Ambiguous Policies, Controversial Issues, and Strained Bureaucracies: Banning Critical Race Theory in Idaho

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Absent coping strategies, ambiguity strains administrative agencies and democratic institutions on multiple fronts, particularly where controversy is amplified by different ways of thinking that are incompatible with each other. This is examined using a case study of the implementation of Idaho's House Bill 377 (HB377), the first state-level ban on "critical race theory" in public education in the United States. The brief and ambiguously written bill leaves a lot to be "figured out" by educators. Using a modified grounded theory approach, interviews with 10 faculty reveal how making sense of HB377 caused significant distress for faculty and strained their relationships with administrators. Findings suggest that this bill may have damaged higher education institutions in Idaho, particularly by creating low faculty morale among those teaching in areas newly perceived to be controversial. Conclusions consider implications for administrative agencies when faced with ambiguous laws and conflicting messages from elected officials.

Ambiguity (i.e., different ways of thinking about the same phenomenon) is inherent in policy and administrative processes, particularly in democracies where a plurality of thought on governmental actions are embraced. While traditional approaches to public management and political control of the bureaucracy often paint ambiguity as counterproductive to efficiency and effectiveness, contemporary scholars identify benefits that often allow administrators to find compromises between competing perspectives (e.g., Stazyk and Goerdel 2011). This is crucial for democratic governance where ambiguity creates opportunities for administrative discretion to be used in advancing representative bureaucracy (e.g., Fowler 2023b; Meier 2019). Ambiguity also exerts stress on administrative agencies and democratic institutions on multiple fronts, particularly where politically salient, contentious issues that draw polarized reactions from the public intensify issues. In recent years, the uptick in ambiguous policies on controversial issues (e.g., diversity, equity, and inclusion—DEI—on college campuses) has amplified the politicization of public servants by creating decision points in which administration is not easily separated from politics. By doing so, ambiguous policies inherently strain administrative agencies and put individual public servants under tremendous scrutiny.

In order to examine these mechanisms, we conduct a small-scale qualitative study of the implementation of Idaho's House Bill 377 (HB377), the first state-level ban on "critical race theory" (CRT) in public education in the United States. Adopted in April 2021, HB377 is brief and ambiguous, and does not clearly reflect the more pointed political debate that played out among legislators and their critics. In essence, the bill leaves a lot to be "figured out" by educators, which is particularly complicated at institutions of higher education where faculty value shared governance, feel strongly identify with their profession as academics, and increasingly feel vulnerable to political targeting and attack (Burnett 2020). Their choices are also open to subjective evaluations by ideologically driven stakeholders, placing faculty under intense scrutiny. Qualitative analysis of interviews from 10 faculty and staff at three public universities throughout the state reveals

how HB377 strained the efficacious delivery of curricula as faculty diverged on their policy interpretations, created distress for individual faculty, and undermined the relationships between faculty and university leadership. Findings show this bill damaged morale and trust by making faculty feel responsible for implementation, while university leaders were reticent to provide support or guidance due to the political circumstances. Conclusions consider implications for administrative agencies when faced with ambiguous laws and conflicting messages from elected officials.

Ambiguity in Administration and Policy

Although scholars variously define ambiguity with regard to different aspects of political, policy, and administrative processes, we define it here as occurring where there are competing ways to interpret the same phenomena (e.g., policy), so that two (or more) rational people come to different conclusions about its meaning or a reasonable course of action in response. This encompasses both the political challenges of acting in the public interest and the administrative challenges of turning policies into practices, as competing perspectives shape behaviors and sensemaking. In public administration, there is a relatively well-developed body of work around organizational goal and role ambiguity where scholars differentiate characteristics of ambiguity and its antecedents, as well as connect these concepts to prevailing issues of human resource management, such as job satisfaction and performance (e.g., Davis and Stazyk 2016; Jung 2013; Rainey and Jung 2015). Some scholars also contend that ambiguity can be beneficial, as it allows administrators to build consensus and support among stakeholders (e.g., Stazyk and Goerdel 2011) and creates opportunities for entrepreneurs to adapt policies to community needs (Lavee and Cohen 2019).

While not always explicit, theoretical constructs often intersect with scholarship on administrative discretion (e.g., West 1984), political control of bureaucracy (e.g., Wood and Waterman 1991), politicization of the bureaucracy (e.g., Peters and Pierre 2004), administrative procedures and institutional design (e.g., Wood and Bohte 2004), administrative burden (e.g., Herd and Moynihan 2019) and/or organizational cultures (e.g., Taylor 2014) as mechanisms to understand how decision parameters are constrained and interpretations

focused. Work on street-level bureaucracy is particularly informative, as it indicates that decision-making is often driven by coping mechanisms (e.g., Lipsky 2010) and entrepreneurs can reenvision policies during implementation to alter their meaning and impact (e.g., Lavee and Cohen 2019). From this scholarship, one can surmise that how policies are interpreted shapes practices at the street level, and ambiguous policy provides more leeway for interpretation (Maynard-Moody and Portillo 2010). While street-level bureaucracy is not always coordinated, consistent, or integrated with other bureaucratic systems, micro-networks incentivize operating within a set of norms to maintain one's credibility and social capital (Hupe and Hill 2007). In general, this scholarship suggests that ambiguity is a key conceptual issue in administrative processes in terms of the burdens it creates for frontline operators as they sort out intents behind policies and devise appropriate applications.

