

**DIVISIVE, EXCESSIVE, INEFFECTIVE:  
THE REAL IMPACT OF DEI ON  
COLLEGE CAMPUSES**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON HIGHER EDUCATION  
AND WORKFORCE DEVELOPMENT

OF THE

COMMITTEE ON EDUCATION AND THE  
WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

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HEARING HELD IN WASHINGTON, DC, MARCH 7, 2024

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**DIVISIVE, EXCESSIVE, INEFFECTIVE:  
THE REAL IMPACT OF DEI ON  
COLLEGE CAMPUSES**

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**Thursday, March 7, 2024**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON HIGHER EDUCATION AND WORKFORCE  
DEVELOPMENT,  
COMMITTEE ON EDUCATION AND THE WORKFORCE,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10:19 a.m., Rayburn House Office Building, Room 2175, Hon. Burgess Owens [Chairman of the Subcommittee] presiding.

Present: Representatives Owens, Grothman, Stefanik, Banks, Good, Williams, Houchin, Foxx, Jayapal, Leger Fernandez, Manning, McBath, Bonamici, and Scott.

Also present: Walberg, Miller, Kiley, and Bean.

Staff present: Nick Barley, Deputy Communications Director; Mindy Barry, General Counsel; Hans Bjontegard, Legislative Assistant; Solomon Chen, Professional Staff Member; Isabel Foster, Press Assistant; Daniel Fuenzalida, Staff Assistant; Sheila Havenner, Director of Information Technology; Amy Raaf Jones, Director of Education and Human Services Policy; Georgie Littlefair, Clerk; Hannah Matesic, Deputy Staff Director; Audra McGeorge, Communications Director; Rebecca Powell, Staff Assistant; Mary Christina Riley, Professional Staff Member; Brad Thomas, Deputy Director of Education and Human Services Policy; Maura Williams, Director of Operations; Ni'Aisha Banks, Minority Intern; Nekea Brown, Minority Director of Operations; Rashage Green, Minority Director of Education Policy & Counsel; Christian Haines, Minority General Counsel; Emanuel Kimble, Minority Professional Staff; Suyoung Kwon, Minority AAAS Fellow; Stephanie Lalle, Minority Communications Director; Veronique Pluviose, Minority Staff Director; Olivia Sawyer, Minority Intern; Maile Sit, Minority Intern; Clinton Spencer, IV, Minority Staff Assistant; Jamar Tolbert, Minority Intern; Adrianna Toma, Minority Intern; Banyon Vassar, Minority IT Administrator.

Chairman OWENS. The Subcommittee on Higher Education and Workforce Development will come to order. I note that a quorum is present. Without objection, the Chair is recognized to call a recess at any time. I also welcome the Committee members who are not members of the Subcommittee and are waving onto this process, I welcome them to today's hearing.

Today's hearing addresses a long-growing cancer that resides in the hearts of American and academic institutions. Unfortunately, it is spread through foundational institutions in the whole of western liberal society. It is called diversity, equity and inclusion, or DEI for short.

Most Americans over the last two or 3 years have heard the term DEI, but may not know exactly what it is. There is no better way to describe it than to quote from one of DEI's most famous proponents, Ibram X. Kendi, and I quote. "The remedy of racist discrimination is anti-racist discrimination. The only remedy for past discrimination is present discrimination. The only remedy for present discrimination is future discrimination.

I could summarize the definition—this definition in two words, demeaning and racist. Demeaning due to total lack of intellectual or moral common sense. Racist because anyone who accepts this irrational mindset is guaranteed to become a bigot. There are only two areas of measurement in which I believe DEI can be considered really successful.

It is an industry that has created multimillionaires from previously unknown and non-peer respected authors. It is also an industry that has successfully steered hundreds of thousands of our youth away from the visions of our founding fathers. That vision was one of beginning a more perfect union, one in which the citizenry improves with each generation to judge each other based on our content of character, not by race, creed or color.

The Marxist Center DEI on the other hand has a jaded view of America and Americans. It views our Nation as a pyramid composed of race oppressors and race oppressed. It attributes all of America's ills and flaws to the white Judeo-Christian male. To remedy all past perceived racism and injustice perpetrated by this sect of Americans, DEI prescribes a healthy injection of black racism, and black injustice.

The bureaucrats are hired not only to control conversations, but also to stifle free speech and open discourse, by asserting leverage on every aspect of university management, personnel, curriculum, policy and college admissions. It proceeds to attack the foundational pillars of academic freedom.

DEI is not a concept, it is instead practical applications used in almost every college campus throughout our country, both public and private. It seems as universities use race as a plus factor in admissions, instead of intellectual competition and competency, it is skin color that is deemed the winner or loser, pitting racists against each other.

The impact of DEI has seen an indoctrination of students as they undergo mandatory racial bias education. Based on their race, each student is deemed a redeemable oppressor, or a member of hapless, hopeless, and weak oppressed. To my Jewish friends, if you wonder about the surprising outgrowth of antisemitism that is raging on college campuses, this is the genesis.

The DEI teaches that at the very top of oppressor pyramid is the Jewish race. There is no empathy in the DEI space once identified as an oppressor, only disdain. At the core of DEI is also the soft bigotry of low expectation. It teaches black Americans as members

of the oppressed race, we are weak and incapable of standing and sitting independently.

That we must wait for the success wand to be waved over us by white Americans. Or even better, we should wait for the promise of slavery reparation. DEI reports that Black Americans like myself, who can muster the tenacity and grit to succeed are the exception, not the rule.

Once again, DEI is both demeaning and racist. DEI also is heartless and unforgiving. Scholars who dare to publish research that challenges the liberal orthodoxy are often canceled or pushed out of the academic profession. From professors who love teaching and seek to earn a tenure, they are forced to take a loyalty oath in which they either promise to adhere to the principles of DEI or find another profession.

DEI movement is at its core divisive. It judges others based on our immutable characteristics like color, race and past industry, which we have no control of. Instead of becoming a more perfect union that turns our schools to cities and to cesspools of the abyss of hate and intolerance.

I look forward to discussion on DEI today from its Marxist roots to modern day DEI industry that siphons millions of dollars from education and workforce budgets. For those who want to know how much it costs us—costs the country, these are a few examples here.

According to College Fix, University of Michigan, 30 million dollars a year. Texas A&M University, 11 million dollars. Ohio State University, 20 million dollars. University of Wisconsin, 16 million dollars. What is the result? More hatred, more anger, and more racism.

I am looking forward to addressing this, and I want to thank everybody again for joining us, and I want to yield now to the Ranking Member for her closing statements—or opening statements.

[The prepared statement of Chairman Owens follows:]



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COMMITTEE  
STATEMENT

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**Opening Statement of Rep. Burgess Owens (R-UT), Chairman  
Subcommittee on Higher Education and Workforce Development  
Hearing: “Divisive, Excessive, Ineffective: The Real Impact of DEI on College  
Campuses”  
March 7, 2024**

(As prepared for delivery)

Today’s hearing addresses a long-growing cancer that resides at the heart of American academic institutions. Unfortunately, it has spread through our foundational institutions and the whole of Western liberal society. It’s called “diversity, equity, and inclusion” or DEI for short.

Most Americans over the last two to three years have heard the term DEI but may not know exactly what it is.

There’s no better way to describe it than with a quote from one of DEI’s most famous proponents, Ibram X. Kendi:

“The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination.”

I can summarize this definition with two words: demeaning, racist.

Demeaning due to its total lack of intellectual or moral “common sense.” Racist because anyone who accepts this irrational mindset is guaranteed to become a bigot.

There are only two areas of measurement in which I believe that DEI can be considered roundly successful. It is an industry that has created multi-millionaires from previously unknown and non-peer respected authors. It is also an industry that

has successfully steered hundreds of thousands of our youth away from the vision of our Founding Fathers. That vision was one of becoming a more perfect union. One in which the citizenry improves with each generation, to judge each other based on the content of character, not by race, creed, or color.

Marxist-centered DEI on the other hand has a jaded view of America and Americans. It views our nation as a pyramid comprised of race oppressors and race oppressed. It attributes all of America's societal ills and flaws to whites, Judeo-Christians, and males. To remedy all past perceived racism and injustice perpetrated by this sector of Americans, DEI prescribes a healthy injection of black racism and black injustice.

DEI bureaucracies are hired not only to control conversations but to also stifle free speech and open discourse while asserting leverage on every aspect of university management—personnel, curriculum, policy, and college admissions. It proceeds to attack the foundational pillars of academic freedom.

DEI is not an abstract concept but is instead practical applications used on almost every college campus throughout our country, both public and private.

It's seen as universities use race as a "plus" factor in admissions. Instead of intellectual competition and meritocracy, it is skin color that is deemed the winner or loser, pitting races against each other.

The impact of DEI is seen in the indoctrination of students as they undergo mandatory racial bias education.

Based on race, each student is deemed an irredeemable oppressor or a member of the hapless, hopeless, and weak oppressed.

To my Jewish friends, if you wonder about the surprising outgrowth of antisemitism now raging on our college campuses, this is the genesis. DEI teaches that at the very top of the oppressor pyramid is the Jewish race. There is no empathy in the DEI space once identified as an oppressor, only disdain.

At the core of DEI is also the soft bigotry of low expectations. It teaches that black Americans, as members of an oppressed race, are weak and incapable of standing

and succeeding independently—that we must wait for a “success wand” to be waved over us by white Americans, or even better, that we should wait for the promised slavery reparations. DEI purports that black Americans, like myself, who can muster the tenacity and grit to succeed, are the exception and not the rule.

Once again, DEI is both demeaning and racist.

DEI is also heartless and unforgiving. Scholars who dare to publish research that challenges this liberal orthodoxy are often canceled and pushed out of the academic profession.

For professors who love teaching and seek to earn tenure, they are forced to take loyalty oaths in which they either promise to adhere to the principles of DEI or find another profession.

The DEI movement is to its core divisive. It judges others based on our immutable characteristics like color, race, and past ancestry which we have no control of. Instead of becoming a more perfect union, it turns our schools, communities, and cities into cesspools of divisiveness and hate.

I look forward to our discussion on DEI today, from its Marxist roots to the modern-day DEI industry that siphons millions of dollars from education and workforce budgets.

Ms. BONAMICI. Thank you very much, Mr. Chairman. Thank you to the witnesses for being here today. Once again, instead of having a productive conversation about addressing student’s mental health needs, ending campus hunger, protecting student’s civil rights, Committee republicans have determined it would be a better use of our time to malign campus diversity, equity and inclusion, or DEI programs.

Mr. Chairman, I am still processing that you are trying to equate this with cancer, which to me is baffling, and pretty offensive to anyone who has had cancer. As the population grows, and access to higher education expands, college campuses are becoming more reflective of our society.

According to the National Center for Education Statistics, white students accounted for nearly 80 percent of college undergraduates in 1980, and 54 percent in 2020. Hispanic and Latino students increased from 4 percent of the undergraduate population in 1980, to slightly more than 20 percent in 2020.

Thanks to Title VI and Title IX of the Civil Rights Act of 1964, campuses are more accessible to women, to other racial groups, as well as students who identify as LGBTQI+, international students, students with disabilities. Although this is to be celebrated, increases in campus population are not necessarily indicative of change, attitudes or closely held beliefs.

In 2020 the U.S. saw 517 reported hate crime instances on college campuses with more than half of them motivated by race.



These are only the reported incidents. Discrimination is also not limited to race, socioeconomic status, sexual orientation, and even disabilities. Students face discrimination based on their religion as well.

This is why DEI programs exist. No two programs are alike, but DEI offices exist to address student needs, to give strategic support to faculty, to institutional leaders, to identify hurdles, and assist faculty and staff in serving, educating, and meeting the needs of increasingly diverse populations, many of whom are first generation college students.

Regrettably, some republican led State legislatures have decided that DEI offices are too costly, and yet these programs barely affect many university budgets. As a result of this legislation, significant cuts have been made to DEI programs.

For example, in 2023 Wisconsin State Legislature proposed cutting 188 DEI jobs from the University of Wisconsin's 13 campus system, for a total of 32 million, but the DEI employees account for less than 1 percent of the overall number of UW employees, and they are employees that the university determined were important to hire.

Last week the University of Florida fired 13 DEI officials out of its 19,000 employees in accordance with an anti DEI initiative championed by Governor DiSantis. Now I am sure our colleagues will be able to provide some one off examples, or anecdotes of instances at school, where DEI programming is not fully living up to its mission, and not making all students feel safe and welcome on campus.

To the extent that that is occurring at schools, by all means we should challenge their DEI programs to improve and change, but that's not a reason to end the DEI programs entirely. Rather than condemning programs that are attempting to rectify inequities, this Committee should be focused more on the root causes that lead to inequities in the first place.

Thank you, witnesses, for being here, and I yield back the balance of my time.

[The prepared statement of Ranking Member Bonamici follows:]



## OPENING STATEMENT

House Committee on Education and the Workforce  
Ranking Member Robert C. "Bobby" Scott

### Opening Statement of Ranking Member Bonamici (OR-01)

Subcommittee on Early Childhood, Elementary, and Secondary Education

*"Proven Results: Highlighting the Benefits of Charter Schools for Students and Families"*

2175 Rayburn House Office Building

Wednesday, March 6, 2024 | 10:15 a.m.

Thank you, Chair Bean. And thank you to our witnesses for being here today.

As recognized by the Founding Fathers, numerous Supreme Court justices, and many state constitutions, the provision of free, high-quality public education to all children serves a compelling community interest. And Mr. Chairman, I see your scenario not as a case for more charter schools but as a case for making all public schools the best they can be.

You know, when we invest in education, we are investing in our future. Members of this committee should understand that children, regardless of where they live or how involved their parents are, deserve access to high-quality public education that allows them to achieve their full potential.

Now, most agree that parents should have a say in their child's learning environment – and under some circumstances, this *may* include well-regulated public charter schools. Well-funded, transparent, and accountable public charter schools, in some instances, may be a better fit for some students. For example, KairosPDX is a charter school in Portland. They work to dismantle structural racism and close opportunity and achievement gaps for students of color through hands-on, culturally competent teaching.

But unfortunately, charter schools are not subject to the same level of oversight and accountability as traditional public schools, and as a result, we often do not know whether charter schools will provide students with any meaningful benefits. Concerningly, in many instances charter school schemes are another way for my colleagues across the aisle to divert taxpayer dollars and community resources from already struggling public schools.

Now, we must not ignore the growing number of charter schools that are operated by for-profit corporations located in states that have lax or even non-existent oversight. According to the Network for Public Education, more than 1,100 charter schools are now run by for-profit entities. That's more than 14 percent of charter schools. Prior to the Education Department's updates to the Charter Schools Program (CSP), a 2016 audit found that charter school programs run by for-profit entities in California, Florida, Michigan, New York, Pennsylvania, and Texas all lacked internal guardrails that posed risks to student learning and enabled waste, fraud, and abuse of federal funds.

I also have serious concerns about the effects of charter school programs on students' civil rights. Although charter schools by law are required to honor students' and families' civil rights protections—such as Individual Education Plans for students with disabilities – gray areas surrounding a school's legal status may leave them ill-equipped to provide every student with a legally required fair and equitable education.

Studies show that charter schools are more segregated than traditional public schools. In addition, students may be rejected, unnecessarily disciplined, or expelled for reasons that would not be allowed at a traditional public school, often with few or no avenues for recourse. And then there is the issue of the number of charter schools that close – often abruptly. In fact, about 25% of charter schools close within 5 years - leaving students and families without support and sometimes without information.

And often for-profit management entities are based outside the bounds of federal oversight - not really the “choice” parents are looking for.

Yes, parents should be able to decide the best way to educate their children; however, this should not come at the expense of a strong, quality public education system that protects and supports every child. That’s why I ask that committee members join me in supporting more magnet schools – schools that provide choice within the public school system and that come with accountability and nondiscrimination. My home school district in Beaverton Oregon, for example, offers some very popular options - an art magnet, a science and engineering magnet, and an international magnet.

So instead of proposing an 80 percent cut to the Title I program, my colleagues to invest in public education and evidence-based choice programs so every family can send their child to a high-quality, accountable, and safe public school.

So, thank you to our witnesses for being here, and I yield back the balance of my time.

Chairman OWENS. Thank you so much. I just want to make a quick comment. With all due respect, I am a cancer survivor, and so when I equate to cancer it is the real deal. It is a cancer to the soul of our Nation, as we will be seeing as we talk through this process today. I am so thankful again that we have an opportunity to bring this to the Americans attention.

That being said, pursuant to Committee Rule 8-C, all members who wish to insert written statements into the record may do so by submitting them to the Committee Clerk electronically, and in Microsoft Word format by 5 p.m., 14 days after this hearing, which is March 21, 2023.

Without objection, the hearing records will remain open for 14 days to allow statements and other materials referenced during this hearing to be submitted for the official record hearing. I now turn to the introduction of our four distinguished witnesses.

Our first witness is Dr. Erec Smith, who is Associate Professor of Rhetoric at York College of Pennsylvania, and a CATO Research Fellow. He is located in York, Pennsylvania.

Our next witness is Dr. James Murphy, who is Director of Career Pathways and Postsecondary Policy at Education Reform Now, located in Washington, DC.

Our third witness is Dr. Stanley Goldfarb, who is Chair of the Do No Harm, and is located in Bryn Mawr, Pennsylvania. Our final witness is Dr. Jay Greene, who is a Senior Research Fellow at Heritage Foundation's Center for Education Policies. It is located in Fayetteville, Arkansas.

I want to thank the witnesses for being here today. Pursuant to Committee rules, I would ask that you each limit your oral presentation to a 5-minute summary of your written statement. I would also like to remind the witnesses to be aware of their responsibility to provide accurate information to the Subcommittee. I will first recognize Dr. Smith for 5 minutes.

**STATEMENT OF DR. EREC SMITH, ASSOCIATE PROFESSOR OF RHETORIC, YORK COLLEGE OF PENNSYLVANIA, RESEARCH FELLOW, CATO INSTITUTE, YORK, PENNSYLVANIA**

Mr. SMITH. Hello, thank you. Chairman Owens, Ranking and distinguished members of the Higher Education and Workforce Subcommittee, my name is Erec Smith, and I am a Research Fellow at the CATO Institute. Thank you for giving me a platform to speak on the issue of diversity, equity and inclusion in higher education.

I have been faculty. I have been a writing program administrator. I have even been a diversity officer. Contemporary DEI is built upon a foundation whose very mission is to perpetuate racism. Contemporary DEI is not an extension of the Civil Rights movement. It is under rooted by a quasi-Marxist ideology, called critical social justice.

The salient tenant of critical social justice is this. The question is not, did racism take place, but rather, how did racism manifest in this situation? According to clinical social justice, racism is always already taking place. There is no need to think for oneself. The narrative, one of perpetual oppression does the thinking for you.

Another underlying concept of critical social justice is prescriptive racism. The prescribing of certain values, attitudes, and behaviors on to someone based on race. To shirk these values, attitudes and behaviors is to be inauthentic, to not be a true member of a particular racial group. Questioning of this ideology is considered a form of racism.

I have many stories to tell, but I will share one, maybe two, that illustrate these concepts and the general absurdity of critical social justice back at DEI. A prominent figure in my field, which is rhetoric and composition, wrote a mass email requesting that people boycott an academic organization because he and others experienced racism during a committee meeting.

However, neither he nor anyone else would actually explain what happened. I was not going to boycott an influential organization based on incomplete information, so I asked a simple question, what happened? For this, I was vilified by my colleagues, and colleagues of all colors, and accused of perpetuating white supremacy, merely asking the question what happened was considered a form of racism.

You have seen here that an accusation of racism cannot be questioned. Remember, the question is not, did racism take place, but rather how did racism manifest in that situation? Another story involves two professors who always allow their black students to write in black vernacular, African American vernacular, some people say Ebonics.

However, the student's refusal to do so because they were there to learn standard English, was seen by the professors as a form of self-hatred, and internalized racism. A prominent figure in the field, one who is self-proclaimed as a Marxist, went as far as to say these students were being selfish and immature, his words, for wanting to write in standardized English because that would just perpetuate the status quo of whiteness.

As black students who wanted to write in standard English, they shirked the attitudes or values these professors prescribed to them as black students. Their desire to write in a standard English was treated like a kind of pathology. Whenever I hear stories like this, I always say the same thing to myself, thank God these were not my professors when I was in college.

I would be steeped in negative emotionality, and learning helplessness. If I had hopes and dreams, I would not have the courage to chase them. I know some people out there are trying to do DEI in a way that does not assume racism at all times, does not prescribe behavior based on race. It does not shirk critical thinking to abide by a narrative.

Those doing DEI created by critical social justice, and there are many, are not fighting racism, they are perpetuating racism. I do not know if you have all noticed yet, but I am black. I am against this DEI. Why? Because I really like being black. This ideology is infantilizing, it is anti-intellectual, and since I am a mature, intellectual person, it does not align with me.

I am too good for contemporary DEI, and so are many others. I hope we can have a good conversation today. Thank you.

[The Statement of Mr. Smith follows:]

House Committee on Education and the Workforce  
Subcommittee on Higher Education and the Workforce  
Hearing on “DEI on Campus”  
Statement By Erec Smith  
Associate Professor of Rhetoric, York College of Pennsylvania  
Research Fellow, Cato Institute

Chairman Owens, Ranking Member Wilson, and distinguished members of the Higher Education and Workforce Development Subcommittee, my name is Erec Smith and I am a research fellow at the Cato Institute. Thank you for giving me a platform to speak on the issue of Diversity, Equity, and Inclusion in Higher Education. As someone who has been both faculty and administration in higher education, including a stint as a diversity officer, I feel I can lend some clarity to an otherwise obfuscating issue.

[Introduction](#)

Many people, especially those left of center, grow more and more incredulous upon hearing adamant disapproval of Diversity, Equity, and Inclusion initiatives. The incredulity doubles when disapproval comes from a person of color. It may triple when that person of color is black. And yet, it may yet quadruple if that black person is an academic and, therefore, someone both liberal enough and intelligent enough to know better. However, if they were to ask a black academic why he opposes DEI, they would realize that their assumptions about the nature of such an initiative were just that: assumptions. They would realize that most contemporary DEI initiatives have less to do with diversity, equity, and inclusion and more to do with disempowerment, symbolic gestures that cater to resentment, and the desire for power and a social transformation toward intolerance and subjugation of one’s individuality to social engineering. At worse, they may realize that the most prominent leaders in the DEI industry, especially in academia, do not want to reform what they see as a broken system; they want to tear it down completely.

The most common criticism of DEI is that it is divisive and anti-white. However, I want to show that DEI is harmful to the very people it claims to help; it stifles agency and, paradoxically, is decidedly anti-black. As a black academic, I have been called a white supremacist, by blacks and whites alike, for trying to empower black students, provide them with

tools that can better ensure success, and help them develop a sense of agency and self-efficacy to make their own ways in society. Apparently, what I should tell my black students is that the world is out to get them, that the only way to succeed is to betray your race, that there is only one way to be black, and that way is undergirded by ever-present anger, victimhood, and misery. I should tell them that anything said or done by a white person or a person who is not made uncomfortable by “whiteness” is inherently racist and cannot be trusted. I should tell them that race relations have not improved, and the country is a racist now as it was a century ago. I should tell them, in so many words, that to be black is to feel disempowered at all times. In other words, I should feed them the ideology that undergirds contemporary DEI.

Of course, I refuse to do all of that and resolve to do the opposite: empower students of color both intra-personally and communally, promote positive self-regard, and help them navigate the discourse of the real world and not the fabricated hellscape many proponents of DEI will have you believe America to be for minorities.

Because of the confluence of my research and experiences in academia, I will focus primarily on race. DEI initiatives are known to address all marginalized groups, with race and sexual orientation being the frontrunning categories in America’s collective consciousness. However, both experience and research make race the most salient category on which I can speak. For similar reasons, my examples will involve black Americans primarily.

Within the world of contemporary DEI, virtues and vices seem to have switched places. I’ve been challenged by white people and black people alike when I express the apparently insane and risible idea that we should have more faith in the agency of our minority students, especially black minority students, who seem to be the downtrodden poster children of victimhood. This lack of confidence in these children is called empathy. This lack of optimism in succeeding in life is called empowerment. The dismissal of valuable skills that can better ensure success in life is called social justice. And anything that could possibly instill a positive outlook, self-awareness, emotional self-control, delayed gratification, achievement orientation, and adaptability is called “white supremacy with a hug.”<sup>1</sup> Whenever I hear of educators advocating for such interpretations of higher education, I always say the same thing to myself: Thank God these weren’t my teachers when I was growing up. I would have nothing, I would normalize

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<sup>1</sup> Dena Simmons, “Why SEL Alone Isn’t Enough,” Association for Supervision and Curriculum Development, March 1, 2021. <https://www.ascd.org/el/articles/why-sel-alone-isnt-enough>

curling into a fetal position while weeping, I'd have a learned helplessness that would keep me from even attempting to achieve my hopes and dreams, or I may not even have hopes and dreams at all.

#### Background

From the age of four, my neighborhood was predominantly white, and both my peers and the adults never failed to let me know it. I feel these facts were important to the construction of race and ethnicity I was building at the time. To be black was to be marginalized, not good enough, wrong. However, to not associate with the white kids was to not associate with any boys my age at all.

What all this boiled down to was a need for escape. I felt that in high school, I could find sanctuary with other black kids like me and finally feel somewhat comfortable in a social environment. The local high school was extremely diverse and had a large population of black students. So, when I finished the 8<sup>th</sup> grade, I was eager to get to a place where I could feel at home and be around "my people."

However, when I arrived at high school, my outlook on ethnicity was altered forever. There I found fellow black freshmen and quickly became just as much of an outcast, if not more of one, than I was amongst my former, predominantly white, student body. To my African American peers, I was not really black. To them, I portrayed an image of *whiteness* that they considered foreign; all we had in common was skin color and racial descent. The way I spoke gave them even more reason to come down on me, for my 'proper' speech seemed, for some reason, to make me some sort of phony black male.

Despite all this, what perplexed me the most was the overall internalization of the misconception of black inferiority. Although I was vilified for my race repeatedly among my white peers, I never internalized the idea that I was inherently inferior. Yet, my new black peers seemed to have actually internalized the idea of black inferiority. Racial self-degradation was a typical way of passing the time. What was confounding was that this was done amidst fellow black students, and not amidst whites, as a pathetic attempt to fit in. A very popular insult was to comment on how *African* one's physical features were, or how dark one's complexion was. The telling of these jokes every so often would have been one thing, but their frequency was blatant testimony to their tellers' inherent lack of racial pride. I did not fit in with my African American



peers because I wasn't 'black' enough, yet one's racial characteristics could summon cruel insults I had only previously heard from white people, and not nearly as frequently.

So, I was too black for the white kids and too white for the black kids. Both groups were hellbent on my degradation. Although the white kids and black kids had apparently opposite reasons for their treatment of me, they were both saying essentially the same thing: how dare you feel good about yourself; don't you know you're black?

So why do I tell you this story? These two groups have not really gone away for me. They can still be found in my life in college faculty lounges, deans offices, ed schools, and institutions for putting forth educational policies. They can be found in multi-cultural activists circles. They can be found proudly signaling how anti-racist they are. My bullies are now in control. Many seem to be fueled by the veiled inferiority complex displayed by my black high school peers. People are familiar with the accusations that DEI is an anti-white ideology, but too few realize that it is profoundly anti-black.

The distinction between my peers and me, like the distinction between contemporary DEI and diversity work in the spirit of the Civil Rights Movement, is a matter of discourse, by which I mean the values, attitudes, and beliefs of a particular context. As far as I can tell, my white peers valued a sense of racial superiority and zero-sum virtue. They had attitudes of the protagonists in their own movies, movies in which I was the inadvertent comic relief, the inferior other, for whom they were doing a favor by allowing to hang around. Thus, their collective beliefs were in a prescribed racial essentialism, that black people should know their place in the aforementioned narrative. I could only be a protagonist while playing basketball. My black peers seemed to value status as perpetual outsiders, and value victimhood as a kind of suit of armor protecting them from the pain of failed dreams. Their attitude was fueled by the defiance of all things hegemonic, even those things that would have benefited them to embrace. They believed, like their white counterparts, in a prescribed racial essentialism. They also believed that anyone who didn't push back and could be optimistic in such a world could never truly be one of them and that failing to succeed in that system was a form of activism and authenticity.

My own values, attitudes, and beliefs were a bit different from both sets of aggressors. I valued self-determination, the power of sincere persuasion and real dialogue, and equality regarding everyone's right to dignity. I had the attitude that I would later call self-reliant, or stoic, and that I was as worthy of respect in any situation as anyone else. I believed that I was

never inherently inferior to anyone based on race, that I could defeat racial discrimination and champion true equality if I put my mind to it, and that, with proper planning, I could achieve anything I wanted. In fact, after my experiences with my black peers and my realization that I was on my own, I made the conscious decision to sketch out my path to life, liberty, and happiness. I began to consistently make honor roll, I began to care less about what others thought (a rare feat for a teenager), and I began to build a healthy sense of agency and self-efficacy. I wanted to help others embrace a similar mindset and instill in my students' self-efficacy and positive self-regard beneficial to achieving one's hopes and dreams. Specifically, as a professor of rhetoric, I would have them do this through a strong command of communicative savvy. For this, I am vilified in my field.

Later in life, I would become a diversity officer at a liberal arts college and do my best to instill values into a methodology of anti-racism. Aligned with the Civil Rights Movement of the 1960s, I wanted to abide by the original definition of Affirmative Action: the prohibition of racial discrimination and the assurance that all Americans would have knowledge of and access to all available resources.<sup>2</sup> This was my discourse of anti-racism. I still embrace this discourse, but in that embrace, I've come to realize how antithetical it is to that of contemporary educators, especially those who claim dedication to contemporary versions of DEI.

#### Contemporary DEI in Higher Education

Upon hearing the words "Diversity, Equity, and Inclusion," many people conjure up images of the Civil Rights Movement, personified by Martin Luther King Jr and canonized as a crusade for true civil rights. They may think of the original definition of affirmative action: the insurance that people will not be discriminated against based on skin-color and that all people, regardless of race, will have knowledge of and access to available resources. They attribute commonly understood definitions of these terms: diversity denotes the favored presence of a variety of races, ethnicities, cultures, etc.; equity denotes fairness and impartiality; and inclusion denotes the acknowledgement of, and dignity afforded to all people involved in an endeavor, be it academic, vocational, or otherwise. This is why so many people are shocked to hear that so many people oppose DEI initiatives in higher education. After all, what kind of person does not

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<sup>2</sup> "A Brief History of Affirmative Action," Office of Equal Opportunity and Diversity, [https://www.oed.uci.edu/policies/aa\\_history.php](https://www.oed.uci.edu/policies/aa_history.php).

want a diverse campus in which people are treated fairly and are not excluded from the best things that campus has to offer?

People who think like this assume that those pushing DEI initiatives in higher education hold similar conceptualizations, but they would be mistaken. Yes, some people in charge of DEI in higher education are creating initiatives with the aforementioned values in mind. They see social justice as the insurance that all people are afforded the opportunity to make the best of classical liberal values like freedom of speech, equality before the law, private property, and individuality. They fight to make sure all people, regardless of group affiliation, have the right to life, liberty, and happiness. However, this is not the version of DEI that is being vilified by people across the political spectrum. (Anti-DEI sentiment is not just a right-wing endeavor.) Contemporary DEI—as opposed to the kind that could be construed as an extension of the Civil Rights Movement—is decidedly illiberal in that it promotes a denial of free speech, the shirking of individuality, the suppression of critical thinking and inquiry, the demonization of deliberation, and the derision of the very concept of equality. All this stems from a few ideological and methodological tendencies that make contemporary DEI the problem it is: Critical Social Justice ideology and prescriptive racial essentialism.

The discourse of contemporary DEI is disempowering and reflects the tenets Critical Social Justice Ideology.<sup>3</sup> Critical Social Justice (CSJ) is an ideology, commonly called “wokeness,” whose basic argument is that America is structurally designed to hold down minorities—especially black people—and labels whites as irredeemable oppressors and others as irredeemably oppressed. When applied to “anti-racist” education, one of its primary tenets is “The question is not ‘did racism take place’? but rather ‘how did racism manifest in that situation?’”<sup>4</sup> This is to say that racism is always already a part of any interaction between whites and nonwhites; one just has to find it. Assessing the situation is considered unnecessary, even naive. One need not *think* when it comes to racial justice; the narrative—the script—does the thinking. In fact, it is the narrative that says sound arguments against the efficacy of systemic racism simply don’t exist, so how can they be considered? The narrative says that once something is labeled conservative, it need not be taken seriously.

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<sup>3</sup> Lee Jussim, “Social Justice: Liberal or Critical,” *Unsafe Science*, February 6, 2023, <https://unsafescience.substack.com/p/social-justice-liberal-or-critical>.

<sup>4</sup> Robin Diangelo, “Anti-Racism Handout,” *Robindiangelo.com*, 2012, <https://robindiangelo.com/wp-content/uploads/2016/06/Anti-racism-handout-1-page-2016.pdf>

This ideology, which distinguishes contemporary racial justice from that which undergirded the Civil Rights Movement, values counterhegemonic defiance at all turns, pity for all minorities, cancellation, a mistrust of equality, color-blindness, and merit, a diversity, equity, and inclusion as racial orthodoxy, equality of outcomes, and the denial of free speech. In higher education, proponents of Critical Social Justice have an us vs. them attitude and a “by any means necessary” approach to education and activism. They think they are clearly better than anyone who does not see the world as the bigoted hellscape they do. They believe that both silence and words are violence, that intention never matters, that anti-black is ubiquitous and the cause of all black problems and disparities, and that pedagogy’s primary focus should be the squashing of whiteness, that anything embraced by mainstream society is always already racist, that the world is a large conspiracy against minorities, and that anyone who does not share this believe are bad actors or dupes that cannot be trusted. They also believe that minorities students are always already embracing a victim mentality and need those who have “done the work” to save them. They believe that black people see the world as an impossible obstacle course full of devils bent on holding them down.

Of course, this is not so, and some prominent black figures in America’s past and present have tried to explain why. They have tried to explain that black people are individuals who do not interpret things the same way. They have tried to explain that, even if black people can agree on an issue, they may not agree on its solution. And they have tried to explain that such “alternative” interpretations and solutions derive from pride and a sense of dignity.

I learned the hard way that trying to explain this was not to be tolerated. For wanting to teach standard written English to all students, including students of color, and for wanting to have a real conversation about the efficacy standard English in American life, I was deemed a pariah. On an academic listserv<sup>5</sup> specifically for those in English Studies (literature, rhetoric, writing), I was accused of white supremacy, of being unconcerned how such thoughts, coming from a black man, were doing harm to other black people. They would deride me to each other

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<sup>5</sup> This listserv, titled “Writing Program Administrators’ Listserv” or WPA-L, is now defunct. The catalyst for its demise was my pushback on CSJ and its affect on academia, especially in the field of rhetoric and composition. As of the writing of this essay, the archives of this listserv are no longer available.

while ignoring my explanations and clarifications. I was accused of doing things I didn't do and saying things I didn't say. Any attempt to clarify my points or address an erroneous claim on my part was ignored. Many who did not participate in these online degradation ceremonies cheered on those who did. This behavior is not an aberration; it is the norm in many academic fields.

[Conclusion: The Effects of CSJ-DEI](#)

So, what are the effects of critical social justice and its concomitants, especially prefigurative politics and prescriptive essentialism? Based on my experiences in academia, they boil down to the following bullet points.

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- Racism, either individualistic or systemic, is the root cause of all problems experienced by racial minorities.
  - Good-faith conversation between whites and minorities cannot be trusted. Deliberation is considered a “white way of knowing” and cannot be tolerated.
  - Objectivity is an illusion except for the objective statements made by those in your chosen identity group.
  - Habits of mind that seem to have derived from European sources are seen as inherently racist, even those with clear benefits (individualism, the scientific method, discipline and hard work, etc.)
  - The goal is not to reform society to be fairer and more equitable; it is to revolt against society for complete societal transformation.
  - Happiness, success, and comfort can only be a sign of privilege.
  - There is a set of acceptable behaviors based on skin color/group affiliation. Going beyond these behaviors is considered a sign of inauthenticity.
  - For the proponents of critical social justice, the appropriate behavior for minorities, especially black people, is victimhood and a distrust of anyone considered privileged or hegemonic.
  - A black man who is happy and successful in modern society is an implicit detriment to black people.

- In the context of critical social justice, empowerment is viewed as anything that shirks classical liberal values and counters a society that works to abide by them.

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These bullet points constitute the ideology of contemporary Diversity, Equity, and Inclusion. For this reason, I have dedicated my career to combatting its implementation in academia and beyond.

I will end this testimony with a recent development. On February 21<sup>st</sup> of this year, an email was sent out to several professors in the field of rhetoric and composition—the same group that performed the degradation ceremony that started me on this path—calling for volunteers to form a “Special Committee on Difficult Dialogues and Politically Charged Discussion Within and Beyond the Classroom” under the aegis of the Conference on College Composition and Communication, henceforth known as 4Cs. I wanted to trust the good faith of a group of people who consistently hide intolerance within connotations of tolerance.

The email read that the committee’s ultimate charge would be the creation of a guide that would “clearly articulate a stance for [4Cs] that documents the value to learning of discomfort (particularly for those most privileged and benefitted by such forces as white supremacy, heteronormativity, cis-gender identity, etc.) and of critical thought and engagement are enhanced by participation in difficult dialogue with scaffolded pedagogical support.” Now, notice the parenthetical phrase there: “particularly for those most privileged and benefitted by such forces as white supremacy, heteronormativity” and so on. It does not say “mostly” for the privileged or even “especially” for the privileged. It says “particularly” for the privileged. Which is to say this is not a committee charged with handling difficult dialogues across differences. The “difficulty” is the emotional labor endured by certain topics, themselves. It is a “How to talk to people who already agree with you about topics that make you sad or angry” committee.

My colleagues do not acknowledge the sound, well-researched, and clearly articulated arguments that the detriments of hegemony are overstated at best.<sup>6</sup> Sadly, this email indicates a

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<sup>6</sup> See Erec Smith and Matthew Abraham, *The Lure of Disempowerment*, Dubuque, IA: Kendall Hunt, 2022. See also Erec Smith, “Moving Beyond the Politics of Pity,” *Quillette*, April 2, 2023, [https://quillette.com/2023/04/02/moving-beyond-the-politics-of-pity/?utm\\_source=pocket\\_saves](https://quillette.com/2023/04/02/moving-beyond-the-politics-of-pity/?utm_source=pocket_saves). See also Erec Smith, “The Specter of Harm in Contemporary Social Justice Activism,” *Cato at Large*, March 17, 2023, <https://www.cato.org/blog/specter-harm-contemporary-social-justice-activism>.

fundamental aspect of contemporary, CSJ-infused DEI: an intolerance of counterpoints and anyone who makes them. What makes this particular group especially egregious is the fact that they are professors of rhetoric, i.e., experts of communication. When academics charged with theorizing and teaching effective communication refuse to communicate at all, higher education has truly lost its way.

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A full literature review of such work is beyond the scope of this essay, but work refuting the efficacy of critical social justice in the realm of education can be found in the work of John McWhorter, Coleman Huges, Glenn Loury, Walter Williams, and others.

Chairman OWENS. Thank you. Thank you so much, Dr. Smith. I would now like to recognize Dr. Murphy.

**STATEMENT OF DR. JAMES MURPHY, DIRECTOR OF CAREER PATHWAYS AND POSTSECONDARY POLICY, EDUCATION REFORM NOW, WASHINGTON, D.C.**

Mr. MURPHY. Chairman Owens, Ranking Member Bonamici, and distinguished members of the Subcommittee, thank you for the opportunity to testify on diversity, equity and inclusion programs today, and the valuable contribution they make to institutions of higher education and the students who attend them.

My name is James Murphy, and I am the Director of Postsecondary Policy and Education Reform now, where I work on, among other things, improving college access for under-represented students. It is an honor to be given the opportunity to clear up some myths about DEI, and to talk about some of the actual work that DEI staff members do.

I should be clear that I have never worked in a DEI office, and my comments today are based on research, facts and conversations with people who work in the field. It is an approach I strongly recommend. DEI offices may feel new or confusing to some, but they are a natural development of the need to serve the changing demographics of higher education going back to the 1960's.

As time went by, ad hoc practices became more formalized and professionalized, but even as that happened, DEI never cohered into a monolithic institution built around an ideological consensus. Any attempt to define the real impact of DEI must begin with an acknowledgement that there are hundreds of colleges and universities that employ staff working to make their campuses more welcoming, fair and inclusive.

Unsurprisingly one finds considerable variation in the scope, mission, practices and authority of those offices. That alone should give us pause in speaking about DEI as if it were a single thing, let alone an ideology, and remind us to be very, very careful not to let anecdotes masquerade as analysis.

At some institutions DEI work is carried out by fostering community engagement and dialog, at others it entails the creation and transmission of guidance or recommendations on putting fairness and diversity at the center of the range of practices from admissions and instruction to recruitment and hiring.

At some institutions DEI offices play a central role, a role demanded by law in ensuring that their college is in compliance with Title VI, Title IX in the Americans with Disability Act. What few, if any DEI offices, actually do is provide direct instruction to students, let alone indoctrinate them into any set of beliefs.

As Mitchell Chang, interim Chief Diversity Officer at UCLA recently wrote, Chief Diversity Officers spend their days on administrative duties and functions, not advocating their own political views. If anyone is trying to tell students what to think, it is legislators who want to ban these offices wholesale or write bills to make it illegal for university employees to say phrases like unconscious bias, or cultural appropriation.

