The Implementation of Diversity, Equity and Inclusion in Academia

Special Report

Lee Jussim, Nate Honeycutt

Date: Nov 27, 2022

URL: https://unsafescience.substack.com/p/the-implementation-of-diversity-equity

Nathan Honeycutt and Lee Jussim[1]

Executive Summary

1. Diversity, Equity and Inclusion (DEI) values and programs are being widely instituted throughout academia.

2. “Diversity” has two meanings: i. Variety (pluralism, people from all walks of life); ii. making extra efforts toward welcoming and providing extra benefits toward groups progressives consider deserving of special protections. DEI implementation is often disingenuous in that much academic rhetoric is about the first meaning of diversity, but the implementation of DEI is almost entirely focused around the second.

3. DEI attempts to mobilize individual forms of affirmative action and selective preferences for those groups progressives consider protected. Most Americans oppose selective preferences based on race and gender.

4. Mandatory DEI statements are on the rise, and typically require applicants to commit to a progressive political action agenda akin to affirmative action.

5. Objections to the use of mandatory DEI statements include that they are: i. a mechanism of political discrimination against non-progressives; ii. a form of either compelled speech or censorship; iii. an infringement on academic freedom; iv. likely to impair the quality of teaching and scholarship by restricting (sometimes severely) the pool of applicants from which new faculty are selected; v. there is currently little evidence documenting their effectiveness or unintended side effects.

6. A research agenda and recommendations for better DEI initiatives and protecting academic freedom are provided.

DIVERSITY, EQUITY AND INCLUSION IN ACADEMIA

Diversity, equity and/or inclusion (DEI) have become mainstream values for nearly every American University. Universities include such statements in their mission and core values

(e.g., Rutgers University, 2021), and departments often have their own pages discussing what diversity means to them (e.g., NYU Department of Psychology, 2021). Universities have diversity committees, diversity officers, diversity vice presidents, or are seeking to add such positions (e.g., University of Texas at Austin Office of the Executive Vice President and Provost, 2021). And at the individual departmental level there are often diversity committees or sub-committees (e.g., Rutgers-NB Department of Psychology, 2021).

Diversity is increasingly a focus for universities for key reasons. Diversity can contribute toward enhancing creativity and openness to new or different ideas (Nemeth & Wachtler, 1983), along with more thorough problem solving (Page, 2008) and increased job satisfaction (Hofhuis et al., 2016). For decades, research in the domain of minority influence has articulated the benefits of including numerical minorities—even if they may not change the overall outcome, numerical minorities help groups think deeper about projects or important topics, and help groups come to more innovative and creative solutions to problems (e.g., Nemeth, 2012). Furthermore, as diversity increases and groups become less homogeneous, members of diverse groups may be less likely to conform or engage in groupthink (Gaither et al., 2018), which could lead to greater innovation and more robust research.

Political diversity is an often-overlooked form of diversity, as most discussions about diversity center on demographic forms of diversity such as race, ethnicity, or gender. Arguably, though, political diversity (or diversity of viewpoints) is the form of diversity that is most likely to improve the validity of science (Duarte et al., 2015; Haidt & Jussim, 2016), particularly when attempting to discuss and study polarizing topics. Political diversity can increase the probabilities that assumptions are challenged, that new or different ideas and methods get explored, and that understanding and engagement with those from different backgrounds is bolstered (Heterodox Academy, n.d.). It can also help undergird trust in scientists, science, and universities, all of which are likely under threat if significant proportions of the population perceive them to be biased and severely lacking in ideological or political diversity.

Nate and I have written elsewhere about the slippery meaning of “diversity” in higher education (Jussim, 2022). As I wrote in that article:

“The Oxford Languages Dictionary provides two definitions of diversity:

1. The state of being diverse, variety.

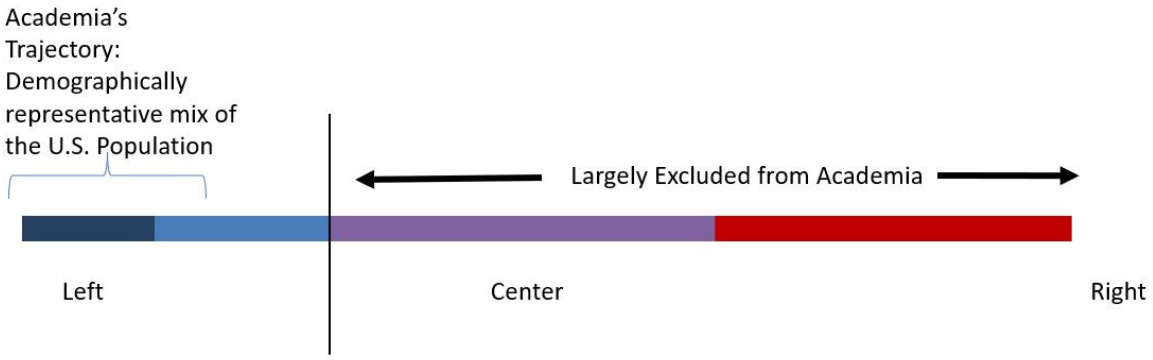
2. The practice or quality of including or involving people from a range of different social and ethnic backgrounds and of different genders, sexual orientations, etc.

Inasmuch as “the state of being diverse” is not very helpful for understanding the meaning of “diversity,” I looked up “variety.” The same dictionary defines “variety” as “the quality or state of being different or diverse; the absence of uniformity, sameness, or monotony.” The first definition is clearly the broader of the two and subsumes the second definition. This risks creating confusion about what is being discussed. If someone promises “diversity” interpreted in the broader sense, but delivers “diversity” in the narrower sense” they are plausibly viewed as disingenuous.

In the rest of this report we use the term "progressive diversity" to refer to "diversity" that only encompasses providing special consideration or benefits to groups progressives deem protected. We use the terms "diversity," "diversity in general," or "diversity, broadly construed" (or similar) to refer to diversity in the first sense described by the Oxford Languages Dictionary. We note here that the diversity, broadly construed is inclusive of progressive diversity, but is not restricted to it. Indeed, diversity broadly construed is, ironically, the most "inclusive" form of diversity there is. We say "ironically" because the progressive form of diversity functions to exclude most of the American population on political grounds:

Figure 1

Political "Inclusion" and "Diversity" in U.S. Academia



Because academia writ large seems to be in the business of referring just to "diversity" as if it is in the broader sense, but delivering only progressive diversity, we insert "[progressive]" before "diversity" throughout this report when characterizing or quoting academic reports that refer only to "diversity" but are clearly referring primarily or only to progressive diversity.

Mandatory Diversity Statements

Increasingly, because of rising importance and emphasis being placed on diversity, many American universities, or schools and departments within universities, are mandating the inclusion of a statement on diversity, equity, and inclusion ("DEI") as a part of faculty hiring and promotion (Brown, 2019). Notably, a recent audit of academic job postings during Fall 2020 found that 68% of job advertisements mentioned diversity, with 19% of the audited job advertisements requiring a DEI statement (Paul & Maranto, 2021). Interestingly, this audit also found that DEI statement requirements were much more prevalent at elite universities than non-elite universities—18-20 percentage points more likely—suggesting that the prevalence of DEI statements may continue to rise given the propensity for elite institutions to set higher education trends.