Interpretivist scholars often discuss ambiguity in terms of sensemaking, or the process by which one makes sense of their work through the social construction of shared understandings (Baex and Abolafia 2002; Van Dooren and Noordegraaf 2020). Sensemaking is often framed as filling important gaps in organizational theory as it serves a central deterministic role in human behavior. This process is influenced by existing beliefs, power structures, emotional responses, and identities, as well as social networks that serve to buttress and reinforce interpretations (Hill 2003; Siciliano et al. 2017; Weick, Sutcliffe, and Obstfeld 2005). Other literature discusses the role of sense-givers in terms of entrepreneurship and the power of bureaucrats to "slowly reinvent their reorganizations" (Bernier and Hafsi 2007, 488) by imbuing ideas with new energy. There is also a growing body of work on street-level policy entrepreneurs, who focus on implementation in contrast to political elites engaged in policymaking processes (e.g., Arnold 2021). This scholarship also often identifies managers as sense-givers who facilitate how others make sense of situations (e.g., Noordegraaf 2000).

From this perspective, managers play a key role in guiding how street-level bureaucrats respond to new policies or changing political parameters. For instance, Pandey and Wright (2006) argue that managers serve to "connect the dots" between disparate sources trying to influence how organizational goals or individual job roles are interpreted. Additionally, Fowler (2023a) argues that managers serve as linchpins in organizations by inter-

preting and relaying messages from those above to those below, essentially funneling information from agency executives or policymakers to frontline operators and vice versa. Subsequently, frontline operators rely on their managers to send signals about appropriate behaviors, given broader contexts that only managers are privy to. In doing so, they receive some protection from scrutiny, because their decisions can be aligned with their superiors' preferences. However, when managers fail to provide signals, it leaves subordinates in a vulnerable position, by shifting scrutiny and responsibility and leaving them with little understanding of how to deal with difficult situations. Ultimately, this leads to distrust as subordinates likely believe they cannot count on managers to provide adequate decision-making support.

Some scholars are likely most familiar with ambiguity from the perspective of the multiple streams framework, which places it as a core concept in explaining how decision-making occurs in organized anarchies (Kingdon 1995). Recent scholarship directly applies this to policy implementation and administrative processes. This scholarship assumes a gap exists between policy statements articulated by policymaking bodies and the behaviors of administrators during the course of policy application. It also assumes a significant degree of decentralized decision-making that is driven by how public servants interpret specific policies (e.g., Fowler 2019). By leaving laws ambiguous, policymakers are shifting the decision-making responsibilities on key points to administrators, who then must use their discretion (Fowler 2022). While this opens the door for new mechanisms of democracy as well as organizational efficacy (e.g., Meier 2019), it also places the burden of sorting through competing public interests on low- to mid-level bureaucrats. In this context, managers are in a key position to send signals to administrators about how to interpret policies as well as to constrain decision parameters. Managers are thus responsible for teaching their subordinates how to think about policies, so their actions do not become misaligned with the organization as a whole (Fowler 2023c; Morgan et al. 1996; Stazyk and Goerdel 2011).

However, policy ambiguity also opens the door for politicization of administrative decisions, where stakeholders can infer frontline operators to be making choices based on ideological or partisan concerns, especially when policies are polarizing or controversial, as opposed to following established value-neutral or-

ganizational norms. This is the result of policies being open to interpretation, so that stakeholders may view choices that are opposed to their own views as being "wrong" and motivated by politics. This system places tremendous pressure on administrators to "get it right" by making choices that are acceptable to stakeholders (Fowler 2021; Moore 1995). Of course, "right" is subjective, and competing policy communities differ on what that means (Jenkins-Smith et al. 2018). Given this, public servants working in bureaucracies that are politicized are less willing to innovate because of the strain it places on them at an individual level (Lapuente and Suzuki 2020).

More broadly, if policies are not implemented in a way that aligns with a policy communities' preferred interpretations, those communities "are likely to question the efficacy and/or legitimacy of implementers, placing them under intense scrutiny" (Fowler 2022, 5). Fowler (2021) describes finding the "right" interpretations and subsequent administrative actions as creating functionality, whereby administrators experiment with different ways of doing things, collect feedback, and then adjust accordingly until they find solutions that satisfice. This process is implicitly designed to seek compromise in order to reduce conflicts and increase legitimacy. However, where issues are salient, controversial, and based on viewpoints that contradict each other (e.g., CRT, LGBTQ rights, abortion), public servants are less likely to find satisficing solutions and come under attack from those who disagree with their interpretations. This may take the form of angry citizens at the street level or coordinated efforts, where organized interests mount pressure campaigns targeting agencies or individuals. In either case, this creates strains on administrative agencies by forcing decisions under intense political scrutiny. It also creates emotional exhaustion for public servants as they wade through complex and difficult decisions (Davis and Stazyk 2022).

This review of the literature suggests three propositions that describe the effects of ambiguity in bureaucracies:

1. *Ambiguity leads to inconsistent interpretations of the law, and subsequently, inconsistent behaviors.*

2. *When managers fail to send signals on how to interpret ambiguous policies, it foments distrust in the institution and its leadership.*

3. *"Figuring out" what ambiguous policies mean in practice creates distress (e.g., frustration, fear) at the individual level, which is magnified when issues are controversial.*

An inductive case study provides a significant opportunity to examine these propositions further and to understand how ambiguous policies impact institutions in practice, particularly as impacts interact with each other in a synergistic way. That is, a case study of bureaucrats who are dealing with ambiguity under very high-profile, deeply politicized conditions, where managers must carefully "thread the needle," which is important for understanding the complexity of contemporary public administration. While extant scholarship on ambiguity is well-developed in many aspects, it also only presents a limited picture of the challenges that ambiguity creates for public servants, and contemporary studies of American bureaucrats operating under highly politicized and illiberal regimes are even scarcer. This is particularly on display where controversial issues create conflicts between policymakers and administrative agencies, between managers and subordinates, and between value sets, complicating the process of policy interpretation and public service delivery. The small-scale, qualitative study we describe next is intended to provide some initial insights into these challenges. In the next section, we briefly describe the political context that gave rise to the anti-CRT law, and then, our methods, including a justification for why the study follows a "logic of discovery" rather than a "logic of verification" (Luker 2010).

