NAVIGATING THE FORK IN THE RIVER: RISKS AND OPPORTUNITIES IN ORGANIZATIONAL EQUITY WORK

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OUTWARD BOUND USA

WELCOME!

INTRODUCE YOURSELF TO A NEIGHBOR

- Share a bit about why you came to this workshop

AGENDA

- Goals & agreements
- Framing and context
- Risks of doing and not doing diversity, equity and inclusion (DEI) work
- Opportunities and strategies
- Mapping your DEI risk
- Resources

- *Elyse Rylander (she/her)*
  - I’ve been facilitating people getting outside by kayak, canoe, bike, foot and more since 2006
  - Started OUT There Adventures in 2013
  - Live in Bellingham, WA
  - Mom to an almost 3 year old

WORKSHOP GOALS

- *HIGHLIGHT THE RISKS ORGANIZATIONS FACE WHEN CHOOSING TO ENGAGE—OR NOT ENGAGE—IN DEI EFFORTS.*
- *OFFER PRACTICAL STRATEGIES FOR NAVIGATING THE POLITICAL AND CULTURAL CHALLENGES OF ORGANIZATIONAL DEI WORK.*
- *SHARE TESTED TOOLS AND FRAMEWORKS DEVELOPED BY OUTWARD BOUND USA THAT ATTENDEES CAN ADAPT.*
- *FOSTER COLLABORATION AND SHARED LEARNING AMONG ATTENDEES.*

OUR LEARNING ENVIRONMENT

- ***OFFER WHAT YOU KNOW, ASK FOR WHAT YOU NEED***
- ***WHAT'S SHARED HERE STAYS HERE, WHAT'S LEARNED HERE LEAVES HERE***
- ***EXPECT IMPERFECTION***
- ***I AM NOT YOUR ATTORNEY***

DEFINING THE WORK

- ***DIVERSITY*: THE DIFFERENCES BETWEEN US BASED ON WHICH SOME OF US EXPERIENCE SYSTEMIC ADVANTAGES AND OTHERS ENCOUNTER SYSTEMIC DISADVANTAGES, BARRIERS OR MISTREATMENT***
- ***EQUITY*: CREATING EQUAL ACCESS FOR ALL; IT REQUIRES THINKING MORE INTENTIONALLY ABOUT ALLOCATING RESOURCES***
- ***INCLUSION*: FOSTERING A SENSE OF BELONGING FOR EVERYONE BY AMPLIFYING THE NEEDS OF THOSE WHO HAVE EXPERIENCED MORE SYSTEMIC DISADVANTAGES***
- ***FAIRNESS**: EVERYONE IS SET UP TO SUCCEED AND PROTECTED AGAINST DISCRIMINATION.***
- ***ACCESS**: EVERYONE CAN FULLY PARTICIPATE IN AN EXPERIENCE OR ENVIRONMENT.***
- ***REPRESENTATION**: EVERYONE TRUSTS THEIR REPRESENTATIVES TO ACT WITH THEIR NEEDS IN MIND.***
- ***BELONGING: EVERY PERSON FEELS SAFE, VALUED, AND SEEN, AND IS ABLE TO FULLY PARTICIPATE AND THRIVE. IT IS ACHIEVED THROUGH INTENTIONAL, MEASURABLE PRACTICES THAT CENTER EQUITY, ACCESS, AND REPRESENTATION.***

*Source: The Avarna Group

**Source: Lily Zheng

WHY DOES DEI MATTER?

INCLUSION IS WHAT WE DO, AND ACCESS IS WHAT WE CREATE.
EQUITY IS HOW WE DO IT, AND FAIRNESS IS WHAT WE NEED TO DO IT WELL.
BELONGING IS WHAT PEOPLE FEEL.
DIVERSITY AND REPRESENTATION ARE THE OUTCOMES.

WITHOUT ACTIVE ADVANCEMENT OF EQUITY WORK, OUR ORGANIZATIONS WILL BECOME INCREASINGLY INEFFICIENT, IRRELEVANT AND EVENTUALLY OBSOLETE.

WHAT DOES DEI MEAN TO YOU?