College, we are all doctors here, is for debating ideas. It is not for protecting students from words. I want to spend the remainder



of my time talking about a few words. Let us start with diversity. The educational benefits of campus diversity include the following: Training future leaders, preparing graduates to adapt to an increasingly pluralistic society, promoting the robust exchange of ideas, and producing new knowledge stemming from diverse outlooks.

Chief Justice Roberts wrote that list, and he called those benefits I quote, “commendable goals, and plainly worthy,” in the majority opinion in the student’s admission’s decision last June, a decision I did not agree with, but was glad to see the Chief Justice call out the importance of diversity on campus.

When I think of diversity, I am reminded of something, of a conversation I had years ago with a friend, a lifelong Republican by the way. He had just graduated from West Point, or he had graduated from West Point. After serving in the Gulf War, he earned an MBA at Emory University, and just completed it.

When I asked him skeptically what on earth could a business school teach him about leadership after he led a combat unit in Iraq? He told me that getting an MBA was incredibly useful for him because it was the first time he had ever worked with women in his life.

That is the value of diversity. Learning with people who come from different racial, ethnic, religious and ideological backgrounds not only lets us all share in the richness of the American experience, but also prepares today’s young people for the 21st Century workplace.

Let us talk about equity. A much used word, very little understood. Here is what it does not mean. Equity does not mean pursuing equality of outcomes. That is a ridiculous idea, that has been repeatedly cited by opponents of DEI offices. No one can promise equal outcomes.

Equity is about the quality of opportunity and fairness. Equity does not mean treating everyone like they’re the same. It means treating everyone with the same level of respect and dignity, which brings us to inclusion. When DEI staff talked about inclusion, they are talking about removing unnecessary and unfair barriers to success on campus for students of color, for students with disabilities, for veterans, for adult—for returning students with children, for a range of students.

We all perform at a higher level after all when we feel like we are working in an environment that values us for who we are and treats us all fairly. That means things like providing winter jackets to students with Pell Grants who come from the south. That means providing avenues for students from a rural background, or students of color to meet with other students of a similar background.

Or it might mean helping professors to identify their own biases in faculty hiring. I will close by saying that the current wave of attacks on DEI offices should be understood for what they are, excessive, divisive, ideological assaults on some of the basic principles of our democracy and of academic freedom.

I am confident they will ultimately prove to be ineffective. Thank you.

[The Statement of Mr. Murphy follows:]

Chairman Owens, Ranking Member Wilson, and distinguished members of the Subcommittee, thank you for the opportunity to testify today on Diversity, Equity, and Inclusion Offices and the valuable contribution they make to institutions of higher education.

My name is James Murphy, and I am the Director of Postsecondary Policy at Education Reform Now, where, among other things, I work on improving college access for underrepresented students. College access is not simply a question of who gets admitted to which college, but who applies, who persists, and who graduates into a successful career. Diversity, Equity, and Inclusion offices and the work they do play an instrumental role in this expanded access work, which benefits all students.

It's an honor to talk to you today and to be given the opportunity to clear up some of the myths that proliferate around the field of Diversity, Equity, and Inclusion and to talk about the actual work that DEI staff members do and how it serves students. I should be clear that I do not work and have never worked in a DEI office and my comments today are based on research and conversation with people who have experience in the field. Good policy, after all, is best developed in dialogue with practitioners.

The murder of George Floyd precipitated an expansion of DEI efforts at some institutions, but it by no means created DEI offices. DEI offices may feel new or confusing to some, but they are a natural development of the changing demographics of higher education going back to the 1960s. Long before we had invented the term DEI, [admissions officers at some highly selective colleges responded to the assassination of Martin Luther King](#) with an increased focus on developing practices that would make all academically qualified students feel welcome on their campus. For instance, admissions officers recognized the need to visit more high schools where minority students were in the majority or to connect with campus services to make sure that Jewish students could practice their faith on campus.

Much of this early DEI work occurred in an ad hoc manner, as women, students of color, low-income students, and students from rural backgrounds began showing up on campuses with different needs and expectations than the graduates of, say, Northeastern boarding schools. As time went on, these practices became more formalized and professionalized, but even as DEI became institutionalized, it did not cohere into a monolithic institution built around an ideological consensus.

Any attempt to define the “real impact of DEI” must begin with an acknowledgement that there are hundreds of colleges and universities that employ staff whose work is focused on fostering diversity, equity, and/or inclusion. Unsurprisingly, there is considerable variation in the scope, mission, practices, and authority of those offices. That should give us some pause in speaking about DEI as a monolith or in using one anecdote to make sweeping claims about an entire field

of work or the people who work in it. For every ridiculous meme, there are hundreds of professionals working to make their campuses more welcoming and inclusive and carrying out work that is, at heart, compassionate and caring.

At some institutions that work is carried out by fostering community engagement and dialogue; at others it entails the creation and transmission of guidance on putting fairness and diversity at the center of a range of practices, from admissions and instruction to recruitment and hiring; at some institutions, DEI offices play a central role in ensuring that their college is in compliance with Title VI, Title IX, and the Americans with Disability Act and that they have taken appropriate action to address real and perceived threats based on race, color, religion, sex, national origin, or disability.

What few, if any, DEI offices do is provide direct instruction to students, let alone indoctrinate them into any set of beliefs. The reality is that most college students will never engage with the DEI office at their institution. The reality is there is no such thing as a DEI ideology, because even individual offices contain a diversity of viewpoints among staff on how to best accomplish their mission. The reality is that no DEI office has the authority to silence students. If there were one trying to do so, it should be subject to legal action.

The reality is that the current assault on DEI offices relies on the ignorance of most people about the work they do, which makes it easier to portray people who are deeply committed to creating campuses where all feel welcome and respected as boogeymen. As Mitchell Chang, Interim Chief Diversity Officer at UCLA, [recently wrote](#), “Chief diversity officers... spend their days mainly on administrative duties and functions, not advocating their own political views.” They serve as coordinators between academic departments, students services, public safety, and other divisions at universities, not as ideologues.

The people who want to tell students what they can think are in fact the legislators writing bills that would literally ban university employees from saying certain words out loud on university property. That’s not America. That’s the Soviet Union. In America, we let adults debate contentious ideas. When it comes to higher education, we even encourage them to do so. We certainly don’t tell them they cannot say things like “unconscious bias” or “cultural appropriation.” We ask them to think about words and their meaning and to engage seriously with ideas.

In that spirit, I would like to address the fact that most critics of DEI in fact never seriously engage with the field or its basic concepts, dealing instead with caricatures and bad faith rhetoric. I would like to conclude by providing some clarity on the field’s fundamental terms.

**Diversity** remains a compelling interest for almost all institutions of higher education, who list among its educational benefits the following: [“training future leaders,”](#) [“preparing graduates to adapt to an increasingly pluralistic society,”](#) [“promoting the robust exchange of ideas,”](#) and [“producing new knowledge stemming from diverse outlooks.”](#)

I believe that these are “commendable goals” that are “plainly worthy” of pursuit by colleges. So does Chief Justice Roberts, who used those descriptors—“commendable” and “plainly worthy”—to describe efforts to make campuses more diverse in the [majority opinion in the \*Students for Fair Admissions \(SFFA\)\*](#) decision last June.

While Justice Roberts and the majority did not believe, as I do, that they justified the consideration of race in college admissions decisions, the Court was very clear that its decision was limited to college admissions decisions and had no bearing on other efforts to maintain or increase diversity on campus. In other words, the *SFFA* decision has no bearing on Offices of Diversity, Equity, and Inclusion. I suspect, however, that most DEI staff would agree wholeheartedly with Chief Justice Roberts and the majority that enrolling a diverse student body is a commendable goal that is plainly worthy.

Why is that? Diversity in workplaces and schools benefits everyone. That is a basic principle that the Supreme Court articulated decades ago, when it described diversity as a “compelling interest” on college campuses, because it helped prepare students for workplaces that have become increasingly diverse.

I am reminded here of something a friend, who for what it’s worth is also a lifelong Republican, shared with me years ago. He graduated from West Point, and after serving in the Gulf War he earned an MBA at Emory University. When I asked him, skeptically, what a business school could have taught him about leadership after he had led an army unit in Iraq, he told me that getting an MBA was incredibly helpful because it gave him the first chance he’d had in his life to work with women. Learning with people who come from different racial, ethnic, religious, and ideological backgrounds not only lets us all share in the richness of the American experience but also prepares today’s young people for the 21st-century workplace.

It is important to say that the “commendable goal” of pursuing diversity on campus includes but is not limited to race and ethnicity. Many or even most DEI offices are just as focused on religion, gender, and socioeconomic status, and their work often directly serves or intersects with students who are veterans, are from rural communities, students who are the first in their family to attend college, and students who have children or are returning adult learners. DEI can include groups like First-Generation, Low-Income organizations, which provide a chance for students to connect to each other and receive support. It can also include offices like the [University of Idaho’s Office of Violence Against Women](#), which created the Coordinated Community

Response Team to help victims of sexual violence not just report their crime and get the appropriate medical response but also deal with the aftermath of assault and rape. Opponents of DEI may want to shake their fist about divisive concepts, but the reality is that DEI officers' main concern is helping students succeed on campus as much as possible.

Success raises the question of what is the most contentious word in the DEI trio: “**equity**.” Equity is one of those words that many people feel strongly about even as they struggle to define it. Here is what equity does not mean: it does not mean pursuing equality of outcomes. That’s a ridiculous idea that has been repeatedly cited by opponents of DEI offices. No one can promise an equality of outcomes. Do all you want, I will never be a good bowler, because I have no talent for the game. At the same time, I should have the same opportunity to go bowling as anyone else and not feel harrassed when I do. That’s the real meaning of equity. Equity, as it's considered through a DEI lens, is about equality of *opportunity* and *fairness*. This is not a new idea in education. It is why we provide accommodations for students with individualized education plans in primary and secondary schools. It is why we create need-based grants so qualified, poor students can attend college. It is also why some DEI offices create resources on campuses for underrepresented students who may feel like they do not belong there and why some DEI offices help professors be more aware of the role unconscious bias plays in who gets offered positions in labs or co-authorship on papers. Equity certainly does not mean treating everyone like they are the same, but it does mean treating everyone with the same respect.

Critics of DEI imagine it to be the enemy of merit and meritocracy, but that’s completely backwards. Confusing the accomplishments of a kid whose family has invested more than a million dollars in independent schools, college consultants, tutors, private sports coaches, and more with merit makes a mockery of the idea of meritocracy. Merit is not the same as achievement. Achievement reflects talent, of course, but it also reflects resources and opportunity. Merit reflects what a person has accomplished by taking into account what they had to overcome to do so, by taking into account the distance they traveled to get there.

When DEI offices talk about **inclusion** they are talking about removing the unnecessary and unfair barriers to success on campus. We all perform at a higher level when we feel like we’re working in an environment that values us for who we are and treats us all fairly. That might mean providing funding for Pell Grant recipients to buy a winter coat. It might mean providing avenues for a student of color from a rural community to find students from a similar background. Or it might mean helping professors to identify and check their own biases in the hiring process in order to start correcting what remains the least diverse group at many universities—by which I mean the faculty.

I will close by saying that these attacks on DEI offices should be understood for what they are: excessive and ideological attacks on some of the basic principles of our democracy and of academic freedom. I remain hopeful that they will prove to be almost completely ineffective.

Chairman OWENS. Thank you, Dr. Murphy. I would like to now recognize Dr. Goldfarb.

**STATEMENT OF DR. STANLEY GOLDFARB, CHAIR, DO NO HARM, BRYN MAWR, PENNSYLVANIA**

Dr. GOLDFARB. Thank you, Chairman Owens, Ranking Member Bonamici, and members of the Committee for the invitation to address this Committee. My name is Stanley Goldfarb. I am a board-certified nephrologist, former Associated Dean of Curriculum at the University of Pennsylvania Perelman School of Medicine, and Chair of the medical nonprofit Do No Harm.

I have practiced medicine for over 50 years, and I care deeply about the State of American medicine. My message today is simple. DEI is dangerous everywhere, but it is most dangerous in medical school. Americans need to know exactly what is happening. Your future doctors are learning about divisive politics at the expense of lifesaving care.

They are being taught to discriminate by race, not treat patients equally. Ultimately, your future doctors are being trained to be an activist, but you do not need an activist when you are sick, or suffering from a life-threatening disease. You need a doctor. If we do not restore medical school to its real mission, Americans will inevitably suffer a diminished quality of healthcare.

I have had a front row seat to the corruption of medical education. Precious classroom and clinical time is now devoted to issues such as climate change, homelessness, policing, and other social issues that doctors cannot change. The ideologues behind this trend know it, but they do not care. They want doctors who will march into hearing rooms like this one, to support political causes.

They do not want doctors. They want lobbyists in white coats. Consider what every medical student is now required to learn. The Association of American Medical Colleges, which effectively controls medical education, now forces medical schools to teach intersectionality, oppression, colonization and white supremacy among other core DEI topics.

These are not throw-away lines in a 1-day seminar. They infuse everything from the first year of medical school to the last year of residency. Every minute students spend on colonialism is one they do not spend on cancer. When they study global warming, they do not study geriatric care.

One medical student recently told my organization I have learned more about pronouns than I have about how the kidney functions. Patients should be concerned. DEI dominates far beyond the classroom. The Association of American Medical Colleges has compiled a list of 89 DEI policies that it wants to see in medical schools.

Through Freedom of Information requests, my organization has found that most have implemented at least 81 percent of these demands. Many are close to 100 percent. For instance, medical schools routinely demand that faculty and staff sign DEI loyalty

oaths. The goal is to weed out anyone who opposes DEI. To see where that leads, look at Washington University's Medical School, where a lecturer threatened students not to debate her on critical race theory.

This is the essence of compelled speech. Medical schools are lowering admission standards in the name of diversity too, some have abandoned requiring the MCAT for all applicants, even though the MCAT is the best predictor of a student's ability to become a doctor.

By recruiting, excuse me, less qualified students, medical schools are producing less qualified physicians. Medical schools openly discriminate by race. We found numerous medical scholarships and fellowships that bar white and Asian students from applying, and we recently blew the whistle on UCLA Medical School's requiring students to segregate by race. nationwide schools are dividing students into race-based classes and groups. They are violating Federal civil rights laws, and they do not care unless called out. Worst of all, medical schools now support the resegregation of healthcare itself. DEI holds that patients should see physicians with the same skin color. Over 60 studies have shown that segregated medicine has no benefits, yet medical schools are pushing it anyway.

Everything I have described is happening in red and blue State medical schools alike, Missouri, South Carolina and Indiana as well. Medical students deserve better. Having educated thousands, I know that young people become doctors because they want to save lives. They deserve an education that empowers them, not indoctrination that corrupts them.

Most of all, patients deserve better. They need doctors who will treat their illnesses, and cure their diseases, not discriminate by race and advocate for divisive political demands. DEI puts American's lives at risk. The best way to save lives is to get DEI out of medicine now.

Thank you. I look forward to your questions and hope to see congressional action in the days ahead.

[The Statement of Dr. Goldfarb follows:]



### **Testimony of Stanley Goldfarb, M.D.**

*March 7, 2024*

I'd like to thank Chairman Owens and Ranking Member Wilson for the invitation and the opportunity to speak with you about the crisis that's unfolding in American medicine and, in fact, in American life in general.

My interest in the impact of the so-called Diversity, Equity, and Inclusion regimens, or DEI, began about eight years ago when I realized that my medical school, the Perelman School of Medicine at the University of Pennsylvania, had embarked on a new direction driven by its new senior leadership. I was serving as the Associate Dean for Curriculum at that time. The new plan was aimed at drastically altering the medical education program at Penn.

What had been a traditional approach focused on clinical science and aimed at developing medical leaders was being readied for transformation into a far greater emphasis on community involvement and concern for social issues. The rationale for this was the hypothesis that the root cause of disparate health care outcomes between minority, particularly black, and majority communities was the result of bias on the part of physicians and health care institutions. Only through a dramatic reimagining of the practice of medicine, the hypothesis continued, could these disparities be eliminated.

In many professional fields, academics is divorced from the world of practice and has little influence on the community of practitioners. Medicine is quite different. The goings-on in law schools have traditionally had little to do with the actual practice of law and have had minimal influence on it. The same is true in many fields of endeavor. But the academic health center is the driving force in local health care and has great influence across the nation. American academic medical centers have been the engines of advances in the treatment and cure of diseases. What happens in academic medical centers doesn't stay there but diffuses out into the larger community.

As it turns out, the expanded focus on social issues in medical care was well established in other medical schools and our school was rather late to the game. We did have courses that discussed some aspects of West Philadelphia, a very



heterogeneous community with large and varied immigrant populations, but this was felt to be insufficient. The new vice dean of the med school told me that there was “too much science in the curriculum.”

My concerns about the new initiative to modify Penn’s curriculum led me to speak out on this issue. So did my growing awareness of the fact that medical schools around the country were much further along in adopting an approach that seemed to echo the curricula of schools of social work. I felt that medical school curricula should maintain a strong focus on medical science, should increase its rigor, and should concern itself with turning out the highest quality physicians who would care for those suffering from illness. I also felt that while social factors are important in defining the quality of life in communities, physicians had no agency to influence such issues as poor housing or community violence. It seemed that the purpose of raising these issues was to create advocates for political solutions to these problems rather than educating physicians to improve health care outcomes.

In 2019, I wrote an op-ed in the Wall Street Journal about my sense that medical education was heading down a path that would weaken American health care. The Wall Street Journal decided to entitle that article, *Take Two Aspirin and Call Me by My Pronouns*.<sup>i</sup> This elicited a rather strong reaction on Med Twitter and really began my new career as an activist.

This background explains why I am here today speaking with you about this issue. Four years have now passed and increasingly, the impact of DEI programs that focus on identity politics in the recruitment of medical practitioners and on the manner patients are to be treated has become increasingly evident. Recently, Wesley Yang, one of the editors of Esquire magazine posted my article from 2019 on Twitter and commented, “Shouldn’t we have listened to him then?” It is tough being Cassandra, the mythic Greek figure who could predict the future but no one would listen.

So what is happening to American health care in the DEI era? We’ve begun to see the impact of identity politics, a phrase that I feel describes the underlying principles of DEI. Yascha Mounk has written a new book entitled *The Identity Trap*.<sup>ii</sup> He, a self-described Liberal and a professor of political science at Johns Hopkins, decries the impact of identity politics on American life. I quote from his book: “The identity trap poses serious dangers. It undermines important values like free

speech. Its misguided applications have proven deeply counterproductive in areas from education to medicine. If implemented at scale, it won't provide the foundation for a fair and tolerant society; it will inspire a zero-sum competition between mutually hostile identity groups.”

His concern, which I share, is that this political and philosophical theory, known as Critical Race Theory, paints a hostile and irredeemable society based on oppressors and oppressed, and will lead to division and conflict. It will poison the American experience.

I think we can discuss this issue from two perspectives: the impact of identity politics on the practice of medicine and the impact of identity politics on who can practice medicine.

Health care disparities between minority and majority populations are real and of legitimate concern. But attributing them in large part to the black community's oppression by white males and the health care system in general is without real proof and without merit. As Mounk points out in his book, once group identity is viewed in the formulation of either being oppressed or an oppressor, a fixed set of responses ensues. Oppression is unending and can only be overcome through conscious and illiberal actions. Accepting this formulation requires, in the words of Ibram Kendi, a discriminatory regimen. To quote him, “past discrimination can only be remedied by present discrimination. Present discrimination can only be remedied by future discrimination.”

During the COVID pandemic we received a taste of how this all could play out. When monoclonal antibodies were a potential lifesaving treatment for severe cases, two states, California and New York, created guideline algorithms that gave points toward justification for the use of the drugs in particular cases based on race. The use of the scarce drugs would be determined in part based on skin color rather than purely on medical need<sup>iii</sup>. This violates the Hippocratic oath but is in concordance with Critical Race Theory.

In a second instance, The Centers for Disease Control, the CDC, recommended to states to give essential workers access to the mRNA vaccine even ahead of the elderly on the grounds that older Americans are disproportionately white.<sup>iv</sup>

Amazingly, some of the most prominent medical institutions such as the American Public Health Association, the American College of Physicians, and the American Medical Association supported this approach with amicus briefs when it was challenged in the courts.<sup>v</sup>

These two examples show how simply enacting the principles of Critical Race Theory can have a profound impact on the lives of individual Americans. But at least in these cases, there was no attempt to hide the rationale behind the actions. There was complete acceptance of racialism. What's more concerning has been the misuse of medical studies to justify unequal treatment on the grounds that it will improve health care for minority groups.

Let me describe two examples. Physicians at a major Harvard teaching hospital published a study<sup>vi</sup> claiming that there had been discriminatory practices in the emergency room in the treatment of patients who entered with a diagnosis of congestive heart failure. Approximately 57% of white patients who entered with that diagnosis were referred to a cardiology specialty service in the hospital for cardiac care. Approximately 45% of black patients with the same diagnosis were referred to the specialty unit. The alternative unit for admission was a General Medical unit. This discrepancy was presented as proof of racism and led them to propose a new paradigm for care. Black patients would be asked which unit in the hospital they wished to be admitted to.

As it turns out, and as is often the case when comparing two populations of patients, the individual characteristics of the patients govern treatment protocols rather than their skin color. In this instance, the black patients suffered disproportionately from chronic kidney disease and were being treated with renal replacement therapy using hemodialysis. Such patients are better treated on the General Medical unit where hemodialysis treatments are effective in controlling heart failure and are more easily arranged. White patients disproportionately had their heart failure on the basis of intrinsic cardiac disease which required special procedures only available in the cardiac unit.

The researchers ignored the role of these patient characteristics in the admission decision and instead blamed it on physician bias. They accepted the oppressor/oppressed binary of Critical Race Theory that critical thinking was out of the question.

Rather than focusing on the individual patient characteristics, their new paradigm was to focus on skin color, even though this could possibly lead to worse care because of admission to the wrong unit in the hospital. Ultimately, this approach was not enacted but currently the electronic medical record prompts any admitting physician to consider the past discriminatory practices which were, in fact, not discriminatory.

A second example comes in the recent enthusiasm for the concept of patient/physician racial concordance. Organizations such as the Association of American Medical Colleges have written that disparities black patients experience in health outcomes can only be remedied by having a black physician. They typically cite one or two studies that they claim show such a benefit, again misinforming other practitioners and the public.<sup>vii</sup>

Careful study of the medical literature of this issue reveals a very different picture. Our organization, Do No Harm, about which I will speak shortly, has examined this issue in a comprehensive study by our director of research Ian Kingsbury and Jay Greene of the Heritage Foundation.<sup>viii</sup> They have found that the sum of the medical literature does not support the claim that health outcomes improve if black patients have black physicians. Organizations that claim this to be true are simply ignoring facts in favor of an unproven theory.

Critical Race Theory will do that to you; it will demand ignoring facts to support the oppressor/oppressed dyad. For example, there are 42 studies of whether black patients and black doctors communicate better than when the dyad consists of a white physician and a black patient. Six studies show more satisfaction with communication by black patients. However, eight studies show worse communication when black patients had a black doctor. Twenty-six studies showed no difference when the physician was white or black and the patient was black.<sup>ix</sup> Yet, DEI bureaucrats claim that more black physicians are required in order to improve health outcomes. The divisiveness that Yasha Mounk described in his book *The Identity Trap* is on display here. Do we want white patients entering health care institutions and demanding that they only see white physicians? I witnessed bigoted patients making such demands during my days as a clinician. When patients made such demands at our hospital, we told them to seek another hospital.

Another consequence of this model is the conclusion that black patients don't seek the best medical care and are more interested in the race of their health care providers. How demeaning to black patients!

This concept of racial essentialism as a guiding force in American life will only lead to more conflict because individual characteristics become sacrificed for group identity. Mounk calls this idea an identity trap – a trap because it seems attractive on the surface – but once entered, becomes difficult, if not impossible, to escape.

There are many other examples of how the medical literature is being distorted in the service of Critical Race Theory and its demands that so-called anti-racism be practiced to improve health care outcomes. In reality, the solution to health care disparities is not ineffective or counterproductive implicit bias training for physicians, but rather it is better health access for patients. Minority communities do not need different health care, they need more health care.

The second area where Critical Race Theory and its implementation through DEI and identity politics will have a profound influence on health care is through the admission process into medical school and the promotion process for faculty. We have been told the rationale for seeking a medical school class whose components perfectly reflect the racial distribution of America is better health care outcomes. We have been told by the AMA,<sup>x</sup> by the American College of Physicians,<sup>xi</sup> and by the Association of American Medical Colleges<sup>xii</sup> that diversity improves health care outcomes. They say this but they have no data to support this idea. Is diversity the most important factor in recruitment and hiring for pilots? What about in neurosurgeons? There are certain societal roles where merit and only merit should be the only basis for entry.

In most debates about school admissions, the discussion centers about the interests of the school and the interests of the student. In certain critical professions, however, a third entity must be part of the discussion. In health care it is the patient. When considering entry into medical school, the individual patient's interest must be a primary concern. Unfortunately, identity politics declares that the students' race must be an important determinant. While it is true that the recent Supreme Court decision in the case of *Students for Fair Admissions v. Harvard* seems to have eliminated so-called affirmative action as a basis for admission to university, many medical schools have announced their intention to

ignore this principle and to produce workarounds to allow continued efforts to increase racial diversity.

Part of the justification for this brand of affirmative action is that if students can pass minimal competency exams, like licensure exams, then they are qualified to be physicians. Therefore, seeking out the best and the brightest who have been particularly successful in their academic pursuits is really not necessary to produce adequate health care. But this is not what patients expect. No matter what their racial background is, patients expect and should receive the highest possible quality of care.

Academic achievement by physicians is an ingredient in creating a highly effective physician workforce. I have maintained that medicine is a highly academic pursuit. I point out to students that the way we test their knowledge is through multiple choice questions on exams. In this model, there is a stem, a short statement about a particular patient or a particular medical condition, and then a series of five distractors or possible explanations as to the origin of the clinical problem. Their job is to pick out the right answer. And I tell them that when they enter the clinics and begin to see patients, they will be constructing the multiple-choice question. They will gather the information required for the stem or description of the problem. They will then produce four or five alternative possibilities to explain the problem and pick the right one to properly care for the patient.

This is an academic process. This requires maintaining much information about illness and about the variability of human response to it and it requires judgment that is abetted by a strong understanding of the basic principles underlying the clinical problems that they encounter. This activity requires a nimble mind and the commitment to learn a vast amount of information to deal with patient problems in real time while in the presence of the patient. There is no time to retire to the library to learn about the patient's problem.

How has the health care system and academic medicine responded to this challenge? They have decided that it is more important to pick students based on racial characteristics and it is more important to have a racially diverse corps caring for patients in various medical specialties than it is for identifying the most capable individuals to take on those roles. To achieve this diverse system, there has been a growing movement to eliminate traditional academic qualifications for entry

into medical school and for selection to the most competitive postgraduate training programs. The MCAT, the achievement test for medical school entry, now includes more social science and less hard science. The Council of Deans of Medical Schools has now decreed that grades will no longer be reported for the licensure exam that has been used as an achievement test to determine merit and likelihood for success in some of the most challenging medical specialties. This minimal competency exam is now “pass/fail.” They expressly state that the reason for this rule is to increase the numbers of minority applicants who succeed in gaining places in the most competitive education programs.

This down-grading of academic performance and reliance on so-called holistic measures to determine admission to medical school is already leading to evidence of decreased performance in the clinical arena. There are now two large studies that show that minority residents perform less well. In a survey of three institutions’ internal medicine residency programs and in a nationwide study of emergency medicine trainees, minority trainees as a group perform less well in multiple assessment domains including professionalism, medical knowledge, and preparation for practice.<sup>xiii xiv</sup> This is not to say that there aren’t very high performing, high quality minority individuals who were entering these fields. But rather it says that the education programs and medical schools, in some instances, have sacrificed merit in the name of identity politics. There are 22,000 medical students entering medical school each year. There are almost 44,000 applicants for positions in medical school each year. This is a zero-sum game. If a qualified applicant is not admitted in favor of an unqualified or lesser qualified one, that qualified individual may never have the opportunity to become a physician. It is not like undergraduate years where individuals have a multitude of options for their education.

In 2022, the Association of American Medical Colleges compiled a report on its Diversity, Inclusion, Culture, and Equity Inventory, a list of 89 DEI policies it wants to see implemented at medical schools.<sup>xv</sup> Through freedom of information requests, my organization found that most have implemented at least 81% of these demands, and many are close to 100%. For example, some schools engage in the practice of having faculty and staff sign “diversity statements” with the goal of identifying anyone who opposes DEI. To see where that leads, look at Washington University’s medical school, where a lecturer threatened students not to debate her on Critical Race Theory.<sup>xvi</sup> This is the essence of compelled speech.



The drive for diversity in medical school classes has led to a concomitant decline in the rigor of medical education. I believe these two issues are linked and mutually supporting. Fifty years ago, the attrition rate of medical students averaged 9% nationally, although it was as high as 14% in some schools.<sup>xvii</sup> Today, the attrition rate in medical education is 3%<sup>xviii</sup>. This reflects an unwillingness to remove all but the most egregious examples of academic failure from medical school classes.

Grading in the preclinical years of medical school is now almost universally pass/fail. At Harvard, in a recent graduating class, 92% of the students received an honors grade for their clinical work. When this occurs, there is essentially no such a thing as “honors” and no real grades. The fault for this set of circumstances lies with both the faculty and the students. Faculty feel compelled to guarantee that students can pass the curriculum and graduate. Faculty performance is graded by students who tend to downgrade faculty members who demand extreme rigor in classwork.

So too has the recruitment and promotion of faculty been diminished by DEI. Many medical schools now actively declare that they specifically seek to hire black faculty. If they can identify highly qualified faculty that happen to be black, that is one thing. But if they choose faculty on the basis of race, that is no different than denying an opportunity on the basis of race.

The DEI regimen also demands that faculty seeking promotion be able to demonstrate not only that they support Diversity, Equity, and Inclusion but that they have actively worked to promote this divisive idea. This is an example of compelled speech at institutions that purportedly honor Freedom of Speech principles.

The idea that research faculty should also adhere to DEI principles and that the recruitment of such faculty should be closely overseen by representatives of the DEI offices of medical schools is particularly absurd. The privilege of performing research, particularly laboratory research, is reserved for those with both the drive and the intellectual capacity to be creative and to make important contributions to the health of the American people. There is no rationale for injecting a diversity requirement in recruiting individuals or promoting individuals who are scientists. The NIH has recently downgraded the role of faculty expertise or institutional resources in determining who will receive the highly competitive individual



research grants.<sup>xix</sup> Sacrificing merit on the altar of diversity can only lead to a less meritorious scientific enterprise.

Lastly, I would like to slightly divert this discussion to confront the most recent manifestations of DEI in the outpouring of antisemitic vitriol in America. The health care system, unfortunately, is well represented in those tearing down posters of kidnapped children and those equating the slaughter and rape of women, children, and the elderly by Hamas terrorists with Israel's legitimate efforts at eliminating a barbarous enemy.

Medical organizations like White Coats for Black Lives have expressed support<sup>xx</sup> for the atrocities that Hamas is so eager to publicize.<sup>xxi</sup>

There is a clear nexus between identity politics, Diversity, Equity, and Inclusion programs, and anti-Semitism. In each case, traditional Judeo-Christian ideas about morality have been replaced by the tenets of Critical Race Theory.

Simply judging Israel as the oppressor eliminates all responsibility for even the most barbarous actions by the "oppressed" Palestinians. In this way, the vile declarations by physicians on social media who praise Hamas terrorism are substituting Critical Race Theory for traditional morality and reliance on facts to make moral judgments. Thus, the actual independence of Gaza after Israeli withdrawal in 2005 is called "occupation." The movement of over 17,000 Gaza residents each day into Israel for employment on Oct 6 is called an "open air prison." The killing of young women, children, and the elderly is justified as they are part of the oppressor class. The values passed down to western civilization through the Decalogue are now replaced by Critical Race Theory as our moral compass.

I would like to conclude this rather morose view of the effect of DEI on the world of medicine by highlighting some hopeful signs. In April 2022 we founded Do No Harm,<sup>xxii</sup> a non-profit organization devoted to combatting Critical Race Theory corruption of health care. It is a membership organization and now numbers over 7000 health care workers and concerned citizens as its members and has members in 14 countries.

We have worked to inform the public about this danger through more than 4,900 mentions in print and online media, 25 op eds and editorials in the Wall Street Journal, the Washington Post, and other top outlets, and over 50 appearances on

television. We have strived to contain the DEI regimen through legal and legislative efforts around the nation. We have initiated seven lawsuits against defendants like the Medicare system, Pfizer, the journal *Health Affairs*, the State of Arkansas Medical Board, and the State of California. In conjunction with our senior fellow Mark Perry, we have initiated hundreds of letters with the Office for Civil Rights in the Department of Education protesting discriminatory fellowships and scholarships in a variety of public and private institutions, many of which bar white and Asian applicants. We recently blew the whistle on UCLA’s medical school for holding “racial caucuses” in a mandatory course.<sup>xxiii</sup> And finally, we have worked with leading national law firms to generate model legislation to combat DEI activities in a variety of public institutions that depend on state support.

Over and over again, we have found support in physicians and students in many medical schools and academic medical centers. They understand the danger that DEI poses to the American health care system. They object to the divisiveness and the discriminatory practices that the DEI regime promotes.

Some important commentators have begun to express hope that the “woke mind virus,” in the terminology of Elon Musk, is beginning to face serious questioning. The recent American descent into anti-Semitism has been directly tied to the identity politics at the heart of DEI. When we stop seeing people as individuals and relegate them to group identity, bigotry and hate are the next stage of social evolution. The public is starting to notice this consequence – and that spells hope for the re-emergence of the American idea of individual value and individual responsibility.

<sup>i</sup> <https://www.wsj.com/articles/take-two-aspirin-and-call-me-by-my-pronouns-11568325291>

<sup>ii</sup> Mounk, Yascha. *The Identity Trap*, Penguin Books.

<sup>iii</sup> <https://www.foxnews.com/politics/new-york-prioritize-non-white-people-low-supply-of-covid-19-treatments>

<sup>iv</sup> <https://www.nytimes.com/2020/12/05/health/covid-vaccine-first.html>

<sup>v</sup> <https://democracyforward.org/wp-content/uploads/2021/12/AMA-ACP-et-al-Amicus-SCOTUS-OSHA-ETS-12.30.21.pdf>

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<sup>vii</sup> <https://www.aamc.org/news/do-black-patients-fare-better-black-doctors>

<sup>viii</sup> <https://donoharmmedicine.org/research/2023/racial-concordance-in-medicine-the-return-of-segregation/>

<sup>ix</sup> <https://donoharmmedicine.org/research/2023/racial-concordance-in-medicine-the-return-of-segregation/>

<sup>x</sup> <https://www.ama-assn.org/education/medical-school-diversity/why-physician-diversity-matters-and-how-gme-programs-can-boost>

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<sup>xii</sup> <https://www.aamc.org/news/do-black-patients-fare-better-black-doctors>

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- <sup>xvi</sup> <https://www.foxnews.com/us/washington-u-lecturer-warns-medical-students-not-debate-systemic-oppression-shut-down>
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- <sup>xix</sup> <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-24-010.html>
- <sup>xx</sup> <https://whitecoats4blacklives.org/2023/11/09/pro-palestine-retaliation-response/>
- <sup>xxi</sup> <https://donoharmmedicine.org/2023/11/14/white-coats-for-black-lives-breaks-their-silence-to-demand-apologies-for-terrorist-sympathizers/>
- <sup>xxii</sup> <https://donoharmmedicine.org/>
- <sup>xxiii</sup> [https://www.wsj.com/articles/ucla-school-of-medicine-antiracism-course-do-no-harm-office-of-civil-rights-8143c3ae?st=3smxwh9yo2pxhi&reflink=mobilewebshare\\_permalink](https://www.wsj.com/articles/ucla-school-of-medicine-antiracism-course-do-no-harm-office-of-civil-rights-8143c3ae?st=3smxwh9yo2pxhi&reflink=mobilewebshare_permalink)

Chairman OWENS. Thank you, Dr. Goldfarb. I appreciate that. Last, but not least, I would like to recognize Dr. Greene.

**STATEMENT OF DR. JAY GREENE, SENIOR RESEARCH FELLOW, THE HERITAGE FOUNDATION'S CENTER FOR EDUCATION POLICY, FAYETTEVILLE, ARKANSAS**

Mr. GREENE. Thank you, Chairman Owens, for inviting me to address this Committee. My name is Jay Greene. I am a Senior Research Fellow at the Heritage Foundation. Before joining Heritage, I was a Distinguished Professor of Education Policy at the University of Arkansas.

Diversity, equity and inclusion, or DEI, may sound like a set of benign values. In practice, DEI bureaucracies advance a world view that undermines diversity, promotes exclusion, and opposes the equal treatment of individuals based on merit. These DEI bureaucracies have grown quite large and powerful.

In a recent report, my co-author, James Paul, and I analyzed a number of DEI staff at 65 universities that were members of the Power Five Athletic Conferences. We found that the average university had 45 DEI bureaucrats, or more than one for every 33 tenured track faculty members.

DEI bureaucrats are not professors engaged in the primary academic functions of teaching or research. Instead, they articulate and enforce an ideological orthodoxy on contested matters of race and sex. Rather than foster inquiry and debate in search of the truth, as universities have traditionally done, DEI bureaucracies are designed to stifle inquiry, and end debate with the ostensible purpose of protecting marginalized populations.

As the National Association of Diversity Officers in Higher Education describes their own goals, they seek to build “a system of shared beliefs, values, norms, habits and assumptions” to advance DEI efforts. Bureaucratically enforced ideological orthodoxies like these shared beliefs, may be desirable for religious organizations, or political parties, but they are not appropriate for universities.

Even worse, the radicalism of DEI orthodoxies makes them more like those of cults than religious organizations, or more like revolutionary movements than those of political parties. DEI orthodoxies are informed by critical race theory and tend to divide people into oppressor and oppressed categories, based on their group identities.

According to this world view, oppressors deserve to have their privilege taken away, while the oppressed deserve restitution for collective or historic wrongs. Justifying unequal treatment based on group identity can yield horrific results. We have particularly seen this in the recent spike of antisemitism on college campuses.

If classification of a group as oppressor or oppressed is determined by its over or under representation, the relatively high rate of Jews in universities supports the classification as oppressors. This is then used to justify imposing limits on opportunities for Jews in the name of equity. Harsh treatment of Jews can be justified as tripping them of privilege.

Protestors on college campuses chanting antisemitic slogans are not just using the language promoted by DEI. We have also unfortunately seen DEI officials actively involved in promoting hatred

toward Jews. Their professional commitment to inclusion apparently does not extend to Jews.

These are not isolated incidents. James Paul and I analyzed the Twitter accounts of 741 university DEI staff to gauge their attitudes toward Israel, and for comparison, toward China. We found that university DEI staff are obsessed with Israel and display such vehement hostility toward the Jewish State that it clearly crosses the line into serious antisemitism.

DEI staff tweet almost three times as often about Israel as they do about China. When DEI staff tweet about Israel, 96 percent of those tweets were critical of the Jewish State, which 62 percent of their tweets regarding China, were actually favorable toward that Communist country.

That obsessive hatred toward Israel was evident not only in the disproportionate hostility DEI staff displayed toward Israel, but also in the excessive language typically used to criticize the Jewish State. DEI staff often used terms like Apartheid, colonialism, genocide and ethnic cleansing when discussing Israel.

DEI has not only exacerbated hostility toward Jews, it has also generally inflamed racial tensions on campus. According to surveys of news at several universities, students report that campus climate is worse at universities with larger DEI bureaucracies, for example, the students at the University of Michigan, with 163 DEI staff report being less satisfied with campus conduct than those in Mississippi State with only 12 DEI staff.

Compliance with the civil rights obligations of universities can be done without gigantic DEI bureaucracies. Given that DEI has no legitimate purpose, and serves to inflame intergroup tensions, we need to dismantle it. At a minimum, we need to starve universities of the funds that they use to build DEI bureaucracies. Thank you, and I look forward to your questions.

[The prepared statement of Mr. Greene follows:]



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## CONGRESSIONAL TESTIMONY

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### Testimony Before

Higher Education and Workforce Development Subcommittee of the  
House Committee on Education and the Workforce  
United States House of Representatives

Hearing on “Divisive, Excessive, Ineffective: The Real Impact of DEI on College Campuses”

**March 7, 2024**

Jay P. Greene  
Senior Research Fellow  
Center for Education Policy  
The Heritage Foundation

Chairman Owens, Ranking Member Wilson, and Members of the Subcommittee,

My name is Jay Greene. I am a senior research fellow at the Heritage Foundation. Before joining Heritage, I was Distinguished Professor of Education Policy at the University of Arkansas. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

Diversity, Equity, and Inclusion, or DEI, may sound like a set of benign values. But in practice university DEI bureaucracies advance a worldview that undermines diversity, promotes exclusion, and opposes the equal treatment of individuals based on merit.

These DEI bureaucracies have grown quite large and powerful. In a recent report, my co-author, James Paul, and I analyzed the number of DEI staff at 65 universities that were members of Power 5 athletic conferences. We found that the average university had 45 DEI bureaucrats, or more than 1 for every 33 tenure-track faculty members.<sup>1</sup>

DEI bureaucrats are not professors engaged in the primary academic functions of teaching or research. Instead, they articulate and enforce an ideological orthodoxy on contested matters of race and sex. Rather than foster inquiry and debate in search of the truth, as universities have traditionally done,

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<sup>1</sup> Jay P. Greene and James D. Paul, “Diversity University: DEI Bloat in the Academy,” Heritage Foundation Backgrounder, No. 3641, July 27, 2021. <https://www.heritage.org/education/report/diversity-university-dei-bloat-the-academy>

DEI bureaucracies are designed to stifle inquiry and end debate with the ostensible purpose of protecting marginalized populations.