The University of California system has been a pioneer in implementing mandatory DEI statements, articulating in 2015 that faculty achievement and efforts related to diversity should

be recognized in academic personnel processes (The University of California Academic Personnel Policy, 2017). With state funding, the UC system began pilot testing various DEI initiatives in 2016, including requiring DEI statements from job candidates (UC Office of the President, 2017). Some campus, such as UC Irvine, were independently piloting changes to faculty search processes as early as 2014 (ADVANCE Program for Equity and Diversity, 2014). Universities in that system, such as UC Irvine and UCLA, adopted campus-specific policies and guidelines as early as 2015 (UC Irvine Office of the Provost and Executive Vice Chancellor, 2015) and 2018 (Waugh, 2018) mandating that DEI statements be required for most faculty searches and promotions. The other University of California campuses were later instructed to follow suit (May, 2019), each given latitude to implement in their own way

DEI statements are described as beneficial for the purpose of "signal[ing] that [a] department genuinely values equity, diversity, and inclusion" and because "this signal will make it easier to attract a diverse pool of applicants" (UCLA Office of Equity, Diversity, & Inclusion, 2019a, p. 4). DEI statements are also lauded as additional criteria that should be given weight and consideration in faculty advancement decisions as a way to dismantle privilege that perpetuates racial and ethnic disparities[2] (De Los Reyes & Uddin, 2021). Proponents have also described DEI statements to be beneficial as an alternative faculty recruitment strategy when affirmative action is prohibited, as a DEI statement would be a "required articulation of relevant [progressive diversity-related] experience or knowledge" which would "enhance the likelihood that new faculty members are committed to advancing [progressive] diversity" (Baker et al., 2016, p. 62).

Unpacking the Bait and Switch: Defining Diversity Broadly then Implementing Progressive Diversity

To provide clarity on how DEI statements will be used, some have recommended that hiring committees must "be clear about what they mean by [progressive] diversity contributions and … (a) conceptualize [progressive] diversity/DEI commitments as part of the intellectual work of faculty … rather than simply identify membership or ideological beliefs" (Sylvester et al., 2019, p. 155). Clarity and definitions are not always present, though. Most universities (see, e.g., University of Texas at Austin Office of the Executive Vice President and Provost, 2021) neglect to define and specify what they mean by DEI in their DEI plans. Furthermore, it is ambiguous what types, or combinations, of diversity may be viewed as advantageous to hiring committees. For example, if race is a valuable form of diversity does this include East and South Asians? Does life experience count? Or social or economic class? Does it include forms of diversity articulated as advantageous in the past, and referenced by the US Supreme Court, such as living or traveling widely abroad, fluency in several languages, overcoming personal adversity or family hardship, an exceptional and extensive community service record, successful careers in other fields (*Grutter v. Bollinger*, 2003)? Or is the range of acceptable forms or combinations and variations restricted (Frisby, 2018)?

When definitions are present, DEI statements are typically described as a statement whereby faculty job/promotion candidates can detail their past, present, and future/planned contributions to [progressive] diversity, equity, and inclusion (Sylvester et al., 2019). Diversity,

equity, and inclusion in these instances are often defined broadly. For example, UCLA (UCLA Office of Equity, Diversity, & Inclusion, 2019a, p. 2) defines equity as "on a formal level … treating likes alike [and] on a more substantive level … not ignoring differences when they matter." UCLA then goes on to define diversity as "the variety of personal experiences, values, and worldviews that arise from differences of culture and circumstance. Such differences include race, ethnicity, gender, age, religion, language abilities/disabilities, sexual orientation, gender identity, socioeconomic status, and geographic region, and more." Finally, inclusion is articulated as "when all faculty members, regardless of their social identities, feel welcomed, respected, and valued." Each of these definitions appear prima facie to provide wide latitude for job/promotion candidates to discuss any number of different forms of diversity, situations in need of equity, ways inclusion can be improved for certain groups, and more.

Provided examples of what constitutes diversity, equity, and inclusion, though, are not typically as broad as the definitions. Given the agenda for which some have indicated DEI statements are useful (see earlier paragraphs), this may not be all that surprising. For example, UC San Diego (UC San Diego Center for Faculty Diversity and Inclusion, 2018) states that for candidates to reflect their understanding of barriers existing for under-represented groups in higher education/their field, they should, specifically, discuss "under-represented ethnic or racial minorities (URM), women, LGBTQ, first-generation college, people with disabilities, and people from underprivileged backgrounds." Thus, regardless of the definition, the types of acceptable groups for candidates to discuss is immediately narrowed to conform to progressive diversity.

Similarly, UC Berkeley (UC Berkeley Office for Faculty Equity & Welfare, 2018) states that not discussing gender or ethnicity/race in their statement would reflect "little to no evidence of awareness of [diversity, equity, inclusion, and belonging] issues in higher education or their field." Vassar College goes a step further, articulating that in addition to diversity and inclusion, candidates should also discuss in their statements their past/present/future aspirations for promoting social justice (Dean of the Faculty - Vassar College, n.d.). This is progressive diversity, not diversity broadly construed.

Empirical research on the use and evaluation of DEI statements, though extremely limited, has primarily focused on the content of DEI statements—what applicants have chosen to write about. Largely, candidates appear to discuss and focus on more narrow, progressive interpretations of DEI. Baker et al. (2016) found class, race, gender, and ethnicity to be the most frequently occurring dimensions in applicant's discussions of diversity. Similarly, Schmaling et al. (2015) in their analysis of a set of DEI statements found ethnicity/race, disability, age, and gender to be the most frequently discussed specific (specified) forms of diversity. It appears as if most applicants understand that diversity broadly construed is not what is meant, which is, instead, the narrower form of progressive diversity.

Public Expressions of Concerns about DEI Statements

Despite what universities and other proponents articulate as the benefits of DEI statements, concerns have been raised. Some argue that they may be acting as political litmus tests (Flaherty, 2019; Flier, 2019), akin to loyalty oaths from the McCarthy era (Thompson, 2019b).

Others have raised concerns that DEI statements, generally, feel like a trap, as candid discussions about diversity efforts, if the efforts aren't related to 'correct' forms of diversity, might actually hurt applications (Anonymous, 2020).[3] More broadly, others have warned that DEI statements threaten academic freedom (e.g., FIRE, 2022; Shibley, 2018), as the terms themselves—diversity, equity, inclusion—are politically charged, especially when they aren't well defined. DEI statements signal a very narrow conception of diversity (Perry, 2019), and requiring DEI statements for faculty hiring and promotion likely conflicts with longstanding commitments to free and open inquiry in the quest for truth by mandating conformity to a narrow progressive agenda and worldview.

Some have argued that DEI statements rest on legally shaky ground (Leiter, 2020). As a part of their professional duties, faculty must demonstrate respect for students (American Association of University Professors, 2009) and be willing to work with a diverse student body. Such mandates plausibly "cast a pall of orthodoxy" over campuses (*Keyishian v. Board of Regents*, 1967), and could be argued to be compelled speech (e.g., *West Virginia State Board of Education v. Barnette*, 1943) and viewpoint discrimination (e.g., *Wagner v. Jones*, 2011).