IN PAIRS OR TRIOS, DISCUSS:

- **What does DEI work mean in your organization?**

- **What's one challenge or risk you've faced in implementing DEI work before January 2025, and one challenge or risk since January 2025?**

HOW WE GOT TO NOW

OVERVIEW OF THE CHANGING POLITICAL LANDSCAPE

- **Federal and state policies have historically shaped the scope and direction of equity-related work in organizations.**
- **Shifts in political leadership can impact funding, compliance requirements, and public attitudes toward DEI initiatives.**
- **Organizations have always needed to remain adaptable and informed to navigate evolving legal and cultural expectations.**

HISTORICAL IMPACTS OF FEDERAL POLICY ON EQUITY-RELATED WORK

- **Landmark legislation (e.g., Civil Rights Act, ADA, Title IX) established foundational protections and access.**
- **Federal support for DEI has fluctuated, influencing resources and priorities for schools and nonprofits.**
- **Previous administrations have both expanded and restricted equity-focused programs, affecting outreach and accountability.**

CURRENT POLITICAL AND LEGAL CHALLENGES

FEDERAL LEVEL

- Recent federal executive orders (e.g., EO 14151, 14168, 14173) have mandated the termination of DEI-related programs, offices, and positions across federal agencies
- Federal funding for DEI-focused nonprofits is being scaled back; organizations must certify they are not using government resources for race-based hiring or training
- Affirmative action measures and race-conscious hiring policies face increased legal scrutiny and may be prohibited for federally funded organizations
- DEI training programs within federal contracts are restricted, especially those referencing "race-based stereotyping" or "privilege narratives"
- Federal employment practices now emphasize merit-based opportunity, rejecting consideration of gender identity and other DEI factors
- Increased reporting requirements for nonprofits on how funds are used in relation to DEI programs, deterring prioritization of diversity efforts

STATE LEVEL

- Several states (e.g., Florida, Indiana, Mississippi, West Virginia) have passed laws banning DEI initiatives in public colleges and state agencies
- Universities and public institutions have eliminated DEI positions and canceled vendor contracts related to diversity and inclusion
- Some states are following federal cues, dismantling DEI programs and increasing scrutiny of nonprofit and educational DEI efforts

SECTOR IMPACTS

- Nonprofits with federal contracts or grants face funding cuts, increased legal scrutiny, and risk of program shutdowns
- Organizations have paused or restructured minority leadership pipeline programs and other DEI initiatives due to compliance concerns
- DEI-focused job postings and recruitment strategies are being challenged or removed to comply with new regulations
- Disability rights and inclusion efforts are threatened by federal DEI rollbacks, impacting access and support for marginalized groups

IDENTIFYING DEI ENGAGEMENT RISKS

STAKEHOLDER BACKLASH

- **Organizations may face opposition from donors, customers, or staff when engaging in DEI initiatives.**

EXTERNAL SCRUTINY

- **Media and government entities may closely watch and evaluate DEI activities, increasing pressure on organizations.**

INTERNAL RESISTANCE

- **Staff resistance and pushback inside the organization can challenge DEI progress and require careful management.**

LEGAL RISKS

- **Perceived risk related to compliance and other lawsuits**

IDENTIFYING LACK OF DEI ENGAGEMENT RISKS

REPUTATIONAL DAMAGE

- **Ignoring DEI initiatives can harm an organization's public image and credibility with key stakeholders.**

ALIENATION OF COMMUNITIES

- **Failure to engage in DEI risks alienating important communities and losing their trust and support.**

MISSED INNOVATION OPPORTUNITIES

- **Lack of DEI efforts leads to missed chances for growth and creative problem-solving through a diversity perspectives.**

ORGANIZATIONAL VULNERABILITIES

- **Neglecting DEI can result in legal risks, unmet expectations, and higher staff turnover rates.**
- **Risk of losing funding or partnerships due to not meeting DEI expectations from donors or grantors**

DEI RISK BRAINSTORM

SMALL GROUP BRAINSTORMING

- **In groups of 3 or 4, identify risks faced during DEI initiative implementation at your organizations**

- **Then identify risks faced when choosing NOT to engage in DEI work at your organizations**