As the National Association of Diversity Officers in Higher Education describes their own goals, they seek to build “a system of shared beliefs, values, norms, habits, and assumptions to advance EDI efforts.”<sup>2</sup> Bureaucratically enforced ideological orthodoxies like these “shared beliefs” may be desirable for religious organizations or political parties, but they are not appropriate for universities.

Even worse, the radicalism of DEI orthodoxies makes them more like those of cults than religious organizations or more like revolutionary movements than those of political parties. DEI orthodoxies are informed by Critical Race Theory and tend to divide people into oppressor and oppressed categories based on their group identities.<sup>3</sup> According to this worldview, oppressors deserve to have their privilege taken away while the oppressed deserve restitution for collective or historic wrongs. Justifying unequal treatment based on group identity can yield horrific results. We’ve particularly seen this in the recent spike of antisemitism on college campuses. If classification of a group as oppressor or oppressed is determined by its over or under-representation, the relatively high rate of Jews in universities supports their classification as oppressors. This is then used to justify imposing limits on opportunities for Jews in the name of equity. And harsh treatment of Jews can be justified as stripping them of “privilege.”

Protesters on college campuses chanting antisemitic slogans are not just using the language promoted by DEI, we have also unfortunately seen DEI officials actively involved in promoting hatred toward Jews. Their professional commitment to inclusion apparently does not extend to Jews.

These are not isolated incidents. James Paul and I analyzed the Twitter accounts of 741 university DEI staff to gauge their attitudes toward Israel and, for comparison, toward China.<sup>4</sup> We found that university DEI staff are obsessed with Israel and display such vehement hostility toward the Jewish state that it clearly crosses the line into serious antisemitism. DEI staff tweet almost 3 times as often about Israel as they do about China. When DEI staff tweet about Israel, 96% of those tweets were critical of the Jewish state, while 62% of their tweets regarding China were actually favorable toward that communist country.

This obsessive hatred toward Israel was evident not only in the disproportionate hostility DEI staff display toward Israel, but also in the excessive language typically used to criticize the Jewish state. DEI staff often used terms like apartheid, colonialism, genocide, and ethnic cleansing when discussing Israel.

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<sup>2</sup> “Standards of Professional Practice for Chief Diversity Officers in Higher Education 2.0,” National Association of Diversity Officers in Higher Education, March 2020.

[https://nadohe.memberclicks.net/assets/2020SPPI/\\_NADOHE%20SPP2.0\\_200131\\_FinalFormatted.pdf](https://nadohe.memberclicks.net/assets/2020SPPI/_NADOHE%20SPP2.0_200131_FinalFormatted.pdf)

<sup>3</sup> “A Framework for Advancing Anti-Racism Strategy on Campus,” National Association of Diversity Officers in Higher Education, November 2021. <https://nadohe.memberclicks.net/assets/2023/NADOHE%20Anti-Racism%20Framework%20-%20Accessible.pdf>

<sup>4</sup> Jay P. Greene and James D. Paul, “Inclusion Delusion: The Antisemitism of Diversity, Equity, and Inclusion Staff at Universities,” Heritage Foundation Backgrounder, No. 3676, December 8, 2021.

<https://www.heritage.org/education/report/inclusion-delusion-the-antisemitism-diversity-equity-and-inclusion-staff>

## CONGRESSIONAL TESTIMONY

DEI has not only exacerbated hostility toward Jews, it has also generally inflamed racial tensions on campus. According to surveys administered at several universities, students report that campus climate is worse at universities with larger DEI bureaucracies. For example, the students at the University of Michigan, with 163 DEI staff, report being less satisfied with campus climate than those at Mississippi State, with only 12 DEI officers.<sup>5</sup>

According to Mark Perry's analysis for *The College Fix*, the University of Michigan spends more than \$30 million per year on DEI for which it has experienced no improvement in racial climate.<sup>6</sup> A Claremont Institute analysis found that Texas A&M University spent more than \$11 million per year on DEI before state legislation dismantled DEI, and yet the percentage of black students reporting that they feel like they belong dropped from 82% in 2015 to 55% in 2020.<sup>7</sup> Annual DEI costs at many universities are in the tens of millions each year -- with Ohio State University spending more than \$20 million and the University of Wisconsin spending more than \$16 million -- with nothing to show for these expenditures.<sup>8</sup>

Compliance with the civil rights obligations of universities can be done without gigantic DEI bureaucracies. Given that DEI has no legitimate purpose, wastes taxpayer money, and serves to inflame inter-group tensions, we need to dismantle it. At a minimum we need to starve universities of the funds that they use to build DEI bureaucracies.

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<sup>5</sup> Jay P. Greene and James D. Paul, "Diversity University: DEI Bloat in the Academy," Heritage Foundation Backgrounder, No. 3641, July 27, 2021. <https://www.heritage.org/education/report/diversity-university-dei-bloat-the-academy>

<sup>6</sup> Jennifer Kabbany, "UMich now has more than 500 jobs dedicated to DEI, payroll costs exceed \$30 million," *The College Fix*, January 9, 2024. <https://www.thecollegefix.com/umich-now-has-more-than-500-jobs-dedicated-to-dei-payroll-costs-exceed-30-million/>

<sup>7</sup> Steven McGuire, "How one college spends more than \$30M on 241 DEI staffers ... and the damage it does to kids," *New York Post*, January 11, 2024. <https://nypost.com/2024/01/11/opinion/dei-boondoggle-costs-us-millions-and-harms-students-it-claims-to-help/>

<sup>8</sup> *Ibid.*



CONGRESSIONAL TESTIMONY

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TABLE 1

**Diversity, Equity, and Inclusion (DEI) Personnel at Major Universities**

University	DEI Personnel	University	DEI Personnel	University	DEI Personnel
1 Michigan	163	23 Louisville	50	44 Washington St.	32
2 Virginia	94	23 Penn St.	50	45 Clemson	31
2 Ohio St.	94	25 Oregon	49	45 Alabama	31
4 California	86	25 UCLA	49	45 Florida St.	31
5 Virginia Tech	83	27 Iowa St.	47	48 Florida	29
6 Stanford	80	28 Texas A&M	46	49 Arizona St.	28
7 Illinois	71	<b>AVERAGE</b>	<b>45.1</b>	50 Kansas St.	27
7 Maryland	71	29 Texas	45	50 Kansas	27
9 Syracuse	65	30 NC State	44	52 Oregon St.	26
10 Colorado	62	31 Purdue	43	52 Oklahoma St.	26
11 Utah	60	32 Texas Tech	42	52 Kentucky	26
11 Washington	60	33 Georgia Tech	41	52 Notre Dame	26
13 Arizona	59	34 USC	39	56 Mississippi	25
13 Iowa	59	35 Georgia	38	57 Wake Forest	24
15 Duke	57	35 Vanderbilt	38	58 Miami	23
15 Minnesota	57	37 Missouri	37	58 South Carolina	23
15 Wisconsin	57	37 Nebraska	37	60 Arkansas	21
18 North Carolina	53	37 LSU	37	61 West Virginia	20
18 Rutgers	53	40 Tennessee	36	61 Auburn	20
20 Northwestern	52	41 Oklahoma	35	63 Mississippi St.	12
21 Indiana	51	42 Pittsburgh	34	64 Texas Christian	7
21 Michigan St.	51	42 Boston College	34	64 Baylor	7

SOURCE: Author's research.

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## CONGRESSIONAL TESTIMONY

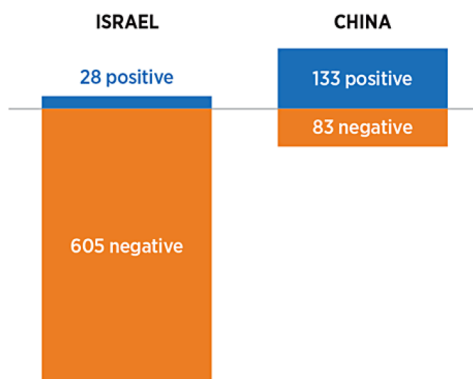
## DEI Personnel per 100 Faculty

	University	DEI Personnel	Faculty	DEI per 100 Faculty		University	DEI Personnel	Faculty	DEI per 100 Faculty
1	Syracuse	65	884	7.4	33	NC State	44	1,377	3.2
2	Virginia	94	1,454	6.5	33	Tennessee	36	1,132	3.2
3	Oregon	49	796	6.2	35	Rutgers	53	1,687	3.1
4	California	86	1,402	6.1	35	Alabama	31	1,005	3.1
5	Michigan	163	2,827	5.8	37	Oklahoma St.	26	864	3
6	Virginia Tech	83	1,490	5.6	37	Oregon St.	26	871	3
7	Boston College	34	619	5.5	39	Wisconsin	57	1,949	2.9
8	Stanford	80	1,502	5.3	39	Notre Dame	26	892	2.9
8	Louisville	50	943	5.3	41	UCLA	49	1,774	2.8
10	Maryland	71	1,372	5.2	41	Michigan St.	51	1,851	2.8
11	Colorado	62	1,212	5.1	43	Mississippi	25	940	2.7
12	Georgia Tech	41	852	4.8	44	Florida St.	31	1,172	2.6
13	Vanderbilt	38	816	4.7	44	Minnesota	57	2,171	2.6
14	Iowa	59	1,326	4.4	44	USC	39	1,494	2.6
15	North Carolina	53	1,278	4.1	44	Arkansas	21	806	2.6
15	Missouri	37	903	4.1	48	Texas	45	1,795	2.5
17	Illinois	71	1,777	4	48	Purdue	43	1,751	2.5
18	Kansas St.	27	697	3.9	50	Georgia	38	1,647	2.3
19	Iowa St.	47	1,224	3.8	50	Kansas	27	1,180	2.3
19	Washington St.	32	834	3.8	50	Miami	23	1,018	2.3
19	Arizona	59	1,547	3.8	53	Texas A&M	46	2,079	2.2
19	Northwestern	52	1,367	3.8	53	West Virginia	20	923	2.2
19	LSU	37	975	3.8	55	Pittsburgh	34	1,616	2.1
19	Ohio St.	94	2,484	3.8	55	South Carolina	23	1,114	2.1
19	Texas Tech	42	1,116	3.8	55	Washington	60	2,910	2.1
26	Utah	60	1,618	3.7	58	Arizona St.	28	1,383	2
26	Oklahoma	35	944	3.7	59	Auburn	20	1,070	1.9
28	Indiana	51	1,418	3.6	60	Kentucky	26	1,505	1.7
29	Nebraska	37	1,059	3.5	60	Mississippi St.	12	720	1.7
30	Duke	57	1,676	3.4	60	Penn St.	50	3,027	1.7
30	Wake Forest	24	710	3.4	63	Texas Christian	7	466	1.5
	<b>AVERAGE</b>	<b>45.1</b>	<b>1,341</b>	<b>3.4</b>	64	Florida	29	2,178	1.3
32	Clemson	31	950	3.3	65	Baylor	7	702	1

CHART 1

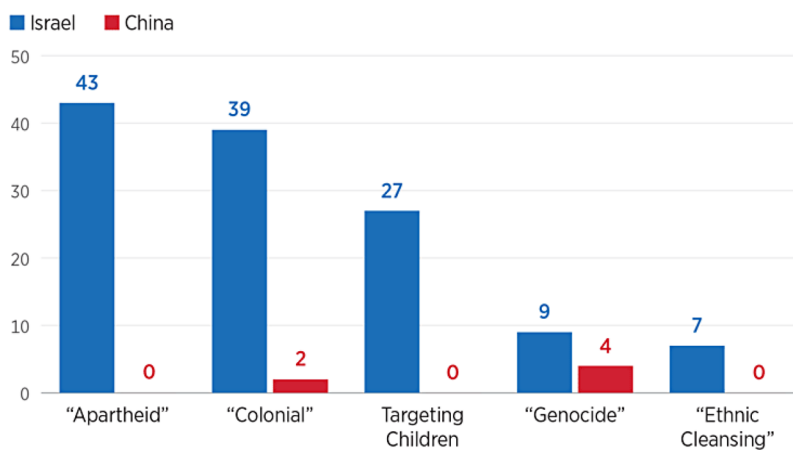
### Diversity, Equity, and Inclusion (DEI) Staff Tweets about Israel and China

**SOURCE:** Authors' calculations based on search of 741 Twitter accounts belonging to Diversity, Equity, and Inclusion staff members at U.S. universities. For more information, see the methodology.



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CHART 2

**Frequency of Terms Found in Tweets by DEI Staff Members at Major Universities**

**SOURCE:** Authors' calculations based on search of 741 Twitter accounts belonging to Diversity, Equity, and Inclusion staff members at U.S. universities. For more information, see the methodology.

Chairman OWENS. Thank you, Dr. Greene. Appreciate that. Under Committee Rule 9, we'll now question witnesses under the 5-minute rule, and I will begin the process. Dr. Goldfarb, 1 year ago an article caught my attention that showed that new dimensions of critical race theory and DEI had not yet been seen.

Columbia University received incident backlash when a video surfaced from 2021 showing medical students reciting an altered version of the Hippocratic oath during a white coat ceremony.

In the video students chanted. We also recognize the acts in the systems of oppression effected in the name of medicine. We take this oath of service to begin building a future guarded in truth with restoration. Equity to fuel medicine's capacity to liberate. Dr. Goldfarb, this Hippocratic oath is a foundational statement for every student. Am I correct on that? Is that they take this at the beginning of this journey?

Dr. GOLDFARB. Yes, that is correct.

Chairman OWENS. Is there anything about the standard oath that has mentioned systems of oppressed in medicine before now?

Dr. GOLDFARB. No, sir.

Chairman OWENS. Is it an important part of education—is to learn about medicine to liberate?

Dr. GOLDFARB. No, sir.

Chairman OWENS. I think this is interesting, and just a little quick background. I majored in biology and chemistry. In my last course, they were two of the hardest in my life, was something called organic chemistry. I did a pass/fail because I wanted to not get a grade on that one. At the end of the day what I realized was those who truly mastered it were able to predict certain things. There is a math that is predictable. There is a science based on God's laws that is very predictable.

This is hypothetical, but as a physician, do you think that if some point if a patient is seriously injured, or dies due to this practice of DEI liberation sciences instead of clinical science, that there will be possibly malpractice lawsuits, not only for the physician but for the med schools that trained them?

Dr. GOLDFELD. Yes, sir, that is quite hypothetical, and certainly beyond my pen. I do think that it is really important that it be viewed as a profoundly academic activity, medical school. That the treatment of patients is really an academic activity that as you say, physicians must keep a lot of information in their head, sort through it, understand human variability, and be able to apply it to that individual patient with that individual patient's problems.

This is a very academic kind of activity. That is why I feel so strongly that it is academic achievement that ought to be the basis for acceptance into medical school, and for the ability for physicians—for applicants to become physicians. It really is a profoundly intellectual process that really needs to be done in the best way possible for the patient's well-being.

Chairman OWENS. I think we can all agree that this is one profession that meritocracy should be the primary focus. I will say this, advice to any personal injury lawyers that are listening in, please pay attention to words like DEI in medicine, if they are ever in the same sentence, same paragraph, or the same book when it

comes to medicine, I think you might have a good professional movement if that is the case.

Dr. Greene, first of all I appreciated your comments about the oppressor and oppressed. Help me understand, just real quickly, the impact it is having on the Jewish community that we are now beginning to see across the country when you have this idea, this indoctrination that there is a race that is truly oppressed, the oppressor of everybody else?

Mr. GREENE. Well, thank you for the question. Once we deviate from the principle that we are going to treat everyone equally as individuals, and start treating people differently based on their group identification, it is then a question of which group do the Jews get placed in.

Are they placed in a group of oppressors or oppressed? The determination of which group people are placed in is largely based on their over or under representation, so any group that is considered overrepresented is considered an oppressor, and the group considered underrepresented is considered oppressed. Jews, because they have thrived despite oppression, are overrepresented in many of these instances, and therefore are treated roughly as oppressors.

It is an intellectual justification of their rough treatment in academic environments.

Chairman OWENS. Okay, thanks. Dr. Smith, real quickly, I read something you said here. DEI is harmful to the very people it claims to help. It is—and it is certainly anti-black. As a black academic I have been called a white supremacist by whites and blacks alike.

By the way, welcome to the crowd. I have been called a KKK member by the Salt Lake Tribune in Utah, believe it or not, for trying to empower black students. Can you expound on that a little bit in the last few seconds we have.

Mr. SMITH. Yes, I can. That speaks to the prescriptive racism, something I talked about during my original testimony. Prescriptive racism basically says that there is a list of characteristics that you have to abide by if you are going to be an authentic member of a group, let us say black Americans.

If you do not abide by that script, then you are called inauthentically black. I had the misfortune of hearing a keynote address at a conference a few years ago that really started this journey. The speaker had the argument that it was inherently racist—

Chairman OWENS. We have to kind of wrap it up because we just have the last few seconds if you can tie it down.

Mr. SMITH. Oh, okay. It is not inherently racist to teach standardized English.

Chairman OWENS. Thank you so much. Now I would like to turn it over to the Ranking Member.

Ms. BONAMICI. Thank you, Mr. Chairman. Again, I am disappointed to see the DEI programs are the newest target in my republican colleagues politicized culture war. Mr. Chairman, I am grateful that you were able to overcome cancer, I am just baffled to think that a program that is intended to help students would be equated with such a dreadful disease.

Diversity, equity and inclusion offices at colleges and universities are intended to support and encourage students from all backgrounds and help them to be and stay safe as they come together on campus to learn and grow.

Certainly, we could have, and should have a conversation about how these offices could better serve their students, but villainizing the entire concept and the dedicated individuals who are doing this work to advance a political narrative, which feels like is happening today, is an unacceptable use of our time here.

We have been told that DEI offices are malevolent bureaucracies intent on indoctrinating students in controversial political ideologies. Dr. Murphy, what are the actual functions that DEI offices perform, and why are they so important for college students' academic success?

Mr. MURPHY. Thank you for the question. It is almost hard for me to say what the actual functions are that DEI offices perform because there is such variety in the field, right. I alluded to one of the functions as sort of in the UC system. Most of the equity of the DEI offices there handle compliance, right? They are required by law to exist.

They are making sure that the university is in compliance with Title IV, Title IX and the Americans with Disabilities Act. They make sure that students who feel threatened, or have been threatened based on race, color, religion, importantly, disability, have recourse, right? Have essentially an office they can go to, to make, you know, to file a complaint.

It is an important part of some DEI work. That is not true at all institutions. At some institutions it is a much smaller unit at the university, and they will handle things like freshman orientations, right, recruitment practices and admission's offices, creating infinity groups. It is not that infinity groups are all race-based infinity groups.

Like an important infinity group on many campuses. A growing one is first generation, low-income students, right. Very often that is through the DEI office because these students often feel isolated on campus. They are not showing up with a cohort of their friends from Harvard Westlake, they are showing up as the only kid in their school to ever go to a place like this.

They perform a range of functions, which makes the attack on them, I think sort of nonsensical.

Ms. BONAMICI. Dr. Murphy, are DEI programs a threat to the civil rights of students on college campuses, and are there issues that are real threats to the civil rights of students on campuses?

Mr. MURPHY. DEI offices, it is hard for me again to say. Like are DEI office is a threat? No. Could it be possible that somebody working in a DEI office does something that is illegal or wrong? Yes. The same is true in medical school. The same is true in the rhetoric department.

If some individual, or an individual department is in violation of the law, then yes indeed, that person should face the consequences. You know the more realistic threats to the civil rights on campus is shutting down student's voices, right? Shutting down faculty or trying to serve them.



Ms. BONAMICI. Right. I absolutely agree with that. I want to urge my republican colleagues to consider constructive ways that we as policymakers can protect students from discrimination and hostile learning environments, and that includes students who have been victims of antisemitism on college campuses, and we have had really several discussions about that, and I wish we were working together to find a way to address that in a constructive way.

Specifically, we should be focusing on increasing funding for the Department of Education's Office of Civil Rights, because as we know they have the responsibility to enforce the law. They investigate and intervene in instances of discrimination, and I want to note that we should all be standing together against the 25 percent proposed cut to the Office of Civil Rights Budget, and instead provide the office with the funding they need to protect and serve our Nation's students.

We should reject political narratives that focus more on stoking culture wars than assuring student success and safety. Dr. Murphy, you are talking about how DEI programs are different on different campuses, why is that? Should those colleges be able—and universities, be able to design their own DEI programs, and not have the government telling them what their DEI program should look like?

Mr. MURPHY. Yes, they are different for the same reason that English departments are different from campus to campus. They are different for the reason that student services are different from campus to campus. Sometimes I find myself annoyed with the autonomy that we give to universities, and I wish I could have all the universities behave in a way that I would like them to.

That is not how we designed American education. Our higher education system is the best in the world in part because we grant universities the autonomy to determine what is the best way to deliver a powerful, strong, transformative education to students. Yes, that is essentially the sorts of the differences.

Ms. BONAMICI. Would there be a logical reason, Dr. Murphy, why the DEI office, say for example, at the University of Michigan might look different from the DEI office of the University of Mississippi?

Mr. MURPHY. Oh, absolutely right. I mean a whole sorts of reasons. One would be State funding, right? How much money does an institution have? Who are the students they serve is a crucial question of course here. What are the priorities of administration? Looking simply at the size of the faculty does not really tell us that much.

I mean I would note that, you know, the report that we heard about earlier, suggested that there were 29 University of Florida students who—or DEI employees or work, 29 people who work in DEI at the University of Florida. Well, 13 people got fired. It is hard to sometimes put your finger on this, right? How many people.

Ms. BONAMICI. Thank you. Thank you. As I yield back, I just want to say I wish we had time to talk with Dr. Greene, your interesting research about taking students on field trips to museums, which I think would be much more constructive than this conversation. I yield back.

Chairman OWENS. Thank you. I would like to now recognize my friend from Wisconsin, Mr. Grothman.

Mr. GROTHMAN. Yes. Dr.—I cannot read your name, Goldfarb, okay. I have heard two physicians tell me that they feel American medicine peaked out about 7 years ago because of this. In part because of the issues, we are talking about today. Do you think that is true? Are we seeing a decline in the quality of medicine?

Dr. GOLDFARB. Thank you for the question. You know I think what we are definitely seeing is a dramatic change in the character of medical education, which if it has not played out yet in demonstrating a change in the quality of healthcare, it will in the very, very near future. I think, you know, I think the issue is here to make sure that we have the highest quality medical workforce that we possibly could have.

Mr. GROTHMAN. That is no longer what we are emphasizing. Did you say that there is an ideology out there that it is important that like people of Asian ancestry have Asian doctors, and Native American ancestry have Native American doctors, and that is superior?

Dr. GOLDFARB. Yes. Thank you for the question. This is the concept of racial concordance, and what this is really all about is the fact that there are real healthcare disparities in healthcare outcomes.

Because of this medicine, like any field that is enlightened, would seek to improve those kinds of disparities and outcomes. I am sorry, that is not a solution to the problem of disparities because that is not the basis of healthcare disparities.

Dr. Greene here next to me has conducted a study that is clearly shown that racial concordance, there is no evidence in the medical literature about benefits.

Mr. GROTHMAN. Well, I would think not. I want to read, and I am sorry for talking over you, but they only give us 5 minutes. In other words, there is an ideology that says if I am a Native American, I would rather have a doctor who maybe got 30 or 40 points lower on the MCATs, but it was a Native American, rather than an Asian doctor, who did superior on the MCATS because—is that what that ideology lives to?

Dr. GOLDFARB. Yes. That is basically.

Mr. GROTHMAN. You would have to really be a sicko to really think that that is the way we should operate our medical schools. That we would want a doctor who has not done, and performed as well, but just because of racial reasons. I would like to meet that person who would say I would rather have somebody with lower MCATs treat me because they look like me.

That just—I assume there are a couple people out there like that, but that is just beyond belief. Next question. Dr. Smith, there is—I want you to comment on this. There is an ideology here that what you bring to a job, today we have new Taiwan Medical School, or education, but it could be anywhere, is colored by where your ancestors come from, right?

If some guy has got a grandmother who was born in Norway, and somebody else has a grandmother that was born in Honduras, that that colors their world view of being different, better or worse, or bring something different to the engineering firm or what not.

What do you think about this idea that the way you think is determined by ancestors who you may never had met.

Maybe their grandmother died before I was born, but still these DEI professionals want to break you out and say you are different.

Mr. SMITH. DEI undergirded by critical social justice skirts individuality. It is all about group consciousness. Group consciousness is necessary for this ideology, because if you have individuals, then we have individual people with their own individual lives and histories that cannot be predetermined based on their skin color.

We have to look at somebody as a member of a group, an not an individual. That is necessary for this to work. Your example is about race. Other examples are about sexual orientation, with other samples it is about ability. Everybody is a group member, and not an individual, and that is the issue.

Mr. GROTHMAN. Right. You must hang around with these people or talk to them. What goes on in their mind? How, for example, they think somebody who has spent their whole live in the United States but had a grandmother from Honduras thinks differently apparently than—and I do not know what they do with people who are adopted, because they might not even know where they are from.

I guess it is purely a genetic thing. How do they justify that? Do they really believe that if I have a grandmother from Honduras, I view the whole world differently? Somebody who I have never met, have never spoken to? Sorry?

Chairman OWENS. A quick answer.

Mr. SMITH. Okay. It is a fabricated ideology based on standpoint epistemology, meaning that based on your race and your experience, you see the world differently than somebody else. Even about objective reality.

Mr. GROTHMAN. Thank you.

Chairman OWENS. Thank you. I would like to now recognize my friend Ms. Leger Fernandez from New Mexico.

Ms. LEGER FERNANDEZ. Thank you so much, Mr. Chairman, and Ranking Member, and thank you witnesses for being here today. Once again we are here, and the Education Committee is looking backward, not forwards. They are stoking the fear and divisiveness of the culture wars. Thankfully, we just saw the 11th Circuit Court of Appeals with two Trump appointees drag down Ron DeSantis's so called Stop Woke Act.

These attacks against diversity are looking back to a time when white males dominated our institutions. We simply cannot go back. We need our institutions to reflect the strength of our country, diversity is our strength, and can and should be celebrated.

To those who think our Nation has moved beyond to a colorblind society, I am going to quote Kevin McCarthy, Speaker Kevin McCarthy at the time, who said—no, not at the time, but who said in regard to the 2019 State of the Union, “I look over at the democrats and they stand up. They look like America. We stand up, we look like the most restrictive country club in America.”

Check out the State of the Union tonight and see if things have changed. My own story as the first Latino to represent my district is indeed a DEI story.

As a Latina from rural New Mexico, at a small school that didn't have AP classes, or normally send students to the Ivy Leagues, I was recruited to attend Yale by someone who saw my promise and my SAT scores. Besides the few Latinos and black students similarly recruited to diverse by the student body, it was generally wealthy, white and still mostly male.

In my study spot in the library, I received notes telling me that I did not belong there. If I ate lunch with my Latino and black classmates, my white classmates would complain about the mere fact that we were eating together. The University did not at that time provide the range of DEI programs that so many students benefit from today.

I worked hard to create opportunities for my classmates to learn more about my community and broaden their perspectives. I invited Cesar Chavez to speak on campus, and we packed the halls. It was white students who were there with the Latinos. They wanted to know more about what was happening with the farm workers. What was happening in my Latino communities.

Research shows that all students perform better when classrooms are more diverse. Mr. Chair, I would like unanimous consent to enter into the record the article, Report Stem Classes with Racial Socioeconomic Representation Boost Student GPA.

Chairman OWENS. No objections.

[The information of Ms. Leger Fernandez follows:]

4/1/24, 1:06 PM

Study: college students perform better in diverse STEM courses

December 18, 2023

## Report: STEM Classes With Racial, Socioeconomic Representation Boost Student GPA

A new study published in the American Educational Research Association's journal found, when classes are more diverse, all students achieve higher grades.

By [Ashley Mowreader](#)



STEM courses with higher representation of first-generation and underrepresented minority students see students earning higher GPAs compared to courses with less representation, according to a new study.

[gordonenkoff/iStock/Getty Images Plus](#)

**A** cross science, technology, engineering and math majors, Black, Latino and

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There are a variety of factors prior to enrollment that may impact college students' success, but the college environment can also shape outcomes and equity gaps, according to a new study published in *AERA Open*, the journal of the American Educational Research Association.

"Despite the presence of a voluminous literature on college student success, one potentially important environmental factor has largely been overlooked: the representation of ingroup peers within college courses," researchers wrote.

The study, published Dec. 5, analyzed data collected by the College Transition Collaborative, evaluating over 11,800 students at 20 four-year institutions across the nation to measure how greater representation of underrepresented minority and first-generation students could benefit student grades.

Researchers from the University of Iowa, Renison University College in Canada, the University of Michigan at Flint, Washington State University and Indiana University showed that, when enrolled in a class with a greater number of peers like them, URM and first-generation students achieved higher grades compared to their peers enrolled in courses filled with predominately white or continuing-generation students. The students with privileged identities also benefited from the diversity of experiences, earning higher grades.

**The study:** The study explored how classroom representation of underrepresented minority and first-generation students predicts grades within STEM courses, as well as how representation can predict grades among students with privileged identities.

Data represented 11,688 students enrolled in 8,468 undergraduate STEM courses at 20 U.S. colleges and universities from fall 2015 to summer 2017. Most institutions enrolled predominantly white and continuing-generation students.

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- To what extent are the percentages of URM and first-generation students in STEM courses associated with college grades among STEM-interested students?
- How do these relationships between representation and grades vary as a function of students' URM and first-generation identities?
- If grades vary as a function of URM and first-generation student identities, are there additional student-related (gender, SAT scores) or course-related (class size, field of study) attributes that further moderate these effects?

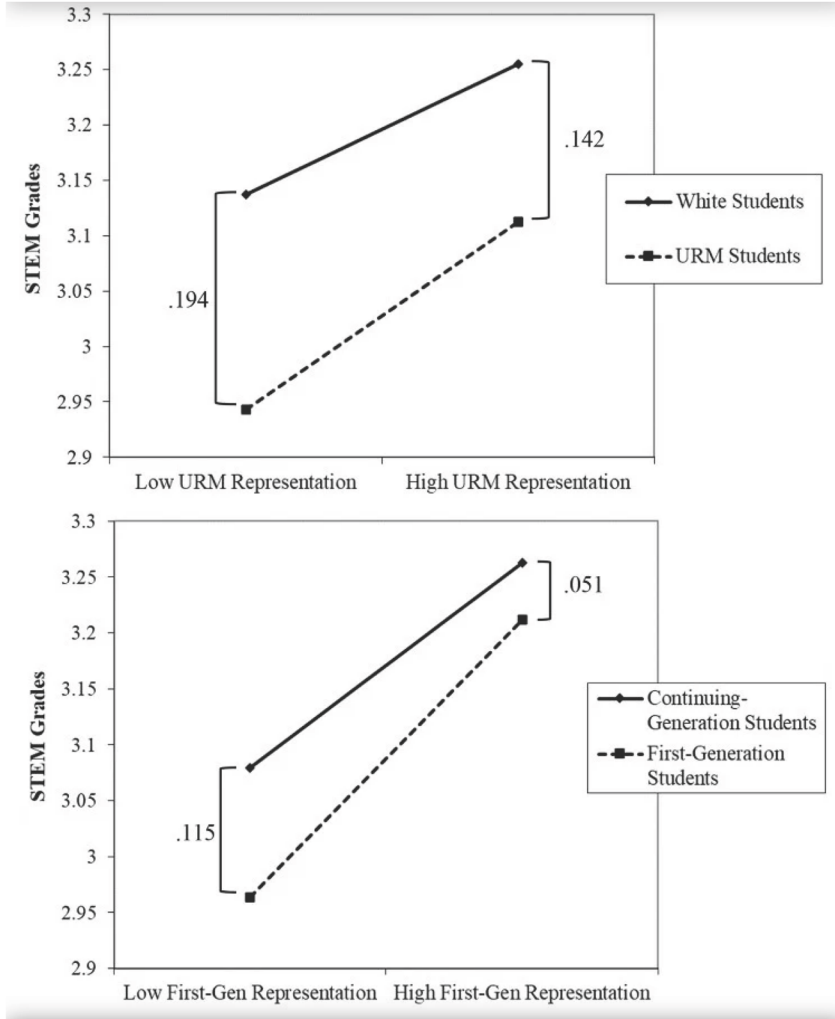
Using course-level and registrar data, researchers calculated the proportions of URM and first-gen students in a given course. The study did not gauge students' majors or retention, only their grades, as that variable is highly related to retention and persistence in a STEM major.

**The results:** The data showed a positive and significant relationship between proportion of URM students in STEM courses and their grades, particularly among URM students themselves. The same relationship was evident for the number of first-gen students—the greater proportion of first-gen students predicted academic outcomes for all students, but especially first-gen learners.

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Study: college students perform better in diverse STEM courses



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High representation of first-generation students also promoted higher grades among first-gen students, with grade disparities diminishing 56 percent.

“It’s really notable that improving racial and socioeconomic representation leads to benefits for everyone and reduces inequities at the same time,” co-author Nicholas Bowman, a professor of educational policy and leadership studies at the University of Iowa, shared in a [press release](#). “It is not a zero-sum game.”

Researchers theorize that the connection between representation and grades has to do with “identity safety” in courses with peers who hold the same identity as them—the URM and first-gen students feel less like they must represent their group in a space dominated by a privileged group.

## Supporting URM Students in STEM

Other research has pointed to a need to support underrepresented minority students in their pursuit of science, technology, engineering and math careers.

A September study from [Education Equity Solutions](#) found professors’ pedagogical styles can improve Black and Latino students’ outcomes in an introductory college math course. A [policy brief by Brookings](#) found Black, Hispanic, American Indian and Alaska Native students were less likely to be enrolled in STEM majors, which could be related to restrictive change-of-major policies.

[Changing course content](#) can also bridge equity gaps between student achievement and maintain rigor.

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the report. “Broadly speaking, the present work highlights the importance of mitigating or removing contextual barriers that inhibit the success of students with minoritized identities,” the study says.

Researchers believe that institutions with limited representation of URM or first-gen students may benefit from organizing courses to increase representation, but that would be less necessary or even counterproductive at institutions with greater diversity.

Future research should attempt to understand the positive effects of participating in a diverse course environment to leverage those strategies in spaces where representation is lower. Some solutions could be hiring teaching assistants from minoritized identity groups, highlighting work by minoritized researchers or creating group activities focusing on shared identity among students, as detailed in the report.

*Is your institution researching equity gaps in grades? [Share with us.](#)*

## Written By

Ashley Mowreader

Ms. LEGER FERNANDEZ. Dr. Murphy, I really want to thank you for your emphasis on facts and research, not just anecdotal. I want to thank you for your emphasis on respect and opportunity and dignity. Could you share with us how DEI initiatives actually strengthen student bodies, rather than divide them?

Mr. MURPHY. Yes. I think it comes back to again that feeling that research shows, but everyone's human experience shows as well. When you are in a place where you feel respected, and as good as everybody else, you perform at a higher level.

When we are looking at highly selective colleges, the colleges some people now call highly rejective colleges because there are so few students that can get into them, a lot of the success that students get from that experience is being around other students, right?

Being around students who are not like them, right? Learning about sort of the richer American experience and gaining from those different perspectives. In fact the emphasis on simply inclusion, just that one element there, is a crucial part of how DEI actually drives success, right? Retention and completion onward into a career.

Ms. LEGER FERNANDEZ. Right. The idea that we would want our leaders, because if you are going to a university, you are going to be a leader, whether it be in business, or here in Congress. Do we want them to be curious about, and know more about their diverse communities?

Mr. MURPHY. Absolutely. If you look at private industry you will see diversity officers, or DEI officers in a huge portion of private industry, right. These are private corporations that are choosing to hire somebody because they are recognizing the value of having somebody essentially there who can make sure that these issues are always at the table. Not running the table, but at the table.

Ms. LEGER FERNANDEZ. When we all are at the table, we can be more respectful of each other. I think I have 6 seconds left, and I will end on that. Respect and dignity include all of us. Thank you very much.

Chairman OWENS. Okay. Thank you so much. I would like now to recognize my friend from Indiana, Mr. Banks.

Mr. BANKS. Thank you, Mr. Chairman. Dr. Goldfarb, the Association of American Medical Colleges has called for advancing diversity, equity and inclusion in medical education. How does DEI help medical students become better physicians?

Dr. GOLDFARB. I do not think it does and thank you for that question. Again, the problem that medicine is trying to correct is this problem of disparate outcomes in healthcare. The question is what is the basis for it, rather than decide that it is an ideological problem, and that there is bias on the part of physicians treating patients.

The real issue is access to care, and patients getting access to care, and patients accessing care appropriately. Once you decide that the problem is because physicians are biased, then all of this DEI regimen flows from that, and it is very unfortunate because it is wrong, and it is wasteful of time, which is one of the arguments that I tried to portray in my testimony that we are wasting

time in medical school, teaching more and more about these issues for which physicians have no agency whatsoever.

It also does not benefit the communities whose disparities we are trying to improve. Those communities need better access to care. They do not need the faculty of a medical school going to anti-bias training.

Mr. BANKS. This seems real dangerous. Harvard's Medical School's diversity statement says, "We celebrate the multiple dimensions of diversity that each member of our community offers, including, but not limited to, gender identity. Do you think, Dr., that celebrating gender dysphoria violates the Hippocratic oath?"

Dr. GOLDFARB. I think general dysphoria and its treatment has been a terrible problem in this country. In the face of European nations that have now all—almost as a bloc have decided that so-called gender affirming care has turned out to be more harmful than beneficial and have restricted it substantially.

In this country, it is continued to be advocated at the highest levels of American medicine, and I think my organization has been pushing very hard against children having—being put through these programs. We make no position about adults. That is not our concern. Our concern is saving children who cannot possibly consent to this kind of treatment with irreversible outcomes that will influence the rest of their lives.

We feel very much that that should not be part of medical education and should not be part of the medical care of children.

Mr. BANKS. Would you say that gender mutilation of children violates the Hippocratic oath?

Dr. GOLDFARB. Yes, it does.

Mr. BANKS. Yes. I would agree. Transgender surgeries and related medical treatments can cost hundreds of thousands of dollars. Do you think there are—could we talk about the financial incentives to the medical industry to perform those types of surgeries?

Dr. GOLDFARB. Yes. You know, the insurance has been—insurance companies have been paying for this kind of care. The military insurance system has been paying for this sort of care. Our organization has a bill that we're promoting that will help those many children who have decided to detransition, and seek medical care for that, and that unfortunately there are no billing codes, for example, for that kind of care.

This has become an economic issue as well as a moral and a medical issue as well.

Mr. BANKS. Yes. I mean to sum it up since medical professionals are told not to believe in biological sex, what kind of impact does that have on the medical practice at large?

Dr. GOLDFARB. Well, again this has been a very contentious, and I know, very unfortunate area of contention. Our organization again focuses very much on the issue about gender care for children. Children cannot possibly understand what they are getting into when they agree to these kinds of treatments. Their parents, unfortunately, have been sort of coerced into this by being told that suicide is the outcome if they do not support their children in their gender transitions.

Literature now shows that none of that is correct, and that in fact these children should be treated with psychological care, and

I know there have been hearings in this building before about this. These children need psychotherapy, they do not need surgery.

Mr. BANKS. Yes. Thank you. Appreciate what you do. I yield back.

Chairman OWENS. Thank you. I would now like to recognize my friend from North Carolina, Ms. Manning.

Ms. MANNING. Thank you, Mr. Chairman. Thank you to our witnesses. I want to focus today on a pernicious form of discrimination that this Committee has recently focused on, and that is antisemitism. This Committee's previous hearings, and roundtables have highlighted the fact that antisemitism is a major problem on college campuses, and frankly across the country.

Just last week we had nine very brave Jewish students from nine different universities come forward and describe to us, really unbelievable instances of antisemitism that are taking place in their schools by students, by faculty, by administrators. If DEI is the right place to address antisemitism, then those DEI programs have been failing the Jewish students.

We know from the ADL's findings that while 55 percent of university students have previously completed DEI training, only 18 percent of them say they have had any training that is specific to anti-Jewish prejudice. There are lots of reasons for the antisemitism that we see rising.

Antisemitic conspiracy theories promote the idea that all Jews are powerful, that they do not need or deserve protection as a minority. Some might not understand, in fact most do not understand the origins of antisemitism, or how pervasive it is, or frankly, how unique a form of discrimination it is. Many people do not understand that Jews are a diverse and multiracial community, that there is no one way to look Jewish or practice Judaism or live as a Jewish person.

I am concerned, however, that the failure of DEI or universities in general to protect Jewish students, is being exploited to denigrate the value of diversity, and the value of DEI programs on campuses that are doing the right thing to make minority students feel welcome and included.

I am wondering in fact whether DEI needs to be fixed instead of thrown out, so that it does make all students, all minorities feel protected, and that would include Jewish students, and minority students and LGBTQ students. I want to start, Dr. Murphy, with you.

Do you believe the DEI programs are capable of including segments to educate students and faculty members about the origins, the long history and the dangers of antisemitism?

Mr. MURPHY. Yes.

Ms. MANNING. To your knowledge, do most DEI programs address antisemitism?

Mr. MURPHY. I do not have enough knowledge to say. I do not have enough knowledge to say whether or not they do.

Ms. MANNING. Do you know whether there has been any studies to determine whether DEI programs include antisemitism?

Mr. MURPHY. I am not personally familiar with them.

Ms. MANNING. I went on the websites of some of the schools whose students spoke at our roundtable, and I was unable to find

anything in their DEI programs that addressed antisemitism. Dr. Murphy, is there anything structural about DEI programs that would prevent or impair those programs from addressing antisemitism?