In response to criticism, university officials have attempted to provide assurances that DEI statements are not political litmus tests (e.g., Tull & May, 2019), and have pointed back to pre-existing guiding statements to signal that DEI statements should not compromise academic freedom (see, e.g., UCLA Office of Equity, Diversity, & Inclusion, 2019). Further, for example, in the case of UCLA, effort is made to point out that the Regents of the University of California (i.e., the UC governing body) explicitly state in a standing order that "no political test shall ever be considered in the appointment and promotion of any faculty member or employee" (University of California Board of Regents, 2018). Additionally, UCLA and UT Austin both detail that DEI statements should only provide recognition for DEI efforts (that is, that DEI statements should only be an *additive* component of an application package), and that they are not an effort to penalize faculty who do not promote DEI (UCLA Office of Equity, Diversity, & Inclusion, 2019a; University of Texas at Austin Office of the Executive Vice President and Provost, 2021).

However, if DEI statements are being used as an "additive" test, then applicants who say the politically progressive "correct" things about DEI will have an advantage over those who do not. Thus, however much such protestations are presented as an attempt to defend use of DEI statements, they are actually a confession that they are indeed a form of screening. If they are a form of screening for progressive values, they are a form of political discrimination and selection, exacerbating the form of exclusive "inclusion" displayed earlier in the Figure 1 graphic in this report.

It then gets worse. UCLA also provides an evaluation rubric which directly penalizes faculty (via low scores) who do not promote DEI, or who might not promote it in the 'correct' progressive ways. The evaluation rubric is not unique to UCLA as other campuses such as Cornell University (Cornell University Office of Faculty Development and Diversity, 2021), UC Berkeley (UC Berkeley Office for Faculty Equity & Welfare, 2018), UC Irvine (UC Irvine Office of Inclusive Excellence, 2019), and UC Santa Cruz (UC Santa Cruz, 2021) have provided similar rubrics, albeit with substantially more subjective evaluation criteria (greater subjectivity, in the sense of providing greater latitude and ease for individuals to potentially be penalized). Further, the UC

system explicitly requested each campus develop their own rubric for assessing DEI statements (May, 2019), and other universities appear to rely on and refer to these pre-existing rubrics for their own DEI efforts (e.g., Brandeis University, 2021; University of Oregon Office of the Provost, 2019). Thus, administrative denials notwithstanding, DEI statements appear to function as a screen, and sometimes outright litmust test, for adherence to progressive values.

DEI Guides

Guides and resources advising individuals how to write effective DEI statements (e.g., Beck, 2018; Penn Career Services, 2019; Reyes, 2018; Whitaker, 2020) have also become a source of conflicting information on the nature of what a DEI statement actually is and how it is used. For example, in The Chronicle of Higher Education, Whitaker (2020), who has chaired search committees that have used DEI statements, describes how a key focus for her is determining "how best to assess applicant's commitment to antiracism and equity." According to some (e.g., McWhorter, 2021; Yancey, 2020), a commitment to "antiracism and equity" is a very narrow, specific, and ideologically charged conceptualization of DEI, which is inconsistent with the broad conceptualization of diversity. Whitaker (2020) also describes how she does not recommend candidates take a "'I am [fill in marginalized identity]' approach" when writing DEI statements as "shared identities do not equate to shared values or ideals." But this too reflects conveying specific shared values and ideals. Some universities, such as UCLA, believe in "loudly shar[ing]" their values—how they value equity, diversity, and inclusion (UCLA Office of Equity, Diversity, & Inclusion, 2019b, p. 1). If some values are implicitly acceptable, though, and other's aren't, this would inhibit DEI statements from providing an opportunity for job/promotion candidates to discuss any number of other types of diversity that fall under the broad umbrella of "the variety of personal experiences, values, and worldviews that arise from differences of culture and circumstance" (UCLA Office of Equity, Diversity, & Inclusion, 2019a)—a fear some have already expressed (e.g., Anonymous, 2020).

DEI Statements are Being Used at Some Institutions to Screen Applicants

Though DEI statements are typically marketed and described as "only" being a supporting, *additive* component of faculty job applications, some hiring reports have indicated the opposite. Using funding appropriated by the State of California, the UC university system began pilot-testing DEI efforts in 2016 to support and advance faculty diversity initiatives (UC Office of the President, 2017). In the 2018-19 academic year, these efforts in-part turned to assessing the efficacy of reviewing DEI statements *first* when assessing faculty job applicants. This was explicitly and candidly described as "a departure from the way searches are conventionally conducted" (UC Office of the President, 2019, p. 20). These efforts were tested at UC Davis and UC Merced, and have been noted in other reports.

Reports released by the UC system have described the use of DEI statements for "first round screening in hiring" (UC Office of the President, 2020, p. 5), which again explicitly departs from how DEI statements are advertised and described. In one such public report, it was detailed how inadequate DEI statements were explicitly used to penalize faculty job applicants and weed out potential hires. The report, detailing hiring in the life sciences at UC Berkeley in

2018-2019, indicated that out of 893 applicants who met basic qualifications in a cluster search, a first round of review "based solely on contributions to diversity, equity and inclusion" (p. 2) eliminated 679 applicants from further review (Heald & Wildermuth, 2019). Such practices appear to be a bait-and-switch, and could also directly contribute toward the diminishing quality of faculty (Poliakoff, 2020).

If talented researchers or teaching instructors are overlooked primarily due to a perceived deficiency in DEI credentials, there could be downstream consequences for student learning, research activity, and research quality. Eliminating ¾ of the applicant pool for reasons other than competence in teaching and research is virtually guaranteed to lower the teaching and research competence of the applicant pool in the remaining 1/4. Although it probably goes too far to call this a "race to the bottom," it is probably not unfair to call it pressure towards mediocrity.

The prevalence of the practice of using DEI statements as a first round of screening in hiring is unclear, as it is not common for public reports to be issued related to faculty hiring. Nonetheless, additional public reports further confirm the use of this practice. In another departmental search in the UC system, one department "before reviewing applications in their entirety … reviewed the diversity statements submitted by the candidates" (p. 3). This "first stage of review" (p. 3) reduced an applicant pool of 360 to a longlist of 80. Another report (UC Office of the President, 2021) detailed similar practices of preferential hiring based on DEI statements. Building on "successful interventions utilized by UC Berkeley and UC Davis" (p. 21), UC Santa Cruz used DEI statements to eliminate 382 applicants from an initial pool of 840 applicants (across 12 searches) in a first round of review DEI statement screening. Similar practices appear to also be in use at UC Irvine (UC Office of the President, 2020), and possibly other not already mentioned UC campuses.

It is unclear if all campuses across the UC university system —or for that matter, any specific university—intends to require that DEI statements be evaluated as a first round of screening in hiring, particularly since the degree to which DEI statements are used to screen out applicants is often ambiguous or obscured (Ortner, 2020). This is further complicated by reports indicating that some university administrators' statements are plausibly interpretable as disingenuous, claiming in some forums that DEI statements aren't political litmus tests (Tull & May, 2019), while making other statements indicating that DEI statements are a "game-changer" to be used first in faculty searches to only allow certain candidates to advance (Ortner, 2020). Reinforcing this, in all of the examples described, the hiring practices discussed thus far appear to directly conflict with assurances, such as that from the vice provost at UC Davis, that DEI statements are just "an additive [sic] part of a portfolio, just like awards or other honors" (Flaherty, 2018).