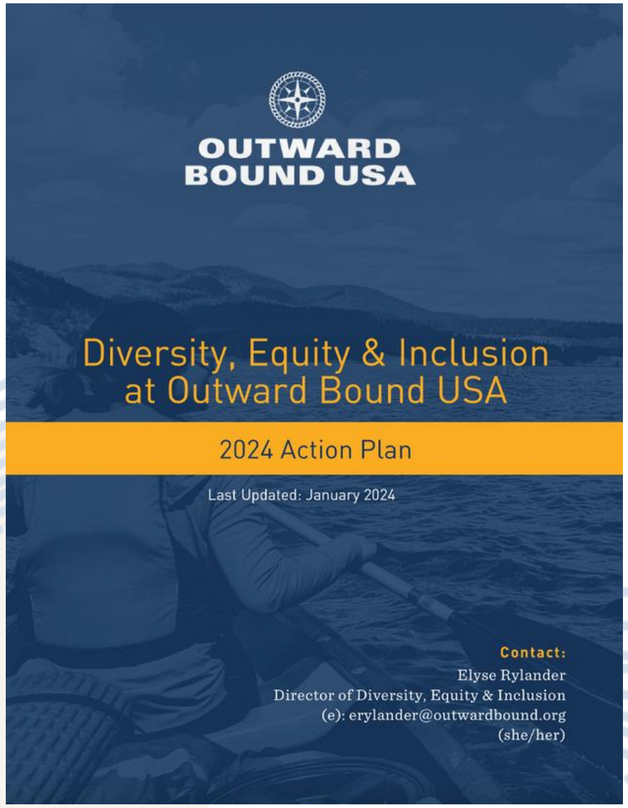
THEME MAPPING

- **Place your group's identified risks in the best aligned theme category**

OPPORTUNITIES AND STRATEGIC NAVIGATION

DEI STRATEGIC PLAN

- **Strengthening leadership accountability through a DEI strategic plan framework ensures commitment and direction in DEI efforts.**



OPPORTUNITIES AND STRATEGIC NAVIGATION

PROACTIVE COMMUNICATIONS

- **Timely, clear and actionable communications to staff**
- **Utilizing a Language for Impact Guide supports clear, inclusive communication with stakeholders to foster engagement.**

OUTWARD BOUND USA

Memo

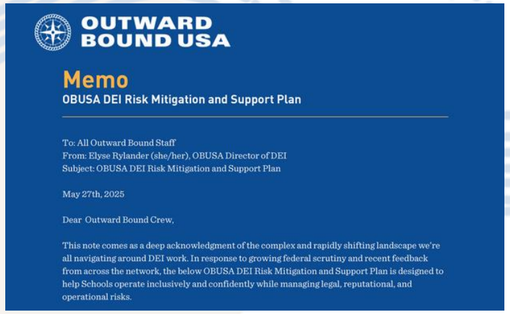
Update on DEI Impact Review under Current Federal Administration

To: All Outward Bound Staff
From: Elyse Rylander (she/her), OBUSA Director of DEI
Subject: Update on DEI Impact Review under Current Federal Administration

March 20, 2025

Dear Outward Bound Crew,

As part of our ongoing commitment to foster an inclusive and equitable environment, we want to provide an update on our work to assess the potential impacts of current federal and state level policies on Diversity, Equity, and Inclusion (DEI) work within Outward Bound USA and our Regional Schools.



OUTWARD BOUND USA

Memo

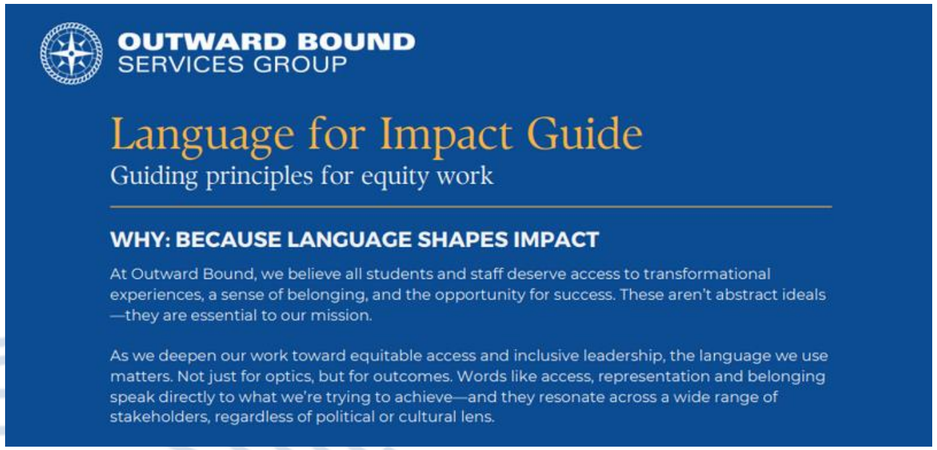
OBUSA DEI Risk Mitigation and Support Plan

To: All Outward Bound Staff
From: Elyse Rylander (she/her), OBUSA Director of DEI
Subject: OBUSA DEI Risk Mitigation and Support Plan

May 27th, 2025

Dear Outward Bound Crew,

This note comes as a deep acknowledgment of the complex and rapidly shifting landscape we're all navigating around DEI work. In response to growing federal scrutiny and recent feedback from across the network, the below OBUSA DEI Risk Mitigation and Support Plan is designed to help Schools operate inclusively and confidently while managing legal, reputational, and operational risks.