Idaho's HB377

CRT, an interdisciplinary theoretical framework used to examine the intersection of race, society, and law in the United States was thrust into the spotlight in 2020 by President Donald Trump as a focal point of attack against DEI training in the federal government and education in general. Although nearly half of U.S. state legislatures considered bans on CRT in public education, Idaho became the first in the nation to adopt such a law, HB377, in April 2021 (Ray and Gibbons 2021). While media accounts and public statements from politicians focused on removing CRT from classrooms and eliminating so-called indoctrination by teachers (Goldberg 2021; Richert 2021), the actual text of the bill,

less than 700 words in total, is far less clear on intents, purposes, or mechanisms of implementation and/or enforcement (see Appendix A). Notably, the bill does not tell instructors what they can or cannot teach. Instead, HB377 focuses on "indoctrination," stating that "no public institution of higher education, school district, or public school, including charter school, shall direct or otherwise compel students to personally affirm, adopt, or adhere to" (HB377, 1) tenets as outlined in the bill text, including that one class of citizens is superior or inferior to others or that one class of citizens is inherently responsible for actions committed in the past.

Supporting legislators argued that HB377 is a prevention measure intended to keep educators from making students feel superior or inferior based on protected classes (e.g., race). Specifically, "Some legislators claim this tenet makes white students feel responsible for past interracial relationships, as it is prevalent in critical race theory" (KTVB Staff 2021). The bill was passed along party lines in both the House and Senate (with one Republican Senator voting against it). Notably, the Idaho state legislature is overwhelmingly white and male, and nearly all minority legislators voted against the bill. While education groups across the state widely opposed HB377, it had the support of powerful far-right-associated lobbying groups in the state. Additionally, the adoption of HB377 directly preceded the creation of a so-called "indoctrination task force" organized by Lieutenant Governor Janice McGeachin, aiming to "examine indoctrination in Idaho education and to protect young people from the scourge of critical race theory, socialism, communism, and Marxism" (Office of Lt. Gov. McGeachin 2021). The task force was widely criticized and the final report provided no evidence of indoctrination in Idaho classrooms (Corbin 2021; Richert 2021). Thus, the official legal context of HB377 concerns broadly indoctrinating students, without evidence that this was in fact a problem.

HB377 and the Indoctrination Task Force were accompanied by two other important phenomena that shaped how university faculty received and interpreted events. First, many Idaho faculty were concerned about being targeted by a far-right, anti-education organization known to exert tremendous influence on legislators (e.g., Flaherty 2021). That organization published a thinly-researched and largely spurious "report" in December 2020 targeting the teaching of "social justice" in certain university programs, arguing for their defunding

(e.g., Walters 2021). Second, near the end of the 2021 legislative session, one of the university administrations in the state was contacted by a still-unnamed state legislator who claimed to have a video recording of a white student being harassed in a general-education classroom on account of their race. In response, and without seeing the video, the university moved to suspend the teaching of all sections of the course (dozens) for a week and prohibited faculty from communicating with students during that time. A later investigation revealed the accusation to be false; there was no video (Gluckman 2021).

Furthermore, the general movement in academia in recent years is toward a more critical perspective of race and social justice (e.g., Blessett et. al. 2019), and Idaho and its education system are becoming increasingly racially diverse, as growth brings new populations to a historically racially homogenous (i.e., white) state. Thus, for educators, there is a set of professional norms associated with how race is approached in the classroom and the need to serve a more diverse student body. On the other hand, there is a new law with the implicit intent to maintain the status quo via an implicitly whitewashed approach. These efforts dovetail with the broader conservative turn toward Trumpism, which is defined by the rise of identity politics, delegitimization of public service, and blurring of roles between partisan politics and administration (Morris 2018; Moynihan and Roberts 2021). It has proven to be fairly popular in Idaho, even if it is contested. Subsequently, instructors had to balance these competing pressures as the bill became law.

University Responses

Once HB377 officially became law, university faculty looked to senior administrators for guidance on how their institution would interpret the law, what processes and protections would be put in place, and how faculty would be supported. Unsurprisingly, university administrators across the state were hesitant to make definitive statements and risk open conflict with conservatives in the legislature, which had recently cut education funding over similar "indoctrination" concerns. University leaders did indicate that any formal complaints would be handled by existing administrative processes, although the mechanisms of enforcement or potential penalties for violation were still unclear. Some faculty apprehension seemed to dissipate over the summer but

reemerged as faculty prepared to return to the classroom in the fall. In response, university administrators began engaging faculty through meetings and the issuance of guiding documentation. For instance, at one university, two senior administrators hosted town hall meetings and issued a Frequently Asked Questions (FAQs) document. The FAQ document, however, was written in "legalese" which provided little clarity around many of the issues at hand (Teres-Martinez 2021). It also further indicated that university leaders were focused on a legal perspective with the implicit expectation that any ambiguities or overstepping in legislative authority would eventually be adjudicated by the courts. This approach did little to ameliorate faculty concerns.