Such conflicts in assurances have also emerged in publicly posted job ads. In a cursory search of tenure-track faculty job postings in November, 2021, nearly every position advertised on the UC Santa Cruz online recruitment system for academic positions detailed that an "initial screening of applications [would] be based on the Statement of Contributions to Diversity, Equity, and Inclusion." Similar language was also found at Chapman University as an enumerated tactic/strategy for faculty recruitment and retention (Chapman University, 2021).

What direction the use of DEI statements will continue to advance is not immediately evident. A safe bet would be to assume the use of DEI statements in faculty hiring and promotion evaluations—despite how the concepts are poorly defined and despite any systematic study or investigation into their efficacy—will continue to increase and likely expand to new domains in the academy.

Mandatory DEI Statements for Disseminating Research at Conference(s?): Compelled Speech and Censorship

DEI statements are also starting to emerge in areas of the academy outside of hiring and promotion. The Society for Personality and Social Psychology (SPSP) recently adopted mandatory DEI statements as part of the evaluations of proposals for presentation at its annual conference. As with DEI statements used for hiring, their use for evaluating submissions for academic conferences could plausibly be described as disingenuous. Whereas the public statements by SPSP officials seem to be embrace diversity, broadly construed, the organization's professions that this is part of its "anti-racism" efforts clearly signals to potential presenters the need to conform to progressive diversity (go here for details). This is clearly a form of either compelled speech or scientific censorship.

It is compelled speech because people who desire to present at a scientific conference, but also oppose either the manner in which DEI is being implemented, or DEI itself, and yet are required to write a DEI statement as the price of admission, have a difficult choice: Write a statement disingenuously professing allegiance to the DEI political agenda in order to present one's work; write one (thereby formally meeting the requirement) that rejects allegiance to DEI; or degrade their career prospects or advancement by not disseminating one's work at a major professional conference.[4]

If they chose to write a disingenuous statement, DEI statement mandates constitute a form of organizationally compelled speech, though it is compelled by the professional organization (in this case, SPSP) rather than the state. As a private organization, this may be legal, but it is still compelled speech. If an applicant writes a statement rejecting allegiance to progressive DEI ideology and policies, and this counts against them, it is also a form of compelled speech. It is at least hypothetically possible that a DEI statement of the forms "We did nothing related to DEI in this project" and "I reject the wisdom, value, and appropriateness of SPSP DEI efforts" would be welcomed by SPSP: 1. We doubt it; 2. When one of us (Jussim) offered the President of SPSP the opportunity to collaborate on a project empirically assessing how DEI statements were being used, there was no reply. Silence is difficult to interpret, but we also know of no other initiatives empirically examining how mandatory DEI statements are being used at SPSP. If our doubts are correct, then SPSP's mandate is a form of compelled speech because it is not content neutral.

If would-be applicants instead chose not to apply to present at the conference, mandatory DEI statements function as a form of scientific censorship, which refers to hindering the dissemination of scientific information for nonscientific reasons (Clark et al., 2022). When DEI statements are required for any who wish to present at academic conferences, anyone who opposes affirmative action-like practices and refuses to lie about it will be prevented from

presenting. Thus, the policy restricts dissemination of science for nonscientific reasons and, as such, constitutes censorship.

Many people seem to erroneously believe that censorship is something only the government can do, but this is false. Any institution, organization, business, group, or individual who successfully prevents expression or dissemination of an idea has engaged in censorship. In the U.S., private censorship is generally legal; private actors, whether corporate, institutional, organizational, or even social media outrage mobs can legally censor anything they like. It is perfectly legal because it is not state censorship, but it is still censorship.

As of this writing, SPSP is the only professional organization that we know of that deploys mandatory DEI statements as part of its decision-making process for selection of scientific presentations at its conference. Nonetheless, given the growing spread of mandatory DEI statements across academia, this trend is likely to expand.

Context: DEI and Affirmative Action

Progressive DEI involves providing special treatment toward demographic groups based on progressive beliefs about who deserves them (progressive terminology changes rapidly, but some common terms are "marginalized," "underrepresented," "minoritized," "POC" (person of color), BIPOC (Black, indigenous, person of color), "LGBTQ" (lesbian, gay, bisexual, trans, queer). Many others may be used in other contexts and for other groups being advanced as candidates for special benefits. Providing special benefits on the basis of these characteristics can be considered a form of affirmative action involving preferential treatment.[5]

In this context, however, it is worth noting that the race, ethnicity, and gender-based preference policies inherent to progressive DEI are plausibly viewed as a form of affirmative action, albeit administered by individuals rather than institutions. Most Americans oppose racial and gender preferences. For example, California, the most populous state in the U.S., with over 10% of the country's entire population, a state in which White people are a minority, and which is one of the most liberal states in the country, has voted twice to *ban* affirmative action in hiring (Friedersdorf, 2020). Similarly, national surveys also show widespread opposition to affirmative action. In a national Pew survey, over 70% of Americans stated that they believed that race should not be a factor in college admissions, including large majorities of Black (59%) and Hispanic (68%) respondents (Gomez, 2022). In another Pew survey, over 70% said race should not be considered in employment decisions, including 54% of Black and 69% of Hispanic respondents (Horowitz, 2019). DEI, as actually being implemented, appears to be strongly at odds with the American mainstream, including many liberals and members of minority groups.

Context: DEI, the Supreme Court and Academic Freedom

United States courts have long dealt with issues of academic freedom, free speech, viewpoint discrimination, compelled speech, viewpoint retaliation, and any number of other issues the present work touches upon. The courts have generally been consistent in articulating and protecting individual freedoms of academics, and the uninhibited exploration or articulation of

ideas and views some (or many) may strongly disagree with. In one such case before the Supreme Court involving loyalty oaths and academic freedom, the majority opinion authored by Chief Justice Warren spoke to these issues clearly (*Sweezy v. New Hampshire*, 1957, p. 250):

• The essentiality of freedom in the community of American Universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. No field of education is so thoroughly comprehended by man that new discoveries cannot yet be made. Particularly is that true in the social sciences where few, if any, principles are accepted as absolutes. Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.

The manner in which DEI statements are being used across the academy can too easily function as an ideological litmus test, pressuring conformity to particular conceptualizations of DEI and penalizing faculty that express divergent views. The continued use of DEI statements for faculty hiring will likely legitimize, facilitate, and help accelerate the purge of non-leftists and progressive orthodoxy dissidents from the academy. It may also likely erode the quality of education and research, and public support for the academy (Marietta & Barker, 2019).