Mr. MURPHY. To the contrary, right, these programs are intended to respect the rights and dignity of all students, and to ensure typically to ensure that they are not discriminated based on race, color, religion, disability, national origin, so no. There is nothing structurally in DEI programs.

I guess, I do want to return to the idea of like we need to be careful about talking about DEI as if it is this monolithic structure. It is not.

Ms. MANNING. It seems that if we had some structure, and some standards for what DEI programs included, that might be a better use of DEI?

Mr. MURPHY. I think addressing the institutions that are failing on this front is a very important task to take on.

Ms. MANNING. Thank you. I have found throughout my education and my career, that I can learn an enormous amount from colleagues whose backgrounds and life experiences are different from my own, and what I learn has impacted the way I behave, the way I make decisions in my own life, and in the work I do.

I would just like to ask Dr. Greene, because you addressed this issue as well. Do you believe the DEI programs properly done could address antisemitism?

Mr. GREENE. I think inherent—thank you for the question. Thank you for your statements about the problems with antisemitism and the neglect of Jews and the bureaucracies, but this is not an accident. It is a feature of the world view of DEI bureaucracies.

They are informed by the belief that people should be treated as members of groups and treated differently by their group membership based on oppressor or oppressed status, that it inevitably puts Jews in contests for actually being considered oppressed, and I think it is bad for Jews to enter the oppression Olympics and attempt to be served by the bureaucracies.

Ms. MANNING. Sadly, my time has expired, and I yield back. Thank you, Mr. Chairman.

Chairman OWENS. Thank you, I appreciate that. I would like now to recognize my friend from Virginia, Mr. Good.

Mr. GOOD. Thank you, Mr. Chairman. I agree with what Dr. Murphy said a few moments ago. He said it is hard to say why DEI offices exist. I certainly agree with that, and yet in his 2021 report, Diversity University, DEI Bloat in the Academy, Dr. Greene found that large public universities average about 45 DEI personnel, ranging from Stanford University with 80, Virginia Tech with 83, Ohio State with 94, University of Virginia in my district 94, and then the biggest one that I noted Michigan, the University of Michigan with 163.

Dr. Green, in your testimony, you site the millions of dollars that various universities spend on DEI offices, and you State that there is indeed “nothing to show for these expenditures.” Can you elaborate on that? What do you mean by there is nothing to show for these expenditures?

Mr. GREEN. Sure. We have heard claims that DEI is meant to make students feel included, improve retention and graduation. We have not heard any evidence of that, and there is a reason for it. I do not believe that evidence exists, and in fact the systematic evidence that I have collected is that campus climate is no better on campuses, and in fact is worst, according to student surveys, at universities with larger DEI bureaucracies, and the antisemitism is associated with DEI bureaucracies as well.

Millions of dollars are being spent, and it is actually exacerbating group tension, not helping.

Mr. GOOD. Yes. If you had a—let us say an average of 100 on the college campuses for round numbers, and the average cost, full benefit back is 200,000, that is 20 million dollars a year. Where is all that money? You do not find any evidence that it is actually benefiting in any measurable way is what you are saying?

Mr. GREENE. That is exactly right, yes.

Mr. GOOD. Well, the DEI offices do serve to divide, discriminate, differentiate how people are treated based on race, and this is 60 years after the Civil Rights Act, 57 years after the first black Supreme Court Justice, with two others who followed behind are still on the Court today.

Sixteen years after our country elected the first black President, and now 3 years after our Nation elected our first minority Vice President. As you noted, the DEI jobs on college campuses are not low-paying jobs, are they? As a matter of fact, at the University of Virginia in my district, the Vice President for DEI and community partnerships makes \$340,000.00 at University of Virginia.

\$340,000.00. Double that of a Member of Congress, and I realize most people think that we are overpaid, but it is also double the average of a university professor at UVA, which is about \$175,000.00. Is there anyway you could justify that, or explain why we would pay the head of DEI double what we pay a college professor at UVA, or a school like that?

Mr. GREENE. No. I do not think there is any justification for it. This is money being wasted, and in fact money that is hurting the legitimate purposes of higher education.

Mr. GOOD. You have already noted that you have seen no measurable performance metrics that demonstrate the difference that it is making, other than perhaps the jobs program for the individuals that are in those DEI offices?

Mr. GREENE. I think that is right. Yes.

Mr. GOOD. Again, DEI offices, they do create and perpetuate high paying job opportunities with little in the way of meaningful performance measurements, other than to continue to perpetuate racial division for woke liberals who believe our country's irretrievably and systemically racist, and I would again argue that a job's program for these individuals does not justify their existence.

To make matters worse by the way, on who is hiring to these jobs, the Assistant VP for Equity Inclusion Excellence at again, University of Virginia in my district, was recently seen on a video discussing how people, including white people, are "Dying of whiteness, and dying prematurely in their 20's." Clearly, that sentiment I guess justifies her exorbitant salary.

Thankfully, Mr. Chairman, we have a Supreme Court that is beginning to dismantle the mythical need to continue to treat people differently based on race, and I yield back.

Chairman OWENS. Thank you. I would like to now recognize my friend my Georgia, Ms. McBath.

Mrs. MCBATH. Thank you, Chairman Owens and Ranking Member Wilson. I have read your testimonies today, so thank you so much to our witnesses. Five months to the day of the deadliest attack on Jewish civilians since the Holocaust, Jewish students across the country and across the world continue to face hate, and vitriol, and our somehow being considered collectively responsible for the actions of the State of Israel, a country they may have never lived in, or possibly even visited.

This is textbook antisemitism, and it simply cannot be allowed to continue unchallenged, or at our universities. However, it is wrong to use the very real threat of antisemitism as a political tool to oppose policies that you simply don't agree with. It is disappointing to see the majority today, attempt to use the very real pain that is caused by this conflict and the scourge of antisemitism as a vehicle to push an extreme political agenda, that is determined to erase any mention of the words, diversity, or equity on campus.

Instead of dismantling these programs, we should commit ourselves to improving them, to ensuring that every student feels welcome on campus, and that all of the stories that we've heard from, from these students, are being treated with the care and the respect and dignity that they deserve, but that cannot come at the cost of dragging us backward, and undoing the important progress that we have made as a Nation.

The fact of the matter is that black Americans and students of color have historically been denied access to universities, despite being just as qualified and willing to learn as their white peers. As much as my colleagues would like to say otherwise, this is the reality, and it is one that occurred relative recently during my lifetime, and many other members of this Committee's lifetimes as well.

One whose impact cannot simply be forgotten about or corrected overnight. It is the reality for people that look like me every single day, and the reality that continues to spur the need for policies like this in the very first place. My republican colleagues cannot have it both ways. You cannot claim to be protecting free speech and diversity of thought, while simultaneously trying to deny our history, which is the history of America, and it is the inclusive history of America, and dismiss the stories that make us who we are as a Nation.

Stories like my father's who was the Branch President of NAACP in Illinois at the height of the civil rights movement. This refusal to have difficult conversations to just sweep what makes you uncomfortable under the rug, and act like it is not there, or did not happen, is a disservice to our students, and to our Nation. It is a disservice to those who lived these realities, and to the heroes like my dad and John Lewis, and so many countless others who put their lives and reputations on the line to help this country live up



to its promise of liberty and justice for not just a few people, but for all people.

Dr. Murphy, could you please use the time that we have left to discuss the importance of ensuring that students from groups such as racial and ethnic minority students, the LGBTQ+ students, or first-generation college students have equitable access to colleges and to universities?

Mr. MURPHY. It is tremendously important. I mean we have made great strides. I do not want to take, to diminish that in any way whatsoever, but the diversity on campuses, particularly more selective campuses, still lags far behind the country. I believe that some Ivy League institutions, if you look at the percentage of black students on campus now, it is lower than it was in the 1990's.

Progress needs to be made there. An emphasis needs to be put on the importance of diversity on campus. In part because I guess what I am hearing a lot in the criticism of DEI programs, is a viewpoint that I reject wholeheartedly, which is that there is a dearth of talent out there, right, that there just are not that many talented people.

Every single one of the most talented people is going to rise to the top and be seen for their talent. The reality is all of us who have succeeded in life can point to numerous people on the pathway who have lifted us, right? I think DEI helps us keep that in mind, right, to keep in mind who has had the opportunity, who has had the resources, and how that has impacted their experiences.

Mrs. MCBATH. Thank you so much, and I am out of time.

Chairman OWENS. Thank you. Now I would like to recognize my good friend from New York, Mr. Williams.

Mr. WILLIAMS. Thank you, Mr. Chairman. I first would like to associate myself with the comments and concerns of my colleague across the aisle, Representative Manning, particularly in the correlation between antisemitism that is rising on our university campuses, and the chilling participation of the DEI offices in their failure to look out for all students, and often seem to be a facilitator, or a protector of antisemitism as it grows and expands on our campuses.

Dr. Goldfarb, are you still at the University of Pennsylvania?

Dr. GOLDFARB. No. I am retired now, sir.

Mr. WILLIAMS. Was your decision to retire from UPenn related at all to perhaps the reaction of your being outspoken on this topic? Would you say that that created an environment that made retirement a bit more attractive?

Dr. GOLDFARB. Well, it was time to retire. However, I certainly did receive an unfortunate sort of canceling. My name was taken off the website by the University of Pennsylvania. My name was taken from the history of one of the kidney divisions, of which I was once the co-director.

I did receive the opprobrium of my colleagues over my activities.

Mr. WILLIAMS. Then this was because of medical malpractice, I mean because of something you did wrong in the practice, or teaching of medicine?

Dr. GOLDFARB. No, sir. This was because of my political ideas, or my general ideas about medicine and healthcare and medical education.

Mr. WILLIAMS. That is disappointing and shocking to hear. I am sorry that you had that conclusion to a very distinguished career. You comment pretty broadly about medical schools, and the application process. I want to expand that a little bit. Would you say that the effects of DEI, as you described, the harmful effects of DEI are limited just to medical school application boards, or admission boards?

Or is there a broader issue, you know, with you know, maybe it is accreditation, maybe it is you know, medical associations or other interest groups, and professional groups around medicine. Is DEI just on the campus, or does it have a broader impact?

Dr. GOLDFARB. No. Certainly, it has had a very broad impact. American medicine, for reasons that are peculiar at best has decided that it is been a profoundly racist activity, without evidence really for that. I think this all started in earnest when George Floyd was killed, and it has really blossomed, if you will, since then, and more and more organizations have taken up this cry that they need to purge themselves of what has been a traditional focus on meritocracy and focus very much on the issue of diversity.

Diversity is fine, it is just that we have to worry about patient welfare. That is our main concern as physicians, and not the benefit of the practice of medicine, and the benefit of people who practice medicine, but on patients. Unfortunately, that requires focusing on allowing the best and brightest individuals to be the ones who practice medicine.

Mr. WILLIAMS. Have you had other doctors, you know, talk to you about your experience, you know, being shown the door, or at least being erased from the history of UPenn? Has it chilled other people in the medical practice, the medical profession, from speaking out on this meritocracy, or speaking in defense or support of meritocracy?

Have you had—you do not have to name names, but have you had private conversations that this has had a ripple effect, even for people not brave enough like yourself to speak out?

Dr. GOLDFARB. I do not know how brave I am, but I must say that we have 7,000 members in our organization, and every day we are hearing from individuals who have expressed their concerns about what they've seen happening in medicine. There are concerns about the quality of the individuals coming into medicine, and the quality of education that's going on in medicine.

This is an ongoing real phenomenon in medicine.

Mr. WILLIAMS. Do you know of anyone that got into medicine because they were more concerned about equity than they were about helping people? Do you find that a common theme? It seems like most doctors I know want to help people, but maybe this has blossomed into something other, another reason to enter the medical profession?

Dr. GOLDFARB. No. I think there is a desire, and it has been an over desire to train medical students as social workers, and to have that aspect of their work. Those issues are very important, but we have social workers who actually perform those tasks, and they are the ones who should be performing those very important tasks, not the physicians who need to focus on the care of the patients and their medical problems.

Mr. WILLIAMS. Thank you. I yield back.

Chairman OWENS. Thank you. I would like to now recognize my friend from Washington, Ms. Jayapal.

Ms. JAYAPAL. Thank you so much, Mr. Chairman. Every student deserves a welcoming and supportive learning environment, and that's particularly important for students from backgrounds that have faced decades of exclusionary practices and policies, limiting access, and the completion of degree programs.

Diversity, equity and inclusion programs play a necessary role in fulfilling that promise of a postsecondary education by connecting students with support. Unfortunately, right winged pundits have targeted these programs over claims that these programs are racist.

This misguided discourse has devolved into bills being proposed throughout State houses, and eight that have become law, seeking to eliminate supporting students who are historically unrepresented, or under-represented on campuses. Dr. Murphy, following the Supreme Court decision to end race conscience submissions, this diluted thinking found its way into State policies that discouraged institutions from supporting students of color.

That includes Missouri, whose Attorney General directed all colleges to immediately stop considering race and scholarships. Is this required by the SCOTUS decision, and how does the Supreme Court decision affect financial aid, or other supports that are targeted to students of color?

Mr. MURPHY. Yes. Thank you for the question. This is incredibly important. The first thing to say about the majority opinion, in SFFA was that the phrase affirmative action, in fact does not appear in it anywhere. They use race-based admissions. I prefer race conscious admissions.

That is all they talked about was the admissions process. I mean if we want to be real sticklers, they really talked about the admission process at two colleges in America, but you know, we have interpreted as you know, this certainly does apply to the admission's decision, right colleges make.

Every university in the country has reacted appropriately. Many, many politicians have not reacted appropriately. The Attorney General of Missouri issued that decision, or issued his, I should say direction, in about I think the number was 27, maybe 29 minutes after the decision came out.

I read the entire decision as soon as it came out. It has hundreds of pages. I am not a speed reader, I guess, but within 30 minutes they were prepared to say that the decision extended to all these things. There was no mention of financial aid, no mention of recruiting processes, no mention of DEI anywhere in that Supreme Court decision.

Ms. JAYAPAL. Thank you. They clearly overreached. I find it concerning that the race conscious admissions decision is being misapplied to prevent schools from helping students of color because, as you spoke about, and as my colleague, Ms. McBath spoke about, students of color have real challenges. The average percentage of students who returned to college in 2022 was 76 percent.

When you disaggregate it by race, students of color fall below that average, 71 percent of Latino students, 66 percent of black,

and 62 percent of Native American students. This is not about personal failings for this group of people. It is about lack of access, lack of opportunities. Reducing financial aid opportunities also contributes dramatically to these gaps.

Black students, for example, owe an average of 188 percent more than white students 4 years after graduation. What should be done to hold institutions accountable for withholding support and exacerbating these gaps in admissions?

Mr. MURPHY. I think two things are really important. One is what I think a lot of institutions are doing is over correcting, and eliminating financial aid programs, which again, the law did not. The decision did not address in any way whatsoever. We are seeing scholarships that are connected to race being eliminated in red and blue states.

I think this is a fear of legal complaint. What also has to happen, so schools need better instruction on what the decision said. The other thing I think that we need, is we need a lot more transparency in the entire admissions process, right? We need for the first time to get disaggregated data on race and ethnicity at every step of the admission process.

This will be important for accountability, but it will also be important to I think improved practices in higher ed as well.

Ms. JAYAPAL. Yes. Incredibly important. At the University of Washington, for example, we have an array of historically under-represented groups that have really addressed this issue of gaps. How can institutions use that disaggregated admissions data that you are talking about to improve the impact on under-represented students?

Mr. MURPHY. Yes. One good example is that right now we can only see who is enrolled in an institution by race. It is really important to be able to see who applied, right?

Ms. JAYAPAL. That is right.

Mr. MURPHY. Right. That is a recruiting question. Then who also enrolled. That is a yield question. It would be helpful for other institutions to see what is going on, not just with their immediate peers, but across the Nation to find essentially, the best practices.

Ms. JAYAPAL. Thank you so much. I yield back, Mr. Chairman.

Chairman OWENS. Thank you. I would like to now recognize Ms. Houchin from Indiana.

Ms. HOUCHIN. Thank you, Mr. Chairman. Thanks to the witnesses for being here to testify before us today. I am especially interested in the testimony provided by Dr. Goldfarb on the impact you have seen at medical schools. As you probably know, or may know, Indiana University in my State has the largest medical school in the country.

This issue is particularly close to home for me. Dr. Goldfarb, you described how DEI has caused medical schools to focus on political advocacy instead of healthcare outcomes. Are there specific examples you could give us from your time at UPenn that illustrates that point?

Dr. GOLDFARB. I am now out of UPenn for several years, and so I cannot really speak to exactly what is going on there, but what we have seen is just around the Nation. Increasingly detailed kinds of programs, courses, courses in advocacy for example. This is one

of my favorite topics is training physicians to be advocates for all of these political activities.

There's no question that the point of this is to create individuals who use the authoritative aspects of being physicians to argue for political causes, and political approaches. Our organization has gathered lists, and I have lists here that I can provide you of multiple kinds of examples of courses, seminars, you know, letters and applications that require students to explain how they are going to implement these kinds of political activities in their careers as medical students, and then as physicians.

Ms. HOUCHIN. I want to focus on a little bit of your comments. You said what had been a traditional approach focused on clinical science, and aimed at developing medical leaders was being readied for transformation into a far greater emphasis on community involvement and concern for social issues.

You had said that American academic medical centers have been the engines of advances in the treatment and cares of diseases. What will this new emphasis on social issues do to research and science in the treatment and care of diseases?

Dr. GOLDFARB. Yes, I think one of the most peculiar, and really unfortunate developments in all this has been the idea that diversity in research labs is a requirement for successful performance of scientific research. This is just absurd, really.

What we need in the scientific laboratories are the most qualified, the most creative, the most talented individuals, and incredibly—it is an incredibly competitive area. The NIH funds something on the order of 15 percent of the initiated, investigator initiated grants.

To say that labs need to then demonstrate that they are diverse is without real merit, without evidence that that will do anything to improve the scientific quality, and much more likely to reduce the scientific quality because the expenditure of energy funds and time in order to create some sort of diverse environment in the laboratory.

Ms. HOUCHIN. Thank you. A couple of things I want to note too. You have said medical schools around the country are adopting an approach that seems to echo the curriculum of schools of social work. In the K through 12 education in the judiciary, all of these places we are really, and including in medical academia, we are really trending into an area where in your own words, physicians have not the agency to address some of these issues.

We see social and emotional learning, diversity, equity and inclusion, critical race theory. You wrote a significant op ed to take two aspiring and call me by my pronouns, and that has turned to some calling you an activist. When you were in medical school did you ever think you would be considering yourself an activist for advocating for things like rigor in science?

Dr. GOLDFARB. No. This has been surprising to me, and certainly to my family, and my friends, and I have ended up doing this. As I said in my testimony, I really care deeply about medicine and about medical care, and about the care patients receive. I think in my career I thought it to be a wonderful experience and patients were treated wonderfully, irrespective of what they looked like.

My great concern is that that is going to change. That is starting to change now, and that is really why I have decided to pursue this course.

Ms. HOUCHIN. You note finally too, that there are concerns that you share that this type of political and philosophical theory really will drive division and poison the American experience. You quote Ibram Kendi saying, "Past discrimination can only be remedied by present discrimination. Present discrimination can only be remedied by future discrimination."

I do not want to see us in a world where we are driven by discrimination and that, unfortunately, feels like that is the direction the left wants to take us. Mr. Chairman, with that I yield back. Thank you.

Chairman OWENS. Thank you very much. I would like now to recognize my friend from New York, Ms. Stefanik.

Ms. STEFANIK. Thank you very much, Congressman Owens. Dr. Goldfarb, in our ongoing investigation of higher ed institutions and the increase of antisemitism that is on display at Harvard, Penn MIT, the three schools we have here, but beyond that, throughout colleges and universities, one theme that is very concerning to me is the offices of DEI on these college campuses are inherently antisemitic.

I will give you an example from my alma mater, Harvard. Even prior to the October 7th Hamas attacks against Israel, and the failure of Harvard's leadership to protect Jewish students on campus, hundreds of Jewish students reached out to Harvard's Office of DEI, raising concerns about the rise of antisemitism, and they did not even receive a single response from the Office of DEI.

Can you comment? I know that you have watched as a former Dean of Penn's Med School, you have watched what is happening on that campus. Can you talk to me about how these offices of DEI fuel this increase in antisemitism?

Dr. GOLDFARB. Yes. You know we have written about it, and Dr. Greene here has written about this quite extensively as well. I think the point is that once you start dealing with this identity politics. Once you start thinking about people as members of groups, he has pointed out how Jews suddenly become the oppressor simply because of their prominence in these academic institutions.

Once identity politics takes over, then one of the natural consequences of it is divisiveness and antagonism between groups because now we are putting people into these groups. Yascha Mounk has recently written about this in his book, the Identity Trap, and points out as a man of the left what a great concern this is for American life.

I think what we are seeing in the antisemitism that is really sprung up terribly in the last few months, has been the natural outcome of thinking about people as members of a group, rather than thinking about people as individuals. I think in medical school, in colleges and undergraduates that's what we're seeing. I think these students have decided that are parading and demonstrating this antisemitic sentiment, they see the Jewish students as members of a group, not as individuals, not as their friends, not as their co-students, but as members of a group.

Once you go down that path this is the consequence of it. This is why it is so divisive in America.

Ms. STEFANIK. Dr. Greene, would you like to answer the question as well?

Mr. GREENE. Sure. I mean I agree entirely with Dr. Goldfarb's comments, and just say that we systematically measured this, I mean in a study we did of 741 DEI officers. We examined their social media, Twitter feeds, and we observed shocking levels of anti-semitism coming from people with a professional obligation not to do that.

It is as if we studied doctors and found that they were smokers, right? It would be not something you would expect from people in an occupation, and yet DEI staff are active promoters of anti-semitism in their social media feeds, and it is not surprising that they also facilitate it on campus.

Ms. STEFANIK. Thank you. I yield back.

Chairman OWENS. I would like to recognize the Chair of the Full Committee, Dr. Foxx.

Mrs. FOXX. Thank you, Mr. Chairman, and I want to thank our witnesses for being here today, and shedding a lot of light on this very, very important issue. It was recently brought to my attention that all athletic teams at Davidson College, roughly one-fourth of the student body, were mandated to attend a showing of the film entitled, "I'm Not Racist, Am I?"

That was followed by an all-afternoon discussion with one of the film's producers. Let us take a look at a part of this film now.

[Video Shown]

Mrs. FOXX. Thank you. We have Davidson's for Freedom Thought and Discussion and Discourse to thank for bringing this to light. Dr. Smith, can you provide a quick reaction to what you just saw?

Mr. SMITH. First of all, I want to say that what we just saw there is what I am talking about when it comes to DEI. I am sure there are various offices that are doing it right. Too many are doing it wrong. That is the kind of thing they are doing. The nitpicking between racism and bigotry is absurd.

Once more, typically those students are not allowed to push back. I haven't seen the rest of this, but if they are allowed to push back, if critical inquiry and a true conversation is allowed to take place, then that is one thing. That is not happening. You are not allowed to question these things too much, or else you are considered a bigot.

Once more, a lot of these things that they are demonizing are things that are helpful to our students, like individuality and self-reliance, and reason and rationality. These things are considered "white ways of knowing". This is not good for anyone, especially students of color.

Mrs. FOXX. Thank you very much. Dr. Greene, could you provide a quick reaction to this film discussion?

Mr. GREENE. I think it captures perfecting the DEI worldview that divides people into different groups, treats them differently based on group identity, and believes that all whites are racist, and no non-whites can be racist.

These are not just absurd, they are actual natural outgrowths of the DEI world view that informs most of the DEI movement, and

then we see in the professional standards issued by the National Association of Diversity Officers.

Mrs. FOXX. Dr. Goldfarb, you have mentioned in your testimony that Do No Harm found a similar situation in which UCLA's Medical School required students to segregate by race. Have you spoken with some of these students, and how is UCLA responding?

Dr. GOLDFARB. Yes, thank you very much for the question, Congresswoman. Yes, that went on at UCLA, putting students into different groups. There were white students, and somewhat brown students and black students. Each group was different. It is unclear whether it is still going on, but I have spoken recently to faculty members there who say there is absolutely no regret on the part of the institution about doing that and feeling like the fact that this occurred and the views that we had about it represented "misinformation".

It is still, and it has been advocated in the pages of the New England Journal of Medicine to occur throughout medical education, as a way of giving people the chance to have that kind of discussion that we just saw on the screen, go on and create divisiveness amongst the various groups.

Mrs. FOXX. Thank you. Mr. Chairman, this material again was brought to us from Davidson's for Freedom of Thought and Discourse. A former member of this body, and former Governor of North Carolina, James G. Martin, has written an editorial about this, and I would like to submit that editorial for the record.

Chairman OWENS. Without objection.

[The information of Mrs. Foxx follows:]



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OPINION

# *Jim Martin: Stop mischaracterizing Davidson group's protest concerning DEI*

## *| Opinion*

BY JIM MARTIN  
MARCH 07, 2024 6:06 PM

8/1/24, 4:27 PM

Jim Martin: Don't misrepresent Davidson group's DEI concerns | Charlotte Observer



In this file photo, students gather outside at Davidson College about 20 miles north of Charlotte, NC. CHRISTOPHER RECORD/DAVIDSON COLLEGE

My colleague, Issac Bailey is one talented political writer. A careful reader? Maybe not so much.

His [March 6 critique of Davidsonians for Freedom of Thought and Discourse \(DFTD\)](#) is a perfect example. Our [letter to alumni](#) and subscribers objected to mandatory attendance at a highly provocative film whose theme was that all white people are racists. We also protested certain classes' declared intention to have straight, white students confess they are "oppressors" and show their allegiance to Diversity, Equity and Inclusion (DEI).

Instead of proving us wrong, Bailey scolds what he imagines to be our hidden motives.

8/1/24, 4:27 PM

Jim Martin: Don't misrepresent Davidson group's DEI concerns | Charlotte Observer



Jim Martin

With fertile imagination, he says we're allied with "book bans, gutted DEI, and "even the ouster of Harvard University's first Black president." We did all that? There's not a single phrase in our statement advocating any such garbage. Had we wanted to attribute similarly unkind motives to him, a simple point would suffice: that those without reasonable evidence often resort to personal attacks.

Our protest was about two distinctive practices, which Davidson College seems to find acceptable: thought compulsion in the film and in a half-dozen or more classes, and highly partisan political postures being urged in classes where such issues are irrelevant. If they are so beneficial, why complain if we give them publicity they richly deserve? I suggest that disclosure by the college would have been better than discovery by DFTD.

Turning to the film, "I'm Not Racist... Am I?," Bailey said: "DFTD's misleading campaign was triggered by the discomfort of a few student-athletes." A few? How about a hundred or so football players? That's what Head Coach Scott Abell told

us. The most effectively integrated biracial group on the entire campus could have had lasting problems of disunity if Abell hadn't attended (uninvited) and held a meeting soon after to calm down how the film made them feel. This wasn't part of the intended program. If Abell hadn't cared, who would?

Bailey says the film was "a student initiative, not top-down as DFTD has suggested." Well, that's half-true. The student who proposed it didn't command anyone's mandatory attendance. The Athletic Department did this. Top. Down.

We're asked to believe this was just another healthy campus forum among eager truth-seekers. No, it was a darkly one-sided documentary from Cynical Race Theory influencers that "racist" and "white" are synonymous. What little time there was for 400 or so students to question the source or purpose of its radical view was led solely by one of the film's producers. No one with a different viewpoint helped lead the discussion.

It would be interesting to learn how Bailey feels about classes in Spanish, calculus and cell biology requiring students to "identify and confront oppressive behaviors" and commit to understanding how white supremacy and "other systems of oppression affect each of us," as required by some instructors.

Hopefully, he agrees that such trendy ideologies, lacking relevance to these courses, should be discussed, never imposed in unrelated courses. His leadership

could stimulate healthier discussion of academic freedom for students, as well as for teachers.

We respectfully petition Davidson's faculty and trustees to review these matters and set guidelines for whether and when such abuses are acceptable and worthy. Professors with such power over students ought to show more restraint before urging students to accept extreme, new, partisan notions.

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*Jim Martin, a Republican, was N.C. governor from 1985-93 and taught chemistry at Davidson College from 1960-72. He is a regular contributor to our pages.*

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Mrs. FOXX. Thank you, Mr. Chairman, I yield back.

Chairman OWENS. Thank you. I would like to now recognize my friend from California, Mr. Kiley.

Mr. KILEY. Thank you, Mr. Chair. It has been a few months now since this Committee held a hearing with several university Presidents that shocked the conscious of the country, and opened many people's eyes to just how warped much of higher education in this country has become.

For me, one of the most jarring moments of that hearing was when President Claudine Gay of Harvard, now rightfully former President, refused to answer time and time again whether she could assure the parents of a Jewish student, or a perspective Jewish student, that their child would feel safe and welcome on her campus.

She refused repeatedly to even answer the question, which just demonstrated very clearly that she did not understand the gravity of what was occurring on that campus. Now here today, we have had folks on both sides of the dais, you know, talk about how DEI bureaucracies have been indifferent, and failed to adequately respond to the crisis of antisemitism on campus.

Really, the issue goes deeper than that. It is these very bureaucracies that have, in many ways—are the root of the problem. Dr. Greene, you have some actual evidence demonstrating that where you used social media to document how they are in fact in many ways the source of the problem. Could you just give us those statistics again?

Mr. GREENE. Sure. We analyzed the Twitter feeds of 741 DEI staff. These were DEI staff that we identified in our study of the 65 universities in the Power Five Athletic Conferences. What we found was that the DEIs that were obsessed with the State of Israel, 96 percent were critical of the State of Israel, while by comparison, they spoke about China one-third as often, even though China is a much bigger country.

This was during the pandemic when China was in the news, but they were not that interested in China. They were 62 percent favorable toward China. It crosses the line into antisemitism because of the double standard, and the obsessive criticism, and because of the vitriolic language that we found, so one could be critical of the State of Israel without crossing that line but it is very clear they did, and did repeatedly, and this was endemic in the DEI staff.

Mr. KILEY. The very people that are hired to promote diversity, equity and inclusion, to make students feel safe and welcome are in fact, using their social media accounts to promote antisemitism. It really goes to show you that these have become Orwellian institutions in the truest sense of that term.

When you think about what it tells us about the broader culture of our universities. I mean our universities are supposed to be promoting progress, not in a partisan sense, but to be at the leading edge of new ideas. Here they are investing in these bureaucracies, tens of millions of dollars that are leading a 21st Century American resurgence of one of the world's oldest, and most retrograde prejudices which was at the root of the greatest crime in the history of the world.

I think we have to ask ourselves how has this been allowed to happen? It is happening alongside many other things happening at universities where they are rejecting the very premise of the enlightenment. They are saying we should not have free speech anymore. We should not allow the free exchange of ideas.

We should not have academic freedom. We should reject the very idea of merit. My question for you, Dr. Greene, or for anyone is how did this happen? How did our universities get to this point? It is not just limited to universities because for better or worse, university culture tends to, you know, incubate changes in broader society.

We have seen a lot of things that started at universities have now become problems more broadly in American life. How did we get to this point, and how do we go about fixing it to get universities back to their core purpose?

Mr. GREENE. Thank you for the question, and I will answer quickly because I want to leave time for others, but this is kind of a warmed-over Marxism that made its way into our institutions. That is basically what it is. Good thinking liberal institutions opened the door to these Marxists who came in, and then closed the door behind them, and now they are purging out the liberals.

Now, we have to dismantle DEI. We have to starve universities of funds that fuel this nonsense. Those would be the first things I would recommend. I think Dr. Smith and Dr. Goldfarb would have useful things to add as well.

Mr. SMITH. First of all, we need to you know, audit these DEI programs, and not just the offices but faculty as well, who are abiding by this ideology. We need people to see what is going on. If people would deny being audited, that should be a sign that there is something they are hiding. My time is up. Thank you.

Mr. KILEY. Thank you. I yield back.

Chairman OWENS. Thank you. I would like to now recognize my friend from Virginia, Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman. Dr. Murphy, you have alluded to the fact that a substantial portion of your education at a 4-year college experience occurs outside of the classroom. Can you remind us of what a life lessons learned on a diverse campus, and the value of a diverse education on a diverse campus that cannot be learned on a nondiverse campus?

Mr. MURPHY. Yes. When I think of all of us who went to a 4-year college think back, we sometimes remember classes that we took, but more often we remember the people that we lived with, the meals that we had, the conversations.

All of that stuff is an incredibly important part of that experience. For many people in America, which is unfortunately still highly segregated, both by race and by income. A college campus will be the most diverse place they've ever experienced in their life. They will get to meet people from different income brackets, from different races, from different religions, and indeed different ideologies, right?

That experience is incredibly valuable, both because it enriches one's thinking, and it challenges people. Then there is also the more practical issue of when you leave that campus you are very often going to end up in a workplace where you will encounter

again, different levels of diversity, different kinds of diversity, which is why the value of these programs are so important.

Especially in the front of faculty hiring as well, the least diverse place on most college campuses is in fact the faculty, right? Keeping that in mind, recognizing once again, talent is everywhere, opportunity is not, also enriches that student's experience.

Mr. SCOTT. Okay. Thank you. Dr. Greene, you talked about merit. If you can show that standardized tests have a racially discriminatory impact, we know that legacy obviously discriminates in favor of college graduates. We are measuring achievement based on where people—after people have gone to different kinds—of public schools.

It is known now that these schools are as segregated now as they were in the late 1960's, and with segregated schools, opportunities are different. How is—if you are subjected to that, why would you not want to offset the discriminatory impact with affirmative action?

Mr. GREENE. I think the Supreme Court—thank you for the question. I think the Supreme Court in its recent decision decided that universities could not consider race as a preference for admission. It did not speak to other criteria that could be considered.

Mr. SCOTT. Well, if you can show a racially discriminatory pattern, racially discriminatory impact, if you cannot do it with affirmative action on one hand, why should you be able to use those factors on the other?

Mr. GREENE. Well, thanks for the followup. I think universities have to figure out the best ways that they can ascertain the qualifications of people for admission to their institutions, and I am not here to testify about the best way that they are supposed to do that. I am just here to testify that they should not be discriminating on the basis of race, and they should not be constructing bureaucracies that further discrimination on the basis of race.

Mr. SCOTT. Well, it seems to me that people are a little blasé about racial discrimination on the one hand, but if you want to compensate for it, people get all upset. Dr. Goldfarb, you are aware that there is disproportionate incidents of maternal deaths amongst black women. What can you do to address that without involving race?

Dr. GOLDFARB. Thank you very much for that question. University of Pennsylvania, I have been very proud of one thing that they have done lately is to tackle this directly. The Chairman of OB/GYN there is a woman named Melissa Butallo, who has made her career studying this issue of black mortality, maternal mortality.

What they have done is two things to prove my point that the whole issue is better access.

Mr. SCOTT. Well, even controlling for access for healthcare and education and everything else, there is still a disparity. How do you address that without involving discussion about race?

Dr. GOLDFARB. It is not controlling for seeking out healthcare. It is not controlling for having healthcare delivered to you. If I may say, two programs that they put in place. One is they created teams that were focused on any hemorrhage that might occur during the time of delivery, and this improved mortality across the



board, including in white women, who are also dying because of mortality during delivery.

The second thing they did was to supply telehealth measures in order that blood pressure would be followed up after delivery, and they have reduced maternal mortality by 30 percent in that example. Black women have a 40 percent less frequency of getting first trimester prenatal care.

Therefore, that deficiency is an important part of the increased maternal mortality because the deaths occur due to severe hypertension that occurs at the time of delivery. I think the literature on this is very complex. What is considered maternal mortality involves something up to 6 weeks after delivery as well.

There are a lot of social issues involved here, but the issue that I have focused on is it is not because the women are being mistreated when they show up to have their babies, and I think it is black women are now quite terrified to come in and deliver their babies in hospitals because they have been told that this kind of bias is going on, and it is just not correct.

Mr. SCOTT. Thank you, Mr. Chairman.

Chairman OWENS. Thank you. Thank you. I would now like to recognize for closing remarks, Ms. Bonamici.

Ms. BONAMICI. Thank you very much, Mr. Chairman, and thank you again to your witnesses for the testimony. I want to note that this is the 59th anniversary of Bloody Sunday, when civil rights protestors led in part by then recent college graduate, our former colleague and friend, the late, great John Lewis, who bore the scars of that day for his whole life.

I just want to note that, and I am very grateful that Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 have laid the groundwork to create campuses that are more reflective of our society. However, as we heard today, and as we know, discrimination still permeates within the intersections of our society and on college campuses.

Students of various religious affiliations, socioeconomic statuses, sexual orientations, race, and even disability are subject to discriminating behavior. I am disappointed that instead of having a productive conversation about how we address the root causes of inequality, that students can face on college campuses, many republicans use this time to target campus DEI programs, diversity, equity and inclusion programs.

We should be working together to ensure that students are safe and feel safe and welcome when they are on campuses. Unfortunately, this hearing has not advanced that goal. Democrats will continue to support and defend programs that protect students and educators from all forms of discrimination, harassment and violence on campus.

Thank you, Mr. Chairman, and I yield back.

Chairman OWENS. Thank you again. I would just like to first of all enter into the record, without objection into the record, a letter to support B'nai B'rith International, and an article by Danielle Allen entitled "We've lost our way on campus. Here's how we can find our way back."

[The information of Mr. Owens follows:]

**Statement of B'nai B'rith International  
House Education and Workforce Committee Hearing  
March 7, 2024**

B'nai B'rith International, America's oldest and best-known Jewish organization, is tracking the eruption of anti-Semitic activity on college campuses over the past five months with great concern. In weighing the question of whether Diversity, Equity, and Inclusion (DEI) programs have succeeded in their stated purpose of creating an environment on university campuses free of bullying, harassment, and discrimination, the recent history of attacks on Jewish students is deeply troubling.

Anti-Semitism took center stage last week at the University of California, Berkeley, where a pro-Palestinian mob surrounded a campus auditorium, broke a window, and harassed Jewish students trying to enter the building. And what was the response of the University's DEI apparatus? The Chancellor and Provost issued a bland statement upholding the school's "time, place, and manner" rules but failing to mention anti-Semitism. It was only after four days of an intense backlash that the university's administration promised a criminal investigation.

UC Berkeley is one of many universities that have triggered reports from Jewish students indicating they've been harassed, threatened, intimidated, and even physically assaulted. But DEI structures have shown themselves to be woefully unprepared to deal with the current anti-Semitic onslaught.

Jewish students are feeling more alienated on university campuses than ever before in recent memory, as their classmates have rallied to support the massacre and hostage-taking of Israelis by Hamas on October 7. Professors have announced their glee at the spilling of Israeli blood, while university administrators have in many cases issued at best nuanced statements in response to the worst anti-Semitic pogrom since the Holocaust.

The explosion of anti-Semitism we have witnessed over the past five months has been an opportunity for campus DEI personnel to show they can respond to the needs and fears of the Jewish community in a time of crisis. Instead, these bureaucracies have demonstrated they have no interest in recognizing Jews as potential victims, even after the barbaric slaughter of Israeli Jews on October 7 and the anti-Semitic backlash that has resulted on American campuses since then.

Part of the problem is the oppressor-versus-oppressed dynamic embedded in the DEI ideology. As long as DEI offices don't regard Jews as a minority, then the reality of Jewish vulnerability or victimhood will elude DEI personnel. This suggests the need for a much greater understanding of both anti-Semitism and Jewish identity.

The International Holocaust Remembrance Alliance (IHRA)'s working definition of anti-Semitism has now been adopted by more than one thousand entities across the globe as a non-binding educational tool to determine when anti-Semitism has taken place. University officials are obligated, under the terms of the 2019 White House Executive Order on Combating Anti-Semitism, to use the IHRA working definition for such a purpose.

Beyond the lack of knowledge of anti-Semitism, many of the campus groups who most closely associated with DEI have either ignored the October 7 terrorist attack in Israel or openly endorsed it,

such as the Hamas-supportive Students for Justice in Palestine. Moreover, a 2021 Heritage Foundation study of the Twitter feeds of nearly 750 DEI officials at 65 U.S. universities found that 96 percent of their tweets about Israel were critical of the country or anti-Semitic.

DEI programs must be held accountable for their failure to adequately address anti-Semitism on campuses over the past five months. Where those structures are proven to be unreformable, they should be eliminated. Where DEI officials are found to be either oblivious or indifferent to concerns about anti-Semitism, they should be replaced. But the facade of DEI programs standing watch against a bigotry that they are unable or unwilling to confront cannot continue.

# Opinion We've lost our way on campus. Here's how we can find our way back.



By [Danielle Allen](#)  
Contributing columnist | [+ Follow](#)

December 10, 2023 at 2:40 p.m. EST

Last week, Congress put squarely on the table the question of whether the health of our democracy requires renovation of our colleges and universities. I believe the answer to that question is yes.

On Tuesday, the House Education and Workforce Committee [held a hearing](#) to investigate how Harvard University, MIT and the University of Pennsylvania are responding to antisemitism on their campuses. The hearing's viral moment came when Rep. Elise Stefanik (R-N.Y.) asked a chain of questions that resulted in the three universities' presidents saying that if someone urged the genocide of Jewish people, that merely *might* — "[depending on the context](#)" — be a violation of campus policies against bullying and harassment. Two of the three presidents — Harvard's Claudine Gay and Penn's Liz Magill — issued apologies or clarifications, and [Magill has now resigned](#).