OUTWARD BOUND SERVICES GROUP

Language for Impact Guide

Guiding principles for equity work

WHY: BECAUSE LANGUAGE SHAPES IMPACT

At Outward Bound, we believe all students and staff deserve access to transformational experiences, a sense of belonging, and the opportunity for success. These aren't abstract ideals—they are essential to our mission.

As we deepen our work toward equitable access and inclusive leadership, the language we use matters. Not just for optics, but for outcomes. Words like access, representation and belonging speak directly to what we're trying to achieve—and they resonate across a wide range of stakeholders, regardless of political or cultural lens.

OPPORTUNITIES AND STRATEGIC NAVIGATION

BUILDING PARTNERSHIPS

- **Collaborating with aligned organizations strengthens networks and expands DEI impact through shared goals.**

NYC Department of Education

LATINO OUTDOORS

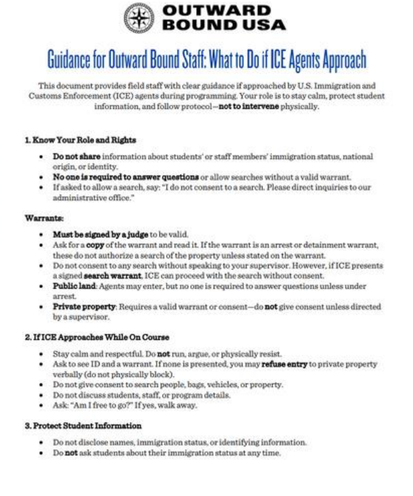
TU VOZ ES EL PODER
Colorado Rapid Response Network

TFI THE FRANKLIN INSTITUTE

OPPORTUNITIES AND STRATEGIC NAVIGATION

SCENARIO PREPAREDNESS

- **Delivering network-wide resources on:**
  - **How to navigate interactions with immigration enforcement prepares teams for potential challenges, enabling real time risk mitigation.**
  - **How to update staff trainings**
  - **Travel considerations for students and staff**



OUTWARD BOUND USA

Guidance for Outward Bound Staff: What to Do if ICE Agents Approach

This document provides field staff with clear guidance if approached by U.S. Immigration and Customs Enforcement (ICE) agents during programming. Your role is to stay calm, protect student information, and follow protocol—**not to intervene** physically.

1. Know Your Role and Rights

- **Do not share** information about students' or staff members' immigration status, national origin, or identity.
- **No one is required to answer questions** or allow searches without a valid warrant.
- If asked to allow a search, say: "I do not consent to a search. Please direct inquiries to our administrative office."

Warrants:

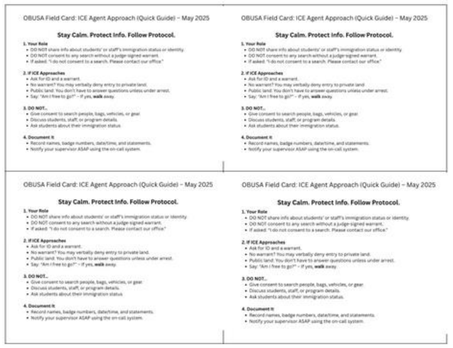
- **Must be signed by a judge** to be valid.
- Ask for a **copy** of the warrant and read it. If the warrant is an arrest or detainment warrant, these do not authorize a search of the property unless stated on the warrant.
- Do not consent to any search without speaking to your supervisor. However, if ICE presents a signed **search warrant**, ICE can proceed with the search without consent.
- **Public land**: Agents may enter, but no one is required to answer questions unless under arrest.
- **Private property**: Requires a valid warrant or consent—do **not** give consent unless directed by a supervisor.