Preliminary Recommendations

DEI in general and mandatory DEI statements in particular have been widely instituted with astonishing rapidity, and with almost no public discourse or debate. In at least some cases, they include installation of a bureaucracy costing over ten million dollars per year (Forbes, 2018; Washington Examiner, 2021). One can only wonder about whether these bureaucracies are producing more desirable changes than might be obtained through lost opportunities — spending the same money instead to hire faculty, support research or admit students. The lack of public debate about such widespread, varied, expensive, and politicized policies is itself striking and a justifiable cause for concern, especially with regard to universities that receive public funding. Because of the lack of public debate and the rapid implementation of DEI throughout academia, our recommendations should be considered preliminary and subject to expansion and improvement.

Research Agenda

More Rigorous Research on DEI Initiatives

Universities should collect data and conduct experiments about the effects (intended and unintended) of DEI initiatives. An excellent paper (Leslie, 2019) in *The Academy of Management Review* pointed out that whether diversity initiatives have the effects they promise is an empirical question around which there is little evidence and can have all sorts of unintended side effects, both positive and negative. Positive unintended side effects might include improving the organizational culture writ large (i.e., not only for the intended beneficiaries of

progressive diversity). Negative unintended side effects include backfire effects (reducing either or both progressive diversity or diversity broadly construed), leading to widespread perceptions that the organization is unfair to those not targeted for benefits by progressive diversity, undermining intended beneficiaries (by implying "they need extra help to succeed") and more.

In this context, the failures of most existing types of diversity training is worth noting. Two extensive reviews documenting these failures have recently been published in *Annual Review of Psychology* by independent teams of diversity researchers with impeccable "social justice advocacy" credentials. Rather than characterize their claims (and risk either mischaracterizing them or leaving us open to false charges of having done so), we quote from each review next. In their review, Paluck et al. (2020) concluded:

• "a fair assessment of our data on implicit prejudice reduction is that the evidence is thin."

• "One of the sobering takeaways from this body of research is that while we find that the interventions often achieve some of their goals of reducing prejudice, their effects are often limited in size, scope, or duration."

• "…reviews have not reported results that justify the widespread enthusiasm forimplicit bias interventions in the real world; neither does our current investigation."

• "However, the current meta-analysis gives us pause regarding how much we can learn from the vast and growing collection of experiments. When we use one of the most basic metrics of quality to look more closely at this literature, we find a dispiriting result that repeats without exception across different theoretical domains and research settings: The size of the intervention effect drops precipitously as study size increases…The drop in average study effects suggests that the prejudice reduction studies that come to light are disproportionately those that show propitious (statistically significant) results, while studies with more disappointing or ambiguous results remain in file drawers." We speculate that the real average effects may be even smaller than reported in the large sample literature because of the likely difficulty of publishing studies that produce no effect or negative effects."

• "Current trends in this literature may not serve the practical purposes of reducing prejudice."

Devine and Ash (2021) reached the following conclusions:

• "…the literature is amorphous and complex and does not allow us to reach decisive conclusions regarding best practices in diversity training. We note that scholars of diversity training, when testing the efficacy of their approaches, too often use proxy measures for success that are far removed from the types of consequential outcomes that reflect the purported goals of such trainings."

• "…our review of the literature on DT [diversity training] reveals that, in light of the overarching goals of DT in these settings, the evidence regarding the efficacy of DT is for the most part wanting."

• "…the rationale supporting a cultural competence approach [to training] remains circular and rests strongly on the theoretical benefits of cultural competence,rather than on rigorous empirical evidence with respect to client outcomes."

• "Ethnic studies courses and diversity-related education have been proposed as a panacea for greater inclusion on college campuses. However, caution is warranted given the mixed evidence of the long-term efficacy of ethnic studies courses on cognitive measures. In addition, researchers' use of self-reported attitudes and knowledge is silent on the extent to which DT in school settings measures up to its stated systems-level goals."

• "Despite multidisciplinary endorsement of the practice of DT, we are far frombeing able to derive clear and decisive conclusions about what fosters inclusivity and promotes diversity within organizations ... This state of affairs is concerning, particularly in light of the enthusiasm for, and monetary investment in, DT."

• "DT research needs to become more rigorous."

Of course, DEI is not just diversity training, so the failures of such trainings do not inherently impugn the value of other aspects of DEI initiatives. It does, however, impugn the judgment of the enthusiastic advocates of such trainings. More importantly, it highlights that the effectiveness of DEI initiatives (net of negative consequences) can only be established by rigorous research, rather than by advocacy or administratrs. We echo the calls for such research found in Paluck et al.'s (2020) and Devine & Ash's (2021) reviews.

Research Question: Why Have So Many Scientists Embraced These Initiatives on the Basis of Weak or Nonexistent Evidence?

What may also be worthy of investigation is this: Why have so many natural and social scientists — the people who presumably value basing decisions on scientific evidence and with the training to obtain that evidence — enthusiastically embraced the DEI bandwagon in the absence of much evidence demonstrating the overall effectiveness of various initiatives? Such research might be useful to provide information on how to prevent or limit future bandwagon cascades from sweeping across academia, and vacuuming up vast amounts of human and financial resources in efforts of dubious effectiveness.

Research Question: Do DEI Universities Produce Better Scholars and Better Scholarship than Universities that Eschew DEI?

State university systems should conduct quasi-experiments[6] on the effectiveness of DEI initiatives by implementing some forms of DEI on some campuses and no DEI at all on others. This will permit assessment of whether there are net benefits to DEI programs. They should allocate an equal amount of funds to the non-DEI campuses as the DEI campuses spend on DEI initiatives, in order to test for costs due to lost opportunities.

There are probably an infinite number of potential quasi-experiments that could be run, but we outline some possibilities here. State systems might create campuses that:

• eschew that DEI completely in favor of hiring and admissions exclusively on the basis of merit

• embrace non-mandatory forms of DEI

• embrace only DEI that targets progressive diversity

• embrace DEI far more broadly to include diversity broadly construed

• follow the California model (if it survives legal challengs) of heavy-handed DEI mandates.

Campuses with and without DEI programs, and with different types of DEI programs, could then be compared along a variety of dimensions. This sort of quasi-experimentation will permit empirical tests of hypotheses about the effectiveness of DEI programs for elevating the career success of individuals from groups targeted for benefits by DEI programs, and regarding whether DEI actually produce better scholars overall. Such a system embraces diversity in the best sense. No one really knows which policies will produce better graduates or better scholarship. It would be extremely useful to compare the professional accomplishments of students attending DEI vs. merit universities, and the scholarly accomplishments of faculty hired at DEI vs merit universities.

Changes to Current DEI Practice

We are not optimistic that many university administrators will resist the temptation to jump on the DEI bandwagon. We are also not optimistic that any of the research described above will be performed in time to inform the wave of DEI implementations. Until then, we have the following recommendations:

1. As FIRE (2022n.d.) has pointed out, DEI statements areis not *inherently* political litmus tests, censorship, or compelled speech. Universities have every right to recognize applicants' special contributions to mentorship or advising, including mentorship and advising of the particular groups progressives consider protected, *as long as they also provide* comparable recognition for similar activities for *all groups and not only the ones progressives consider protected.* To ensure this, DEI should be precisely defined in a broad manner, and assurances provided that applicants will not be penalized because of their failure to profess allegiance to a particular political or ideological position.