Important and clarifying as that moment was, [the opening statement](#) of Chairwoman Virginia Foxx (R-N.C.) gave the hearing a broader frame. Foxx questioned the health of universities generally and called attention to "a grave danger inherent in assenting to the race-based ideology of the radical left," arguing that we are at "an inflection point" requiring a reshaping of "the future for all of academia." The chairwoman's theme was not antisemitism alone but whether the diversity, equity and inclusion efforts of college campuses have been a wrong turn for America's intellectual culture.

While I stand by the goals of inclusion and belonging for college campuses — and consider those goals valuable for America writ large — I agree with Foxx that we have lost our way in pursuing them. We have gotten lost both in the thicket of debates about the First Amendment and in the swamps of particular tenets of anti-racism. How do we find our way back?

## The First Amendment

On campuses these days, too few people understand basic concepts of academic freedom and free expression and how they interact with the equally important commitment to making sure that students can “learn free of discriminatory harassment,” to quote [the Foundation for Individual Rights and Expression \(FIRE\)](#). Because of that, we do not know how to protect intellectual freedom and establish a culture of mutual respect at the same time. But this must be our project.

Breaking down a large problem into discrete parts can help illuminate guiding principles. So let’s take the First Amendment flash points one by one.

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First, how should we handle a protest in the classroom? This is straightforward — or should be. Any form of protest that disrupts the conduct of a class violates basic prohibitions against interference with the normal duties and activities of the university. I wish my own campus, Harvard, were clear on this policy. Some individual [schools at the university](#) are. Some aren’t. Work to change that, as you might imagine, is underway. Protecting the classroom from protest is necessary to protecting academic freedom — the right of those in the classroom to conduct the very activities of teaching and learning protected by academic freedom.

What about protests when speakers come to campus? Free-speech policies on many campuses do a reasonably good job of distinguishing between acceptable protest and substantial disruption that will be subject to sanction. After a lot of recent trial and error, campuses have learned to handle this specific case reasonably well.

So far, so good. But generalized intimidation or a culture of intimidation — the challenge Stefanik sought to pinpoint with her question — is a different matter.

We know how to handle harassment, threats and intimidation when they target individuals — when students, for instance, leave racist or antisemitic or anti-Islamic fliers at the doors of specific students. Such behavior is subject to discipline. As laid out by the Supreme Court, the legal [framework for discriminatory harassment](#) requires that it be “targeted, unwelcome and ‘so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to an educational opportunity or benefit,’” FIRE said. As someone who had the n-word shouted at me from a dorm window late one night on Princeton’s campus in 1993, I appreciate our nondiscrimination frameworks. But it’s important to note that this legal requirement — that acts handled this way be targeted at specific individuals — is what tangled up the three presidents last Tuesday.

A *culture* of intimidation is a different challenge. It’s the very opposite of the culture of mutual respect necessary for learning and, for that matter, a healthy democracy. (By the way, Congress, what are you modeling these days?)

This is the problem we are struggling with right now. Clearly, we cannot allow a culture of intimidation to develop and perdure on our campuses. Regardless of what initial intentions student protesters might have for chants such as “globalize the intifada,” or any of the other slogans associated with eliminating Jewish people from Israel’s land, they can no longer pretend not to know that their use causes many people a reasonably felt sense of intimidation. On this matter, the Age of Innocence is behind us. If college campuses regularly had groups of kids chanting “White power,” I would not be comfortable sending my children there, even if those chanters never took a “targeted” action against a specific person.

That gets at the core question: How do we reverse a culture of intimidation without violating commitments to academic freedom and free speech?

Avoiding violations of academic freedom should be the easier part. In the classroom and out, it is perfectly within our rights to tell people (kindly) that their arguments are bad or their views weak or erroneous and then to work with them to correct them. We correct students’ math; we can correct their reasoning, and that includes correcting moral errors. Does a student think it’s reasonable to expel Israelis from their country as a part of freeing Palestinians? That’s a moral error that a teacher should require the student to confront and learn from. Does a student think the conflict can be addressed without asking how both peoples can thrive in this land they share? Ignoring that question is also a moral error requiring correction.

The idea of moral error is unfashionable and must be employed judiciously. But it is indeed one of our tools for improving reasoning. It’s always best if people think through their arguments and reach self-correction themselves, through forms of Socratic questioning. Nonetheless, put bluntly, academic freedom does not protect people from intellectual correction.

Avoiding violations of free-speech rights while correcting a pattern of generalized intimidation is much harder. But it’s not impossible. We should not just protect students’ speech rights but also insist that they exercise those rights in accordance with campus norms for a culture of mutual respect. Students should be put on notice in a fashion something like this:

*While protest, within acceptable limits, is protected by free speech, on this college campus those acceptable limits include that your method of protest not cause intimidation to other members of our community. Intimidation is behavior that involves a threat of violence to deter or coerce others. If the communications you use while protesting would constitute harassment if targeted at a specific individual, the presumption will be that the protest method is likely to create a pattern of generalized intimidation incompatible with a culture of mutual respect.*

*You will first be informed that your protest has crossed the line and asked to modify your approach to communicating your view so that it also clearly communicates that you are committed to the safety of everyone on this campus. If you continue to use forms of communication that would be taken by a reasonable person as harassment if targeted at a specific individual, you will be sanctioned through customary disciplinary procedures.*

*We are an educational institution, so our scale of sanctions begins with an opportunity for learning and correction; it can, however, end in expulsion.*

We have been focused so much on academic freedom and free speech that we have neglected to set standards for a culture of mutual respect. It is necessary to do both. I might not have found precisely the right formulation in my hypothetical policy statement above, but surely there is a way to establish a norm of mutual respect without contravening the spirit of either free inquiry or the First Amendment.

## On anti-racism

This is how we get out of the First Amendment thicket. But what about the anti-racism swamp?

I was one of three co-chairs of Harvard's Presidential Task Force on Inclusion and Belonging, which in 2018 delivered a [strategic framework](#) for the campus. Many are chalking up current controversies to diversity, equity and inclusion work, and the task force's report was a contribution to that field broadly understood. Across the country, DEI bureaucracies have been responsible for numerous assaults on common sense, but the values of lowercase-i inclusion and lowercase-d diversity remain foundational to healthy democracy. I was proud then and remain proud of our inclusion and belonging framework. It's worth revisiting what we said in some detail after the passage of five shockingly eventful years.

I was proud because we broke new ground intellectually. We launched our report by unifying commitments to academic freedom and inclusion. We wrote: "Our shared pursuits ... depend on the open and direct expression of ideas and on criteria of evaluation established by the judgments of experts. Excellence therefore also requires academic freedom. Inclusion and academic freedom — these principles are linked in each being necessary to the pursuit of truth."

We grounded the work in a broad commitment to pluralism. We wanted a diversity of views on campus, and we recognized that the sources of diversity are myriad. We cared as much about viewpoint and religion as any other source of diversity. We wrote:

By diversity, we mean simply social heterogeneity, the idea that a given community has a membership deriving from plural backgrounds, experiences, and identities. Race, ethnicity, gender identity, sexual orientation, socioeconomic background, disability, religion, political outlook, nationality, citizenship, and other forms of formal status have all been among the backgrounds, experiences, and identities to which the Task Force has given special attention, but we have also attended to issues of language, differences in prior educational background, veteran status, and even differences in research methodologies and styles.

An important point, given what was to come: While we acknowledged historical patterns in our report, we did not dwell on the theme of historical injustices. We did not see the challenge in front of us as "white supremacy"; we never used a vocabulary of that kind. Our faces were set to the future. We saw in the rich diversity of our campus an opportunity — a chance to achieve a higher level of excellence powered by intense engagements across a vast range of viewpoints.

We knew this endeavor would require addressing challenges of emergent conflict. We recommended cultivating “Skills for Difficult Conversations” to “equip everyone on campus — students, staff, and faculty and academic personnel — with skills to engage across difference, support freewheeling debate, productively navigate difficult conversations, and make space for minority viewpoints (whether of religious students, conservative students, or students from underrepresented identity groups or backgrounds).” We wanted our university to take the lead in developing the requisite education — in argument, in moral reasoning, in civic education.

So why has my campus — and others, too — stumbled as badly as it has?

It’s a complex question, probably with multiple causes. But for starters, in Harvard’s case, three themes in our report went largely overlooked by university administrators as they began to pursue implementation — our focus on academic freedom, on the need to make space for religious identity and on the need for greater political diversity on our campus. Older paradigms that focused only on some groups as marginalized, as opposed to all groups as sources of potential and perspective, came back to the fore. Only on Sept. 1 of this year did the university release [new nondiscrimination and bullying policies](#) that used our very broad categorizations for diversity. They have not yet fully made their way into our campus culture.

Second, and even more important, the 2020 murder of George Floyd and intense surge of anti-racism work that followed it led to the adoption of vocabularies and frameworks that made it difficult for a forward-looking pluralism to make headway.

I am as against racism as anyone, but I believe we can all be better together based on a positive vision. Yes, it is necessary to tackle challenges such as implicit bias. But, counter to the anti-racism agenda, we cannot create a framework for inclusion and belonging that is focused on accusation. As was the case in our 2018 report, the conceptual center of such a framework in our campus communities should be excellence, and what each and every one of us can contribute to that, for the sake of increased benefit to society. Bringing out the best in all of us — to achieve a sum greater than the parts — is possible only if we cultivate a culture of mutual respect. Somehow the racial reckoning of 2020 lost sight of that core goal of a culture of mutual respect with human dignity at the center. A shaming culture was embraced instead.

I hope this moment gives all of us — our universities, yes, but also Congress, the media and so many other of our vital institutions and spheres of discourse — a chance to course-correct. Indeed, it is an essential part of the [democracy renovation work we have been discussing](#) all this year. The good news is we know how. A framework of [confident pluralism](#) — inclusion and belonging, academic freedom and mutual respect — offers a path forward.

Let us never forget that basic requirement of mutual respect and our core commitment to human dignity for all people.



Chairman OWENS. Thank you so much, as I kind of wrap up my thoughts here. Earlier there was a comment about admissions and the low admissions since the 1990's of black students into college. Let me give you a novel suggestion. Let us start teaching our kids earlier how to read, write and add. That might be a good start.

That way you do not have to worry about affirmative action, they can get there through meritocracy. The second thing is how about we start thinking that blacks cannot compete intellectually with everybody else. It is meritocracy, which I grew up with, I am proud to say I grew up with, and we win when we put the work and effort in.

The last thing is that we just need to make sure we are now looking at the potential of all our kids, regardless of the color, race and creed. I think one of the smartest strategies that the Marxist ideology did, and I appreciate the comment. I think it was spot on, it is an ideology that used really good people, good liberals with good intentions.

They hide behind these good folks and do damaging bad things. Again, we point them out, they say no you talk about good liberals. No. We are talking about Marxists, okay? Do not make that point.

They are really good at understanding how to control the language. Diversity, equity and inclusion, you would think it is a really good thing. Unless you think about diversity that excludes Jews, black conservatives, and white, straight, Christian—male Christians. They are not included in this little bubble that the Marxists put together.

They have taking the good word of equality and changed it to equity. Equality says I just want the opportunity. Give me a chance. I will run harder, I will work harder, I will prove myself to gain your respect. Equity is no, you come with the right color, you come with the right ideology, and you got the job.

Inclusion. Well, let us look at our colleges. Harvard University now has a black graduation class, a Hispanic graduation class, and a gay Hispanic class. At MIT you have a black only dorm. Guess who is not going to be invited in that dorm? Jews, whites and black conservatives. This is the most divisive concept that we have ever seen, and it is truly a cancer.

This is something that destroys everything that builds our foundation of a country of life, liberty and the pursuit of happiness and looking at each other inside out and not outside in. I want to thank my great State of Utah. I will tell you I am so proud of the legislators we have here.

We are very innovative, we collaborate very well. We believe in fairness. And just recently we have a couple of my good friends, Kate Hall and Keith Grover, who will introduce legislation to ban DEI from our educational systems. It now prohibits discrimination period.

It protects Title VI of the Civil Rights Act. It eliminates diversity statements. It creates success centers for all of our students, not just of a particular color. I am going to kind of wrap up with this one statement. I read this, Dr. Smith, and I just have to respond and then kind of finish up with this one.

All right. Regarding the way that our black students and youth are being addressed. Okay. I have been challenged by white and

black people alike when I express apparent idea that is we should have more faith in an agency of our minority students, especially black minority students, who seem to be downtrodden, poster children for victimhood.

This lack of confidence in these children is called empathy. This lack of optimism and succeeding in life is called empowerment. The dismissal of very valuable skills that would better ensure success in life is called social justice. Anything that could possibly instill a positive outlook, self-awareness, emotional self-control, delayed gratification, achievement orientation, and adaptation is called white supremacy with a big hug.

Whenever I hear educators advocating such interpretations in higher education, I always say to myself, thank God they were not teachers when I grew up. I want to echo that thank God. I grew up at a time of segregation, but my community believed in its kids. We believed in meritocracy. We did not teach foolishness.

We did not teach each other to judge each other from the outside in instead of inside out. Thank God for that. I want to thank God for every one of you guys who engaged in this conversation. We might not agree on everything, but we are talking about the right topic. What do we do to make sure our kids land in a better spot than we did, like every generation has done before us?

Not feeling angry, bigots, discouraged. Let us leave our country and our kids with the greater vision of our country and what we can accomplish. We could do that, but make sure our education is in the right place. This is a great start, so thank you so much.

I appreciate your efforts. I appreciate all the comments that has come to us, and I would like again to thank our witnesses for taking the time to testify before the Subcommittee today. Without objections, there is no further business, and this Subcommittee now stands adjourned.



LEADERSHIP & POLICY

## Scholars Come Together to Present Evidence-Based Discourse on DEI

Spurred to action by a Congressional hearing, 12 scholars outline the effectiveness of DEI.

By — [Lois Elfman](#)

Mar 20th, 2024

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On March 7, Dr. Shaun Harper, university professor, provost professor of education, business and public policy, and the founder and executive director of the USC Race and Equity Center, was watching a livestream from the U.S. House of Representatives Committee on Education and the Workforce, titled “Divisive, Excessive, Ineffective: The Real Impact of DEI on College Campuses.”

Committee member U.S. Rep. Burgess Owens, a Republican from Utah quipped: "Today's hearing addresses a long growing cancer that resides in the hearts of American academic institutions." Owens called diversity, equity and inclusion initiatives "demeaning and racist."



Dr. Toby S. Jenkins

Harper was outraged by the misinformation, misunderstandings, and reckless mischaracterizations.

"The more I watched, the more inspired I became to do something," he said in an interview with *Diverse*.

Seeing the importance of detailing the clear research and evidence that support DEI and its significant applications within the academy, Harper and 11 other scholars penned essays that have been assembled in a new report titled, ["Truths About DEI on College Campuses: Evidence-Based Expert Responses to Politicized Misinformation."](#) Fact sheets called "Campus Truths," are interspersed throughout the report, which cites data and facts about various institutions and findings.

"We value evidence over anecdotes. We value democracy over divisiveness," wrote Harper, who set out on the project to debunk the myths.

"DEI initiatives aim to bring students and employees together to learn from each other's differences and to co-create inclusive campus environments," the report notes.

Each author wrote from his or her field of expertise but emphasized that colleges are not monolithic.

"It is reckless and irresponsible for Congresspersons and so-called expert witnesses to make sweeping generalizations about thousands of institutions that they know nothing about," said Harper.

The USC Race and Equity Center said that seventy-seven percent of participants who were anonymously surveyed said that they are not satisfied with the racial composition of the faculty at their institution.

Prior to becoming a faculty member and administrator, Dr. Toby S. Jenkins, a professor in the College of Education at the University of South Carolina, spent 10 years in DEI leadership roles at the University of Maryland and Penn State University. More than two decades ago, she ran a program at Maryland that brought together the Black Cultural Center and Hillel (Jewish campus organization) to plan an alternative spring break in which they took students to Memphis, Tennessee, to explore the history of Jewish and Black activism during the 1950s and 1960s.

In her essay, Jenkins cites standards established by the National Association of Diversity Officers in Higher Education, which recently concluded their annual conference in Seattle last week.

"I think one of the misconceptions is that DEI professionals are just out there on their own with no kind of guidance, expectations or sense of accountability to actually do DEI in a professional way," said Jenkins. "The national organization that leads the DEI officers in higher education has a set of standards that have been vetted and developed over the course of many years. They're always continuing to refine them. They guide the expectations of DEI practice."

In the report, Jenkins wrote, "DEI standards require professionals to help remove unfair barriers and

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exclusionary practices. DEI initiatives do not create exclusion, they exist to promote inclusion."

Jenkins acknowledged that not all institutions have adequate funding to fully implement DEI initiatives. "There may be some places where there are gaps, where there are communities or cultures that haven't been addressed or attended to yet because they're still trying to build," she said.



Dr. Liliانا M. Garces

Dr. Liliانا M. Garces, an education and law scholar at the University of Texas at Austin said that it is important to understand how law and racial equity policy and practice intersect. She said that she wanted to bring a social science perspective grounded in empirical reality of what DEI initiatives have been in higher education to her scholarly essay. With that, she addressed what proposed anti-DEI legislation seeks to attack and how misinformation has historically been used to undermine DEI.

"They promote a mischaracterization of the initiatives in a way that leads to a disruption in our education system," Garces said.

The way that she sees it, DEI programming helps faculty members become better equipped to address the impediments for productive interactions in their classrooms.

"At the heart of these policies is bettering the goals of higher education," Garces said. "It contributes to both a high-quality education for students and also

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provides the type of training that is going to enhance our multi-racial democracy.”

In his essay, Harper cited his two decades of experience as a tenured faculty member at three major research universities. In addition to being a researcher, practitioner, public intellectual, and professor who teaches DEI-focused courses, he has twice testified before Congress. He estimates that no more than 2% of full-time DEI professionals do their work in divisive ways. The body of scholarship around DEI is extensive.

“I’m not speaking just from my own research, but from the research of all these incredibly credible scholars,” Harper said. “DEI professionals help students recognize the value and learn how to collaborate across races, across cultures in such important ways.”

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Evidence-Based Responses To

**Divisive, Excessive, Ineffective: The Real Impact of DEI on College Campuses**

United States House of Representatives  
Committee on Education and the Workforce  
Subcommittee on Higher Education and Workforce Development

**Shaun R. Harper, Ph.D.**

University of Southern California

**Mitchell J. Chang, Ph.D.**

University of California, Los Angeles

**Eddie R. Cole, Ph.D.**

University of California, Los Angeles

**Lori Patton Davis, Ph.D.**

The Ohio State University

**Liliana M. Garces, Ed.D.**

University of Texas at Austin

**Joy Gaston Gayles, Ph.D.**

North Carolina State University

**Toby S. Jenkins, Ph.D.**

University of South Carolina

**Walter M. Kimbrough, Ph.D.**

University of Southern California

**Julie J. Park, Ph.D.**

University of Maryland, College Park

**Victor B. Sáenz, Ph.D.**

University of Texas at Austin

**Shawn M. Smith, M.D.**

Northwestern University Feinberg School of Medicine.

**Lisa Wolf-Wendel, Ph.D.**

University of Kansas

March 2024



**Opening Statement**

By Dr. Shaun Harper

On March 7, 2024, the United States House of Representatives Committee on Education and the Workforce hosted a hearing titled, “Divisive, Excessive, Ineffective: The Real Impact of DEI on College Campuses.” The two-hour hearing overflowed with misinformation, misunderstandings, and reckless mischaracterizations. Despite being nails-on-chalkboard excruciating, I made myself watch it three times, plus I read written testimonies the four witnesses submitted and a full transcript of the hearing. Ultimately, I am glad I spent so much time engaging with this mostly erroneous politicized attack on DEI in higher education, as doing so inspired me to organize this important collection of responses.

This particular congressional hearing was a waste of taxpayers’ dollars. More alarming is how emblematic it is of what’s occurring in K-12 school districts and on some college campuses; on conservative cable news stations, podcasts, and social media platforms; and in state legislatures and governors’ offices across America. Lies about DEI initiatives are being told and hurtful generalizations are being made about the professionals who lead them.

Those of us who know better have too long deemed ridiculous, unsubstantiated claims that DEI obstructionists make unworthy of response. We have dismissed hearings like the one that occurred on Capitol Hill last week as political theatre. Meanwhile, the campaign to dismantle DEI is very much succeeding, as evidenced by the well-coordinated avalanche of more than 100 legislative bills in 44 states across the country over the past three years. So far, 18 states have banned the spending of public funds on DEI-related activities in K-12 schools; eight states have inflicted the same harm on higher education institutions. And then there are the chilling effects and self-imposed local bans on DEI, both of which are incalculable at this point.

Thankfully, I am not the only person who knows better. I have friends who are not only impressively smart and accomplished, but many of them are also courageous. Like me, they care enough about our democracy to do something good with what they know. Thankfully, 11 of them generously agreed to contribute to this written response to the March 7 hearing. Ours is not merely a collection of responses to last week’s hearing. We also embrace our larger responsibility as citizens and as scholars to set the record straight about what is and isn’t happening in the name of DEI on college and university campuses. Our individual research, as well as our appreciation for rigorous studies that other smart colleagues have published over the past few decades, poised us to offer evidence-based responses not only to the congressional hearing, but to the larger political campaign against DEI. We value evidence over anecdotes. We value democracy over divisiveness.

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**Shaun Harper, Ph.D.** is University Professor and Provost Professor of Education, Public Policy, and Business at the University of Southern California, where he holds the Clifford and Betty Allen Chair in Urban Leadership. He also is founder and executive director of the USC Race and Equity Center, a past president of the American Educational Research Association, and a past president of the Association for the Study of Higher Education. He was inducted into the National Academy of Education in 2021.

**Expert Response**

Dr. Mitchell J. Chang

Important issues concerning higher education were raised in the March 7 congressional hearing. Research that informed the consideration of race-conscious admissions in higher education can shed light on many of those challenges because several of those studies addressed similar concerns. I know this because my own research findings were cited to inform admissions policies and practices, including most recently for the U.S. Supreme Court deliberations concerning both Harvard University and the University of North Carolina at Chapel Hill. In this response, I draw from peer-reviewed research findings to illuminate three issues raised in the hearings. Those issues concern the state of the empirical research, the work regarding civil rights compliance, and the consideration of group membership in practice.

One of the most puzzling testimonies for me came from Dr. Jay Greene who testified that, “We’ve heard claims that DEI is meant to make students feel included, improve retention and graduation, but we haven’t heard any evidence of that. There’s a reason for it: I don’t believe that evidence exists.” Not only does the evidence exist, I furnished some of it in a peer-reviewed journal article 25 years ago.<sup>1</sup> Multiple meta-analyses have since been published. Nida Denson published the first meta-analysis on the impact of diversity-related activities on college students 15 years ago.<sup>2</sup>

As the research grew, one well-established pattern that emerged is that the impact of undergraduate education is appreciably enhanced by diversity-related efforts on colleges and universities, including those with the goal of increasing access for underrepresented students. I summarized some of this literature in my expert testimony submitted for the UNC Chapel Hill case.<sup>3</sup> But, a simple Google search will yield websites that host some key publications, such as the University of Colorado’s Diversity, Equity and Inclusion Resource Hub.<sup>4</sup> The issue for those who are serious about examining the evidence is not that there are too few empirical studies, but rather that sorting through the evidence can be both daunting and overwhelming given the large number of relevant peer-reviewed publications.

This leads to another comment by Dr. Greene that can benefit from a more thorough review of empirical evidence. He claimed that, “Compliance with the civil rights obligations of universities can be done without gigantic DEI bureaucracies.” To appreciate the work needed for campuses to remain compliant, it is important to understand their obligations. Under Title VI of the Civil Rights Act, for example, universities must protect their students’ freedom to learn without discrimination.

If a student files allegations of discrimination or harassment, campuses must respond to those allegations by taking swift and effective actions to assess them for harm and to provide a safe space to learn. If corrective actions are needed, addressing the specific complaint is just the beginning and not the end. Campuses are also obligated to take prompt and effective steps to prevent discrimination and harassment from reoccurring. In other words, Title VI obligations require institutions to address both the reported harm and the educational context by taking corrective action to prevent future harm. Each one of those obligations under just Title VI alone is a demanding undertaking, so too are requirements for compliance with Title IX and the Americans with Disabilities Act.

Similarly, realizing the educational benefits associated with having a diverse student population is a major undertaking, which requires a multifaceted approach that considers both the student composition and the educational context. As such, research informing the conditions that either maximize or hinder those benefits can be instructive in considering how campuses fulfill their civil rights obligations. One well-

established pattern from this body of research is that encounters with people of different backgrounds contribute to undergraduate learning.

The research also shows that the benefits associated with those encounters are moderated by both the quality of the interactions and the quality of the educational context that shapes them.<sup>5</sup> Therefore, if campuses seek to maximize related educational benefits, studies suggest that they must address their educational contexts in ways that improve both the quantity and quality of those encounters. In short, addressing enrollment alone is necessary, but insufficient. The potential for learning associated with diversity depends on the quality of the educational contexts for supporting those student experiences that lead to benefits.

Given those findings, one would also expect campuses to do more than just respond to complaints, but also to address the quality of the educational context if the overarching interest is to prevent harm and to protect students' freedom to learn without discrimination. In thinking about addressing quality, decades of research concerning how college affects students have conclusively shown that the relationship between students and the college environment is both reciprocal and dynamic.<sup>6</sup> In other words, there are tight interconnections between individual change, institutional change, and social change. Subsequently, campuses must simultaneously account for many different, but interrelated moving parts in order to effectively address the quality of an educational setting.

Approaching quality in this way is not just a conceptual advantage; it is also expected by the Office of Civil Rights. When campuses undergo a Title VI investigation, for example, they are asked not just to document how they process and address complaints, but also to provide an inventory of corrective actions that prevent future harm, which will most certainly include efforts housed in the DEI office. If there are findings of a Title VI violation, I suspect that campuses will be asked to do more rather than less to protect and support vulnerable populations, which again will most certainly involve the DEI office. Even if DEI offices are not responsible for handling civil rights compliance, they play a major role in fulfilling an institution's duty to address the quality of the educational context. In fulfilling this duty, the research concerning diversity shows that by employing a more comprehensive and coordinated approach, campuses increase their overall organizational cohesiveness and capacity to improve the quality of the educational context.

The work of DEI offices is to reduce harm and improve success for vulnerable populations. However, it is mischaracterized by some as being too obsessed with group membership, which Dr. Erec Smith claimed in the hearing, "skirts individuality and is all about group consciousness...everybody is a group member and not an individual." Likewise, Dr. Stanley Goldfarb testified that, "once you start thinking about people as members of groups... one of the natural consequences of it is divisiveness and antagonism between groups." I very much appreciate being treated as an individual and for me, I take offense to being treated based on Asian stereotypes. At the same time, if we are serious about addressing the harms experienced by students, which are rooted in historical injustice, we have to also consider an individual student's risk of experiencing this harm based on her or his identity group.

To illustrate the importance of and nuances associated with group membership, consider the research concerning "Stereotype Threat." I highlight Stereotype Threat here because most of what we know about it emerged from studies that utilized experimental design, which provides the strongest methodology for testing causation. According to Claude Steele, negative racial stereotypes concerning the intellectual ability of disadvantaged groups (e.g., racial minorities, women in male-dominated fields) can undermine the academic performance of members of those groups under certain conditions.<sup>7</sup> The hindered

performance can be explained partly by heightened anxiety associated with the fear that one's own actions will confirm negative stereotypes about one's own group's intellectual capacity. While most students experience some anxiety over being negatively evaluated, Steele argues that students who belong to groups often targeted with negative intellectual stereotypes not only risk embarrassment and failure but also risk confirming those negative perceptions of the group. This threat of being reduced to negative stereotypes in various situational contexts can lead to increased anxiety, which then depresses performance.

There are two especially consequential individual attributes associated with the intensity of stereotype threat. According to Steele, only members of a group who identify with schooling (or its various domains) may be threatened by societal stereotypes that explicitly link to intellectual competence.<sup>8</sup> In other words, a negative stereotype must first involve a domain that is relevant to an individual's self-identity if that stereotype will become threatening to that individual. If the student does not identify with the domain, Steele claims that stereotype threat will have very little, if any, effect on that individual. Additionally, according to Aronson et al., the degree to which a person is exposed to stereotypes about his or her group enhances "stigma-consciousness," and those who are more conscious of their group's negative stigma are also more vulnerable to stereotype threat.<sup>9</sup>

Consistent with those expectations, my colleagues and I found that highly domain-identified underrepresented racial minority students who also reported having higher frequencies of negative racial experiences were considerably more likely to transfer out of their initial science majors compared to their similarly domain-identified minority counterparts who reported having fewer of the same negative racial experiences.<sup>10</sup> While not an experimental study, our findings confirm that Stereotype Threat operates at the group level but is a situational and not an internal problem because the risk of experiencing threat varies for individuals of the same group across different situations. Still, if a student of a group that is at risk of experiencing stereotype threat is not placed in a situation where the stereotype is salient, she or he will not likely experience any related anxiety.

Unfortunately, this threat is especially salient within a higher education context, where deeply embedded societal stereotypes regarding intellectual competence are especially relevant.<sup>11</sup> Given the high risk of this harm for some groups in academic settings, it seems quite appropriate, if not necessary, to pay close attention to an individual student's group membership when attempting to correct for harm. At the same time, it would be wrong to assume that the risk of harm is the same for all members of the same group. So, reducing harm in practice requires attention to a combination of attributes, including but not limited to group membership. The comments by some witnesses in the hearing, however, would lead us to believe that thinking of people as groups necessarily robs students of individuality. That, however, is simply not how it works in employing evidence-based practice.

While I take issue with several claims made in the hearing, I share with the witnesses the belief that colleges and universities play a key role in our society. One of their overarching purposes is to offer a vibrant intellectual space to seek truth by engaging with and building upon the existing knowledge base, and then sharing that knowledge. I believe that we do this best when we bring together people who hold different viewpoints and perspectives shaped by different experiences and backgrounds. Such a diverse setting increases the chances that we will look and think beyond our limited sphere of association and be exposed to and challenged by the most thought-provoking ideas, pressing problems, and strongest evidence. This kind of exposure not only expands and sharpens our own individual thinking but also helps us better recognize shared interests, which leads us to forge deeper bonds across difference to offer new discoveries and innovative solutions to address real-world problems. The possibility of achieving those

interests improves significantly when campuses are intentional and do not leave the educational process to chance, hence the importance of DEI professionals.

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**Mitchell J. Chang, Ph.D.** is a professor of education and Asian American Studies at the University of California, Los Angeles. He also is UCLA's interim Vice Provost for Equity, Diversity, and Inclusion.

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**Expert Response**

Dr. Eddie R. Cole

I am not writing to defend diversity, equity, and inclusion on college campuses. Without doubt, there are fair critiques of *some* DEI offices, initiatives, and programs. DEI professionals, like any other group of campus officials, are not above critique or assessment. As an educational historian, however, I am writing to defend the dismissal of American history. I am concerned by how recent debates over DEI *intentionally* ignore the past.

Dominant arguments for and against DEI are too often narrowly framed as new problems. But that is rarely true. Most issues that people complain about today have long existed. This prevalence of mistruths and manipulated arguments were evident during the March 7 congressional hearing. “Ineffective” and “excessive” (which appeared in its title) are appropriate terms to describe the two-hour hearing. Many problems were discussed, few solutions were offered. Here, I highlight three comments made by members of Congress and expert witnesses and offer some historical framing to rethink said comments toward solutions.

First, committee chairperson Rep. Burgess Owens (R-UT) opened the hearing by saying:

*“The impact of DEI is seen in the indoctrination of students as they undergo mandatory racial bias education. Based on their race, each student is deemed an irredeemable oppressor, or a member of the hapless, hopeless, and weak oppressed. And my Jewish friends, if you’re wondering about the surprising outgrowth of antisemitism now raging on our college campuses, this is the genesis. DEI teaches that at the very top of the oppressor pyramid is the Jewish race.”*

It is disingenuous to blame DEI as the cause of the most recent instances of antisemitism in higher education. Unfortunately, antisemitism has been prevalent on college campuses long before DEI was established. We can start 100 years ago.

In the 1920s, many of America’s most notable campuses— like Harvard, Princeton, and Yale — discriminated against Jewish applicants. Academic leaders in New England weighed a proposal made by Brown University dean Otis Everett Randall, who suggested the “limitation in the enrollment of Jews and Negroes.” Those campus officials’ distaste toward Jewish applicants resulted in many campuses adopting formal quotas to limit the number Jewish students. New applicant requirements were implemented to make the quotas effective. Prospective students needed to include photographs with applications, answer questions about their religion, and participate in interviews. The results were clear. At Harvard, for instance, the percentage of Jewish students plummeted from around 25% at the start of the 1920s to as low as 10% by the Class of 1930. This approach was their solution to the so-called “Jewish problem.” Historian Marcia G. Synnott has written extensively about these early instances of Jewish discrimination.

But Americans should not dismiss academic leaders’ anti-Jewish decisions in the 1920s as simply a symptom of an era marked by the Emergency Quota Act of 1921 and the Immigration Act of 1924. Yes, there was dominant political and social desire to block immigration; however, quotas did not only exist on college campuses during the 1920s or 1930s. As late as 1950, Sarah Lawrence College maintained its Jewish quotas, upholding the decades-long anti-Jewish sentiment held by many academic leaders.

History also demonstrates that Jewish quotas were eventually rescinded, but antisemitism did not stop once Jewish students were more widely admitted to more institutions. The antisemite policies and

practices gave way to other forms of discrimination and violence on campuses. In 1989, three Jewish students at Brooklyn College were attacked after leaving a party at Hillel House. Two were hospitalized. That incident, and the headlines that followed, speak for themselves:

- In 1989, the *Chicago Tribune* published an article under the headline: “Anti-Jewish Bias Grows on Campus.”
- By 1993, *The Jewish Post* published an article under the headline: “U.S. Jewish Students Face Growing Antisemitism.”
- In 1998, another headline: “With College Anti-Semitism on the Rise, Student Editors touring Israel and Poland get Quick Holocaust Education.”
- Three years later, “Report Finds Anti-Semitic Bias at Minnesota College” read another.
- And by 2005, the headline “Hearing Held on Campus Anti-Semitism” appeared.

The point is well illustrated. The past century is filled with dozens (perhaps even hundreds) of headlines about rising antisemitism on college campuses. One could simply redact the date, and the headlines and news articles sadly could be from 1974 or 2024.

Therefore, Rep. Owens’ claim that DEI is “the genesis” of contemporary campus antisemitism could not be more historically inaccurate. The reality is many college campuses, and American higher education writ large, have long histories of antisemitism. The anti-Jewish sentiment was well-documented by scholars and journalists alike for decades before DEI offices, initiatives, and programs existed. But more productive, solution-oriented questions should be: Why does antisemitism exist across much of American higher education despite DEI offices? And how can history better inform elected officials’ decisions regarding this century-old problem?

Second, Stanley Goldfarb, a retired University of Pennsylvania School of Medicine professor, expressed his desire for medical education to focus only on science. Goldfarb feels future doctors are not trained enough in medicine compared to seminars and courses that emphasize ending racism in medical practices. When asked by Rep. Bobby Scott (D-VA) how can doctors identify and address the disproportionate numbers of Black mothers’ deaths during childbirth “without involving discussion about race,” part of Goldfarb’s response included:

*“There are a lot of social issues involved here, but the issue that I have focused on, it’s not because women are being mistreated when they show up to have their babies. I think, it’s Black women now are quite terrified to deliver their babies in hospitals because they’ve been told that this kind of bias is going on, and it’s just not correct.”*

Here is another instance where history provides more context for a present-day problem. History is especially helpful to discussing science, and doctors should agree. Doctors often frame their diagnoses by evaluating an individual patient’s medical history. Therefore, as much as Goldfarb stressed the desire to have medical schools only focus on the science of medicine, his final comment during the hearing admitted that: “There are a lot of social issues involved here.”



That was an insightful statement for Goldfarb who opposes DEI and sees little-to-no use for prospective physicians (and presumably students in science, technology, engineering and math courses) to learn about social issues. But doctors are also human, and science has been riddled with bias. For example, eugenics – the scientific belief there could be better-quality humans through breeding certain races – was widely popular during the late 1800s and early 1900s. Now nearly universally dismissed by researchers, the past reminds Americans that many scientists subscribed to those beliefs, and they crafted distinguished careers built around those racist fallacies.

I suspect Goldfarb and others who oppose DEI would also frown upon the eugenics era. I also suspect they would say society, and scholarship for that matter, is more sophisticated today. Those beliefs are in the past and behind us, I think they would argue. But the issue is, at one point, those old ideas shaped medical practice and social policy, and the effects of those practices and policies were felt by real people. Therefore, no different than families can pass on positive family histories, families can also relay histories of trauma, fear, and concern – even those at the hands of medical professionals. The past is too powerful for doctors to dismiss patients’ concerns as “just not correct,” and a solution-centered response could have focused on why Black mothers believe in medical bias and what can be done to help address their beliefs.

In closing, I highlight comments from Jay Greene, one of the expert witnesses and a Heritage Foundation Research Fellow, who said this during the March 7 hearing:

*“At a minimum, we need to starve universities of the funds they use to build DEI bureaucracies.”*

If DEI funding were halted, I would challenge DEI opponents to support a robust teaching of history, to increase the number of tenure-track faculty members, and to bolster the commitment to academic freedom as an alternative use of the millions of dollars currently used across American higher education toward DEI.

The unfortunate issue of antisemitism is not a new problem. Elected officials, students, campus administrators, and others need more historical depth to understand and solve it. The sad reality that Black mothers, regardless of income or education level, have higher rates of maternity mortality than women of other races and, thus, fear hospitals is also an old problem. Those concerns resonated with Black families before medical schools established DEI offices. The history of this problem is important for doctors to know. And there are numerous other issues on college campuses that have histories that extend before the existence of DEI offices and the professionals who lead them. Those histories are ripe for the present.

Regrettably, when listening to the congressional hearing, I was not confident that DEI opponents want complex teachings of history to grapple with our contemporary challenges. Many aspects of history are being banned from classrooms in numerous states. As a result, the debates involve people who do not care about the long history of hate and bias on college campuses. Instead, they ignore the past and frame today’s issues as new in an effort to disband and discredit DEI.

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**Eddie R. Cole, Ph.D.** is a professor of education and history at the University of California, Los Angeles. He also is the Joy Foundation Fellow at the Harvard Radcliffe Institute. He is author of the book, *The Campus Color Line: College Presidents and the Struggle for Black Freedom* (Princeton University Press, 2020).

**Expert Response**

Dr. Lori Patton Davis

Several points expressed during the March 7 congressional hearing were problematic and completely wrong. DEI opponents referenced it as a racist ideology and a bureaucracy designed to prohibit individualism and promote a divisive worldview. They asserted that DEI professionals are overcompensated and likened their employment to a “jobs program.” Too much funding is being funneled into these presumably ineffective efforts that are infantilizing to Black people and discriminatory toward Jewish students, multiple people argued throughout the hearing.

Much of what was shared regarding the so-called ineffectiveness of DEI focused on medical education. One witness argued that DEI was inconsequential and a waste of time because it prevented students from learning the clinical skills needed to serve patients. Further, an argument was made that DEI was not relevant to addressing existing health disparities. As a result of current DEI initiatives, a speaker indicated medical students were being trained as social workers, rather than as doctors and medical professionals. Most egregious among the troubling commentary was the idea that DEI is not just pervasive, but a cancerous threat to college campuses.

If conversations regarding DEI initiatives are going to be productive, then the approach has to be one less centered on attacking and misappropriating the meanings of words and initiatives. The conversation should instead underscore the task of appreciating, understanding, and improving their function on college campuses. In response to the recent hearing, below are five ways to address the conversation in more intelligible ways.

**DEI Initiatives Are Dynamic, Not Singular**

One issue undergirding political attacks is the construction of DEI as singular. However, DEI initiatives are robust and differ across institutional contexts based upon the needs of particular campus communities. DEI initiatives are not all the same; positioning them as such allows for a wholesale erasure of any one effort that might promote equality of opportunity. Those most opposed to DEI initiatives engage in language maneuvering to (mis)treat them as a single entity, rather than multiple entities designed to address real issues on campuses including racism, gender bias, hate crimes, physical violence, student isolation, and affordability, to name a few. DEI initiatives must be acknowledged for the multiple ways they address campus climate and culture to ensure student, faculty, and staff success and opportunities.

**DEI is Neither Racist Nor Solely Race-Based**

DEI opponents often make diversity synonymous with race and race synonymous with Black people. This is a problem because diversity is much broader than racial diversity and Black people do not represent the only racial groups in this country. Narrow comparisons like these make DEI monolithic in nature and associated with a static narrative in which Black students, faculty, and staff are the primary beneficiaries of DEI initiatives. This line of thinking limits the variety of ways we can expand and collectively think about diversity.

Some DEI initiatives may be designed to address racism and bias incidents on campus, while others may focus more on women students and increasing their representation in STEM fields. Campuses may establish first-generation support mechanisms to help students navigate their journeys. Similarly,

residential learning communities and associated courses may be designed to promote students' personal development and understanding of their histories and cultures.

Clubs and organizations allow for students with shared interests and backgrounds to convene, engage in affirming and culturally-inclusive programming, and provide peer support. Campuswide initiatives may represent a strategy to engage the entire community on a pressing global issue and to promote broad dialogue across difference. While some initiatives may be designed to address the needs of specific populations that have been largely underrepresented, disenfranchised, or prevented from experiencing the fullness of college environments, DEI initiatives, at their core, emphasize belongingness, critical thinking and community engagement, cultural recognition and celebration, and institutional accountability for needed cultural transformation on campus.