In essence, HB377 altered the legal and political context in which race is discussed in Idaho classrooms, but how exactly it does so is ambiguous. Educators are, thus, struggling to "figure out" how to talk about race in a way that balances their professional responsibilities and the intents of lawmakers in the broader political context. While faculty, like many public servants, do not necessarily want to be told what to do, they often want a sense of the conditions under which the university will stand behind them. At the core, the challenges here are about the decisions made during public service delivery and how creating ambiguous parameters on those decisions strains administrative agencies. This strain is created by shifting responsibilities and placing power in the hands of low- to mid-level bureaucrats without also providing protections should their decisions prove to be politically "wrong." While prior teaching experiences typically serve as anchors in these situations, with faculty relying on their past experiences, they cannot be sure if HB377 has changed that, causing an intense search process for functional answers. Obviously, this is likely to create strains at multiple levels within universities.

Qualitative Data Collection and Analysis

We conducted 10 semi-structured interviews during fall 2021 and spring 2022, each approximately one hour in length. This is a small-n study, and future work should aim to engage more faculty for more robust results. However, it is important to understand the challenges inherent in conducting a study of this sort under deeply politicized conditions. For example, there were important ethical and logistical challenges to data collection. In order to recruit participants, we carefully leveraged

our social and professional networks at Idaho universities to identify possible participants and then used snowball sampling to identify more.

Interviewees were often reticent to provide names of others because they did not want to pressure colleagues to participate given the political and professional risk. As a result, the majority of the 10 interviewees in the study came from one institution and were tenure-track, which likely shapes the kinds of results we received and makes broad claims about faculty at Idaho institutions difficult. Furthermore, we cannot provide demographic information about these participants, because the number of academics working in affected subject areas in Idaho is small, and the risk of identification is great. As such, this study is intended to be exploratory, following a "logic of discovery" (Luker 2010), which is an effort to discover social interactions at play, rather than representative. Future research should expand the scope of participants across different contexts to draw more generalizable conclusions. Equally interesting would be to conduct a study of administrators, though in our experience it is even harder to gain access to interviews with those in administration, where the risks of being discovered and of speaking frankly are even more serious.

Indeed, we faced two important constraints in recruiting faculty to participate. First, given Idaho's political culture where conservative actors use public data requests to target institutions and educators, we felt there was significant risk should our participants' names be discovered. Thus, we could not contact them by email, make shared calendar appointments, or leave any other paper or electronic trails that might be discoverable, so our study required special planning and Institutional Review Board approvals. Second, heightened awareness of risk made identifying potential participants difficult, as did our own position as mid-level administrators. For recruiting, we reached out to possible participants via social media platforms and apps such as Signal, and purposively sampled faculty who might be impacted by the law given their disciplinary focus or other professional activities.

As mid-level administrators at an Idaho university, we made the conscious choice not to interview faculty from our own units to avoid creating any sense of pressure to participate or to respond in certain ways. We acknowledge that our positions could have impacted the openness or trust faculty felt in speaking frankly. We have also purposefully omitted mention of participants'

disciplinary affinities so as to further conceal their identities.

Our goal, therefore, was not to obtain data from a representative sample of faculty, but rather to understand, in a deep way, the perceptions of faculty dealing with ambiguous guidance under extraordinary political circumstances. Given how difficult it can be to study CRT bans in higher education in a qualitative way, we hope this initial foray provides a foothold for future work.

Interviews were semi-structured. We developed a set of questions as a guide (see Appendix B) but allowed conversations to move organically based on the information that interviewees revealed. Questions were based on our initial understanding of the issues and were designed to provide insight into how faculty were thinking about the issues surrounding HB377. Interviews were recorded, and transcripts were generated and corrected for accuracy. Transcripts were then coded using nVivo; coding was completed using a modified grounded theory approach. We began with three preexisting codes based on our understanding of the ambiguity literature: 1) faculty reactions to and interpretations of HB377's passing, with a particular focus on feelings of distress; 2) faculty actions taken in response to the passing HB377, which turned out to be inconsistent and sometimes contradictory; and 3) faculty perceptions of administrative responses. Informed by extant scholarship, our primary codes are based on faculty interpreting policy, acting on policy, and being the recipients of sense-giving, as key points at which policy ambiguities are likely to create challenges. However, we also allowed for themes to emerge from the coding, particularly in the case of "secondary codes," or codes that provided more nuance or specificity to the three primary codes (see Appendix C for codebook excerpt). Thus, we both applied theory from the literature and allowed for the development of theory to emerge "from the ground up" (Tracy 2013).

Implementation and Impacts of HB377

Inconsistent Interpretations

Through interviews, we identified three themes that illuminate the quality and characteristics of HB377 impacts. First, and foremost, policy ambiguity leads to inconsistent approaches: some faculty made no alterations to their curricula and continued along in their

teaching as if the law changed nothing, while other faculty made drastic and significant changes to course materials and censored their own speech to avoid negative feedback or potential repercussions. For instance, a senior, tenured faculty member told us, "I feel somewhat immune from all this. [Because of my age and professional status] I feel protected, and I feel like I can say, f**k 'em, to some extent" (Int. 4). A few other faculty members with tenure articulated a similar perspective. Another felt that the dust-up over CRT actually clarified their professional purpose: "[The CRT law made] me really think that what is important about what I do on a day-to-day basis . . . It certainly hasn't changed the way I teach, but it has made me double down on what I'm trying to do as a professor here" (Int. 2). Notably, this bluster was sometimes accompanied by concerns about being identified. That is, faculty both adopted a position of bravado and felt afraid and threatened, for themselves and others. This contradiction is emblematic of the complex tolls that this situation took on faculty.

That said, interviewee responses were shaped by a number of factors: position within the institutional structure, field of study, and support from colleagues. Several faculty members were aware of contingent faculty changing their syllabi to remove CRT or anything that could be perceived as related for fear of being targeted or fired. Interviewee 8, who interfaces with a wide variety of faculty on their campus, said, "My sense is there's fewer of [those teaching CRT despite the ban] than the other folks who are silent, feeling more silenced, or watering things down. Folks who say, 'Go ahead and teach CRT' have tenure. There are issues of power […]" (Int. 8). This interviewee underscored that faculty of color, especially when contingent, are vulnerable.