2. University administrators are free to express their commitment to DEI as values, *as long as they do not require faculty to conform to those values, and as long as they do not punish or selectively reward those who fail to conform.*

3. Universities and academic organizations that have so far resisted the temptation to require DEI statements for hiring, admissions, or presentations at conferences should continue to do so.

4. Those universities and academic organizations that have instituted mandatory DEI statements should eliminate them.

5. Those universities that have created DEI rubrics for scoring DEI statements for conformity to progressive values should eliminate them.

6. Universities should abandon the practice of using DEI statements as a screening device.

7. “Merit, Fairness and Equality” (MFE) has been proposed as an alternative to DEI (Abbot & Marinovic, 2021). Its core elements involve applying the same, rigorous standards to all applicants (for admissions, hiring, etc.), and judging people on their individual merits and accomplishments, rather than on the basis of their ancestry, demographic statuses, or connections. Our view is that DEI need not be inherently in opposition to MFE. Nonetheless, given the sweeping wave of DEI implementation, special efforts are probably required to integrate DEI with MFE.

Protecting Academic Freedom

To ensure that implementation of DEI does not infringe on academic freedom, universities should:

1. Create an academic freedom ombudsman to whom students and faculty can appeal for help if they feel they are being unjustifiably censored by other administrative units, faculty, or students.

2. Create an administrative unit devoted to ensuring academic freedom against infringement for DEI bureaucracies, deans, or other administrators. The ombudsman could be part of this unit.

3. Adopt the University of Chicago (2014) principles, or something like them, committing the university to ensuring academic freedom, which include commitments like this: “In a word, the University’s fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed.” “https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf

4. Sanction students or faculty who violate others’ freedom of expression (e.g., by preventing duly invited speeches, talks, and conferences from occurring through the use of violence, harassment and interference).

Conclusion

DEI is generally framed as an entirely benevolent enterprise with usually vaguely specified goals involving “anti-racism” or removing obstacles or increasing representation of groups underrepresented in the academy that progressives want to see more highly represented. Nonetheless, as commonly implemented, DEI can function as affirmative action, political discrimination and censorship. This is bad not only for universities, but for the wider society, given widespread rejection of affirmative action, and universities’ role in knowledge-creation, discovery, analysis of moral and cultural trends, and creative works. At the same time,

removing obstacles to the full participation in the life of the university by those who have had to shoulder them disproportionately is also an appropriate, legal, and desirable goal for universities. Instituting DEI that removes those obstacles for those who need them removed (including as appropriate, but not restricted to, individuals from the groups deemed worthy of protection by progressives), while at the same time embracing pluralism and rejecting political discrimination and censorship, won't be easy. But the good things in life rarely are.

References

Abbot, D. & Marinovic, I. (August 12, 2021). The diversity problem on campus. Newsweek. https://www.newsweek.com/diversity-problem-campus-opinion-1618419

ADVANCE Program for Equity and Diversity. (2014). Vice Provost Haynes' memo to Deans and Chairs . http://ucioie.wpengine.com/wp-content/uploads/2018/12/ViceProvost_Haynes_Diversity_Statement_memo.pdf

American Association of University Professors. (1915). 1915 Declaration of Principles on Academic Freedom and Academic Tenure . https://www.aaup.org/NR/rdonlyres/A6520A9D-0A9A-47B3-B550-C006B5B224E7/0/1915Declaration.pdf

Anonymous. (2020, February 11). When "Diversity" Feels Like a Trap: The Palestine Exception - WOC Guest Post. The Professor Is In . https://theprofessorisin.com/2020/02/11/when-diversity-feels-like-a-trap-the-palestine-exception-woc-guest-post/

Baker, D. L., Schmaling, K., Fountain, K. C., Blume, A. W., & Boose, R. (2016). Defining diversity: A mixed-method analysis of terminology in faculty applications. The Social Science Journal , 53 (1), 60–66. https://doi.org/10.1016/j.soscij.2015.01.004

Beck, S. (2018). Developing and Writing a Diversity Statement . Vanderbilt University Center for Teaching. https://cft.vanderbilt.edu/guides-sub-pages/developing-and-writing-a-diversity-statement/

Brandeis University. (2021). Rubric for Evaluating Diversity Statements . https://www.brandeis.edu/diversity/dei-recruitment-hiring/rubric-for-evaluating-diversity-statements.html

Chapman University. (2021). Fowler School of Engineering: Equity, Diversity, and Inclusion . https://www.chapman.edu/engineering/about/diversity-and-inclusion.aspx

Clark, C. J., Jussim, L., Frey, K., Stevens, S.T., al-Gharbi, M., Aquino, K.,…von Hippel, W. (2022). Scientific censorship by scientists: A review and research agenda. Unpublished manuscript.

Cornell University Office of Faculty Development and Diversity. (2021). Rubric to Assess Candidate for Cornell Faculty Position . https://facultydevelopment.cornell.edu/rubric-assessing-candidate-on-diversity-equity-and-inclusion/

De Los Reyes, A., & Uddin, L. Q. (2021). Revising evaluation metrics for graduate admissions and faculty advancement to dismantle privilege. Nature Neuroscience , 1–4. https://doi.org/10.1038/s41593-021-00836-2

Dean of the Faculty - Vassar College. (n.d.). Candidate Diversity Statement . Retrieved April 15, 2021, from https://deanofthefaculty.vassar.edu/positions/candidate-diversity-statement.html

Devine, P. G., & Ash, T. L. (2022). Diversity training goals, limitations, and promise: a review of the multidisciplinary literature. Annual review of psychology , 73 , 403.

Duarte, J. L., Crawford, J. T., Stern, C., Haidt, J., Jussim, L., & Tetlock, P. E. (2015). Political diversity will improve social psychological science. Behavioral and Brain Sciences , 38 . https://doi.org/10.1017/S0140525X14000430

FIRE, n.d. (Foundation for Individual Rights and Expression). FIRE statement on the use of diversity, equity, and inclusion criteria in faculty hiring and evaluation. Retrieved from: https://www.thefire.org/research-learn/fire-statement-use-diversity-equity-and-inclusion-criteria-faculty-hiring-and

Flaherty, C. (2019, November 19). Diversity Statements as “Litmus Tests.” http://www.insidehighered.com/news/2019/11/19/mathematician-comes-out-against-mandatory-diversity-statements-while-others-say-they

Flier, J. (2019, January 3). Against Diversity Statements. The Chronicle of Higher Education . https://www.chronicle.com/article/against-diversity-statements/

Forbes (July 23, 2018). Diversity And Other Administrative Monstrosities: The Case Of The University Of Michigan. https://www.forbes.com/sites/richardvedder/2018/07/23/diversity-and-other-administrative-monstrousities-the-case-of-the-university-of-michigan/?sh=41d4038368ec

Friedersdorf, C. (2020, November 10). Why California Rejected Racial Preferences, Again. The Atlantic. https://www.theatlantic.com/ideas/archive/2020/11/why-california-rejected-affirmative-action-again/617049/

Frisby, C. L. (2018). History and Development of Cultural Competence Evaluation in Applied Psychology. In C. L. Frisby & W. T. O’Donohue (Eds.), Cultural Competence in Applied Psychology: An Evaluation of Current Status and Future Directions (pp. 57–93). Springer International Publishing. https://doi.org/10.1007/978-3-319-78997-2_3

Gaither, S. E., Apfelbaum, E. P., Birnbaum, H. J., Babbitt, L. G., & Sommers, S. R. (2018). Mere Membership in Racially Diverse Groups Reduces Conformity. Social Psychological and Personality Science , 9 (4), 402–410.