2. If ICE Approaches While On Course

- Stay calm and respectful. Do **not** run, argue, or physically resist.
- Ask to see ID and a warrant. If none is presented, you may **refuse entry** to private property verbally (do not physically block).
- Do not give consent to search people, bags, vehicles, or property.
- Do not discuss students, staff, or program details.
- Ask: "Am I free to go?" If yes, walk away.

3. Protect Student Information

- Do not disclose names, immigration status, or identifying information.
- Do **not** ask students about their immigration status at any time.



OBUSA Field Card: ICE Agent Approach (Quick Guide) – May 2025

Stay Calm. Protect Info. Follow Protocol.

1. Your Role
- DO NOT share info about students' or staff's immigration status or identity.
- DO NOT consent to any search without a judge-signed warrant.
- If asked: "I do not consent to a search. Please contact our office."

2. If ICE Approaches
- Ask for ID and a warrant.
- No warrant? You may verbally deny entry to private land.
- Public land: You don't have to answer questions unless under arrest.
- Say: "Am I free to go?" – If yes, **walk** away.

3. DO NOT...
- Give consent to search people, bags, vehicles, or gear.
- Discuss students, staff, or program details.
- Ask students about their immigration status.

4. Document It
- Record names, badge numbers, date/time, and statements.
- Notify your supervisor ASAP using the on-call system.

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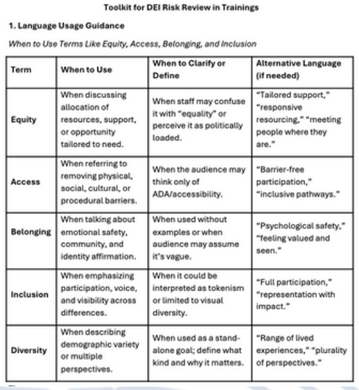
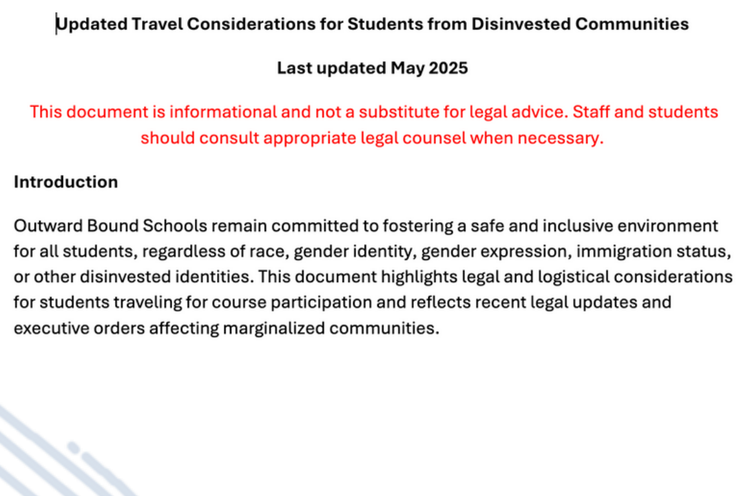


Toolkit for DEI Risk Review in Trainings

1. Language Usage Guidance

When to Use Terms Like Equity, Access, Belonging, and Inclusion

Term	When to Use	When to Clarify or Define	Alternative Language (if needed)
Equity	When discussing allocation of resources, support, or opportunity tailored to need.	When staff may confuse it with "equality" or perceive it as politically loaded.	"Tailored support," "responsive resourcing," "meeting people where they are."
Access	When referring to removing physical, social, cultural, or procedural barriers.	When the audience may think only of ADA/accessibility.	"Barrier-free participation," "inclusive pathways."
Belonging	When talking about emotional safety, community, and identity affirmation.	When used without examples or when audience may assume it's vague.	"Psychological safety," "feeling valued and seen."
Inclusion	When emphasizing participation, voice, and visibility across differences.	When it could be interpreted as tokenism or limited to visual diversity.	"Full participation," "representation with impact."
Diversity	When describing demographic variety or multiple perspectives.	When used as a stand-alone goal; define what kind and why it matters.	"Range of lived experiences," "plurality of perspectives."



Updated Travel Considerations for Students from Disinvested Communities

Last updated May 2025

This document is informational and not a substitute for legal advice. Staff and students should consult appropriate legal counsel when necessary.