#### **DEI Does Not Exist in Opposition to Merit**

DEI initiatives do not oppose merit. Instead, they complement each other and ensure institutions promote equitable participation in merit-based opportunities. However, that DEI and merit are at odds is rooted in the flawed assumption that participation occurs on a level playing field and those who sit at the margins of society are there because they did not try hard enough. They did not pull themselves up by their bootstraps. The reality is that most people believe in the importance of merit and doing what it takes to achieve, such as earning admission to college, applying for scholarships, and pursuing other critical resources needed to get to, through and out of college. However, merit alone is insufficient to account for the many ways that people who do not benefit equally from presumed "equality of opportunity."

In other words, what sense does it make to pull myself up by my bootstraps if I do not have access to boots, or I have access to the wrong boots, or the boots that best fit me are banned, or if I am subjected to policies and processes that only recognize certain types of boots? The conversation regarding merit is moot if the playing field is unlevel from the beginning. There are historical truths regarding the unlevel playing field that permeates our society and its higher education institutions.<sup>1</sup> Like DEI initiatives, access to books and other resources that tell the accurate history of our country's unlevel playing field are also banned or under attack.

#### **DEI is Not Perfect**

DEI initiatives are imperfect, yet, they represent a huge improvement over what previously existed on college campuses. These initiatives can be important facilitators for addressing a host of issues in higher education. Still, we need more research and empirical investigation into which initiatives work well and which need to be revamped. We certainly know DEI initiatives exist to provide access, undergird policies that promote equity, increase sense of belonging, and facilitate welcoming campus environments for all students, faculty and staff. However, we need more data to increase and enhance the public's general understanding of why they are critical to college campuses, the workforce, and society broadly. In other words, we do not need to dismantle campus DEI initiatives. Instead, we need to study them and learn more about them to challenge the sweeping attacks to which they are being subjected.

A study that three colleagues and I conducted found that between 1968 and 2018, only 45 articles had been published focusing on the study of specific DEI initiatives.<sup>2</sup> The DEI initiatives included student support services, curriculum, administration and leadership, and institutional policy. The studies focused on cross-cultural engagement, benefits of such engagement to white students, and the importance of

dialoguing across difference. These are important benefits, but are not substantive enough for providing a more robust understanding of which DEI initiatives are successful and why.

### **DEI is Not a Cancer**

Efforts to obliterate DEI equate these initiatives with cancer. However, this comparison is wildly inaccurate. For argument's sake, what if DEI initiatives were cancerous? Would we expect our elected officials to legislate the word "cancer" from our lexicon? No. How, then, does erasure of the words "diversity," "equity," and "inclusion" address concerns regarding DEI initiatives? In his book, *Privilege, Power, and Difference*, Allan Johnson states, "If we dispense with the words we make it impossible to talk about what's really going on and what it has to do with us. And if we can't do that, then we can't see what the problems are or how we might make ourselves part of the solution to them."<sup>3</sup> Similarly, if we dispense with the words guiding DEI initiatives, we allow no space at all to actually address how DEI initiatives are implemented and the extent to which they serve people on campuses.

If DEI initiatives were cancerous (as troubling as that sounds), would there not be millions of dollars funneled toward research to understand the circumstances at the root of why DEI initiatives exist in the first place? Would we not work to explore how the issues of racism, sexism, homophobia, and violence penetrate college campuses, making specific initiatives wholly necessary? What if the American DEI Society, National DEI Institute, the DEI Research Foundation, and the American Association for DEI Research existed, just as similar organizations exist to fight cancer and its underlying causes? Might the extension of resources in this way bring us closer to understanding and addressing the root causes driving the need for DEI initiatives? If DEI initiatives are the cancerous scourge House Republicans claim it to be, then why not pour the necessary resources into researching and assessing the conditions that precipitate creation of DEI initiatives, rather than attempting the wholesale dismantling of them?

I strongly urge the Republicans on The House Committee on Education and The Workforce to look no further than the composition of the 118th Congress, which is the most diverse in history across race, gender, LGBTQ status, age, and immigrant status.<sup>4</sup> The increase in representational diversity is no small feat and does not happen without diversity, equity, and inclusion efforts at the forefront and a range of voices, backgrounds, and perspectives at the table. There is more remaining work in terms of making Congress reflective of the diverse composition of our country. Similarly, much more work can and should be done to ensure higher education encourages and reflects diverse peoples, cultures, voices, backgrounds, needs, and perspectives. We need DEI initiatives to help ensure our institutions are accountable and reflective of the diversity, equity and inclusion ideals they espouse.

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**Lori Patton Davis, Ph.D.** is a professor of education at The Ohio State University. She was the first Black woman president of the Association for the Study of Higher Education. She was inducted into the National Academy of Education in 2022.

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**Expert Response**

Dr. Liliana M. Garces

At the heart of the debate about diversity, equity, and inclusion (DEI) initiatives is the question of how institutions of higher education facilitate mutual understanding and ensure fairness in the context of a society that has been historically divided by racially discriminatory policies and practices. In essence, it is a question about how postsecondary institutions provide a high-quality education for all students to thrive in a multiracial democracy.

On one side of the debate are those who argue that DEI policies, or any educational considerations that take race into account, are tantamount to racial discrimination. On the other side, are those who believe that DEI initiatives and other race-attentive policies are necessary to overcome racial discrimination, promote individual dignity and respect, and address racial inequalities.

As an education and law scholar with over 13 years of research expertise on DEI in higher education, lessons from my research and my teaching place me in the latter camp. Programming and structures that advance DEI are foundational to ensuring a high-quality education for all students and for furthering the educational mission of institutions of higher education. They are needed because they help educators attend to how race shapes opportunity to ultimately keep race from mattering. Reversing course would only entrench racial divisions and exacerbate racial inequities in our society.

**DEI Initiatives Ensure A High-Quality Education for Students**

I have learned from my 13 years as a professor that all students in my classes – white students and students of color, alike – greatly benefit from being in racially and ethnically diverse learning environments. In my classroom, I have witnessed time and again how engaging across different lived experiences and perspectives helps students develop critical thinking skills, gain skills that are necessary to be effective leaders in our multiracial democracy, and overcome racial biases and prejudices.

Decades of diversity- and inclusion-related research consistently shows that DEI supports are essential for realizing the many educational benefits of diverse learning environments. Learning from and through diversity requires interactions across racial differences that are meaningful. Ensuring that cross-racial interactions are meaningful requires skill and support. That is precisely what DEI efforts provide.

For example, DEI programming equips faculty and administrators with tools and skills to promote lively discussion, challenge stereotypes, and promote innovation and an expanded range of perspectives and solutions. They help campus administrators and faculty members to facilitate interactions across race and to implement tools in their classrooms that can help students learn from each other. DEI programming helps faculty members become better equipped to address the impediments for productive interactions in their classrooms, such as when there is only one or a few students of color. They empower educators to engage in practices that help students feel affirmed and able to engage in the discomfort that is necessary for transformative learning.

In other words, DEI programming equips faculty and administrators to create the conditions for what Uma Jayakumar and I call “dynamic diversity.”<sup>1</sup> Dynamic diversity refers to the interactions and educational environments that promote mutual understanding across racial differences and equip students to become effective leaders in our society.

I would not be able to provide the same high-quality educational experience that I give students without DEI programming and structures in place that help equip me and my colleagues with the tools and skills necessary to promote “dynamic diversity” within and outside the classroom.

#### **DEI Initiatives Promote Mutual Understanding and Individual Dignity**

Not having DEI structures in place can have a range of negative outcomes for students. When educators do not have the skills to support cross-racial interactions or to understand the racial dynamics that can impede students from participating in the classroom, they inhibit classroom interactions and even inadvertently contribute to negative cross-racial interactions. Such negative interactions are associated with unfavorable outcomes, such as reductions in civic engagement, self-confidence, and moral reasoning skills.

Students are also harmed when they are not able to engage across racial differences. White students in particular are prevented from understanding the experiences of fellow students with different racial and ethnic backgrounds. Research has consistently shown that the benefits of interactions across race are greater for white students as these interactions help them to become more socially aware and develop the capacity to be more effective leaders in our multiracial democracy.

Even the U.S. Supreme Court’s decision in *Students for Fair Admissions v. Harvard* (2023), which limited race-conscious policies in postsecondary admissions, endorses the importance of practices on college campuses that promote diversity, equity and inclusion. As Chief Justice John Roberts expressly noted in the opinion: “nothing in [the] opinion should be construed as prohibiting universities from considering an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise.” That clarification, and the Court’s rationale in the majority opinion, endorses an approach to educational policy that seeks to ensure students are treated fairly and with dignity.

By attending to how race shapes students’ experiences, DEI policies help institutions of higher education to create the conditions on college campuses that allow all students to be treated with dignity and respect. To achieve this, it is critical for colleges to provide learning environments that help students overcome racial biases. Growing up in a society that has been historically divided across racial lines means that students are not immune from holding racial stereotypes. The way to overcome these biases is by learning across our differences.

When racial biases are not addressed or confronted, educators, whether they intend to or not, can perpetuate racial discrimination. This phenomenon has been documented in the K-12 context, in which race-based beliefs play out in white teachers’ lower expectations for students of color or in a disproportionate number of disciplinary actions and special education referrals for African American boys. These beliefs help to reinforce inequities because race-based expectations have real implications for how students perform in schools.

#### **Reversing Course Entrenches Racial Inequities**

As I have summarized elsewhere, not having DEI policies would greatly exacerbate racial and ethnic inequities in society more broadly.<sup>2</sup> In my work as a scholar examining the implications of educational policies for student access and success, I have found that banning race-attentive educational policies, such as race-conscious admissions processes, leads to substantial declines in the representation of students of

color, not only at selective colleges and universities, but across graduate fields of study,<sup>3</sup> and in schools of medicine.<sup>4</sup>

A decline in racial and ethnic diversity across these educational sectors reduces the variety of perspectives available to foster innovation,<sup>5</sup> tackle complex research problems, and advance scientific inquiry, particularly in fields such as engineering and the natural sciences. Given the already minimal representation of students of color in graduate education, these declines have significant consequences for the educational experiences of all students in the programs and long-term effects on faculty diversity across all of these fields as graduates enter the academic job market. Moreover, because elite and graduate institutions remain an important part of the trajectory to positions of power and influence in the United States, these consequences are devastating.

And the consequences are most acute in health care, where racial and ethnic health disparities remain and where a racially diverse medical workforce improves quality of care and health outcomes for all. A diverse medical force is critical for addressing the crisis in the health and healthcare of minoritized racial and ethnic populations. A racially and ethnically diverse medical workforce provides more positive interactions between patients and healthcare professionals, and greater access to healthcare for diverse and underserved populations. Studies show, for example, that patients of color are more likely to seek care from practitioners with whom they share a common race, ethnicity, or language.

Racial and ethnic diversity in medical education enhances cross-cultural learning and competencies all practitioners need to treat a diverse patient population. And close examination of medical school graduates indicates that professionals of color are more likely than their non-minoritized peers to practice in minoritized and medically underserved communities. In sum, without DEI initiatives in medical schools, communities of color are likely to suffer not just from the quality of health care they receive but also from its very availability, as fewer professionals of color are available to serve them.

Without race-attentive policies like DEI initiatives on college campuses, we all suffer.

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**Liliana M. Garces, Ed.D.** is the W.K. Kellogg Professor in the College of Education at the University of Texas at Austin. She also holds courtesy appointments at the UT School of Law and the Center for Mexican American Studies.

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**Expert Response**

Dr. Joy Gaston Gayles

After calling the March 7 hearing to order, the Higher Education and Workforce Development Subcommittee Chair Burgess Owens (R-UT) likened DEI to cancer. I agree with Ranking Member Suzanne Bonamici (D-OR) that making such a comparison is offensive (and I will add excessive) to people who have experienced and died from cancer. Several expert witnesses and committee members shared other outrageous remarks about DEI on college campuses during the two-hour hearing. As I listened, I was shocked, but not surprised by the misunderstandings, exaggerations, reckless use of terminology, and incomplete and inaccurate information shared by expert witnesses and several committee members.

After the unjust murders of George Floyd, Breonna Taylor, Ahmaud Arbery, and many other Black and Brown Americans, many organizations, including higher education institutions, committed to doing more to help America live up to its promise of life, liberty, and justice for all humans by trying to address injustices and promote the value of diversity and diverse perspectives.

I had the pleasure of serving as Senior Advisor for Advancing Diversity, Equity, and Inclusion in the College of Education at my institution. All efforts during my 2.5-year experience in the role were devoted to engaging in courageous conversations, bringing people together to learn about historical and present-day examples of exclusion, helping people in our college heal from prior trauma they had experienced, and increasing knowledge and awareness about issues still facing minoritized and underrepresented people in this country. In doing this work, I aimed to center love, compassion, and critical hope to help guide us to knowing and doing better to improve the culture and climate in the college for everyone. Nothing about our work was divisive, excessive, or ineffective. Instead, it brought our college community together, helped people on the margins feel seen and heard, and enabled us to articulate and name individualistic, unhealthy, and toxic behaviors that ultimately erode workplace culture. Thus, hearing such false narratives about the purposes, functions, and outcomes of DEI efforts during the March 7 hearing caused me to think about the real agenda behind attacks on DEI.

Gaslighting is a commonly-used abusive tool to manipulate and control people. Psychologists define it as one person's efforts to undermine another person's confidence and stability using psychological manipulation, causing the target to question and doubt their sanity, senses, beliefs, and/or experiences.<sup>1</sup> A key characteristic of gaslighting is the use of manipulation to gain control, usually to achieve a hidden agenda. While gaslighting has been studied mostly in relationships between people, scholars have expanded the discussion to consider how this tactic is used in other domains, including politics. In this case, conservative leaders are using their privilege and power to undermine efforts to diversify and increase a sense of belonging for underrepresented students and employees on college campuses using rhetoric that is filled with misunderstandings, incomplete and inaccurate information, and lies to convince our country to doubt, question, and discredit the importance of DEI efforts.

Another key characteristic of gaslighting is using master narratives as a diversion tactic. Master narratives involve stories riddled with inaccurate, half-truths about a phenomenon that, in the case of political agendas, are repeated until they are normalized as truth. Several master narratives were used in the March 7 hearing to obscure documented systemic oppression and structural barriers that create disparities for people. Another characteristic of master narratives is that instead of acknowledging structural barriers and systemic patterns of discrimination, underrepresented groups are blamed for their circumstances.

A clear example of this in the hearing was when Representative Bobby Scott (D-VA) posed the question about the disproportionate cases of maternal deaths for Black women and how that crisis could be addressed in earnest without considering race. Instead of acknowledging the structural barriers in medicine and the lack of attention given to how medical issues uniquely affect Black women, Dr. Stanley Goldfarb, one of the expert witnesses, dismissed and ignored the root of the problem. In essence, by not recognizing the structural and systemic inequities that Black women face, as has been proven by research, it seemed he was blaming Black women for their maternal mortality. Master narratives, including those presented in the March 7 hearing, are powerful. Given that reality is socially constructed, master narratives shape how people perceive the world and where they fit and do not fit within it.

A second master narrative repeated in the hearing is the notion that DEI is divisive because it represents a worldview that all white people are racist. Scholars who study race challenge the tendency to narrowly define racism as individual acts of bias and discrimination of one person towards another. Defining racism in this way limits our ability to dismantle it. It is harder to see and account for how people behave towards each other compared to documenting and analyzing discriminatory patterns over time. Thus, by defining racism at the institutional level, rather than at the individual level, one can clearly see systematic advantages afforded to people based on the dominance of their social identities, not limited to race. Such systematic advantages are afforded to people based on gender, social class, disability status, religion, sexual orientation, and age. Because such advantages and disadvantages exist structurally, the argument for meritocracy quickly turns into a myth.

Another master narrative that repeatedly emerged during the hearing suggests that DEI is the root reason for identity politics because it divides people into groups and fosters divisiveness. The origins of grouping people based on social identities, such as race, did not start with DEI. This practice has been in place since the founding of this country for economic and sociopolitical purposes. In her book, *Caste: The Origins of Our Discontents*, award-winning journalist Isabel Wilkerson provides an insightful account of the unspoken caste system in the United States that has existed since its founding.<sup>2</sup> People in this country have historically been ranked for the purposes of power and control.

Michael Omi and Howard Winant's groundbreaking book, *Racial Formation in the United States*, is a classic text that provides a useful framework for understanding racial categories and how and why they change.<sup>3</sup> The authors conclude that racial formation is a process by which racial identities are created, lived out, transformed, and destroyed for political purposes. Efforts to dismantle DEI fit within this framework, as race is not biological. Instead, it is socially constructed for sociopolitical purposes. We have experienced this throughout the history of the United States with the one-drop rule for determining who is Black in America and the three-fifths compromise between southern and northern states (which counted three out of every five enslaved people as human for economic and political control).

The final master narrative that I will highlight here, although there were many more communicated during the hearing, is the use of free speech to uphold dominant ideologies and strike down DEI. In a rational world, one would think you cannot have it both ways. However, free speech is commonly used to demoralize, discredit, and condemn diversity, equity, and justice. In fact, many people who exercise their free speech in this way have been violent, causing harm to people in the process, and are not held accountable for their inappropriate actions by colleges and universities. The purpose of higher education is to promote the free exchange of ideas and perspectives through engaging critical thinking skills to solve complex problems. Yet, DEI efforts and initiatives are not considered under free speech. It begs the question: free speech for whom and for what purposes? Free speech is upheld to protect dominant narratives, but when diverse perspectives backed by evidence and thoughtful analysis are entered into

the discourse, speech is restricted and banned. This was evident in Dr. Erec Smith's (an expert witness in the March 7 hearing) recommendation to audit faculty who discuss DEI issues in classrooms, which is a direct infringement on academic freedom and free speech.

In closing, Americans must be careful about and aware of tactics of mass distraction, such as false narratives used to push political agendas and maintain white dominance. It is irresponsible for politicians and leaders to create political and racial spectacles out of consequential social problems faced by people on the margins of our society. This point was underscored in Rep. Bonamici's opening remarks, recognizing the value of DEI efforts in expanding access to underserved populations and providing support to increase belonging and inclusion as underserved students remain few in number on predominantly white campuses. Rep. Bonamici further pointed out that the committee should engage in a more productive conversation about critical issues of concern, such as student mental health and food insecurity, instead of attacking DEI programs on college campuses. Unfortunately, political and racial spectacles run rampant in politics.<sup>4</sup> Naming and increasing public awareness about how politics of misinformation function through false claims, master narratives, and political and racial spectacles to captivate the public's imagination and reinforce sociopolitical dominance is imperative.

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**Joy Gaston Gayles, Ph.D.** is the Alumni Association Distinguished Graduate Professor and head of the Educational Leadership, Policy, and Human Development Department at North Carolina State University. She also is a past president of the Association for the Study of Higher Education.

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**Expert Response**

Dr. Shaun Harper

More than two decades of experiences as a tenured faculty member at three major research universities, founder and executive director of an interdisciplinary research center, speaker and consultant to hundreds of postsecondary institutions and other organizations, and public intellectual uniquely poise me to discredit the bevy of lies, misinformation, disinformation, and misunderstandings conveyed in the March 7 congressional hearing.

Having previously testified twice to the U.S. House of Representatives, I recall taking the responsibility so seriously – being thoughtful, thorough, meticulous, and above all, truthful was so important to me. As is the case in all my professional capacities, perspectives I articulated in those hearings were grounded mostly in evidence, less so in my own personal opinions, and not at all in unsubstantiated hearsay. Disappointingly, many congresspersons and witnesses did not hold themselves to the same high standard of rigor and honesty in the hearing that recklessly aimed to convince the American people that DEI is “divisive, excessive, and ineffective.” This infuriated me. It was shameful. Our democracy deserves better.

Below, I write from my standpoints as a researcher, practitioner and public intellectual, and professor who teaches DEI-focused courses. I juxtapose what I know to be true with several myths shared during the hearing. Examples from numerous contexts, as opposed to anecdotes from only a small few, are what I have chosen to present herein.

**Research Evidence**

I have authored more than 100 peer-reviewed journal articles, research reports, and other academic publications, plus an additional 125 newspaper and magazine articles. My research has been cited in more than 23,000 published studies spanning a vast array of academic fields and disciplines, as well as in multiple amicus briefs submitted to the U.S. Supreme Court. “Nine Themes in Campus Racial Climates and Implications for Institutional Transformation,” a book chapter I co-wrote with UCLA Professor Sylvia Hurtado in 2007, is my most-cited paper.<sup>1</sup> In it, we synthesized 15 years of published research on campus racial climates, including, but not limited to our own studies.

That body of scholarship has since multiplied and the results continue to overwhelmingly show that too many U.S. colleges and universities struggle with racial conflict, fail to provide culturally-relevant curricula and culturally-responsive classrooms to students of color, and reproduce racialized outcomes gaps that are partly attributable to encounters with racism and racial stress on campuses. None of those studies show that DEI offices and the people who lead them play any role in manufacturing, maintaining, or exacerbating these problems.

Like me, Dr. Hurtado is a past president of the Association for the Study of Higher Education; and we both have been inducted into the National Academy of Education, which means we are serious and highly-respected scholars. In addition to the 15-year research synthesis, our chapter includes a presentation of these nine themes that emerged from qualitative campus climate assessments I had recently conducted at five large, predominantly white universities in three different geographic regions of the country:

1. Cross-Race Consensus Regarding Institutional Negligence
2. Race as a Four-Letter Word and an Avoidable Topic
3. Self-Reports of Racial Segregation

4. Gaps in Social Satisfaction by Race
5. Reputational Legacies for Racism
6. White Student Overestimation of Minority Student Satisfaction
7. The Pervasiveness of Whiteness in Space, Curricula, and Activities
8. The Consciousness-Powerlessness Paradox Among Racial/Ethnic Minority Staff
9. Unexplored Qualitative Realities of Race in Institutional Assessment

Professor Hurtado and I published these themes 17 years ago. Sadly, every one of them endures across hundreds (perhaps thousands) of higher education institutions today. Chief diversity officers and other DEI professionals dividing and indoctrinating students has never emerged as a theme because it is, at most, an incalculably rare occurrence on campuses.

Beyond the first five highlighted in the chapter I co-authored with Sylvia, I conducted dozens more qualitative campus racial climate studies on my own in the early years of my faculty career. In 2011, I founded the Center for the Study of Race and Equity in Education at the University of Pennsylvania (now known as the USC Race and Equity Center). Conducting campus racial climate studies was a flagship activity of the center. Our work typically entailed sending a team of researchers to a campus for 3-4 days to conduct racially homogeneous focus group interviews with people of color and their white counterparts. While some of our climate assessments focused exclusively on employees, the overwhelming majority included only student participants.

Altogether, before and after the center's founding, research team members and I have conducted qualitative climate assessments at more than 60 colleges and universities. Over and over again, the nine themes that Dr. Hurtado and I documented in 2007 emerged in subsequent qualitative climate assessments. But there are a few noteworthy additions to the list. First, on all but one campus, at least one Black student (sometimes several) had been called a nigger by a white person – mostly by white peers, occasionally by white faculty and staff members. Second, students did not talk much about explicit encounters with racism at the five universities highlighted in my and Sylvia's chapter. They did on subsequent campuses.

White sorority members putting on blackface and 'acting ghetto' is one example. White fraternity members dressing up as Mexican border crossers and ICE agents for deportation theme parties is another. Finding nooses hanging on campus statues of Martin Luther King, the first Black graduates, and other influential people of color is another. Racial epithets spraypainted on the doors of ethnic culture centers, white supremacist group recruitment flyers stapled to trees and bulletin boards throughout campus, racist and threatening emails sent only to students of color, and death threats to student leaders of color is just a handful of additional examples students have offered in our interviews with them. Participants often expressed frustration and disappointment with the inadequacy of most institutional leaders' responses to incidents like these. Categorically, there was one exception to this: almost always, it was culture center staff, ethnic student organization advisors, multicultural affairs directors, and chief diversity officers whom students of color said supported them most during such devastating times. Those are among the professionals whom congresspersons and witnesses dismissively and ignorantly referred to as DEI officers during the March 7 hearing.

In 2019, my center launched the National Assessment of Collegiate Campus Climates (NACCC), a peer-reviewed quantitative survey that is based largely on our many years of findings from qualitative studies. The first version of the NACCC is for students; we created staff and faculty versions in 2022 and 2023, respectively. More than 160 colleges and universities have participated. These are population surveys –

meaning, every student on campus receives the student survey, as opposed to only a subsample; the same with staff and faculty. Findings from this trio of surveys are too voluminous to present here. But based on the combination of quantitative results from the NACCC surveys and findings from all our qualitative campus racial climate assessments, here is one thing I can confidently declare: significantly more, not fewer DEI professionals are needed to help fix racial problems at U.S. colleges and universities.

### **Fieldwork Evidence**

The United States Air Force, Nike, Google, Microsoft, T-Mobile, Mattel, NBCUniversal, Abbott, Zoom, Anheuser-Busch, Sempra Energy, National Football League, Major League Baseball, New York City Department of Education, Los Angeles Unified School District, Harvard University, Princeton University, and Stanford University are among the more than 400 businesses, government agencies, organizations, and institutions with which I have done DEI-focused strategy advising, research and assessment, speaking and professional learning, and leadership coaching. Also, through my center, I created racial equity leadership alliances for 68 community colleges throughout California, 71 liberal arts colleges across the U.S., and nine California State University campuses. Center colleagues and I have also done DEI work with hundreds of additional postsecondary institutions spanning every geographic region of the country.

Working with so many organizations and institutions affords me deep insights into the realities of DEI. I know for sure that it is not what most critics, including those who spoke during the March 7 hearing, say about it. They are wrong. Over the years, I have not met a DEI professional whose aim it was to divide people. Undoubtedly, some have inadvertently done so; maybe a very small number did so intentionally. Excluding unvetted self-proclaimed consultants whom campus leaders sometimes haphazardly find on LinkedIn, I conservatively estimate that no more than 2% of full-time DEI professionals in higher education and other industries do their work in divisive ways. I am obviously most familiar with what we do at the USC Race and Equity Center. Neither my colleagues nor I divide or harm people who pay us to perform various DEI activities for their employees and students.

That DEI offices are bloated and excessively financed is among the many particularly absurd assertions made during the March 7 hearing. Almost all organizations with which I work have inappropriately tiny DEI budgets relative to their size and the magnitude of their DEI-related challenges and opportunities. Chief diversity officers in most higher education, corporate, and governmental contexts are understaffed; they are expected to do too much with too few human and fiscal resources.

The National Association of Diversity Officers in Higher Education (NADOHE) surveyed 261 CDOs in 2023. Forty-four percent had between zero and two full-time employees and 71.6% had annual operating budgets below \$300,000. Nearly a third (32.2%) had annual operating budgets of \$39,000 or less, NADOHE reports.<sup>2</sup> These survey results are consistent with what I see and hear in my fieldwork. Given their global footprint and the number of people they employ, it is often shocking to me how small the DEI budgets are at many large corporations. I am similarly dismayed by the DEI officer to student, faculty, and staff ratios at most higher education institutions. Such underinvestment makes colleges and universities extremely susceptible to mission breach, perpetual homogeneity, stratification, sustained and exacerbated inequities, cross-cultural conflict, hate crimes, and lawsuits.

A portion of my fieldwork entails translating for public audiences what I learn from my research and from DEI work I do with institutions and organizations. I have done this through interviews on CNN, MSNBC, ESPN, PBS, NPR, and the Dr. Phil Show. My nine-episode “Race in the Workplace” video series is publicly available on the *TIME* magazine website. More than 3 million people have read DEI-focused articles I have

published in the *Washington Post*, *Forbes*, *Los Angeles Times*, *Rolling Stone*, *Ebony*, *Diverse Issues in Higher Education*, *Inside Higher Ed*, and the *Chronicle of Higher Education*. I offer all this as evidence to counter the ridiculous generalizations that obstructionists make about DEI work. None of what I listed here inflicted harm or aimed to divide millions of people – my engagement as a public intellectual does the exact opposite, in fact. Honestly, I do not know enough about Marxism to teach it. Critical Race Theory is too sophisticated and academically too complex to include in campus and corporate workshops or in various forms of media that I leverage to educate everyday Americans about DEI.

I have been in many audiences where Lori Patton Davis expertly spoke about intersectionality, the educational experiences of Black girls and women, and culture centers on college campuses. I have heard Lilita Garces offer incredibly useful guidance to practitioners and policymakers on Affirmative Action. On numerous occasions, I have benefited from presentations by Victor Sáenz on Latino male collegians, Toby Jenkins on cultural affirmation and appreciation, Walter Kimbrough on DEI at Historically Black Colleges and Universities, Lisa Wolf-Wendel on working mothers and gender equity, and Joy Gaston Gayles on Black student-athletes. Eddie Cole's professional learning sessions on teaching truths about America's racial history have taught me much. I seriously doubt that those who seek to destroy DEI have been in rooms where these scholars and others like them use their brilliance and research to improve colleges and universities. If they had, there is no way they would make such erroneously universal claims about the evilness of DEI work. It is therefore obvious to me that they are condemning something that they have experienced either too infrequently or perhaps not at all.

#### **Classroom Evidence**

Over the past 21 years, I have been a professor at the University of Southern California, Penn State University, and the University of Pennsylvania. Before that, I developed and taught courses for undergraduates during my three years as a Ph.D. student at Indiana University. Every class I have taught has had a heavy DEI emphasis, including those on research methods and intercollegiate athletics. No student has ever accused me of indoctrination. The course I have taught the longest is on Critical Race Theory in Education. Graduate students almost unanimously say two things about it: (1) it is their first introduction to CRT, they were not exposed to it in their K-12 or undergraduate schooling experiences; and (2) it should be a required course for all students in the graduate school of education. MBA students say the same things about the DEI in Business course I teach at USC.

I am the only person who has been to every one of my classes over the past 24 years. I am the only person who has read every one of my syllabi and course evaluations. DEI opponents, including the Republican congresspersons and witnesses who spoke at the March 7 hearing, therefore ought not make sweeping generalizations about what occurs in my or other professors' DEI courses. Surely, I am just one of many, many, many faculty members who teach DEI in rigorous, responsible ways. Treating wild anecdotes about DEI classroom catastrophes as universal examples is offensive to those of us who work extra hard to teach potentially divisive concepts in inclusive, yet honest ways.

DEI opponents' unverified claims should not be taken seriously in the absence of rigorous, systematic analyses of several thousand syllabi from colleges and universities across the nation; thousands of hours of classroom observations on hundreds of campuses; interviews with hundreds of faculty members who teach DEI courses to better understand our aims and methods; quantitative surveys and qualitative interviews with millions of collegians to more deeply understand their appraisals of the appropriateness and impact of DEI-related content they are being taught; and data about students' experiences in DEI-specific courses, disaggregated by gender, race, socioeconomic background, disability status, sexual



orientation, religion, major, class year, other demographic variables, and institution type. Elected officials at local, state, and federal levels most certainly should not continue to make policies that ban or defund DEI initiatives in the absence of this caliber of evidence. Doing so is harmful to our democracy.

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**Shaun Harper, Ph.D.** is University Professor and Provost Professor of Education, Public Policy, and Business at the University of Southern California, where he holds the Clifford and Betty Allen Chair in Urban Leadership. He also is founder and executive director of the USC Race and Equity Center, a past president of the American Educational Research Association, and a past president of the Association for the Study of Higher Education. He was inducted into the National Academy of Education in 2021.

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**Expert Response**

Dr. Toby S. Jenkins

I have worked in higher education for more than two decades. Prior to becoming a professor and academic administrator, I spent 10 years working in a range of diversity, equity, and inclusion leadership roles at the University of Maryland and Penn State University. I also teach, publish books and articles, organize events and creative experiences, and conduct research on an array of DEI-related topics. The blend of my scholarly and practitioner experiences therefore uniquely qualifies me to respond to four myths articulated in the March 7 congressional hearing.

**Myth 1: DEI Places the Jewish Community at the Top of the White Supremacy Structure.**

Organizations like the Anti-Defamation League (ADL) and the Safe-House Progressive Alliance for Nonviolence (SPAN) have been instrumental in raising awareness about the various forms and repercussions of hateful, biased, and extremist attitudes, beliefs, and actions. The ADL created the *Pyramid of Hate*,<sup>1</sup> while SPAN developed the *Pyramid of White Supremacy*.<sup>2</sup> These visual aids were discussed during the hearing as examples of DEI resources, illustrating how members of the Jewish community are positioned atop the structure of white supremacy. Neither pyramid singles out any specific group as the sole instigator or perpetuator of hate or extremism. Instead, they focus on attitudes, beliefs, and actions and highlight that such behaviors and attitudes can be held by anyone.

These DEI resources emphasize that racially-motivated hate can manifest in various forms, from overt acts of violence to subtler expressions such as comments or personal beliefs. The pyramids organize these behaviors in a progressive manner, demonstrating how attitudes and actions escalate in complexity and severity. At the apex of the white supremacy pyramid lie acts of genocide, not attributed to a particular group, culture, or race.

Salaam Shalom, an organization comprised of Jewish and Muslim women committed to fostering dialogue and understanding,<sup>3</sup> epitomizes the essence of genuine DEI efforts. Their aim is to bridge divides and combat religious-based hate by facilitating learning and interaction between communities. Co-founded by Sheryl Olitzky, a Jewish woman, Salaam Shalom utilizes the Pyramid of White Supremacy as a vital educational tool to combat antisemitism. The documentary *Stranger/Sister* chronicles the journey of Salaam Shalom's founders, highlighting their belief in the power of unity and education to combat various forms of hate, including anti-Semitism, anti-Muslim sentiments, and racism.<sup>4</sup> This documentary showcases the compassionate and respectful dialogue that underpins DEI, offering a more authentic portrayal compared to the clip presented during the March 7 hearing.

**Myth 2: DEI Professionals Do Not Have Standards of Practice. This Leads to Programs that Exclude, Target, and Vilify Others.**

According to the National Association of Diversity Officers in Higher Education (NADOHE), diversity encompasses factors such as race, ethnicity, gender, age, sexual orientation, disability status, religion, national geographic origin, language use, first-generation status, socioeconomic status, and military/veteran status. In higher education, DEI administrative work is guided by 16 standards of professional practice, five of which directly address the misconception that DEI efforts are exclusionary. The standards presented below are directly quoted from the second edition of the NADOHE Standards of Professional Practice for Chief Diversity Officers document.<sup>5</sup>

DEI standards require professionals to be inclusive of a broad range of identities, populations, and dimensions of the human experience. DEI initiatives do not serve one group, they exist to serve all groups.

- **Standard One:** Chief diversity officers have ethical, legal, and practical obligations to frame their work from comprehensive definitions of equity, diversity, and inclusion – definitions that are inclusive with respect to a wide range of identities, differentiated in terms of how they address unique identity issues and complex in terms of intersectionality and context.

DEI standards require professionals to help remove unfair barriers and exclusionary practices. DEI initiatives do not create exclusion, they exist to promote inclusion.

- **Standard Four:** Chief diversity officers work with senior campus administrators and, when appropriate, governing bodies (e.g., trustees or regents) to revise or remove the embedded institutional policies, procedures, and norms that create differential structural barriers to the access and success of students, faculty, and staff who belong to marginalized and oppressed groups.

DEI standards emphasize the importance of basing decisions and practices on evidence and data. Rather than promoting personal opinions or overarching philosophies, DEI efforts prioritize factual information and researched evidence to guide educational experiences, institutional policies, and professional practices.

- **Standard Seven:** Chief diversity officers are committed to drawing from existing scholarship and using evidence-based practices to provide intellectual leadership in advancing equity, diversity, and inclusion.

DEI standards mandate regular campus climate assessments to verify the effectiveness of current initiatives and pinpoint areas for improvement. DEI efforts cannot simply operate on college campuses without any form of accountability or reporting of outcomes.

- **Standard Eleven:** Chief diversity officers work to ensure that institutions conduct periodic campus climate assessments to illuminate strengths, challenges, and gaps in the development and advancement of an equitable, inclusive climate for diversity.

NADOHE standards necessitate that DEI administrators establish clear and accessible protocols and resources to handle hate-bias incidents. From online reporting platforms like the ones provided at Indiana University<sup>6</sup> and Penn State University<sup>7</sup> to physical diversity ombudspersons like those available at Clemson University<sup>8</sup> and the University of Mary Washington,<sup>10</sup> resources are provided to students seeking to report such incidents. Ensuring student protection from harm is a core principle of DEI practice.

- **Standard Thirteen:** Chief diversity officers work with senior administrators and campus professionals to develop, facilitate, respond to, and assess campus protocols that address hate-bias incidents, including efforts related to prevention, education, and intervention.

**Myth 3: DEI is not Connected to Civil Rights and Aligns with Marxism**

As per the U.S. Department of Health and Human Services, Civil Rights encompass the personal rights guaranteed to all United States citizens by the U.S. Constitution and legislation such as the Civil Rights Act of 1964 and the American Disabilities Act of 1990. These laws safeguard individuals from unlawful discrimination based on race, color, national origin, disability, age, religion, and sex.

The NADOHE Standards of Professional Practice mandate that diversity officers develop a comprehensive array of services, policies, and initiatives directly addressing an institution's responsibility to adhere to federal equal opportunity and nondiscriminatory laws (see standard fifteen below). DEI offices serve as foundational resources utilized by institutions to ensure compliance with civil rights regulations. DEI is inherently linked to civil rights, as one of its primary objectives is to prevent discrimination.

- **Standard Fifteen:** Chief diversity officers work closely with senior administrators to ensure full implementation of and compliance with the legal and regulatory requirements for the institution.

Marxism diverges from specific professional practices, services, or initiatives. Rather, it comprises philosophical ideas concerning economics and power dynamics. It serves as a theoretical lens for interpreting history and contemporary societal structures. The concept of diversity encompasses a broad range of social identities, races, cultures, and experiences. Marxism is not concerned with diversity. It instead focuses primarily on societal class divisions such as labor/worker versus capital/corporation. DEI efforts, in contrast, prioritize access and equal opportunity in education and the workforce, opposing Marxist principles that advocate for withdrawal from capitalist labor systems. While Marxism aims for an exit from capitalist structures, DEI initiatives aim to enlarge and diversify the U.S. workforce, thus educational and professional equity and inclusion are not central concerns within Marxism.

#### **Myth 4: DEI Jeopardizes the Focus and Quality of Medical Education**

DEI is vital to the medical field in numerous ways, including the following:

- **Discovery and Innovation:** Variety in perspectives is indispensable for fostering innovation. When team members bring diverse viewpoints, knowledge, and life experiences to the table, they can approach problems and solutions from various angles. This cognitive diversity is instrumental in generating creative and efficient resolutions to intricate scientific issues and healthcare challenges.
- **Growth of the STEM Workforce:** Representation is crucial. By incorporating racially diverse educators into medical fields, we broaden the spectrum of students who can identify with these disciplines. This diverse representation has the potential to ignite greater interest among students in pursuing medical careers. Achieving a more diverse racial composition among medical educators necessitates having faculty and educational administrators who are capable of conducting inclusive and impartial employment searches.
- **Racial Disparities in Healthcare:** In the realm of medical care provided to patients, the issue of inadequate healthcare for Black women extends beyond maternal health.<sup>10</sup> A recent study funded by the National Institutes of Health revealed that healthcare providers were less apt to recognize pain in the facial expressions of Black individuals compared to those of non-Black individuals.<sup>11</sup> This disparity led to a diminished likelihood of believing that a Black patient was experiencing severe discomfort or acute pain. The study participants reported

experiencing high levels of perceived discrimination, with a majority of women encountering discrimination within medical settings. Qualitative data provided context to these findings, illustrating their impact on patient-provider relationships and the development of medical mistrust.

- **Ethics in Medical Research:** In the realm of medical education and research, DEI learning plays a crucial role in preventing the recurrence of racially unethical research practices prevalent in U.S. medical history. For instance, notable cases such as Henrietta Lacks' story have underscored the necessity of informed consent in research.<sup>12</sup> Additionally, the longstanding history of medical violence against Black women committed by figures like gynecologist James Marion Sims highlights the importance of addressing racial bias in medical research.<sup>13</sup> Education on racial bias is integral to equipping physicians and medical researchers with the capacity to recognize how certain attitudes, beliefs, and actions can compromise professional ethics. By fostering an educational environment that addresses both contemporary and historical challenges and that highlights instances of racial harm and exclusion, we contribute to the cultivation of a workforce that is intellectually robust and ethically sound.

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**Toby S. Jenkins, Ph.D.** is a professor in the College of Education at the University of South Carolina. She also is Associate Provost for Faculty Development. Her seven books include *The Hip-Hop Mindset: Success Strategies for Educators and Other Professionals* (Teachers College Press, 2023).

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**Expert Response**

Dr. Walter M. Kimbrough

The March 7 congressional hearing had an obvious partisan focus, starting with its negative title, “Divisive, Excessive, Ineffective: The Real Impact of DEI on College Campuses.” In his opening remarks, Representative Burgess Owens (R-UT) suggested, without evidence, that DEI steers young Americans away from values, stifles free speech, and instead of valuing merit and intellectual competition, it prioritizes skin color. This is just one of several examples from the hearing where information was presented out of context to frame a narrative, which I explain below.

**Medical Schools and DEI**

Witness Stanley Goldfarb, a former professor at the University of Pennsylvania Perelman School of Medicine, declared that DEI is dangerous in medical schools. This statement completely ignores America’s history with discrimination in medicine and well-documented contemporary health disparities by race. Ensuring there is diversity in the medical profession, as well as equipping future healthcare providers with cultural competencies, is essential for our nation’s health.