Gómez, V. (2022, April 26). U.S. public continues to view grades, test scores as top factors in college admissions. Pew Research Center. Retrieved November 20, 2022, from https://www.pewresearch.org/fact-tank/2022/04/26/u-s-public-continues-to-view-grades-test-scores-as-top-factors-in-college-admissions/

Grutter v. Bollinger, 539 U.S. 306 (U.S. Supreme Court 2003), ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT. https://www.law.cornell.edu/supct/html/02-241.ZO.html

Haidt, J., & Jussim, L. (2016). Psychological Science and Viewpoint Diversity. APS Observer , 29 . https://www.psychologicalscience.org/observer/psychological-science-and-viewpoint-diversity

Heald, R., & Wildermuth, M. (2019). Initiative to Advance Faculty Diversity, Equity and Inclusion in the Life Science at UC Berkeley Year End Summary Report: 2018-2019 . https://ofew.berkeley.edu/sites/default/files/life_sciences_inititatve.year_end_report_summary.pdf

Heterodox Academy. (n.d.). The Problem Of Orthodoxy In Higher Education . Heterodox Academy. https://heterodoxacademy.org/the-problem/

Hofhuis, J., van der Rijt, P. G. A., & Vlug, M. (2016). Diversity climate enhances work outcomes through trust and openness in workgroup communication. SpringerPlus , 5 (1), 714. https://doi.org/10.1186/s40064-016-2499-4

Horowitz, J. M. (2019). Americans see advantages and challenges in country's growing racial and ethnic diversity. Pew Research Center. Retrieved on 3/13/22 from: https://www.pewresearch.org/social-trends/2019/05/08/americans-see-advantages-and-challenges-in-countrys-growing-racial-and-ethnic-diversity/

Keyishian v. Board of Regents, 385 U.S. 589 (1967).

Leslie, L. M. (2019). Diversity initiative effectiveness: A typological theory of unintended consequences. Academy of Management Review , 44 (3), 538-563.

May, R. (2019, February 25). Recommendations for the Use of Contributions to Diversity, Equity, and Inclusion (DEI) Statements for Academic Positions at the University of California . https://senate.universityofcalifornia.edu/_files/reports/rm-mb-divchairs-use-of-dei-statements.pdf

McWhorter, J. (2021, February 8). The Neoracists . https://www.persuasion.community/p/john-mcwhorter-the-neoracists

Nemeth, C. J. (2012). Minority influence theory. In P. A. M. Van Lange, A. W. Kruglanski, & E. T. Higgins (Eds.), Handbook of theories of social psychology (Vol 2). (2011-21802-019; pp. 362–378). Sage Publications Ltd.

Nemeth, C. J., & Wachtler, J. (1983). Creative problem solving as a result of majority vs minority influence. European Journal of Social Psychology , 13 (1), 45–55. https://doi.org/10.1002/ejsp.2420130103

NYU Department of Psychology. (2021). Diversity, Equity, and Inclusion . https://as.nyu.edu/psychology/about/diversity--equity--and-inclusion.html

Ortner, D. (2020, February 3). What is UC Davis hiding about its use of diversity statements? [Text]. TheHill. https://thehill.com/opinion/education/480603-what-is-uc-davis-hiding-about-its-use-of-diversity-statements

Page, S. E. (2008). The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools, and Societies. In Princeton University Press . Princeton University Press.

Paul, J. D., & Maranto, R. (2021). Other Than Merit: The Prevalence of Diversity, Equity, and Inclusion Statements in University Hiring . AEI. https://www.aei.org/research-products/report/other-than-merit-the-prevalence-of-diversity-equity-and-inclusion-statements-in-university-hiring/

Penn Career Services. (2019). Diversity statements for faculty job applications . Career Services | University of Pennsylvania. https://careerservices.upenn.edu/application-materials-for-the-faculty-job-search/diversity-statements-for-faculty-job-applications/

Perry, M. J. (2019, March 29). The Problem with Universities Demanding “Diversity Statements.” https://fee.org/articles/the-problem-with-universities-demanding-diversity-statements/

Poliakoff, M. (2020). How diversity screening at the University of California could degrade faculty quality . https://www.forbes.com/sites/michaelpoliakoff/2020/01/21/how-diversity-screening-at-the-university-of-california-could-degrade-faculty-quality/#3e12760b1598

Paluck, E. L., Porat, R., Clark, C. S., & Green, D. P. (2021). Prejudice reduction: Progress and challenges. Annual review of psychology , 72 , 533-560.

Reyes, V. (2018, January 25). Demystifying the Diversity Statement . https://www.insidehighered.com/advice/2018/01/25/how-write-effective-diversity-statement-job-candidate-opinion

Rutgers-NB Department of Psychology. (2021). Diversity in Psychology . https://psych.rutgers.edu/diversity/diversity-in-psychology

Rutgers University. (2021). Building Inclusive Community | Diversity Equity and Inclusion . https://diversity.rutgers.edu/

Schmaling, K. B., Trevino, A. Y., Lind, J. R., Blume, A. W., & Baker, D. L. (2015). Diversity statements: How faculty applicants address diversity. Journal of Diversity in Higher Education , 8 (4), 213–224. https://doi.org/10.1037/a0038549

Shibley, R. (2018, November 9). UCLA diversity requirement threatens academic freedom, trust in academia . https://www.thefire.org/ucla-diversity-requirement-threatens-academic-freedom-trust-in-academia/

Sweezy v. New Hampshire, 354 U.S. 234 (1957). https://www.loc.gov/item/usrep354234/

Sylvester, C.-Y. C., Sánchez-Parkinson, L., Yettaw, M., & Chavous, T. (2019). The Promise of Diversity Statements: Insights and an Initial Framework Developed from a Faculty Search Process. Currents , 1 (1), 151–170.