Still, others have made changes as a form of defiance or to counterbalance efforts to remove CRT from the classroom. These faculty feel a moral and professional obligation to continue to teach important topics related to race, despite possible consequences. One put it this way: "Do I worry about the loss of my job or reputation? . . . What is right comes before what is convenient and comfortable. A lot of these things are a moral obligation that I can't back down from" (Int. 1). A non-tenured faculty member articulated a similar sentiment regarding professional standards related to teaching about privilege:

Frankly, I care more about what [the field] wants me to do than what our state legislators don't want me to do. If I got in hot water or trouble, I don't need to stay in academia. I could so easily go back to [omitted] and doing other work. The risks are not significant enough to have me backpedaling [on] stuff that I feel for the profession and for my students is really critical. (Int. 10)

As these quotes suggest, faculty struggled to balance the competing roles related to their professional and democratic responsibilities and the cross-pressures those roles created.

Despite some of the bravado demonstrated, many of these same faculty also spoke of making strategic alterations to course titles, reading lists, classroom strategies, and even research efforts to avoid running afoul of the law. For instance, some spoke of removing emphasis areas or references to perceived CRT-related topics at the program level and self-censoring in the classroom. One interviewee put this in context: "[The law] is unenforceable to a degree, but it is still having ripple effects in how we do our daily business" (Int. 6). Interviewees also expressed concerns about public records requests, indicating they are cognizant of the politics at play—specifically, that what happens in the classroom will be taken out of context and used against them or the university. As a practical matter, this may reduce conflict in classrooms and the likelihood that an instructor produces fodder for further political attacks on universities. As a normative issue, though, it also means that students are not provided an equitable education, and the quality of that education largely depends on how instructors interpret policies and balance competing demands. There are also serious impacts on faculty morale, which are described next.

Fomenting Distrust

Second, while managers can guide their subordinates on interpreting ambiguous policies and appropriately balancing competing issues, senior university leaders here failed to do so. To be clear, some university administrators participated in faculty meetings and provided guidance that, from their perspective, outlined how instructors should understand HB377, but these were not well received. For instance, in reference to one document issued by administrators, an interviewee said:

The way that FAQ is written, it puts teachers on the defense. Teachers are made to feel unsupported in a lot of ways. The burden is all on teachers. We know that if the teacher f**ks up, then they could get fired or face repercussions, and it's not the inaccuracy of the bill itself that we're responding to. The university could do a lot better . . . (Int. 5)

Another interviewee had similar thoughts: "The [CRT] memo, it was about what I would expect. It was repetitive legalese" (Int. 3).

Furthermore, interviewees also lamented the lack of consistent, clear communication from leaders, leaving faculty with little insight into the position of the administration. For instance, one interviewee told us, "There was no or little messaging about what was going on or what the efforts were [to respond] other than, 'We're dealing with the legislators behind the scenes.' It was frustrating and—this is strong language—but it was an example of cowardly leadership" (Int. 4). Another interviewee stated: "It feels like they're putting the faculty out there just to see what happens. But the university isn't out front as the gladiator teaching our students and the public what a university is, what democracy is, and the role that the university plays in democracy" (Int. 9). Another interviewee added, "It wasn't until [a university president] made comments at a recent [legislative] hearing [long after the bill had passed] that there was anybody who really called out what was going on" (Int. 4).

Other interviewees also questioned whether university administrators understood the issues well enough to either push back against the legislature or to effectively speak about the challenges. For instance, one interviewee relayed: "[One administrator] came to [my college]. [Someone asked] So I cannot teach about redlining, right? And the [administrator] is like, 'Well, redlining is just a theory.' I get that they're not in the humanities or social sciences, but that kind of lack of cultural literacy worries me and undermines my confidence" (Int. 3). Several faculty worried that their own university leadership did not fully understand what CRT or white privilege refers to, or why legislators were upset about them, or the political strings being pulled nationally fomenting the CRT "crisis." Another interviewee stated:

The general faculty forums, the FAQs with legal . . . those just fell flat to me. When I asked specifically about privilege, and said my students have to explore that, the suggestion [back] was that I should just have them explore the advantages of being right-handed rather than the advantages of being white. This is from our legal counsel! (Int. 10)

Such responses not only contributed to a lack of usable guidance but also created a sense of distrust between faculty and leadership. These psycho-emotional impacts can be understood as undermining the effective functioning of the institution, as leaders were seen as ineffectual during a time of crisis.

The cumulative impacts contributed to a widespread sense of low morale (evident in an institutional survey of faculty conducted in 2021). For instance, one interviewee told us, "[The administration] slid into the background and just sort of pushed us up [front]. I asked the [senior administrator] twice, and [they] twice said, we just trust you guys to deal with that out front" (Int. 9). But, of course, that trust was not reciprocated by faculty who felt they were being hung out to dry. This same interviewee continued, "How I feel about my university, how I feel about the administration, has dramatically changed because of this. And it won't go back. This was a betrayal" (Int. 9). This interviewee also told us that "scholars, not politicians, should—as experts—get to bring in content that represents evidence-based information, regardless of culture wars, and administrators need to defend how important that is in a democracy." In sum, managers have the potential to mitigate these impacts, but failure to do so effectively refocuses frustration on them and undermines their relationships with subordinates.