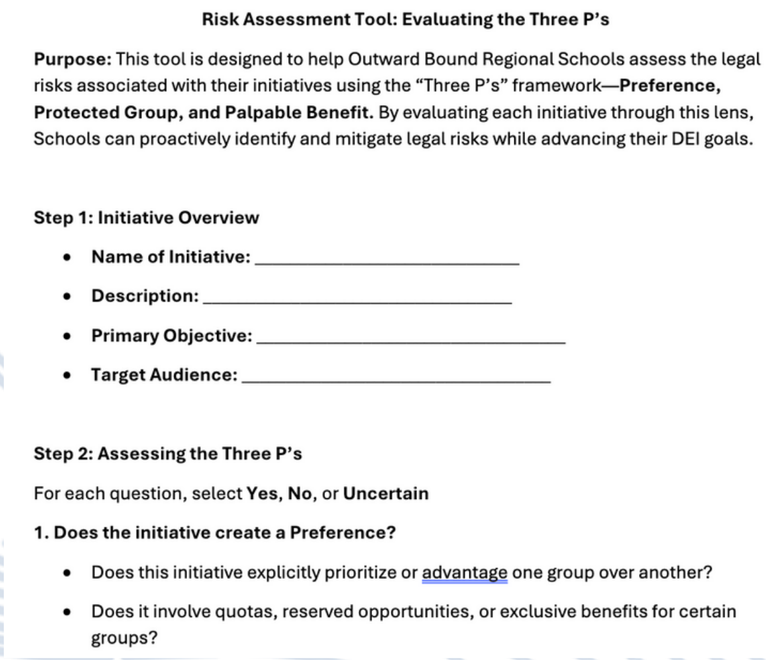
Introduction

Outward Bound Schools remain committed to fostering a safe and inclusive environment for all students, regardless of race, gender identity, gender expression, immigration status, or other disinvested identities. This document highlights legal and logistical considerations for students traveling for course participation and reflects recent legal updates and executive orders affecting marginalized communities.

OPPORTUNITIES AND STRATEGIC NAVIGATION

REVIEW TOOLS

- **3 P'S RISK FRAMEWORK**
  - **Meltzer Center at NYU**



Risk Assessment Tool: Evaluating the Three P's

Purpose: This tool is designed to help Outward Bound Regional Schools assess the legal risks associated with their initiatives using the "Three P's" framework—**Preference, Protected Group, and Palpable Benefit.** By evaluating each initiative through this lens, Schools can proactively identify and mitigate legal risks while advancing their DEI goals.

Step 1: Initiative Overview

- **Name of Initiative:** _____
- **Description:** _____
- **Primary Objective:** _____
- **Target Audience:** _____

Step 2: Assessing the Three P's

For each question, select **Yes**, **No**, or **Uncertain**

1. Does the initiative create a Preference?

- Does this initiative explicitly prioritize or advantage one group over another?
- Does it involve quotas, reserved opportunities, or exclusive benefits for certain groups?

MAPPING YOUR DEI RISK MATRIX

FRAMEWORK: ADAPTED FROM THE OB DEI RISK PLAN

DEI Risk–Opportunity Matrix

	Engaging in DEI Work	**Not Engaging in DEI Work**
Thriving/Stable	Engaging & Thriving	Not Engaging but Stable
At Risk/Vulnerable	Engaging with Risk	Not Engaging & Vulnerable

INSTRUCTIONS: MAP YOUR ORGANIZATION'S CURRENT DEI POSITION.

REFLECTION

- **Where are we now? Where do we want to be?**
- **What actions can we take?**

SMALL-GROUP SHARE: EACH GROUP OFFERS ONE TAKEAWAY AND ONE STEP YOUR ORGANIZATION CAN TAKE BEFORE THE END OF THE YEAR

WRAP UP

THERE ARE RISKS IN ENGAGING IN EQUITY WORK, BUT THE RISK OF NOT FAR OUT WEIGH THEM, EVEN IN THIS POLITICAL MOMENT.

BY REMAINING ADAPTABLE, OUTCOMES FOCUSED AND SHIFTING OUR LANGUAGE WE CAN CREATE THE CONDITIONS IN WHICH WE CAN CONTINUE TO MOVE GOOD WORK FORWARD.

WE ARE STRONGER TOGETHER.

QUESTIONS?

erylander@outwardbound.org

RESOURCES

OBUSA 2024 DEI Action Plan

3 P's Framework

Language for Impact Guide

ICE Guidance Document

Risk Matrix Handout