The University of California Academic Personnel Policy. (2017). Appointment and Promotion: APM - 210: Review and Appraisal Committees . https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-210.pdf

Thompson, A. (2019b, December 19). The University’s New Loyalty Oath. Wall Street Journal . https://www.wsj.com/articles/the-universitys-new-loyalty-oath-11576799749

Tull, R. G., & May, G. S. (2019, December 26). UC Davis Defends Its ‘Diversity Statements.’ Wall Street Journal . https://www.wsj.com/articles/uc-davis-defends-its-diversity-statements-11577392382

UC Berkeley Office for Faculty Equity & Welfare. (2018). Rubric to Assess Candidate Contributions to Diversity, Equity, and Inclusion . https://ofew.berkeley.edu/sites/default/files/rubric_to_assess_candidate_contributions_to_diversity_equity_and_inclusion.pdf

UC Davis. (2017). 2017 COACHE Faculty Job Satisfaction Survey Analysis: FACULTY DIVERSITY Custom Questions . https://aadocs.ucdavis.edu/tools/coache/diversity-report-20180919.pdf

UC Irvine Office of Inclusive Excellence. (2019). Evaluation Grid: Diversity Statement . https://inclusion.uci.edu/advance/resources/

UC Irvine Office of the Provost and Executive Vice Chancellor. (2015). Diversity Statement Required for all Faculty Applicants . http://ucioie.wpengine.com/wp-content/uploads/2018/08/DiversityStatement2015.pdf

UC Office of the President. (2017). Final Report on the 2016-17 Use of One-time Funds to Support Best Practices in Equal Employment Opportunity in Faculty Employment . https://www.ucop.edu/faculty-diversity/_files/reports/adv-fac-div-2016-17-final-leg-report.pdf

UC Office of the President. (2019). Final Report on the 2018-19 Use of One-time Funds to Support Best Practices in Equal Employment Opportunity in Faculty Employment . https://www.ucop.edu/faculty-diversity/_files/reports/adv-fac-div-2018-19-final-leg-report.pdf

UC Office of the President. (2020). University of California 2020-2022 Advancing Faculty Diversity: Preliminary Report . https://www.ucop.edu/faculty-diversity/_files/reports/adv-fac-div-2020-22-prelim-leg-report.pdf

UC Office of the President. (2021). Advancing Faculty Diversity First Year Report of AY2019-21 Awards . https://www.ucop.edu/faculty-diversity/_files/reports/adv-fac-div-2020-22-final-yr-1-report.pdf

UC San Diego Center for Faculty Diversity and Inclusion. (2018). Guidelines for Applicants Writing Statement . https://facultydiversity.ucsd.edu/recruitment/contributions-to-diversity.html

UC Santa Cruz. (2021). UCSC Starting Rubric to Assess Candidate Contributions to Diversity, Equity, and Inclusion . https://apo.ucsc.edu/policy/communications/docs/ucsc-rubrics-c2deistatements.pdf

UCLA Office of Equity, Diversity, & Inclusion. (2019a). Evaluation tool: Equity, Diversity, and Inclusion Statements . https://ucla.app.box.com/v/edi-statement-faqs

UCLA Office of Equity, Diversity, & Inclusion. (2019b). Proposition 209 Primer . https://ucla.app.box.com/v/proposition-209-primer

University of California Board of Regents. (2018). Bylaws: Academic Senate: Special Provisions Concerning Faculty: No Political Test (40.3(a)) . https://regents.universityofcalifornia.edu/governance/bylaws/bl40.html#bl40.3

University of Chicago (2014). Report of the committee on freedom of expression. https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf

University of Minnesota Medical School. (2022). University of Minnesota Medical School Cycle 2023 Supplemental Questions . https://docs.google.com/document/d/1dCl_KxX_ewRWAXSPKG0RmYW84iCRWBx0ohsbG6HHyyc/edit?usp=embed_facebook

University of Oregon Office of the Provost. (2019). Sample Job Advertisements and Evaluation Rubrics | Office of the Provost . https://provost.uoregon.edu/sample-job-advertisements-and-evaluation-rubrics

University of Texas at Austin Office of the Executive Vice President and Provost. (2021). Strategic Plan for Faculty Diversity, Equity, and Inclusivity . https://utexas.app.box.com/s/g74axpkhbneupxotfcbvtrpqxil7vhv8

University of Texas at Austin Office of the Executive Vice President and Provost. (2021). Strategic Plan for Faculty Diversity, Equity, and Inclusivity . https://utexas.app.box.com/s/g74axpkhbneupxotfcbvtrpqxil7vhv8

Wagner v. Jones, No. 10-2588, 8th Cir. (8th Cir. 2011).

Washington Examiner (April 12, 2021). Ohio State employs 150 diversity officials, to add more professors focused on social and racial justice. https://www.washingtonexaminer.com/politics/ohio-state-employs-150-diversity-officials-to-add-more-professors-focused-on-social-and-racial-justice

Waugh, S. (2018, May 24). New EDI Statement Requirement for Regular Rank Faculty Searches . https://equity.ucla.edu/news-and-events/new-edi-statement-requirement-for-regular-rank-faculty-searches/

West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943).

Whitaker, M. (2020, November 24). 5 Don’ts in Writing Your DEI Statement. The Chronicle of Higher Education . https://www.chronicle.com/article/5-donts-in-writing-your-dei-statement

Yancey, G. (2020, December 15). Who is Antiracism for? Shattering Paradigms . https://www.patheos.com/blogs/shatteringparadigms/2020/12/who-is-antiracism-for/

1. This report is a slightly edited and expanded version of a major section of Nathan (Nate) Honeycutt’s dissertation, which I advised. Nate has been at the forefront of both exposing political discrimination in academia, and how political biases undermine the credibility of the published literature. As such, you should not be surprised that he walked directly from completing his dissertation into a job as a research scientist at The Foundation for Individual Rights in Education. Because he has been busy with this transition, he granted me permission to make edits and post this report here. He is also one of the founders of the new Society for Open Inquiry in the Behavioral Sciences , and a consulting editor for its journal, The Journal of Open Inquiry in the Behavioral science.

2. “Privilege.” The footnoted sentence simply conveys the framing of the cited authors and is not intended to convey our acceptance of this framing. This report is not the place for us to explain why we reject almost the entire notion of privilege when used in this manner, but one core criticism is that it constitutes tacit endorsement of evaluating people on the basis of their often immutable demographic characteristics, i.e., discrimination, rather than their individual background and accomplishments.

3. We note that if “addressing” diversity issues seriously is all that is meant by DEI statement mandates, this report would qualify as a major DEI effort by the authors. We are, however, both extremely skeptical about the likelihood that most of those who evaluate DEI contributions would evaluate the critical evaluation expressed herein as a strength. If we are correct, this would be more evidence that mandatory DEI statements function as compelled speech (something addressed at length later in this report). Speech is not compelled if the mandate is content neutral, in that the standard can be met regardless of one’s view or position about DEI. It is compelled if only certain types of viewpoints are acceptable.

4. One comeback to this from DEI advocates at SPSP has been that one can meet the requirement by use of methods that include diverse, hard to study, or international samples. Such samples can improve psychological science by testing the generalizability (or lack thereof) of phenomena found in typical American samples and by foregrounding the experiences and psychology of understudied populations. We endorse such efforts. They are readily apparent from the methods sections of proposals, so this comeback fails to justify the need for a separate DEI statement.

5. Many people presume that affirmative action equals preferential treatment. It does include preferential treatment, but it is not restricted to it. Community outreach, for example, are also forms of affirmative action. The many potential types of affirmative action, some of which do and some of which do not involve providing special benefits, is beyond the scope of this report.

6. Quasi-experiments are not true experiments because they do not involve randomly assigning people to different groups (in this case, different campuses). However, they are experiment-like in that people do end up in different groups, which can be compared. Although it is more difficult to reach causal conclusions in quasi-experiments than in true experiments, our view is that performing some test as opposed to no test whatsoever of the effectiveness of DEI is in everyone’s interest, including that of the most fervent advocates of DEI, who, presumably, want their programs to actually work. A Google Scholar search for “quasi-experiments” will yield a wealth of resources for those interested in learning more.