Distress from Figuring It Out

Third, ambiguity also creates distress as faculty face difficult choices about how to discuss issues of race, as well as both history and contemporary politics, in their classroom. Many of those interviewed spoke of having the protection of tenure, and as a result, said they felt relatively insulated from being fired. They also felt that the law does not lay out criminal penalties, so legal repercussions were unlikely. However, these same faculty also had a great deal of concern for pre-tenure, year-to-year, and contingent faculty (e.g., adjuncts). At the same time, even faculty who felt relatively protected by

tenure were also clearly thinking about the possibility of being fired as a result of the law being weaponized to discipline higher education institutions. These faculty articulated frustration that university leadership was not doing more to defend the mission of higher education. Additionally, leadership was generally perceived as refusing to say where the lines were drawn around acceptable and unacceptable behaviors. In essence, while faculty did not necessarily want to be told what to do, they felt like administrators did not understand the issues from their perspective, that documents like the FAQ were misguided, and that responsibility was devolved to faculty without also offering some sort of protection.

In some ways, this is about the struggle to find functional solutions around the differing needs and wants of students (i.e., some want to talk about race and others want to avoid it). How do faculty talk about these issues without offending or appearing insensitive to some students' perspectives? Compounding this is the possibility that a misstep can lead to a confrontation or a formal complaint. One interviewee explicitly articulated that the fears resulting from the bill were "tiered": "First-tier is physical violence. They're worried they're going to have a student show up with an AR15. Directly below that is media harassment. They're worried [that] they'll end up on Breitbart and get thousands of emails screaming at them. And they're afraid of losing their jobs" (Int. 6). Faculty are responding not just to the law but to a toxic political environment, buttressed by a state legislature that is hostile toward higher education and organized interests with a history of targeting individuals online, where getting it "wrong" could have much broader consequences. Specifically, there is fear that one's choices in the classroom could be used out of context, and possibly worse is the potential that extremists could use one's classroom choices in a coordinated online campaign of harassment.

Another interviewee repeatedly felt as if faculty were put in the "cross-hairs" of right-wing harassers: "Those of us who do this [work] feel hunted. That's how it feels" (Int. 9). Indeed, several faculty articulated immediate fears for their safety. Even though many lawmakers who supported the bill do not endorse violence publicly, it is part of the larger political culture, and not enough lawmakers actively *discourage* violent rhetoric and action. One faculty member put it this way:

Even the establishment people who are pushing these things, most of them, would say, no, you absolutely do not want to be provoking violence or retribution or anything like that. And I think that they would mean it. But the problem is that amidst all of that, it [just] takes one person to take it really seriously. (Int. 1)

Interviewees were not wholly critical of administrators, either. They understood that university administrations are often caught between a rock and a hard place, where they must accommodate attacks from legislators seeking to defund higher education, and at the same time manage organizations with large, complex missions that require ongoing funding and public support. They frequently spoke of understanding the deeper political complexities of university funding threatened by the legislature. As one put it, "When I think about the administrative leadership response, I have asked myself, well, what would I want instead? There's a degree of just not knowing how this is going to play out. There's so much unknown. This is where I have some empathy for leadership. Like, what the hell do we do? What do any of us do through this stuff?" (Int. 10). Above all, faculty were afraid that the bill would have serious long-term impacts on academic freedom and the ability to teach with integrity. They felt this would further exacerbate troubling societal trends related to the rise of mis- and disinformation, lack of social cohesion, and even the viability of democratic government.

During these discussions, fear often turned to anger. Many perceived that HB377 makes teaching some subjects adequately difficult if not impossible. Two interviewees expressed anger that the law censored teaching of historical facts to suit political goals. One said that when the law was passed, they felt as if they were intentionally muzzled because of their area of expertise. Interviewees also felt that there was no intellectual basis for silencing speech around race, but that it was done primarily to achieve electoral goals by scaring voters about "indoctrination." The passing of HB377 led many of our interviewees into a moral and professional quandary that felt particularly frustrating. Of course, these pressures are likely corrosive to faculty well-being and create concerns about whether faculty are acting out of professional ethics and democratic responsibilities or fear and anger.

Discussion and Conclusions

Leading up to HB377's passage, education advocates pushed back against the narrative that CRT was being taught in Idaho schools or that indoctrination was even a real problem needing to be addressed legislatively. While many faculty had grown accustomed to attacks on higher education in the years prior, the CRT ban sent shockwaves across campuses. Ironically the bill itself did not match the political bluster that accompanied it. However, the vagueness of the CRT law created other unforeseen problems and particularly strained relationships between faculty and administrators. Faculty had to "just figure it out" with little support from university administrators or insight into their political strategy. Administrators, for their part, were likely grappling with how to interpret an ambiguous law that butted up against values universities typically hold dear—academic freedom and faculty governance—without angering a legislature threatening additional budget cuts.

Despite the lack of teeth in the bill, the impacts on faculty were notable, with all interviewees reporting that HB377 had affected both how they did their jobs and their mental health. First, how faculty interpreted not just the text of the bill but the broader political context drove divergent responses, with all interviewees reporting that they spent at least some time thinking about whether they should adjust their approach to teaching. Of course, these adjustments were not uni-directional, with some removing anything that could be perceived as CRT from their syllabus, some adding these materials, and others continuing as before. These divergent responses largely mean that how race or racial justice is talked about in Idaho classrooms depends on how faculty perceive their circumstances, leading to inconsistencies and incoherence across campuses and sometimes, even within the same department. Of course, these perceptions are not independent of one's power and privilege, with the most vulnerable faculty unwilling to take the risks of overstepping, likely placing those from traditionally marginalized groups at an even further disadvantage in confronting the institutional barriers they face as faculty.

