controls, de-identification standards, and clear protocols for responding to public records requests becomes part of responsible assessment design (Jim & Chang, 2018). Practitioners must determine what warrants individual-level tracking and what can be documented in aggregate form, particularly for events associated with stigmatized or targeted identities. In high-surveillance political climates, minimizing unnecessary collection is itself an ethical act. This is where “Energized by Expertise” and “Collaborative and Co-Creative” become harm-reduction principles rather than merely teamwork values. Cross-functional partnerships among assessment, institutional research (IR), legal counsel, student affairs, technology (IT), and affected communities can establish data access rules, retention timelines, de-identification standards, and protocols for responding to open records or data requests. Practitioners also need a deliberate decision process for what should be tracked at the individual level versus the aggregate level. In practice, this may include requiring legal review before releasing sensitive participation data, creating role-based dashboard access, or developing written criteria for when individual identifiers are necessary for intervention versus when aggregate reporting is sufficient.

Harm reduction is ultimately an assessment ethic: it treats evidence as power, and it designs evidence systems that advance justice while minimizing foreseeable risks to the people the assessment is meant to serve. Strategic assessment, therefore, means being transparent about processes and impacts while minimizing the unnecessary collection of vulnerable data and complying with restrictive policies in the letter, not the spirit. Praxis 3 ensures that the evidence documented and disaggregated in Praxes 1 and 2 does not become a liability for the communities it describes. These first three praxes, however, remain vulnerable to erosion if they depend on individual practitioners rather than institutional norms and structures. Praxis 4 addresses this vulnerability by asking how legible values, disaggregated evidence, and harm-reduction practices can be embedded in a durable culture of assessment that outlasts any single political moment or personnel change.

Praxis 4: Reclaiming Power Through a Justice-Oriented Culture of Assessment

Principles: Collaborative & Co-Creative, Evolving & Enduring

Building a justice-oriented assessment approach under anti-DEI constraints requires more than individual projects or strong practitioners; it requires a culture of assessment that reliably integrates evidence into decision-making in ways that advance equity over time. Fuller et al. (2016) define a culture of assessment as the “institutional contexts supporting or hindering the integration of professional wisdom with the best available assessment data to support improved student outcomes or decision making” (p. 404). Culture is not simply a shared attitude toward assessment; it also reflects the underlying power structures that influence how assessment is strategically implemented and how institutional actions are formulated based on assessment results. Earlier sections called for a shift away from a “culture of compliance” — the antithesis of a culture of assessment — in which external political pressure and risk avoidance determine priorities and constrain action (Fuller et al., 2016). Under anti-DEI conditions, this distinction becomes especially urgent. The DOJ memorandum is interpretive guidance rather than statutory law, yet institutions may respond with preemptive over-compliance: shutting down DEI offices, restructuring units, or removing climate and belonging

measures despite the absence of explicit legal prohibition. A justice-oriented culture of assessment reclaims institutional agency by making equity-centered evidence routine, durable, and difficult to dismiss. This culture-building work is future-forward because it treats assessment as a site of institutional design: a mechanism through which communities clarify what they value, build shared language for naming harm, and construct alternatives that make equity practicable. In this sense, returning to the “Aligned Purposefully” principle is not merely a technical step of mapping outcomes to mission or closing the assessment loop. It is an opportunity for institutions to engage in collective dreaming about what student success must mean in practice, particularly for those most impacted by political constraint. Equity can be centered without relying on prohibited labels when institutions are willing to specify what they will protect and cultivate over time. A culture of assessment is built and sustained through recurring evidence practices, policy language, and resourcing decisions that together establish the conditions for justice-oriented assessment to endure.