The COVID-19 years provide a recent example of the impact of health disparities. The presidents of two historically Black colleges, Dillard University and Xavier University of Louisiana, penned a joint letter encouraging their campus communities to consider participating in COVID-19 vaccine trials.<sup>1</sup> The Xavier president is an immunologist with the requisite scientific background to support the initiative. Unfortunately, many people were upset and even outraged that the presidents of two HBCUs would make such a request.<sup>2</sup> The main reason was that people worried that this was another Tuskegee experiment. Risks increased, instead of decreased, for Black men in rural Alabama who participated in the U.S. Public Health Service’s study of untreated syphilis between 1932 and 1972.<sup>3</sup>

Numerous articles and reports during the COVID-19 pandemic noted the disparity in illness and death by race due to the coronavirus. In the early stages, people of color were impacted the hardest, having roughly twice the mortality of whites. After Black churches and grassroots organizations were convinced by Black healthcare professionals that the vaccines were safe, the impact shifted and eventually the white mortality rate was higher, with political party becoming a significant determinant.<sup>4</sup>

A large body of research confirms the health benefits of diverse medical professionals. For example, one study found that Black and Latino patients were more likely to positively rate a physician of the same race as them.<sup>5</sup> In addition, Black patients were more likely to receive preventative and more comprehensive medical care from same-race doctors. A later study arrived at the same conclusion, noting that “efforts to improve physician workforce diversity are imperative. Delivery of health care in a culturally mindful manner between racially/ethnically discordant patient-physician dyads is also essential.”<sup>6</sup> In his testimony, Goldfarb denied this research exists.

Finally, Goldfarb lamented scholarship programs targeted toward Black students to help diversify the pipeline while conveniently ignoring several realities. First, parental education is a strong predictor of medical school acceptance. With 28% of Black adults holding a bachelor’s degree versus 42% of whites, the gap begins to appear. It widens dramatically based on socioeconomic status, as a quarter of medical school students come from the richest 5%, but less than 2% of Black families come from that income bracket.<sup>7</sup>

By leaving out these facts and not allowing testimony to provide this perspective, the hearing provided inadequate substance for a robust conversation grounded in truths.

#### Differing Worldviews

In the hearing, Representative Glen Grothman (R-WI) and witness Dr. Erec Smith pondered the importance of worldview. The premise of Rep. Grothman's concern was that people should not want someone with a lower MCAT score treating them as their doctor. MCAT scores are only for entrance into medical school. To become a physician, one must complete medical school and pass board examinations. The exchange between these two men during the hearing indicated a lack of understanding of how one becomes a doctor.

Rep. Grothman later said to Smith, "If some guy's got a grandmother who was born in Norway and somebody else has a grandmother that was born in Honduras, that that colors their worldview or they'll be different better or worse or bring something different to the engineering firm or whatnot. What do you think about this idea that the way you think is determined by ancestors who you may never have met? Maybe the grandmother died before he was born, but still these DEI professionals want to break you out and say you're different." Smith, a Black man and professor, replied, "DEI undergirded by critical social justice skirts individuality, it's all about group consciousness. Group consciousness is necessary for this ideology because if we have individuals then we have individual people with their own individual lives and histories that cannot be predetermined based on their skin color."

The simple irony is that this hearing took place in the U.S. House of Representatives, where no matter what the issue is, people have completely different worldviews even with objective realities before them. Put differently, many perspectives are predetermined based on political party. Some members of Congress believe the 2020 election was stolen despite dozens of lawsuits and investigations that proved otherwise. Group consciousness also varies as congresspersons bring different memories of what happened on January 6, 2021 to the House floor. Conservative lawmakers in the hearing attacked DEI and argued for merit, but were silent when the former president selected his son-in-law to lead particular foreign affairs despite not qualifying for a security clearance. Group consciousness is also evident when some members of Congress call for rule of law, yet collectively support a candidate with numerous indictments and adjudications against him. These are just a few strikingly paradoxical examples of how membership in a group shapes one's worldviews and behaviors.

#### DEI Bloat

Witness Jay Greene based much of his testimony on his 2021 report, *Diversity University: DEI Bloat in the Academy*, published by the Heritage Foundation.<sup>8</sup> In his testimony, Greene focused on the number of DEI professionals at Power 5 athletic conferences. The schools averaged about 45 DEI professionals, with the University of Michigan having the most. In fact, Rep. Owens cited a *College Fix* report in his opening statement, indicating the University spent \$30 million annually on DEI staff and programs.<sup>9</sup>

For perspective, the fiscal year 2024 budget for the University of Michigan is \$13.4 billion.<sup>10</sup> If the \$30 million is accurate that would make DEI spending 0.2% of the entire university budget. For further perspective, according to the Knight-Newhouse College Athletics database, in fiscal year 2022 the University of Michigan incurred \$195 million of expenses on athletics while generating only \$210 million in revenue.<sup>11</sup> The major revenue-generating sports, football and basketball, rely heavily on unpaid Black athletes who in most cases would not qualify for admission under the regular standards of the institution.



This helps explain why, according to a 2019 news story, 80% of Michigan football players were general studies majors.<sup>12</sup>

In his testimony, Greene stated that the campus climate is worse at places with more DEI staff, it enflames intergroup tension, and that there is nothing to show for the efforts of these DEI offices. In the Heritage Foundation report, Greene and his co-author compared institutions' campus climate surveys without noting that they used different instruments and methodologies, making it impossible to generalize that a school with fewer DEI professionals had a better climate because of fewer staff. It also ignores schools that have fewer DEI professionals and worse campus climates.

Greene does not try to prove that campus climates have gotten worse even with more DEI professionals. He could have looked at the University of Michigan's 2021 student campus climate report.<sup>13</sup> This document acknowledges the changes in the samples surveyed (with 2021 more diverse than 2016), and that the decrease in overall satisfaction comes after a year of unrest in 2020. In looking at the full context of the study, they write:

"Although they reported being less satisfied with the overall climate at U-M than the 2016 sample, in general, students in the 2021 sample reported positive assessments of the impact that DEI 1.0 has had at U-M. Specifically, 57% of the students rate the current DEI climate as being somewhat or much better than the DEI climate at the start of the DEI strategic plan in 2016. Only 6% rated the DEI climate as being somewhat or much worse. In addition, 40% of the students were satisfied or very satisfied with the progress that was made via the DEI plan since its implementation compared to 11% who reported being dissatisfied or very dissatisfied with the progress." (p. 3)

Greene's testimony, like that of the other Republican witnesses, completely lacked context as he compared apples and oranges to make a point. Kevin Cokley, University Diversity and Social Transformation Professor of Psychology and Associate Chair for Diversity Initiatives in the largest academic school at the University of Michigan, pointed out the cherrypicking of statistics, citing a university spokesperson who noted, "there is no specific budget set aside for DEI and that the figures compiled by Perry [a retired University of Michigan-Flint economics professor] include employees whose primary responsibilities extend beyond DEI-related activities."<sup>14</sup>

The lone witness allowed by the Democrats, James Murphy, Director of Career Pathways and Postsecondary Policy at Education Reform Now, succinctly pushed back on the redefinition of DEI as it relates to equity, noting that equity does not mean pursuing equality of outcomes, but rather it is about equality of opportunity and fairness. Murphy concluded his opening remarks by insisting, "the current wave of attacks on DEI offices should be understood for what they are: excessive, divisive ideological assaults on some of the basic principles of our democracy and of academic freedom."

Clearly, the purpose of the March 7 hearing was to further the attacks on DEI, yet most of the testimony provided only further revealed that the assaults on DEI are purely ideological. Future hearings should explore present-day realities in America and consider how DEI can play a role in building a more perfect union.

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**Walter M. Kimbrough, Ph.D.** is executive in residence at the USC Race and Equity Center. He served as the 7th president of Philander Smith College and the 12th president of Dillard University, two HBCUs.

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**Expert Response**

Dr. Julie J. Park

A number of troubling, misleading, and spurious claims were made during the March 7 hearing. As a researcher studying issues related to race, religion, and socioeconomic status in higher education, below are some of my thoughts on various points that congresspersons and expert witnesses raised.

One claim made during the hearing is that no empirical evidence exists that DEI work can improve inclusion, retention, and graduation in higher education. On the contrary, various studies document the relationship between work supported by student-facing DEI offices (e.g., fostering positive intergroup relations, diversity-related programming or coursework, and involvement in student organizations) and numerous outcomes relevant to inclusion, retention, and graduation. For example, as related to inclusion, in a meta-analysis of studies on curricular and co-curricular efforts reflecting engagement with diversity (including the type of efforts often sponsored by DEI-related offices), Nida Denson found that such engagement was consistently linked with reductions in racial bias, a key component of promoting a healthy and positive climate.<sup>1</sup> Also, Lochs et al. found that positive interactions with peers from racially diverse backgrounds – a practice that DEI offices with student-facing programming often seek to promote – was linked with a greater sense of belonging and inclusion for students across campus.<sup>2</sup>

Regarding retention and graduation, a number of studies point to a positive relationship between engagement in diversity-related programming, coursework, or positive intergroup relations and academic-related outcomes. Analyzing data from the Student Experience in the Research University Study, Eugene Parker found that for Black students, more positive perceptions of campus climate (which diversity, equity, and inclusion-related offices seek to support) were linked with higher GPA, greater academic engagement, and satisfaction with academic and social experiences during college.<sup>3</sup> Further, frequent interactions across race/ethnicity, which DEI offices often facilitate, has been linked with greater intellectual engagement during the first year of college, an outcome beneficial for retention and graduation.<sup>4</sup>

Taking diversity-related coursework has been linked with higher GPAs in the first year of college.<sup>5</sup> Such courses are also linked with greater gains in interest in ideas and more effortful thinking for students of all backgrounds,<sup>6</sup> which are both pivotal to supporting a positive academic experience. Openness to diversity, which DEI offices often seek to support, was linked with higher first-year GPAs and first-to-second year retention.<sup>7</sup> Involvement in cultural awareness workshops during college, the type of event often sponsored by student-facing DEI offices, has been linked with greater involvement in volunteer work and engagement in leadership six years of college,<sup>8</sup> showing how involvement in diversity-related programming during the college years may spur benefits important to society and civic engagement.

Oddly, during the March 7 congressional hearing, the claim was made that campus climate is worse at universities with larger numbers of staff positions allocated to supporting goals related to DEI. As stated during the hearing: “For example, students at the University of Michigan with 163 DEI staff report being less satisfied with campus climate than those in Mississippi State with only 12 DEI staff.” However, correlation is not causation. The larger number of staff supporting DEI goals employed at the University of Michigan is likely a byproduct of its Ann Arbor campus being a substantially larger institution (both as pertaining to students, faculty, and staff) as well as the complexity of its infrastructure (e.g., hosting a medical school, hospital, law school, and other entities that do not exist at Mississippi State). At the same time, discontent with the campus climate at a particular institution is not necessarily a byproduct of having a larger infrastructure to support DEI, as claimed during the hearing.

Students at the University of Michigan may be more dissatisfied with the campus climate for a variety of reasons that are unrelated to the number of DEI staff positions. Quite justifiably, they may be frustrated at the low Black student enrollment, which has suffered since the state passed Proposition 2 that banned race-conscious admissions in 2006. Higher levels of demographic diversity has been linked with greater satisfaction with student body diversity.<sup>9</sup> Thus, a lack of satisfaction with diversity may be in part a byproduct of issues that go beyond the number of staff with roles dedicated to supporting DEI at the institution. Numerous other issues may make them express dissatisfaction, such as the low enrollment of low-income students, the drop in enrollment of Native American students, and other issues.<sup>10</sup>

Additionally, while 163 may seem like a large number, it is worth considering that overall (including the hospital), the University of Michigan employed 38,580 regular-status (i.e., full-time) staff in 2023.<sup>11</sup> Even without hospital employees, the University employed 18,422 staff, meaning that employees who support DEI goals are a relative “drop in the bucket” out of the much larger number of staff it takes to lead a complex and large institution.

One of the most troubling claims made during the hearing was that diversity in research labs is irrelevant to scientific discovery and advancement. On the contrary, expanding participation in STEM and research among historically underrepresented populations (e.g., Black, Latinx, and Indigenous individuals) is crucial for innovation, discovery, and competitiveness in a global economy. The work of Scott Page has highlighted how diverse teams are more likely to come up with innovative solutions, likely because such groups often avoid the “groupthink” that can steer organizations away from taking risks or identifying unconventional solutions to problems.<sup>12</sup>

Supporting diversity in research labs is not only critical among racially minoritized populations, it is also vital to supporting the full participation of women in STEM.<sup>13</sup> Unfortunately, numerous studies document that both racial/ethnic and gender bias is pervasive in STEM classrooms, labs, and group project work outside of class,<sup>14</sup> pushing out talented individuals and making it more difficult to harness the full potential of talent development. Thus, advancing DEI within STEM is crucial for recruiting and retaining talent, which in turn is vital to innovation and scientific discovery.

Another claim made was that DEI work lumps people into monolithic groups, categorizing them as oppressor or oppressed on the basis of group membership. On the contrary, DEI work, if done well, can challenge and deepen individuals’ understandings of identities and different communities. Through such work, students can be challenged to think about the diversity that exists within communities, showing that there often is not a neat and tidy bifurcation between “oppressed” and “oppressor.” The claim made during the hearing seems to be more a caricature or overblown perception of what diversity programming and education seeks to foster.

Similarly, during the hearing, the claim was made that diversity and inclusion efforts will deem a group as an “oppressor” if they are numerically overrepresented in certain sectors of higher education. Once again, this claim appears to be a misunderstanding or deliberate mischaracterization of what diversity education seeks to do. Diversity educators often are highly sensitive to the diversity and complexity that exists within a single group, and will seek to highlight how individuals’ experiences may differ depending on factors like socioeconomic status, gender, and others.

To simply say that diversity educators would automatically label a group as an “oppressor” due to numerical representation seems once again to be an overly simplistic portrayal of diversity education. For

example, Asian Americans are a group that has high numerical representation at many selective or elite institutions. At the same time, educators at these same institutions often highlight through curriculum and programming that Asian Americans represent a wide range of backgrounds and experiences related to socioeconomic status, immigration history, gender, sexual orientation, and other categories.

Diversity-related offices and multicultural centers (including those that specifically seek to serve Asian American students, for example, the Pan Asian American Community House at the University of Pennsylvania) are critical partners in helping students understand the complexity that exists within the Asian American community, which includes individuals and groups who may simultaneously experience both privilege and disadvantage and/or racism depending on the context, as well as the numerous structural barriers related to race and/or economic status that many Asian Americans experience in society. Overall, DEI efforts support students, faculty, and staff alike by providing relevant and thought-provoking programming, spurring intellectual engagement, and fostering a supportive environment.

As a researcher who is deeply familiar with the scholarship on diversity and equity in higher education, it appears that a number of the claims made during the hearing were exaggerations of worst-case scenarios of diversity-related work or programming, and not the norm on college campuses. It is true that institutions must continuously strive for improvement. At the same time, policy decisions related to DEI efforts should not be driven by simplistic portrayals or overblown overgeneralizations of diversity and equity work, which remains vital in helping colleges and universities serve students, faculty, and staff.

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**Julie J. Park, Ph.D.** is an associate professor in the College of Education at the University of Maryland, College Park. Her books include *Race on Campus: Debunking Myths with Data* (Harvard Education Press, 2018) and *When Diversity Drops: Race, Religion, and Affirmative Action in Higher Education* (Rutgers University Press, 2013).

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**Expert Responses**

Dr. Victor B. Sáenz

For over 20 years, I have been immersed in research on diversity in higher education, contributing to a growing empirical record that explores the educational benefits and student success outcomes that can be derived from diverse learning environments. As a social scientist who values evidence, I am compelled to address the current legislative efforts to undo DEI efforts on college campuses, particularly in response to the March 7 congressional hearing.

The growing political movement to scale back DEI efforts on college campuses has been accompanied by many misconceptions and misrepresentations, including Representative Burgess Owens' (R-UT) narrow interpretation of DEI. At their core, DEI efforts are an extension of the academic and student success missions of higher education institutions, and only recently have they become imbued by a political debate not of their own making. It is imperative to set the record straight based on empirical evidence and to dispel the myths surrounding DEI initiatives, efforts that are grounded in institutions' own commitments to advancing the success of all students.

This essay focuses on the recent growth of DEI initiatives on college campuses as well as how they are deeply connected to our student success goals. It also examines how some criticisms of DEI efforts are not based on sound empirical evidence. I conclude with a synthesis of research on the impact of DEI initiatives on retention and degree attainment.

**DEI and Student Success Outcomes**

At their core, DEI initiatives encompass a broad spectrum of strategies and programs aimed at cultivating nurturing environments on college campuses where all individuals feel valued, respected, and included. These initiatives are often rooted in the historical context of the institution and they can vary in scope and size, reflecting the diverse needs and priorities of different communities of stakeholders. The growth of DEI efforts in recent years has emerged in conjunction with the increasing racial and ethnic diversity of college student populations, as well as an acknowledgment of the many intersecting identities that students can hold (LGBTQIA+, veteran status, first-generation status, undocumented status, etc.). As our campuses become increasingly diverse, many colleges and universities have thoughtfully pivoted their student engagement strategies, utilizing DEI efforts to ensure they are responsive to the unique needs of their changing student bodies.

As a seasoned researcher in the field of higher education, the relationship between diversity initiatives and student success outcomes has been a focal point of scholarly inquiry for me over the last two decades. The essence of this relationship is grounded in the understanding that when properly harnessed, diversity in its myriad forms enriches the educational experience, promotes personal and professional growth, and prepares students to thrive within a pluralistic society, thereby enhancing their academic, social, and career success.<sup>1</sup>

Recent research has continued to substantiate this important set of findings, highlighting the multifaceted benefits of college diversity initiatives. For instance, Hurtado, Alvarez, Guillermo-Wann, Cuellar, and Arellano underscore the significance of creating inclusive campus climates that support the academic and social success of students from historically underrepresented groups.<sup>2</sup> These environments not only foster a sense of belonging but also promote intellectual engagement and persistence towards graduation. Similarly, Scott Page provides evidence that diversity enhances creativity and problem-solving by bringing



together teams of individuals with varied perspectives and strengths.<sup>3</sup> This cognitive diversity, facilitated through the interaction of increasingly diverse students, can contribute significantly to academic innovation and student achievement. Moreover, a synthesis of research by Nicholas Bowman delineates the positive outcomes of diversity experiences on critical thinking skills and cognitive development. These findings are echoed in recent literature, which emphasizes the role of diversity in preparing students for the complexities of the global workforce.<sup>5</sup> In this context, faculty diversity has emerged as a critical factor for student success, as all students benefit from having professors who not only resemble them but can also serve as role models, thereby improving their academic outcomes and retention rates.<sup>6</sup>

Additionally, recent research has consistently shown that diversity-related curricular and co-curricular initiatives positively affect students' cognitive skills, such as critical thinking and moral reasoning, as well as their social-cognitive development, including racial understanding and empathy.<sup>7</sup> These educational outcomes are not only crucial for personal development but are also highly valued in today's interconnected workforce.

In sum, much of the research on college student success espouses the continued implementation and thoughtful expansion of DEI initiatives in higher education. The social science evidence demonstrates that such initiatives are not only beneficial for enhancing student success outcomes but are also imperative for preparing college graduates to thrive in a diverse and global society. In light of this robust body of literature, critics continue to distort and misrepresent the true effects of DEI initiatives in higher education, focusing on false narratives and inconclusive science.

#### **Free Speech, Academic Freedom, and DEI Bureaucracies**

Without credible evidence, critics assert that DEI programs universally stifle free speech or exert undue pressure on university administrators and promote indoctrination through curriculum. Far from silencing discourse, DEI initiatives often encourage open dialogue and the exchange of diverse perspectives, enriching the academic environment for all members of the university community. They do so by inviting unique voices and perspectives to our campuses or by fostering environments where individuals from varied backgrounds feel empowered to express their viewpoints. Many DEI initiatives contribute to the robust exchange of ideas fundamental to our notions of academic freedom and a pluralistic democracy. Research has consistently shown that diverse teams and environments lead to more innovative and effective outcomes.<sup>8</sup> As our college campuses become increasingly diverse across many dimensions, we should build support for these efforts instead of scaling them back.

Furthermore, there is no compelling evidence that DEI is a threat to academic freedom within our institutions. Scholars who critique the value of DEI initiatives are not being systematically silenced or pushed out of academia. However, we need to distinguish between legitimate academic critique and research that lacks empirical rigor or is based on flawed assumptions.<sup>9</sup> For example, studies focused on unreliable social media posts<sup>10</sup> or weak research that overgeneralizes what constitutes a "DEI bureaucrat" should not be used to inform policy decisions or public discourse without careful vetting and transparency in how they operationalize their key variables.

In truth, staff and offices that engage in DEI work have existed on college campuses for some time, often within under-resourced and under-staffed units that are an extension of the academic enterprise.<sup>11</sup> Claims by some that DEI bureaucracies are out of control or that campus racial climates worsen as a result of large DEI programs are not sufficiently supported by evidence. As for the growth of "DEI bureaucracies" on college campuses, this is a legitimate area for further study, one that necessitates that we carefully

catalogue employees who focus on student success initiatives as distinct from colleagues who exclusively do DEI work – critics often conflate them, which is both inaccurate and dishonest. Many staff might have DEI-adjacent responsibilities as part of their primary duties that are otherwise focused on coordinating student success initiatives.<sup>12</sup> Therein lies the true complexity and ambiguity of disentangling DEI work from other professional responsibilities, which are often embedded within student success or academic support units on college campuses.

#### **DEI Efforts and Racist Agendas**

The narrative that everything related to DEI on a college campus is demeaning or racist is false. To suggest that all these initiatives are inherently racist or discriminatory is to not fully understand why these programs exist. DEI initiatives often aim to dismantle systemic inequalities and promote equity of opportunity for all members of a college community.<sup>13</sup> These efforts are not intended to single out or dehumanize individuals based on race or ethnicity, but rather to facilitate opportunities for those who have been historically and recently marginalized. The claim that all DEI initiatives have Marxist or discriminatory origins is a gross over-generalization. Further, DEI efforts are not zero-sum games in which we highlight or support one group of students at the expense of others. Many programs are critically-grounded in theories of change that aim to support all students, regardless of their background or group status.

Claims that DEI programs mandate racial bias education or promote unequal treatment of individuals are unfounded and ignore many of the core principles of DEI, which are addressing systemic barriers to equity and ensuring that all individuals have equal opportunities to succeed. These efforts are not intended to promote division or favoritism, but rather, are focused on leveling the playing field for everyone. Furthermore, DEI programs at universities do not mandate loyalty oaths from faculty or staff, as such practices would be illegal under current federal law. Rather, DEI initiatives seek to build bridges across differences and promote a culture of respect and inclusivity, and oftentimes these efforts are located within federal compliance offices related to existing federal statutes.

#### **DEI and College Student Retention and Degree Attainment**

Rather than contributing to poor retention rates, as some critics erroneously claim, many DEI initiatives are anchored in theories that center student success for all. They focus on student outcomes around retention and sense of belonging, as well as mitigating challenges related to campus climate. Moreover, DEI programs often empower students through supportive programming that is culturally inclusive and culturally responsive, especially for student groups that are overlooked within institutions. Studies linking DEI efforts to poor college student retention rates fail to establish causal relationships and do not consider the complex nature of student retention. Student retention is influenced by a multitude of factors, including academic preparedness, financial aid, and campus climate.

While DEI initiatives may not provide a singular solution to student retention challenges, they play a vital role in creating supportive and inclusive learning environments that contribute to student success for all.<sup>14</sup> Similarly, suggestions that DEI programs promote learned helplessness or infantilize students are baseless and fail to recognize the empowering and supportive nature of DEI initiatives, especially for those who are already feeling marginalized or minoritized on college campuses. DEI programs aim to empower individuals to advocate for themselves by providing greater awareness of existing campus resources and support structures that are readily available to all students.

Research provides compelling evidence of the positive outcomes associated with DEI initiatives on college student retention outcomes. Milem, Chang, and Antonio laid foundational work highlighting the critical role DEI efforts can play in creating an inclusive academic environment that supports all students' learning and development.<sup>15</sup> Their research underscores that diversity initiatives contribute significantly to enhanced educational outcomes for students from various backgrounds. Subsequent studies build on these insights, revealing nuanced ways in which diversity and inclusion efforts directly correlate with student retention and success. For instance, Bowman found that interactions with diverse peers enhance critical thinking and civic engagement, fostering an environment where students are more likely to persist and succeed.<sup>16</sup>

More recent work by Denson and Chang further validated these findings, presenting robust evidence that diversity-related initiatives significantly impact students' academic outcomes, including retention and degree completion rates.<sup>17</sup> Hurtado et al. also confirm that inclusive climates and diverse learning environments contribute significantly to student retention and graduation rates.<sup>18</sup> These studies collectively underscore the indelible link between well-crafted DEI initiatives and enhanced retention and degree attainment, providing a solid foundation for continued investment in these critical areas. Drawing upon a range of studies, it is clear that diversity efforts are strategic enhancers of institutional success and achievement for all students.

### Conclusion

After reviewing several decades of social science evidence, we can conclude that DEI efforts and strategies are indispensable to achieving more inclusive learning environments and advancing the academic success of all students. DEI efforts on college campuses are vital to promoting more equitable opportunities, values that are deeply connected to the academic missions of all institutions. Despite the misinformed criticisms and challenges, DEI initiatives play a crucial role in creating such environments where all individuals have the opportunity to succeed. It is essential for policymakers, administrators, and stakeholders to continue supporting and investing in DEI initiatives to ensure that higher education remains accessible and equitable for all. Rep. Owens and others should reconsider their policy positions based on a more thorough understanding of the empirical evidence that highlights the many benefits of DEI efforts on college campuses. Rather than abandon or scale them back, Congress and state legislators should consider how best to augment existing efforts to ensure that their many educational benefits can be more broadly shared by all students.

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**Victor B. Sáenz, Ph.D.** is the L.D. Haskew Centennial Professor and Associate Dean for Student Success, Community Engagement, and Administration in the College of Education at the University of Texas at Austin. He also holds appointments in the LBJ School of Public Affairs, the Center for Mexican American Studies, the Department of Mexican American and Latina/o Studies, the Irma Rangel Public Policy Institute, and the Institute for Urban Policy Research & Analysis at UT Austin. Additionally, Professor Sáenz is co-founder and executive director of Project MALES (Mentoring to Achieve Latino Educational Success), a UT research and mentoring initiative.

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**Expert Response**

Dr. Shawm M. Smith

I have been a physician for two decades. In addition to providing patient care and teaching medical students, I also read about scientific advancements in medicine, including high-quality research on health equity. I value evidence, hence my response to three myths articulated in the March 7 congressional hearing.

**Myth 1: DEI is most dangerous in medical education. Future doctors are being taught to discriminate by race and not treat patients equally.**

Despite having some of the most advanced medical treatments and technologies in the world, our U.S. healthcare system has struggled to deliver equitable healthcare outcomes for all Americans. Across the physical differences that we can see, Americans have much more in common with each other. Racism is intertwined into the fabric of our society, leaving some communities torn and vulnerable, while empowering others with tensile resiliency and vibrancy. While we would like to believe that healthcare is immune to discrimination by race, the facts over many decades speak for themselves.

Taking action to achieve health equity is imperative and there is a role within medical education to make a difference. A 2016 study analyzed the role of racial bias amongst medical students and resident physicians in the assessment and treatment of pain.<sup>1</sup> Additionally, the study evaluated the presence of contemporary false beliefs about biological differences between Black and white patients and found the following:

- 29% of first-year medical students believed the blood of Black patients coagulates faster than whites.
- 42% of second year medical students believed that Black skin was thicker than white skin, and 25% of resident physicians shared the same belief.
- 28% of second year medical students believed that Black people age slower than white people.
- 14% of second year medical students believe that Black people's nerve endings are less sensitive than white nerve endings.

An additional finding was that medical students and residents who endorsed the myth that Black patients experienced less pain were also less likely to recommend sufficient treatment of pain for Black patients. Appropriate treatment of pain is an important part of clinical care. Many researchers have evaluated the treatment of pain in the emergency department (ED) with attention to racial disparities. A study published in 2023 reviewed over 200,000 pain-related ED visits to a national sample of U.S. hospitals over a 22-year period and found that white patients were 1.26 times more likely to be prescribed opioid pain medications than Black patients, who were in turn 1.25 times more likely to be prescribed non-opioid pain medication than white patients.<sup>2</sup> These results underscore the pernicious and challenging prevalence of unequal care.

When evaluating care provided to 14 million pediatric patients between 2016 and 2019 at 44 pediatric hospitals across the U.S., researchers found that race and ethnicity may be independently associated with the decision to order imaging in the ED; Black and Hispanic children were less likely to receive diagnostic

imaging during ED visits when compared to white children.<sup>3</sup> These results are a stark reminder that racial inequality in healthcare also affects children. Physicians are primarily responsible for ordering pain medications and diagnostic tests in the clinical setting; consequently, undergraduate (medical students) and graduate (residents and fellows) medical education represent important opportunities to educate future physicians on existing inequalities in healthcare and how to achieve fairness in healthcare for the future.

**Myth 2: Future doctors are being trained to be activists. Patients don't need activists when they are sick. It is a corruption of medical education to use classroom or clinical time on social issues that doctors cannot change.**

Physicians have a vital role in supporting good health for individuals and communities. Since 70-80% of the determinants or influencers of health operate outside of walls of a hospital or clinic, doctors must be competent in recognizing and addressing social issues which lead to illness and suffering. In most communities, physicians are respected voices of influence. Whether advising on the importance of access to healthy foods in the battle against obesity and diabetes, or the cancer and respiratory illness risks posed by pollution in fence line communities, physicians can play an outsized role leveraging their credibility and expertise to relieve illness and suffering.

In the book *The Political Determinants of Health*, the author identifies voting, government, and policy as the three major pillars of the political determinants of health (PDOH), which represent the driver of all other determinants.<sup>4</sup> In other words, it is often very difficult to change social determinants of health without understanding and acting upon these PDOH. Take the story of Dr. Mona Hanna-Attisha, a pediatrician and medical educator at Michigan State University. Upon learning of elevated levels of lead in the drinking water in Flint, Michigan, she led research and advocacy efforts which were pivotal in forcing public officials to acknowledge and address the problem. There is no safe amount of lead for humans to consume, and it is more harmful to the developing brains of children. Changing the water supply and replacing lead leaching pipes were not within the prescribing authority of a physician; yet, Dr. Hanna-Attisha's efforts ultimately drove government action to support community members harmed by the contaminated water and changes in the source of the local water supply in Flint. Her effectiveness at the local, state, and national levels provides an example of the importance of physician competency in addressing social and political issues which impact the health of patients.

**Myth 3: The concept of racial concordance between patient and physician is not a solution to the problem of disparities.**

It is uncommon for patients from minoritized communities to receive care from a physician who shares their cultural, racial, and linguistic background. Association of American Medical Colleges (AAMC) 2023 data on the U.S. physician workforce underscores the significant underrepresentation of these communities, where Black physicians represent only 5% of U.S. physicians; Hispanic physicians make up 6%; multiracial physicians only 1%; and American Indian, Alaska Native, Native Hawaiian or other Pacific Islander physicians less than 0.5%.<sup>5</sup> Although the representation of women in the physician workforce has improved to 37.6% in 2023 from 28% in 2007, women remain underrepresented. Diverse peer groups in physicians training environments can help physicians acquire the competencies necessary to deliver high-quality, cross-cultural care. It is important to note that patients bring their lived experiences and bias to the physician-patient encounter as well. This may include distrust and may affect the information they disclose to their physician and adherence to treatment recommendations. It is important to have a physician workforce that can meet patients where they are.

A meta-analysis of 40 articles highlights the importance of training physicians and patients to engage in higher quality communication with Black and racially discordant patients by focusing on improving patient-centeredness, information-giving, partnership building, and patient engagement in communication processes.<sup>6</sup> Prior research from the National Center for Health Statistics indicates Black patients consistently receive lower quality of care than their white counterparts.<sup>7</sup> The Institute of Medicine (IOM), now National Academy of Medicine (NAM), published a report which included a comprehensive analysis on disparities in clinical encounters; it found that physicians' own actions towards Black patients may contribute to these healthcare disparities.<sup>8</sup>

A 2023 cohort study titled, "Black Representation in the Primary Care Physician Workforce and Its Association With Population Life Expectancy and Mortality Rates in the U.S.," suggests that greater Black primary care physician (PCP) workforce representation is associated with better population health measures for Black individuals. Investments to build a more representative PCP workforce nationally may be important for improving population health.<sup>9</sup>

A 2020 study assessed the potential for patient-physician racial concordance to ameliorate the disparities experienced by a particularly vulnerable group: Black newborns.<sup>10</sup> The findings showed the following:

- Black newborns treated by Black physicians had 58% lower mortality penalty than Black infants treated by white physicians.
- Black newborn deaths/100k, 430 more than white newborns (White physician).
- Black newborn deaths/100k, 173 more than white newborns (Black physician).
- This inequity widened with sicker Black infants (those with higher co-morbidities).
- Persisted amongst board-certified pediatricians and neonatologists.
- The underperformance is more pronounced/worse at hospitals that deliver higher number of Black infants.
- Little benefit of racial concordance for white infants' mortality and for Black maternal mortality

The authors recommend that hospitals and healthcare organizations elevate awareness amongst healthcare providers and administrators regarding the prevalence of racial and ethnic disparities as a key step in reducing disparities in newborn mortality. Additionally, investments should include a focus on implicit bias and its relationship with institutional racism. Further diversification of the physician workforce is needed to address the inequitable clinical outcomes experienced by minoritized communities.

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**Shawn M. Smith, M.D.** is a physician at the Ann & Robert H. Lurie Children's Hospital of Chicago. She also is an Assistant Professor of Pediatrics at the Northwestern University Feinberg School of Medicine.



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**Expert Response**

Dr. Lisa Wolf-Wendel

To understand the debates about DEI in higher education, it is helpful to know that there is great diversity among postsecondary institutions in the United States. Our country has more than 5,000 colleges and universities.<sup>1</sup> Each has a different mission, focus, student body, and organizational structure with different names for each type of institution – community colleges, liberal arts colleges, land-grant institutions, research universities, and regional comprehensive universities, to name a few). Some are state-supported, some are private, and some are for-profit. Some have selective admissions, but most are open access. Some are residential, though many are commuter campuses.

Some institutions offer two-year degrees, some four-year degrees, and some offer graduate degrees. Some serve special populations of students (i.e., Historically Black Colleges, Tribal Colleges, Hispanic-Serving Institutions, Women’s Colleges), while others serve a wider array of students. Some are secular and some have strong religious orientations. Some educate recent high school graduates, and some focus on non-traditional students who are older, work, and have family responsibilities. In addition, some focus on research and teaching, while others are solely teaching institutions. Some are national or international in scope and others are regionally focused. Some have billion-dollar endowments, and some have no endowments at all. Some enroll over 100,000 students and some have fewer than 100. Thus, there is no typical postsecondary institution in the U.S.

The common element among these institutions is that they educate students – but how they do that, who their students are, who their faculty are, what their missions are, and how they organize DEI is as diverse as the institutions themselves.<sup>2</sup> Blanket statements about how DEI is handled at a college or university belie the important differences across the sector. Indeed, the diversity of higher education in the U.S. is what makes the system the best in the world. But that same diversity also means that asserting generalizations about what happens at one place as being true at all institutions sets up a false narrative.

Only a few institutions get the attention of the American public, media, and politicians. Indeed, when one thinks about U.S. colleges, they often envision places like Harvard, Yale, Stanford, Berkeley, or the University of Michigan, to name a few. The overwhelming majority of institutions, though, go about their work of educating students with comparative obscurity. The college campus that many envision is a selective, resource rich institution that educates full-time, residential, traditional-aged students in a bucolic campus setting. This, however, is not the norm – most institutions of higher education are open access, meaning that they admit almost anyone who applies and, as such, discussions about “lowering standards” to improve access is not a relevant topic at most places. As a system, higher education in the U.S. is recognized as a world leader due to its support of students achieving their academic and professional goals.<sup>3</sup> It deserves respect and support, not condemnation.

**History of Exclusion Repeating Itself**

For the first 150 years of higher education in the U.S., the population of college students stayed relatively constant: young white men from wealthy families.<sup>4</sup> Inclusion of other groups was slow to happen and was the focus of continual consternation. For example, the arguments against the education of women in the 1800s focused on the potential negative health effects of women being educated. Education, it was believed, would make women infertile.<sup>5</sup> Similarly, people argued that admitting women to colleges and universities would mean that “deserving men” would not have access, that women were incapable of

being successful, and that the quality of higher education would decline as women were admitted.<sup>6</sup> These arguments against women's access to higher education continued long after they were disproven.

In the early 20th century, similar arguments were levied against the inclusion of Jewish students in higher education, with concerns that admitting too many Jewish students would lead to declines in academic quality and negatively affect access to "more deserving" students. These beliefs led to long-standing quotas for Jews established at many institutions of higher education and a movement away from test scores towards more "objective" criteria that allowed for continued discrimination.<sup>7</sup>

There is a commonality in the concerns expressed by those who wished to exclude women and Jews and other groups who have historically been kept out of higher education. Indeed, Harold S. Wechsler, a higher education historian, noted that while some colleges were initially willing to let in women, Blacks, and Jews, most balked when they saw the numbers increasing too quickly and potentially negatively affecting admission of white men, at which point they actively worked to exclude them.<sup>8</sup>

While women now represent the majority of college students and quotas against Jewish students are no longer allowed, arguments being raised today about the diversification of the student body at U.S. institutions of higher education echo these earlier concerns. As many campuses work to become more welcoming to historically disenfranchised groups (i.e., students of color, low-income students, and first generation college students), critics claim reverse discrimination, the loss of meritocracy, and concerns about quality. It is important to see these claims as they are: political fodder being used to sow dissent rather than being based on facts.

Unfortunately, politicians are focused more on painting a false picture of "take overs" and "wokeism" rather than focusing on a narrative of inclusion and equity. History illustrates patterns of exclusion that ought not to be repeated, as the goal should be wider rather than more narrow access to education. Indeed, research clearly shows that society benefits from having a more educated populace in terms of economic productivity, decreased incarceration, and a more educated citizenry to name a few benefits (Mayhew et al., 2016; Schofer et al., 2021).<sup>9</sup>

#### **Organizational Implications of Diversity**

Turning attention to what DEI offices do, why they do it, and the impact of their actions, it is helpful to define what is meant by diversity. Higher education scholar Daryl G. Smith explains that there are four components to diversity in higher education: representation, campus climate, curriculum, and institutional organization.<sup>10</sup> Each frames the work of DEI offices across the diversity of college and university campuses in the U.S.

**Representation.** Representation is what most people think of when they think about diversifying higher education. This includes examining the characteristics of who attends, who graduates from, who works at, and who leads institutions. Representation is akin to the notion of "access." When discussing initiatives to diversify an organization, one typically looks at the basic demographics of who is represented (or underrepresented). One might, for example, look at representation by race/ethnicity, gender, socioeconomic status, age, veteran status, disability status – the federally recognized categories of those who have been historically excluded from higher education.

Higher education has expanded its access to a wider array of students over time. The number and percentage of students of color, for example, has increased. Unfortunately, students with disabilities,

students from low-income backgrounds, and first-generation college students continue to lag behind their peers in access to and graduation from college. Further, looking across the sector, there are still significant inequalities in terms of who has access to the most selective and prestigious types of colleges. Students of color, low-income students, and first-generation college students are overrepresented at community colleges and less-selective institutions, but remain underrepresented at more selective institutions. Women are also underrepresented in some fields and disciplines. Underrepresentation of certain groups also exists among the faculty and leaders of colleges and universities. While there has been some progress in diversifying higher education, there is still considerable room for improvement.

DEI offices on many campuses focus their attention on expanding student access to higher education. DEI offices might work with federally funded TRIO programs, for example, to improve outreach to K-12 students to get them to think about higher education as a possibility. They might work with prospective students and their parents to help them navigate financial aid systems. The goal for many in these offices is to address inequities in K-12 resources by making sure that potential students have the information they need to attend college if they choose. For open-access institutions, improving access is about providing education about postsecondary possibilities. The focus is not about exclusion, as most institutions seem to have the capacity to expand to meet the needs of those who wish to attend. For the handful of selective institutions in the system, improving access might mean relying on wholistic admissions, deemphasizing tests scores, and providing ample financial aid to make college access even an option. At these elite institutions, access is limited and not everyone can attend – the question to be answered is how best to determine who should be admitted from a pool overflowing with talent. Engaging in this outreach and participating in these discussions is part of DEI work on many college and university campuses.

**Campus Climate.** In this domain, the concern is about making sure that those who enroll and work at institutions of higher education feel like they matter and belong. Research shows that retention and graduation are related to students' feelings of engagement and belonging on campus.<sup>11</sup> A focus on campus climate is key for all students' success. Given the history of exclusion in U.S. higher education, however, many campuses need to work extra hard to make students from historically disenfranchised backgrounds feel welcome.

DEI staff on many college campuses focus on helping students be successful by providing them with the necessary support they may need to navigate the educational environment. This support may consist of academic tutoring, writing centers, disability services, as well as social opportunities. This may include creating affinity group spaces where students who share similar backgrounds might meet to support one another. These services are not only for historically disenfranchised students – but are for all students, regardless of background. Indeed, research shows that White students benefit the most when engaging in diversity-related programming on campuses.<sup>12</sup>

Concerns about antisemitism recently raised in the Congressional hearing are the type of issue that a DEI staff member might address by providing support to those affected and education to perpetrators of harm. This is the domain of campus DEI offices, with the goal not to sow division but to help people navigate individual differences in a way that protects everyone, builds a larger sense of community, and creates a positive learning environment. Rising antisemitism on today's campuses calls for more DEI work, not less.