Second, many faculty suffered increased levels of anxiety and distress and decreased morale, coming on the heels of the COVID-19 pandemic, which also caused major disruptions to their jobs and lives. While some interviewees were not necessarily concerned about the risk of losing their jobs, they were concerned about the possibility of investigation if accused of violating the law, for vulnerable faculty who could more easily have their contracts non-renewed, and for budget cuts that could potentially impact the entire university. The majority of our interviewees talked about leaving the state, knew people who were planning to leave, or themselves have left since being interviewed. Additionally, faculty were concerned about the external consequences related to the polarizing political rhetoric associated with this topic, such as being targeted for harassment campaigns or, in the extreme, violence. Of course, these potentialities are all opaque and there is little understanding of what could trigger any of it, leaving faculty to also fear the unknown or how unknown entities may perceive their actions. The perceived lack of support from university administrators only made the situation worse for many faculty who felt they were left to take the blame for whatever happened as their superiors remained silent or provided only vague answers.

Likely the most important practical insight here is the crucial role that managers play in signaling how to interpret ambiguous policies—specifically, articulating boundaries around acceptable behaviors and how the organization will support employees as long as they stay inside those boundaries. The failure of university leaders in particular to clearly say what they expected of faculty or how they would support faculty was a consistent source of consternation for our interviewees. While universities did provide some guidance, this was mostly in the form of narrow legal advice and provided few concrete, usable answers for faculty on the front lines. This inevitably shifted the responsibility for figuring out what to do with HB377 to faculty, who felt they would be blamed if they interpreted the policy incorrectly based on subjective perspectives of a variety of actors. Of course, even where managers cannot provide the type of practical guidance employees crave, they can still be attentive to their employees' mental health, recognizing that dealing with ambiguity creates significant psycho-emotional distress that leads to decreased morale and burnout (e.g., Davis and Stazyk 2022) particularly when it comes to controversial issues. Notably, many interviewees mentioned that their department chairs were supportive, but they also understood that as chairs, they had limited power in this situation.

Our study yields some important theoretical insights into how ambiguous policies impact public ser-

vants and relationships inside administrative agencies, particularly for street-level bureaucrats. Two issues in particular stand out. The first is the balance between professional and democratic responsibilities. Although it has long been debated in public administration (e.g., Stewart 1985), interviewees implicitly expressed feelings of being torn between their responsibilities to both execute a policy authorized by a democratically elected body and to uphold the responsibilities of their profession. The second is the role of risk assessment, particularly how some faculty believed their position or power insulated them from some consequences (e.g., getting fired) but not others (e.g., online harassment). Certainly, risks associated with groups external to universities are amplified here because of the controversy, salience, and notoriety surrounding CRT, but one can imagine that public servants in general are becoming more concerned about such things due to vitriol directed at administrative agencies increasing in recent years. Both of these issues add to the dialogue about the complex decision-making that street-level bureaucrats are faced with during public service delivery (e.g., Lipsky 2010).

More novel here are insights into faculty well-being, morale, and mental health. Although extant scholarship connects ambiguity to issues such as job satisfaction and motivation (e.g., Davis and Stazyk 2022; Jung 2013), our findings add explicit evidence to document the quality and characteristics of the mental health impacts that underlie these issues and how they carry greater impacts beyond what may appear to be narrow issues related to a single policy. That is, we can think of a causal pathway here as beginning with frustration over not knowing what to do or how to do it, which turns to fear of getting it wrong and the consequences that come along with that. Eventually, fear and frustration turn to anger focused on managers who are not providing guidance or support and on policymakers as instigators. Implicit here is also a sense of helplessness and a lack of agency, where employees feel they have no recourse and the "right" answers are out of reach. These feelings naturally lead one to low job satisfaction, morale, motivation, and eventually, to burnout; all of which impact employees and their relationships on a broad scale and not just around a single policy.

Finally, the study illustrates the role of public managers in mediating the impacts of ambiguities on street-level bureaucrats (e.g., Pandey and Wright 2006).

Additionally, our findings show how frustration and anger get redirected from policymakers to managers. Faculty seemed to focus their frustration on the state legislature immediately after the bill was passed, but that focus shifted toward university administrators as faculty waited on clear guidance that never came. Specifically, as faculty were starting to figure out what to do with this new law as they returned to campus for the fall 2022 semester, they looked to their institutional leaders to provide insight, but only received vague statements and legalistic, ill-informed guidance that further muddled the waters. To put this another way: legislators shifted responsibilities to university administrators, who in turn shifted those responsibilities to faculty. In doing so, administrators became complicit in the frustration that faculty faced. Notably, in practice, the strains identified in this paper manifest simultaneously so they become intertwined from the faculty perspective, highlighting the complex impacts that ambiguous policies have on administrative agencies.

Of course, additional research is necessary here from both a practical and theoretical perspective, particularly as more states (e.g., Florida) consider and/or adopt legislation that restricts CRT, DEI initiatives, or academic freedoms in other forms. For instance, comparative studies between these states could help further illuminate the complex damage such laws inflict on universities. Two points of inquiry in particular stand out, though. The first is the managerial role as mediator of ambiguity for both the organization and their subordinates, and the second is the connections between ambiguity and mental health of public servants. In terms of the first, some scholars have noted this role previously (e.g., Pandey and Wright 2006), but there is significant room for additional development (e.g., what managerial tools are most effective, how managers respond to inherently ambiguous circumstances). In any case, our findings provided evidence of what happens when this role is neglected. Additionally, while some scholarship begins to unpack how dealing with ambiguity creates psycho-emotional strains for public servants (e.g., Davis and Stazyk 2022), it is a point in need of further examination, particularly in the political climates where public servants are routinely villainized for doing their jobs. In sum, ambiguous policy on controversial issues creates significant strains on administrative agencies, and if handled poorly, undermines the trust and efficacy of organizations.