Within this culture, the “Collaborative & Co-Creative” and “Evolving & Enduring” principles operate less as separate ideals and more as a single design logic for redistributing power through participation and sustainability. Culture shifts when assessment is no longer treated as specialized technical work housed in a few roles, but as a shared practice of inquiry and collective sense-making (Kuh et al., 2015; Suskie, 2018). “Collaborative & Co-Creative” demystifies methods and opens the process to diverse forms of expertise, including students and communities most affected by institutional decisions. Rather than treating students as research subjects, justice-oriented assessment invites shared authority across the assessment process: from co-defining questions, interpreting meaning, and naming structural barriers. This redistribution matters because it interrupts a common institutional pattern in which marginalized communities are asked to provide stories while others retain decision-making power over how those stories are interpreted and acted upon.

While assessment produces advocacy-ready evidence that makes impacts visible and actionable, strategically leveraging data to advance justice carries risks, particularly in the anti-DEI climate. A justice-oriented culture of assessment also depends on co-conspirators — people across the institution and community who intentionally use their positional power to move evidence into action. As Strine-Patterson (2022) reminds us, assessment is a leadership practice that operates at multiple levels — from individual practitioners and units to division-wide practice and institution-level governance. In the same way, co-conspiracy and advocacy are not confined to formal leadership roles. Co-conspirators may be senior leaders, faculty, staff practitioners, students, or community partners. What distinguishes them is not their role, but their willingness to assume institutional risk, leverage authority, and intervene in the decision channels where power actually operates. Practicing co-conspiracy, however, requires collaboration that is attentive to both power and protection. Institutional actors do not occupy equal levels of authority, job security, or vulnerability. Therefore, strategic assessment must involve intentional role differentiation: clarifying who is safest and best positioned to speak publicly, testify, negotiate, or press for resource decisions, and designing projects around that reality. In this sense, the “Collaborative & Co-Creative” principle becomes protective rather than extractive by distributing responsibility for change across roles instead of repeatedly asking the most vulnerable to continually “prove” harm. This approach allows equity work to draw on the full range of expertise and

participation across students, communities, faculty, staff, and leadership, while ensuring that power is used intentionally and ethically in pursuit of justice.

Advancing a justice-oriented culture also requires durability. The “Evolving & Enduring” principle clarifies that culture is not a single project but an ongoing institutional practice. A substantial body of work on assessment capacity and culture notes that using evidence for improvement requires sustained structures: regular cycles of inquiry, shared expectations for using results, and leadership support for acting on findings (Russell & Markle, 2017). Under anti-DEI conditions, institutions can easily become locked in reactive cycles — constantly chasing new legislative requirements, rebranding initiatives, or swapping terminology. An “Evolving & Enduring” stance resists this churn by committing to maturity, scalability, and sustainability. It asks: How will we keep learning from our data across time? How will our indicators, methods, and sense-making practices adapt as conditions change without abandoning our commitments to equity? This principle allows institutions to adjust language, instruments, and reporting structures as needed while preserving core commitments to documenting belonging, safety, access, and learning for those most impacted. In doing so, assessment becomes not only a method of inquiry, but a means through which institutions reclaim power to define and continually re-affirm what justice-centered student success must be.

Taken together, the four praxes move from articulating values (Praxis 1), to generating evidence of harm (Praxis 2), to protecting those the evidence concerns (Praxis 3), to embedding these commitments in a durable institutional culture (Praxis 4). Realizing this arc in practice, however, depends on the individuals who carry it out. The section that follows considers what this framework asks of assessment professionals themselves.

The Role of Assessment Practitioners as Stewards of Care and Accountability

Under anti-DEI constraints, assessment cannot be treated as a neutral technical function or a purely responsive activity. Rather, assessment operates as a site of power: it shapes what becomes legible, what is defended, and whose well-being is protected (Wall et al., 2014; Heiser et al., 2023; Bheda, 2023). When operationalized through ACCELERATE as a justice-oriented framework, assessment can function as strategic resistance — making structural inequity and legislative harm visible, preventing the weaponization of data, and reclaiming institutional agency through durable evidence practices. The role of assessment practitioners, therefore, extends beyond measurement. Practitioners become stewards of care and accountability, responsible for designing evidence systems that protect vulnerable communities, sustain institutional integrity, and compel material action rather than symbolic compliance (Wall et al., 2014; Ewell, 2009; Henning & Roberts, 2023; Schuh et al., 2016). Assessment professionals hold a duty of care that exceeds reporting requirements or compliance expectations (Henning & Roberts, 2023; Schuh et al., 2016). Just as assessment cannot be held solely by assessment offices, DEI commitments and values cannot remain siloed as the work of a few. Our ethical responsibilities include safeguarding student well-being, advancing equitable educational outcomes, and protecting institutional integrity in the face of external pressure. When political forces restrict the language, structures, or resources available to support marginalized students, the ethical responsibility of assessment becomes even more urgent. Justice-oriented assessment reframes evidence as a relational commitment — to students, to colleagues, and to the broader community. This

work requires sustained attention to power: whose outcomes are made legible, whose voices inform interpretation, and whose realities remain hidden in aggregate metrics (Bheda, 2023; Heiser et al., 2023). Practitioners must consider how methodological choices, indicators, and reporting structures distribute benefits and burdens. In this sense, assessment becomes a practice of care precisely because it refuses to allow inequity to go unnamed and a practice of accountability because it compels institutions to confront the ethical implications of their choices.

Practitioners engage in this work from unequal and shifting positionalities. Some hold formal authority, others work from middle or marginal organizational spaces. The current socio-political context is meant to create a culture of fear through employment precarity or legal threat, creating pressures for institutional leadership and practitioners to remain neutral, cautious, or silent. While assessment is a leadership practice that operates at multiple levels (Strine-Patterson, 2022), so does advocacy. Agency is rarely absolute, but it is never absent. Co-conspirators can emerge from any role when individuals choose to use their positional power, however limited, to move evidence into action. However, justice-oriented assessment is not reckless; it is intentional, protective, and requires discernment.

Practitioners must navigate tensions and questions such as: What can be named safely? Who should carry particular messages? When is aggregation protective rather than evasive? And how can evidence be aligned with mission, accreditation, and student-success priorities in ways that strengthen legal defensibility while still centering justice? These are not merely technical questions; they are ethical decisions shaped by power and risk. Professional networks, national assessment communities, and collective learning spaces play a critical role in sustaining this work. They provide language, strategy, and solidarity — reminders that practitioners are not isolated actors improvising under pressure, but contributors to a shared field committed to equity, ethics, and methodological integrity. In this collective sense, assessment becomes a practice of community care as well as institutional accountability.

Conclusion

Assessment, when reframed as strategic resistance, offers higher education institutions a lawful, evidence-based means of preserving institutional agency, documenting harm, and sustaining commitments to student success under conditions of escalating political constraint. Operationalizing the ACCELERATE framework through four interconnected praxes: (1) making institutional values legible and defensible, (2) resisting co-optation by documenting inequities, (3) practicing harm reduction through ethical data governance, and (4) turning to collectivity through a justice-oriented culture of assessment, provides assessment professionals with a concrete, adaptable structure for this work. The central contribution of this article extends beyond the now well-established claim that assessment can support equity; it offers a framework for how assessment can do so under political constraint. This matters because anti-DEI legislation is neither static nor limited to its current form; state and federal actors are likely to continue introducing new restrictions, new prohibited terms, and new proxies to police. A framework built only to answer today's political concerns would become obsolete as those conditions shift. Strategic resistance, by contrast, is designed to position higher education professionals to act proactively by building the enduring institutional capacity to document inequities, protect communities, and use evidence in service of student success.

Future scholarship should examine how strategic resistance operates across different institutional types, including community colleges, regional comprehensives, and under-resourced institutions with fewer legal and assessment resources; how it interacts with faculty and shared governance structures; and how its effectiveness might be documented and evaluated over time as anti-DEI legislation continues to evolve. At a moment when assessment can be weaponized against the very students and communities it is meant to serve, higher education as a field, and assessment professionals specifically, must decide what — and whom — their evidence will protect. This article argues that they possess not only the capacity but also the responsibility to ensure that assessment remains an instrument of institutional integrity, collective care, and a tool to advance justice.

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