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Appendix A

LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature   First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES
HOUSE BILL NO. 377
BY WAYS AND MEANS COMMITTEE

1   AN ACT
2 RELATING TO DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION; AMENDING
3 CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-138,
4 IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE LEGISLATIVE FIND-
5 INGS, TO ESTABLISH PROHIBITIONS REGARDING CERTAIN TENETS, DISTINCTIONS
6 OR CLASSIFICATIONS, OR COURSES OF INSTRUCTION OR UNITS OF STUDY, AND TO
7 PROVIDE FOR STATUTORY CONSTRUCTION; AMENDING CHAPTER 1, TITLE 33, IDAHO
8 CODE, BY THE ADDITION OF A NEW SECTION 33-139, IDAHO CODE, TO PROHIBIT
9 THE EXPENDITURE OF MONEYS FOR CERTAIN PURPOSES; PROVIDING SEVERABILITY;
AND DECLARING AN EMERGENCY.

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1.   That Chapter 1, Title 33, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-138,
Idaho Code, and to read as follows:

13 33-138. DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION. (1) It is
14 the intent of the legislature that administrators, faculty members, other
15 employees, and students at public schools, including public charter schools
16 and institutions of higher education, respect the dignity of others, ac-
17 knowledge the right of others to express differing opinions, and foster and
18 defend intellectual honesty, freedom of inquiry and instruction, and freedom of speech and association.
19 (2) The Idaho legislature finds that tenets outlined in subsection
20 (3)(a) of this section, often found in "critical race theory," undermine the
21 objectives outlined in subsection (1) of this section and exacerbate and
22 inflame divisions on the basis of sex, race, ethnicity, religion, color, national origin, or other criteria in ways
contrary to the unity of the nation and the well-being of the state of Idaho and its citizens.
23 (3) In accordance with section 6, article IX of the constitution of the
24 state of Idaho and section 67-5909, Idaho Code:
25 (a) No public institution of higher education, school district, or public school, including a public charter school,
shall direct or otherwise compel students to personally affirm, adopt, or adhere to any of the following tenets:
26   (i) That any sex, race, ethnicity, religion, color, or national
27   origin is inherently superior or inferior;
28   (ii) That individuals should be adversely treated on the basis of
29   their sex, race, ethnicity, religion, color, or national origin;
30   or
31   (iii) That individuals, by virtue of sex, race, ethnicity, religion, color, or national origin, are inherently
responsible for
32   actions committed in the past by other members of the same sex,
33   race, ethnicity, religion, color, or national origin.

1   (b) No distinction or classification of students shall be made on ac-
2   count of race or color.
3   (c) No course of instruction or unit of study directing or otherwise
4   compelling students to personally affirm, adopt, or adhere to any of the
5   tenets identified in paragraph (a) of this subsection shall be used or
6   introduced in any institution of higher education, any school district,
7   or any public school, including a public charter school.
8   (4) Nothing in this section should be construed to prohibit the re-
9   quired collection or reporting of demographic data by public schools or
10 public institutions of higher education.

11   SECTION 2. That Chapter 1, Title 33, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 33-139, Idaho Code, and to read as follows:
14   33-139. PROHIBITION ON THE EXPENDITURE OF MONEYS FOR CERTAIN PUR-
15 POSES. No moneys shall be expended by the state board of education, any
16 entity under the state board of education's jurisdiction, or any school dis-
17 trict, public charter school, or public institution of higher education for
18 any purpose prohibited in section 33-138, Idaho Code.

19   SECTION 3. SEVERABILITY. The provisions of this act are hereby declared
20 to be severable and if any provision of this act or the application of such
21 provision to any person or circumstance is declared invalid for any reason,
22 such declaration shall not affect the validity of the remaining portions of
23 this act.

24   SECTION 4. An emergency existing therefore, which emergency is hereby
25 declared to exist, this act shall be in full force and effect on and after its
26 passage and approval.

Appendix B

Semi-Structured Interview Questions

1. Have you been following the development and passing of HB377? What were your reactions as the bill was being debated and then eventually passed?
2. What is your interpretation of why the bill was initially proposed?
3. What do you think the law is intended to do?
4. Has the law changed how you think about your own professional identity?
5. What changes have you made to your teaching or class content, or what changes might you make, following the passage of the law?
6. Have you received guidance from your supervisor or other university administrators about how to react to the law, in terms of your teaching and/or research?
7. Is there additional guidance you wish you had received or would receive moving forward?
8. What other thoughts do you have about the law? Are there ramifications or unintended consequences that you are concerned about?
9. Anything else you'd like to share with us?

Appendix C

Excerpt from Codebook

Primary Code	Definition	Exemplar Quotation
Reactions to bill passage	Retelling memories of the bill's passing, their fears/concerns/non-reactions to how it would impact research and teaching	
Secondary Code		
Fear for self	Articulating fears that they would be targeted or fired	"[Teaching CRT] could certainly result in my firing. I think it's less likely for me to get fired than someone who's on a year-to-year contract. But it happens fast—as soon as you have a video out there or something, you start getting harassed on social media, you start getting attention from legislatures. You're used then as a weapon for that larger goal of theirs, whatever that is."
Frustration	Voicing frustration and re-sentment that the legislature is targeting CRT for political gain	"A few years ago they passed a law that prohibited the use of Sharia Law in Idaho. I mean, totally ridiculous. My hope would be, for the Indoc-trination Task Force, that there would be some evidence-collecting to see whether something's an issue or not before tackling it. But they did it in the absence of any reasonable evidence."