Importantly, college is one of the first places that students get to live with, take classes with, and interact with people from different backgrounds. U.S. citizens often come from segregated communities, but a

college campus offers an opportunity for people to get to know others who have had vastly different upbringings. As such, one role of DEI staff is to help facilitate intergroup interactions. DEI staff may help provide educational opportunities for people to learn across differences, learn how to respect others who are different, and learn how best to support one another. The skills taught in this domain translate to the skills wanted by many employers who will eventually hire graduates.<sup>13</sup>

**Curriculum.** The third dimension of diversity in higher education is focused on what is taught and how it is taught. The curriculum, which varies across institutions, is at the heart of the academic enterprise. DEI staff may provide professional development to faculty to assist in providing either content or pedagogical support to better educate all students. The formal curriculum, required courses and majors, however, is largely the domain of faculty, not DEI staff.

Most faculty members value academic freedom, long considered the cornerstone of American higher education.<sup>14</sup> Faculty, as experts in their various fields, would likely agree that the formal curriculum is supposed to be a “marketplace of ideas” where students are exposed to new ways of thinking and new perspectives. The goal of higher education is to give students the opportunity to engage with material to help them expand their knowledge base and to reinforce their critical thinking and communication skills – skills that will help them be successful once they graduate.<sup>15</sup>

Across the curriculum, college students will likely be exposed to ideas with which they disagree or are unfamiliar. In any one course, for example, they might be asked to do a number of assignments, including but not limited to, reading a biblical or Marxist text, critiquing Critical Race Theory, writing a poem in non-standard English, or analyzing Fox or MSNBC for accuracy. The goal is to expose students to new ideas and sources of information to assist them in moving from “black and white” thinking to understanding that there are multiple answers to most complex problems.<sup>16</sup> Learning comes from discomfort – and it is only when students are exposed to new ideas that they push themselves to learn about others, about themselves, and about the human experience. In this vein, Clark Kerr, noted economist and academic administrator, argued that “the purpose of the university is to make students safe for ideas, not ideas safe for students.”<sup>17</sup>

Political attempts to interfere with the curriculum by banning the teaching of “divisive content” goes against the very nature of postsecondary education and its cornerstone of academic freedom. Such attempts will negatively impact faculty and students from all political spectrums and backgrounds. Further, such attempts to legislate what is acceptable to learn is predicted to have a chilling effect on the academy,<sup>18</sup> and will leave students unable to get out of college what they most deserve: a well-rounded education, critical thinking, and other professional skills.

While the formal curriculum is the domain of the faculty, it is not atypical for DEI offices to focus on the co-curriculum, meaning what happens outside of class. By some estimates, 80% of what a traditional-aged college student learns occurs outside the classroom.<sup>19</sup> Within the co-curriculum, DEI offices may assist in providing education that supports students’ academic goals through speakers series, workshops, service learning, study abroad, and other “high impact practices.”<sup>20</sup> Each of these opportunities provides additional educational outreach to assist students in applying their learning to new settings as well as stretching the educational boundaries into new domains. Research shows that these high impact practices can be among the most impactful experiences for college students and are likely to positively influence both academic as well as personal outcomes.<sup>21</sup> Diversity-related co-curricular experiences are shown to have a positive impact on all students, regardless of their background characteristics.<sup>22</sup>

**Organizational Leadership.** The final domain of diversity in higher education has to do with the way institutions are organized and the ways that decisions are made. In this domain, several DEI offices play a role in handling compliance issues – providing institutional support to meet the mandates of Title IX, Title VI, or the Americans with Disability Act, to name a few. This compliance role is made necessary by federal mandates to ensure non-discrimination of campus constituents and to ensure equal opportunity under the law.

DEI offices, particularly chief diversity officers, may also play an important role in keeping the institution focused on the needs of all constituents, with attention on historically marginalized groups. DEI staff may help to point out institutional structures that marginalize, exclude, and disadvantage certain groups over others and offer alternative policies and supports.<sup>23</sup> Similarly, by having a “seat at the table,” they may assist other institutional leaders and offices in being mindful of the needs of constituents who have historically been excluded. As noted earlier, how this is done and who does it may vary across institutional types.

Institutions of higher education, as different as they may be from one another, share a common history of exclusion. As a sector, higher education has made progress in providing greater access and supports to constituents who have historically been excluded, but still has a way to go to achieve the goals of equity, diversity and inclusion. DEI offices play a fundamental role in improving access, addressing campus climate needs, shaping the curriculum and co-curriculum, and transforming organizations. They are an important part of what makes the U.S. system of higher education the best at providing a world-class education.

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**Lisa Wolf-Wendel, Ph.D.** is the Roy A. Roberts Distinguished Professor of Higher Education at the University of Kansas. She also is Associate Dean for Research and Graduate Studies in KU's School of Education and Human Sciences. She served as the 2012-13 president of the Association for the Study of Higher Education.

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**Written Testimony of Jin Hee Lee  
Director of Strategic Initiatives  
NAACP Legal Defense and Educational Fund, Inc.**

**Submitted to the U.S. House of Representatives Education and Workforce  
Committee  
Subcommittee on Higher Education and Workforce Development  
In Connection with the March 7, 2024, Hearing  
“Divisive, Excessive, Ineffective: The Real Impact of DEI on College Campuses”**

## I. Introduction

The success of our multiracial democracy depends upon creating pathways to opportunity that are open to all.<sup>1</sup> Yet, even as our country becomes more diverse,<sup>2</sup> we are experiencing a backlash against longstanding civil rights protections and programs that seek to ensure that every individual has an equal opportunity to succeed. In the face of these attacks, it is more important than ever that higher education institutions invest in programs that ensure equal access to educational opportunities, create inclusive learning environments, and promote the academic success of all students.

As a nation, we cannot afford to forfeit the benefits of the talents and gifts of every person in our country. Yet Black and other underrepresented students continue to experience unfair barriers and discrimination that limit their ability to access higher educational opportunities and succeed in those institutions. According to a 2022 McKinsey study, only “9 percent of four-year institutions [representing] 8 percent of enrolled students have both a representative student population and graduation rates for students from underrepresented populations that are the same as or higher than the national average.”<sup>3</sup> Students from other historically marginalized groups—including LGBTQ+ students and Jewish students—experience prejudice at unacceptable rates.

It is imperative that higher education institutions enroll talented students from all backgrounds and ensure that all students on campus succeed and feel welcome. Campuses that achieve these goals will be more diverse, inclusive, equitable, and accessible. Many higher education institutions rely on a variety of programs—collectively referred to as “diversity, equity, inclusion, and accessibility,” or DEIA—to achieve these important goals. While higher education institutions would benefit from additional research identifying which of these programs have the most impact and how to implement them effectively, current social science literature demonstrates that many of these interventions can improve outcomes for Black students and expand employment opportunities for Black faculty.

Founded in 1940 by Thurgood Marshall, LDF is the nation’s oldest civil rights law organization.<sup>4</sup> LDF was launched at a time when America’s aspirations for equality and due process of law were stifled by widespread state-sponsored racial inequality. For more than eight decades, LDF has worked to dismantle racial segregation and ensure equal educational opportunity for all students, most prominently in the groundbreaking case, *Brown v. Board of Education*.<sup>5</sup> LDF also has represented Black students and applicants, as parties and *amici curiae*,

<sup>1</sup> ANTHONY P. CARNEVALE ET AL., GEORGETOWN UNIVERSITY CENTER ON EDUCATION AND THE WORKFORCE, THE COST OF ECONOMIC AND RACIAL INJUSTICE IN POSTSECONDARY EDUCATION (2021), <https://files.eric.ed.gov/fulltext/ED612709.pdf>.

<sup>2</sup> By 2036, people of color will account for more than 50 percent of U.S. high school graduates. Peace Bransberger, et al., Western Interstate Commission for Higher Education, Knocking at the College Door (2020), <https://www.wiche.edu/wp-content/uploads/2020/12/Knocking-pdf-for-website.pdf>. Almost 1 in 4 people under the age of 30 identify as LGBTQ+, and our electorate will soon contain more people in that age group than any other. Anna Brown, *5 key findings about LGBTQ+ Americans*, PEW RESEARCH CTR. (Jun. 23, 2023), <https://www.pewresearch.org/short-reads/2023/06/23/5-key-findings-about-lgbtq-americans/>.

<sup>3</sup> DIANA ELLSWORTH, ET AL., MCKINSEY & CO., RACIAL AND ETHNIC EQUITY IN U.S. HIGHER EDUCATION 4 (2022), <https://www.mckinsey.com/-/media/mckinsey/industries/education/our%20insights/racial%20and%20ethnic%20equity%20in%20us%20higher%20education/racial-and-ethnic-equity-in-us-higher-education.pdf>.

<sup>4</sup> LDF has been fully separate from the National Association for the Advancement of Colored People (NAACP) since 1957.

<sup>5</sup> 347 U.S. 483 (1954).

in numerous cases regarding educational access and opportunity in higher education.<sup>6</sup> Finally, LDF has a long history of fighting for economic justice and equal opportunity in the workforce, including in the seminal 1971 Supreme Court case *Griggs v. Duke Power Company*, which recognized the disparate impact theory of liability under Title VII.<sup>7</sup> Since then, LDF has continued to challenge public and private policies and practices that deny Black Americans employment.<sup>8</sup>

## II. Black Students and Faculty Continue to Experience Unfair Barriers to Equal Opportunity in Higher Education

Absent unfair barriers to access and opportunity, there is no reason why higher education institutions would not reflect the racial diversity of the nation at both the student and faculty level. However, severe racial disparities exist at every stage, from admissions to enrollment to graduation to faculty hiring. These racial disparities are not the result of students and faculty of color being less capable or qualified, but rather the failure of educational institutions to identify and eliminate discriminatory aspects of their admissions policies, support underrepresented students to prevent racial isolation, create learning environments that are free from prejudice, and create pathways for talented individuals who may be unfairly disadvantaged. As discussed further in Part IV, when higher education institutions provide Black students and faculty with the same opportunities that other students and faculty take for granted—such as the ability to build community and mentorship—these disparities diminish. Other historically marginalized groups, including LGBTQ+ students and Jewish students, unfortunately also experience harassment and prejudice on campus. Addressing disparities in opportunity and improving campus climate for all students not only benefits the entire university community, but also the nation as a whole.

Higher education institutions admit Black, Latinx, and Indigenous students at lower rates than white students. Due to ongoing segregation in K-12 schools and systematic underfunding of majority Black and Latinx schools,<sup>9</sup> these students have less access to experienced teachers,<sup>10</sup> high-quality instructional materials, adequate facilities,<sup>11</sup> and the kinds of courses that higher education institutions look to as traditional indicia of merit. For example, Black students have significantly less access to AP coursework<sup>12</sup> and a full range of math and science courses, including

<sup>6</sup> See, e.g., *Students for Fair Admission v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 230-31 (2023); *Fisher v. Univ. of Texas at Austin*, 579 U.S. 365 (2016); *Gutter v. Bollinger*, 539 U.S. 306 (2003); *Gratz v. Bollinger*, 539 U.S. 244 (2003); *United States v. Fordice*, 505 U.S. 717 (1992); *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265 (1978); *Sweatt v. Painter*, 339 U.S. 629 (1950); *Sipuel v. Bd. of Regents of Univ. of Okla.*, 332 U.S. 631 (1948); *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938).

<sup>7</sup> 401 U.S. 424 (1971).

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<sup>9</sup> See, e.g., ED. TRUST, EQUAL IS NOT GOOD ENOUGH (2022), <https://edtrust.org/wp-content/uploads/2014/09/Equal-Is-Not-Good-Enough-December-2022.pdf>.

<sup>10</sup> Ed. Trust, As Districts Face Teacher Shortages, Black and Latino Students Are More Likely to Have Novice Teachers Than Their White Peers (Dec. 15, 2021), <https://edtrust.org/press-release/as-districts-face-teacher-shortages-black-and-latino-students-are-more-likely-to-have-novice-teachers-than-their-white-peers/#:~:text=Not%20only%20do%20Black%20students,5%25%20first%20year%20teachers.>

<sup>11</sup> Chris Hacker, *Majority-Black school districts have far less money to invest in buildings — and students are feeling the impact*, CBS News (Sept. 14, 2023), <https://www.cbsnews.com/news/black-school-districts-funding-state-budgets-students-impact/>.

<sup>12</sup> Roby Chatterji, *Closing Advanced Coursework Equity Gaps for All Students*, CTR. FOR AM. PROGRESS (Jun. 30, 2021), <https://www.americanprogress.org/article/closing-advanced-coursework-equity-gaps-students/>

calculus,<sup>13</sup> than their peers, putting them at a disadvantage during the college admissions process. This systemic inequality in accessing educational resources persists even when controlling for other variables, like socioeconomic status.<sup>14</sup> As a result, higher educational institutions, particularly selective public and private colleges and universities that often serve as gateways to leadership positions, continue to admit students of color at far lower rates compared to their proportion of the college-age population.<sup>15</sup>

Black, Latinx, and Indigenous students also enroll in college at lower rates compared to their white peers. After an exponential increase in enrollment through the 1960s, Black college enrollment rates fell at significantly higher rates between 2010-2020 and during the pandemic than white enrollment rates.<sup>16</sup> According to a 2020 report by the National Center for Education Statistics, only 37 percent of Black and 36 percent of Latinx people, aged 18-24, are enrolled as undergraduate or graduate students in two- or four-year degree programs, compared to 42 percent of white people.<sup>17</sup> Moreover, many elite public and private institutions enroll Black students at much lower rates compared to population demographics. According to a 2021 analysis by the Hechinger Report and the Washington Post, “fifteen state flagships had at least a 10-point gap between the percentage of Black public high school graduates in their states in 2019 and the Black share of freshmen they enrolled” due to unfair barriers that include exclusionary admissions criteria, inadequate financial aid, and poor campus climate.<sup>18</sup> These findings echo a similar study of 101 selective public colleges by the Education Trust, which found that only 9 percent enroll Black students at rates proportionate to their population within the state.<sup>19</sup>

<sup>13</sup> For example, approximately 35 percent of high schools with large percentages of Black and Latinx students offered calculus, compared to 54 percent of high schools with small percentages of Black and Latinx students. Press Release, U.S. Education Department’s Office for Civil Rights Releases New Civil Rights Data on Students’ Access to Educational Opportunities During the Pandemic (Nov. 15, 2023), <https://www.ed.gov/news/press-releases/us-education-departments-office-civil-rights-releases-new-civil-rights-data-students%E2%80%99-access-educational-opportunities-during-pandemic>; RHONDA TSOI-A-FATT BRYANT, CLASP, COLLEGE PREPARATION FOR AFRICAN AMERICAN STUDENTS: GAPS IN THE HIGH SCHOOL EDUCATIONAL EXPERIENCE (2015), [https://umcf.org/wp-content/uploads/PDFs/College-readiness2-2.pdf?\\_ga=2.194578733.1485447541.1710261450-497969461.1710261450](https://umcf.org/wp-content/uploads/PDFs/College-readiness2-2.pdf?_ga=2.194578733.1485447541.1710261450-497969461.1710261450).

<sup>14</sup> NICHOLAS P. TRIPLETT & JAMES E. FORD, E(RACE)ING INEQUITIES: THE STATE OF RACIAL EQUITY IN NORTH CAROLINA PUBLIC SCHOOLS, CTR. FOR RACIAL EQUITY IN EDUC. (2019), [https://www.ednc.org/wpcontent/uploads/2019/08/EducationNC\\_Eracing-Inequities.pdf](https://www.ednc.org/wpcontent/uploads/2019/08/EducationNC_Eracing-Inequities.pdf).

<sup>15</sup> Jeremy Ashkenas, et al., *Even With Affirmative Action, Blacks and Hispanics Are More Underrepresented at Top Colleges Than 35 Years Ago*, N.Y. TIMES (Aug. 24, 2017), <https://www.nytimes.com/interactive/2017/08/24/us/affirmative-action.html>. The Supreme Court invalidated the University of North Carolina’s affirmative action policy even though that institution admitted underrepresented students of color, including Black, Latinx, Hawaiian/Pacific Islander, and Native students, “at lower rates than their white and Asian American counterparts, and those with the highest grades and SAT scores [we]re denied twice as often as their white and Asian American peers.” *Students for Fair Admissions v. University of North Carolina*, 567 F. Supp. 3d 580, 666-67 (M.D.N.C. 2021), *overruled by Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023).

<sup>16</sup> Oyin Adedoyin, *What Happened to Black Enrollment?*, CHRON. HIGHER ED. (Aug. 18, 2022), [https://www.chronicle.com/article/what-happened-to-black-enrollment?bc\\_nonce=n3ni9yfkj13tat6mhlzx4&cid=reg\\_wall\\_signup](https://www.chronicle.com/article/what-happened-to-black-enrollment?bc_nonce=n3ni9yfkj13tat6mhlzx4&cid=reg_wall_signup).

<sup>17</sup> INST. OF ED. SCI., NAT’L CTR. FOR ED. STATISTICS, THE CONDITION OF EDUCATION 2020: COLLEGE ENROLLMENT RATES (2020), [https://nces.ed.gov/programs/coe/pdf/coe\\_cpb.pdf](https://nces.ed.gov/programs/coe/pdf/coe_cpb.pdf).

<sup>18</sup> Laura Lumpkin, *Flagship universities say diversity is a priority. But Black enrollment in many states continues to lag*, WASH. POST (Apr. 18, 2021 7:00 AM ET), <https://www.washingtonpost.com/education/2021/04/18/flagship-universities-black-enrollment/>.

<sup>19</sup> ANDREW HOWARD NICHOLS, ED. TRUST, “SEGREGATION FOREVER”?: THE CONTINUED UNDERREPRESENTATION OF BLACK AND LATINO UNDERGRADUATES AT THE NATION’S 101 MOST SELECTIVE PUBLIC COLLEGES AND UNIVERSITIES (2014), <https://edtrust.org/wp-content/uploads/2014/09/Segregation-Forever-The-Continued-Underrepresentation-of-Black-and-Latino-Undergraduates-at-the-Nations-101-Most-Selective-Public-Colleges-and-Universities-July-21-2020.pdf>.

Numerous studies have documented the importance of students finding a community and developing a positive identity in order to succeed academically.<sup>20</sup> Yet, at many colleges, Black students struggle to do either. Black students often report experiences of exclusion ranging from faculty and peers questioning their abilities to campus staff challenging their presence.<sup>21</sup> At the University of North Carolina (UNC), for example, students of color are still “confronted with racial epithets, as well as feeling isolated, ostracized, stereotyped and viewed as tokens in a number of University spaces.”<sup>22</sup> A Gallup and Lumina Foundation study found that one in five Black students experience discrimination on college and university campuses and that Black students attending the least racially diverse schools experience discrimination most frequently.<sup>23</sup> The study also found that “the less diverse the student body is, the less safe and respected Black students report feeling: At the least racially diverse institutions, 31 percent of Black students felt discriminated against and 28 percent felt physically unsafe. In the most diverse programs, that number dropped to about 17 percent in both instances.”<sup>24</sup> These experiences with discrimination on college campuses, in turn, can decrease students’ feeling of “belonging” and increase their reports of stress and depressive symptoms.<sup>25</sup> Institutions have struggled to resolve these problems: in a series of 21 focus groups with Black staff, faculty, and students, 41 percent of the participants reported that their universities had insufficient and evasive responses to campus climate problems impacting Black people.<sup>26</sup>

The lack of faculty diversity compounds the racial isolation of Black, Latinx, and Indigenous students. While faculty diversity is positively correlated with completion rates for students from underrepresented populations,<sup>27</sup> as discussed further in Part IV, most higher education institutions do not have faculty that represent the full range of available talent in the United States. A 2022 McKinsey study found that, in 2020, only 12 percent of two- and four-year not-for-profit educational institutions had faculties that were representative of the U.S. population—and many of those were historically Black colleges and universities (HBCUs), Hispanic-serving institutions (HSIs), and other minority-serving institutions.<sup>28</sup>

These disparities have a profound effect on American society and the economy. Researchers at Georgetown University estimated in 2021 that gaps in postsecondary attainment cumulatively cost the U.S. economy nearly \$1 trillion per year.<sup>29</sup> This estimate does not include

<sup>20</sup> See, e.g., Derrick R. Brooms & Arthur R. Davis, *Staying focused on the goal: Peer bonding and faculty mentors supporting Black males’ persistence in college*, 48 J. OF BLACK STUDIES 305 (2017), <https://doi.org/10.1177/0021934717692520>; Terrell L. Strayhorn, *The role of supportive relationships in facilitating African American males’ success in college*, 45 NASAP J. 26 (2008); Sharon L. Holmes, et al., *Validating African American Students at Predominantly White Institutions*, 4 JOURNAL OF COLLEGE STUDENT RETENTION: RESEARCH, THEORY & PRACTICE 41 (2000), <https://doi.org/10.2190/XPOF-KRQW-F547-Y2XM>.

<sup>21</sup> Kristal Brent Zook, *How Black Lives Matter came to the academy*, NEW YORKER (Jan. 30, 2021).

<sup>22</sup> *SFFA v. UNC*, 567 F. Supp. 3d 580, 666-67 (M.D.N.C. 2021).

<sup>23</sup> Camille Lloyd & Courtney Brown, *One in Five Black Students Report Discrimination Experiences*, GALLUP (Feb. 9, 2023), <https://news.gallup.com/poll/469292/one-five-black-students-report-discrimination-experiences.aspx>.

<sup>24</sup> *Id.*

<sup>25</sup> David S. Freire & Noelle M. Hurd, *Discrimination and Mental Health Outcomes Among Underrepresented College Students: The Role of Sense of Belonging at Predominantly White Institutions*, 11 EMERGING ADULTHOOD 654, <https://journals.sagepub.com/doi/10.1177/21676968231166967>.

<sup>26</sup> Serie McDougal, et al., *Black Campus Climate: Towards a Liberatory and Equitable Black Campus Experience*, 55 J. OF BLACK STUDIES 3, <https://doi.org/10.1177/00219347231207061>

<sup>27</sup> Rebecca Stout, et al., *The relationship between faculty diversity and graduation rates in higher education*, 29 INTERCULTURAL ED. 399 (2018), <https://www.tandfonline.com/doi/full/10.1080/14675986.2018.1437997>.

<sup>28</sup> DIANA ELLSWORTH, ET AL., MCKINSEY & CO., RACIAL AND ETHNIC EQUITY IN U.S. HIGHER EDUCATION 4 (2022), <https://www.mckinsey.com/-/media/mckinsey/industries/education/our%20insights/racial%20and%20ethnic%20equity%20in%20us%20higher%20education/racial-and-ethnic-equity-in-us-higher-education.pdf>.

<sup>29</sup> *Id.*

economic losses that are harder to quantify, such as impacts on health, public safety, and civic engagement.<sup>30</sup> By contrast, another study concluded that more access to highly-skilled occupations for talented women and Black men accounted for approximately “two fifths of growth in U.S. market GDP per person between 1960 and 2010.”<sup>31</sup> For this reason, over 80 major corporations filed an *amicus* brief in the recent Supreme Court case *Students for Fair Admissions v. President and Fellows of Harvard College* and *Students for Fair Admissions v. University of North Carolina (SFFA)*, explaining why the admission of talented students of color in selective institutions of higher learning is essential to their businesses and the American economy at large.<sup>32</sup>

Students from other underrepresented groups—including LGBTQ+ students and Jewish students—unfortunately also experience prejudice on campus. According to a January 2024 FBI report, schools were the third most common location for a reported hate crime offense to occur between 2018 and 2022.<sup>33</sup> The most common offenses were anti-Black (1,690), anti-LGBTQ+ (901), and antisemitic (745) hate crimes.<sup>34</sup> Since the start of the Israel-Gaza War on October 7, 2023, students and faculty have reported a rise in both antisemitic and Islamophobic incidents reported on college campuses.<sup>35</sup> Higher educational institutions must do more to ensure that campus climates are welcoming to all students, while recognizing the unique obstacles faced by specific communities.

### III. Programs That Increase Diversity, Equity, Inclusion, and Accessibility Are Necessary and Lawful

Higher education institutions—including community colleges, universities, and professional graduate schools like medical schools—have a legal and moral duty to break down barriers that unfairly limit opportunities for historically marginalized and underrepresented students and faculty. In order to achieve this important goal, higher education institutions operate a variety of programs under the umbrella of DEIA. These programs are consistent with federal antidiscrimination laws and, in fact, can be instrumental in ensuring compliance.

DEIA programs come in a variety of forms such as: sexual harassment, antidiscrimination, and implicit bias trainings; affinity groups; targeted recruiting; and mentoring. DEIA offices may handle the administrative task of ensuring compliance with civil rights laws, including investigations of sexual harassment and/or bias allegations. DEIA programs often serve students of various backgrounds, including first-generation college students, students of color, Jewish

<sup>30</sup> *Id.*

<sup>31</sup> Chang-Tai Hsieh et al., *The Allocation of Talent and U.S. Economic Growth*, 87 *Econometrica* 1439, 1441 (2019). See also Tyler Kepner, *Baseball Rights a Wrong by Adding Negro Leagues to Official Records*, *N.Y. Times* (Dec. 16, 2020), <https://www.nytimes.com/2020/12/16/sports/baseball/mlb-negroleagues.html> (“All of us who love baseball have long known that the Negro Leagues produced many of our game’s best players, innovations and triumphs against a backdrop of injustice.”).

<sup>32</sup> Br. for Major American Business Enterprises as Amici Curiae Supporting Respondents, *Students for Fair Admission v. President & Fellows of Harvard Coll. and Students for Fair Admissions v. Univ. of North Carolina*, Nos. 20-1199 & 21-707 (Aug. 1, 2022), <https://www.naacpldf.org/wp-content/uploads/Brief-for-Major-American-Business-Enterprises-Supporting-Respondents-FINAL.pdf>.

<sup>33</sup> U.S. DEPT OF JUSTICE FED. BUREAU OF INVESTIGATION, *REPORTED HATE CRIME AT SCHOOLS: 2018-2022* (2024), <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/special-reports>.

<sup>34</sup> *Id.*

<sup>35</sup> Press Release, U.S. Dep’t of Ed., U.S. Department of Education’s Office for Civil Rights Announces List of Open Title VI Shared Ancestry Investigations of Institutions of Higher Education and K-12 Schools (Nov. 16, 2023), <https://www.ed.gov/news/press-releases/us-department-educations-office-civil-rights-announces-list-open-title-vi-shared-ancestry-investigations-institutions-higher-education-and-k-12-schools>.

students, veterans, students with disabilities, adult learners, LGBTQ+ students, women, students from rural communities, STEM students, international students, and students from low-income communities. DEIA programs may also include efforts to ensure that the educational institution creates equal employment opportunities for faculty, administrators, and other staff. Despite the wide variety of these programs, they all share the common goal of ensuring that talented and qualified students and faculty can thrive and perform at their best.

Many DEIA programs comply with—and, in fact, can help advance—civil rights laws. A recent guidance from the U.S. Department of Education explains that while “Title VI [of the Civil Rights Act of 1964] prohibits discrimination based on race, color, or national origin in the programs or activities of all recipients of Federal financial assistance,” “[a]ctivities intended to further objectives such as diversity, equity, accessibility, and inclusion are not generally or categorically prohibited under Title VI.”<sup>36</sup> As such, Title VI does not categorically prohibit diversity, equity, and inclusion training; instruction in or training on the impact of racism or systemic racism; cultural competency training or other nondiscriminatory trainings; or efforts to assess or improve school climate, including the use of community focus groups or climate surveys.<sup>37</sup> Similarly, as discussed in LDF’s report, *The Economic Imperative to Ensure Equal Opportunity: Guidance for Employers, Businesses, and Funders*, several courts have found—and U.S. Equal Employment Opportunity Commissioners<sup>38</sup> have<sup>39</sup> reaffirmed<sup>40</sup>—that many programs focused on increasing employment opportunities are consistent with Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination.<sup>41</sup> More importantly, many DEIA programs can help schools comply with these antidiscrimination laws by helping them identify and break down unfair barriers that impede student success, block equal employment opportunities, and create negative campus climates. According to the U.S. Department of Education, DEIA initiatives can help higher educational institutions comply with federal antidiscrimination laws by addressing harassing conduct, remedying prior racial discrimination, and fostering “a more positive and inclusive school climate.”<sup>42</sup>

The Supreme Court’s recent *SFFA* decision, which held that the race-conscious admissions programs at Harvard and UNC were unconstitutional, did not alter the legality of initiatives that advance racial diversity, equity, inclusion.<sup>43</sup> Importantly, the *SFFA* decision is limited to the explicit use of race, among a plethora of other factors, in the affirmative action policies at Harvard and UNC and does not apply beyond this narrow context. In fact, the Court in *SFFA* expressly recognized that race-conscious measures remain permissible where there is an interest in

<sup>36</sup> U.S. DEP’T OF EDUCATION, OFF. FOR CIVIL RIGHTS, FACT SHEET: DIVERSITY & INCLUSION ACTIVITIES UNDER TITLE VI (Jan. 2023), <https://www.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-tvi-dia-202301.pdf>.

<sup>37</sup> *Id.*

<sup>38</sup> Jocelyn Samuels & Zain Shirazi, *The High Court Didn’t Kill DEI at Work. Employers Shouldn’t Waver*, BLOOMBERG LAW (Jul 11, 2023), <https://news.bloomberglaw.com/us-law-week/the-high-court-didnt-kill-dei-at-work-employers-shouldnt-waver>.

<sup>39</sup> Charlotte A. Burrows, U.S. Equal Emp. Opportunity Comm’n, *Statement from EEOC Chair Charlotte A. Burrows on Supreme Court Ruling on College Affirmative Action Programs* (Jun. 29, 2023), <https://www.eeoc.gov/newsroom/statement-eeoc-chair-charlotte-burrows-supreme-court-ruling-college-affirmative-action>.

<sup>40</sup> Riddhi Setty, *New EEOC Democrat Says Workplace Diversity Has Panel Backing*, BLOOMBERG LAW (Nov. 7, 2023 4:46 PM ET), <https://news.bloomberglaw.com/daily-labor-report/new-eeoc-democrat-says-workplace-diversity-has-panel-backing>.

<sup>41</sup> NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC., *THE ECONOMIC IMPERATIVE TO ENSURE EQUAL OPPORTUNITY: GUIDANCE FOR EMPLOYERS, BUSINESSES, AND FUNDERS* (2024), <https://www.naacpldf.org/wp-content/uploads/2024-02-01-Aff-Axn-Economic-Guidance-2.pdf>.

<sup>42</sup> U.S. DEP’T OF EDUCATION, *supra* note 38.

<sup>43</sup> *Students for Fair Admissions, Inc.*, 600 U.S. at 213, 230.

“remediating specific, identified instances of past discrimination that violated the Constitution or a statute.”<sup>44</sup> Moreover, race-neutral efforts to increase diversity are not only constitutional under *SFFA*, but were also specifically identified as valid alternatives to the explicit consideration of race in affirmative action programs. For example, in his concurring opinion in *SFFA*, Justice Brett M. Kavanaugh emphasized that “governments and universities still ‘can, of course, act to undo the effects of past discrimination in many permissible ways that do not involve classification by race.’”<sup>45</sup> Justice Clarence Thomas likewise acknowledged the use of race-neutral policies in his concurrence, stating that “[r]ace-neutral policies may thus achieve the same benefits of racial harmony and equality.”<sup>46</sup> While each institution’s DEIA program may vary to some degree, most endeavor to correct discriminatory practices and remedy hostile environments. Other programs, such as targeted recruiting, increase the pool of applicants without making admissions or employment decisions based on race. Such programs remain lawful following *SFFA*.

Given the wide variety of programs that may fall within the rubric of “DEIA,” it would be naïve to suggest that all such programs are successful in advancing equal opportunity or ensuring compliance with civil rights obligations. There is, however, some evidence that the successful implementation of DEIA programs can produce improvements in student outcomes and campus climate, as discussed in more detail below. It is essential to collect data on DEIA programs so that higher education institutions can more effectively address the obstacles faced by different underrepresented groups. Programs that conflate or generalize the experiences of different groups or utilize generic, ill-conceived approaches to equalize opportunities for students from specific populations may not be successful.<sup>47</sup> Moreover, programs that solely advance overly broad definitions of diversity, such as viewpoint diversity, can evade the type of discrimination experienced by Black students and faculty and other protected groups on campus.<sup>48</sup> In order to effectively address problems of diversity, equity, and inclusion for all students, and especially those who are most vulnerable, higher education institutions must confront these issues directly and explicitly.

#### **IV. Expanding Access to the Medical Profession and Improving Cultural Competency Can Lead to Better Care for Patients**

In addition to the benefits to individual students and faculty in higher education institutions, increasing diversity, equity, inclusion, and accessibility benefits society as a whole. Contrary to claims made by opponents of DEIA, “diversity in the education of the Nation’s physicians and other healthcare professionals is a medical imperative,” so that physicians can serve the needs of all patients, including patients of color.<sup>49</sup> Yet, even though medical schools have been admitting and graduating more diverse classes,<sup>50</sup> the medical profession remains out of reach for large segments of our population. Only about 5.7 percent of active physicians are Black,

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<sup>44</sup> *Id.* at 207.

<sup>45</sup> *Id.* at 317.

<sup>46</sup> *Id.* at 284.

<sup>47</sup> See, e.g., Bianca Argueza, et al., *From Diversity and Inclusion to Antiracism in Medical Training Institutions*, 96 *ACADEMIC MED.* 6, <https://doi.org/10.1097/ACM.0000000000004017>.

<sup>48</sup> Kristen M. Glasener, *Framing diversity: Examining the place of race in institutional policy and practice post-affirmative action*, 12 *J. DIVERSITY IN HIGHER ED.* 3, <https://doi.org/10.1037/dhe0000086>.

<sup>49</sup> Br. for Amici Curiae Assoc. of Am. Med. Colleges, et al. in Support of Respondents, *Students For Fair Admissions, Inc. v. President & Fellows of Harvard College, Students For Fair Admissions, Inc. v. University Of North Carolina, et al.*, Nos. 20-1199 & 21-707 (Aug. 1, 2022), <https://www.aamc.org/media/61976/download?attachment>.

<sup>50</sup> *African Americans Are Making Progress in Medical School Enrollments*, *J. OF BLACKS IN HIGHER ED.* (Dec. 26, 2022), <https://jbhe.com/2022/12/african-americans-are-making-progress-in-medical-school-enrollments/>.



6.9 percent are Latinx, and 0.3 percent are American Indian or Alaska Native.<sup>51</sup> According to a 2023 study, more than 50 percent of U.S. counties did not have one Black doctor in the entire county, and none of the counties in the United States had Black primary care physicians proportionate to the Black population in the county.<sup>52</sup>

At the same time, Black people and other people of color in the United States suffer disproportionately from preventable disease and early death despite living in a country with one of the most advanced medical systems in the world.<sup>53</sup> Black people have higher rates of diabetes, hypertension, and heart disease than other groups.<sup>54</sup> Black infants die at a rate 2.3 times higher than white infants,<sup>55</sup> and Black children have a 500 percent higher death rate from asthma compared with white children.<sup>56</sup> In addition, Black women are three-to-four times more likely to die from pregnancy-related complications than white women,<sup>57</sup> and many of these deaths were preventable according to the CDC.<sup>58</sup> Black people and other people of color were also more likely to be hospitalized and die due to COVID-19.<sup>59</sup> Even before the pandemic, Black Americans' life expectancy was four years lower than that of white Americans.<sup>60</sup> Many of these racial disparities persist even when accounting for socioeconomic status, lifestyle, insurance coverage, and other risk factors.<sup>61</sup>

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<sup>51</sup> Patrick Boyle, What's your specialty? New data show the choices of America's doctors by gender, race, and age, Am. Assoc. Med. Colleges (Jan. 12, 2023), <https://www.aamc.org/news/what-s-your-specialty-new-data-show-choices-america-s-doctors-gender-race-and-age>. Similarly, people of color are underrepresented in the legal profession, making up 19 percent of the nation's lawyers despite being 40% of the U.S. population. Karen Sloan, *U.S. Supreme Court's affirmative action ruling a 'headwind' for lawyer diversity, experts say*, REUTERS (Jun. 29, 2023), <https://www.reuters.com/legal/government/us-supreme-courts-affirmative-action-ruling-headwind-lawyer-diversity-experts-2023-06-29/>.

<sup>52</sup> Monica E. Peek, *Increasing Representation of Black Primary Care Physicians—A Critical Strategy to Advance Racial Health Equity*, JAMA NETWORK OPEN, vol. 6, no. 4 (2023), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2803903>.

<sup>53</sup> See, e.g., Bruce G. Link, *Epidemiological Sociology and the Social Shaping of Population Health*, 49 J. HEALTH & SOC. BEHAV. 367, 372-75 (2008).

<sup>54</sup> Risa Lavizzo-Mourey & David Williams, *Being Black Is Bad for Your Health*, U.S. NEWS (Apr. 14, 2016), <https://www.usnews.com/opinion/blogs/policy-dose/articles/2016-04-14/theres-a-huge-health-equity-gap-between-whites-and-minorities>.

<sup>55</sup> U.S. Dep't of Health & Human Svcs. Office of Minority Health, Infant Mortality and African Americans, <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=4&lvlid=23#:~:text=Non%2DHispanic%2oblacks%2FAfrican%20Americans,to%20non%2DHispanic%20white%20infants> (last visited Sept. 23, 2022).

<sup>56</sup> Lavizzo-Mourey & Williams, *supra* note 56.

<sup>57</sup> DONNA L. HOYERT, CENTERS FOR DISEASE CONTROL, MATERNAL MORTALITY RATES IN THE UNITED STATES, 2020, <https://www.cdc.gov/nchs/data/hestat/maternal-mortality/2020/maternal-mortality-rates-2020.htm>.

<sup>58</sup> Nada Hassanein, *'Staggering' and 'sobering': More than 80% of US maternal deaths are preventable, CDC study shows*, USA TODAY (Sept. 19, 2022 1:53 PM), <https://www.usatoday.com/story/news/health/2022/09/19/cdc-us-maternal-deaths-preventable/10425271002/>.

<sup>59</sup> Centers for Disease Control, Risk for COVID-19 Infection, Hospitalization, and Death by Race/Ethnicity, <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html> (last visited Sept. 23, 2022).

<sup>60</sup> Centers for Disease Control, Life expectancy at birth, age 65, and age 75, by sex, race, and Hispanic origin: United States, selected years 1900–2018 (2019), <https://www.cdc.gov/nchs/data/hus/2019/004-508.pdf>.

<sup>61</sup> See Virginia Tangel et al., *Racial and Ethnic Disparities in Maternal Outcomes and the Disadvantage of Peripartum Black Women: A Multistate Analysis, 2007-2014*, 36 AM. J. PERINATOLOGY 835, 835, 843 (2019).

While gaps in access to care<sup>62</sup> and disproportionate exposure to environmental hazards,<sup>63</sup> among other factors, contribute to these disparities, racial bias in the medical profession is also a driving force. While some may inaccurately frame medicine as an objective, rational, and scientific discipline, the reality is that the medical profession is no less at risk of human flaws, including racial bias. A 2003 literature review by the National Academy of Medicine found that people of color were less likely than white people to receive appropriate cardiac care; kidney dialysis or transplants; and are often denied the most successful treatments for stroke, cancer, or AIDS.<sup>64</sup> The literature review concluded that “provider and institutional bias are significant contributors” to health inequities.<sup>65</sup> A 2016 study similarly found that some medical students and medical residents hold false beliefs about biological differences between Black people and white people, leading them to discount Black patients’ pain and make less accurate treatment recommendations.<sup>66</sup> Unsurprisingly, Black doctors were more likely than others to accurately assess Black patients’ pain tolerance and prescribe the correct amount of pain medication as a result.<sup>67</sup> This racially disparate treatment by medical professionals is persistent and pervasive, as demonstrated in the HHS’ 2021 National Health Care Quality and Disparities Report, which found that Black people received worse care than white people across 43 percent of 195 quality measures.<sup>68</sup>

In light of the well-documented racial bias in the practice of medicine, efforts to ensure equal opportunity for medical students of color “literally saves lives by ensuring that the Nation’s increasingly diverse population will be served by healthcare professionals competent to meet its needs.”<sup>69</sup> Black and Latinx “health professionals are more likely to serve in areas with high rates of uninsured and areas of underrepresented racial and ethnic groups;” thus, expanding opportunities for medical professionals from these backgrounds can help close gaps in care.<sup>70</sup> Moreover, patients benefit from being treated by providers who were trained and work in a racially-diverse environment. As the American Academy of Medical Colleges and other physicians groups have explained, “diversity in medical education yields better health outcomes . . . because

<sup>62</sup> Predominantly Black, racially-isolated neighborhoods are more likely to be in primary care deserts and “offer fewer ambulatory facilities, more limited access to physicians, and a lower supply of surgeons.” Mariana C. Arcaya & Alina Schnake-Mahl, *Health in the Segregated City*, NYU FURMAN CTR. (Oct. 2017), <https://furnancenter.org/research/iri/essay/health-in-the-segregated-city>

<sup>63</sup> Laura Wamsley, *Even many decades later, redlined areas see higher levels of air pollution*, NPR (Mar. 10, 2022), <https://www.npr.org/2022/03/10/1085882933/redlining-pollution-racism>; Daniel Cusick, *Past Racist “Redlining” Practices Increased Climate Burden on Minority Neighborhoods*, SCIENTIFIC AM. (Jan. 21, 2020), <https://www.scientificamerican.com/article/past-racist-redlining-practices-increased-climate-burden-on-minority-neighborhoods/>; OM SHAPIRO ET AL., LDF THURGOOD MARSHALL INST. & INST. ON ASSETS AND SOC. POLY AT BRANDEIS UNIV. THE BLACK-WHITE RACIAL WEALTH GAP 5 (2019), <https://tminstituteldf.org/wp-content/uploads/2019/11/FINAL-RWG-Brief-v1.pdf>.

<sup>64</sup> H. Jack Geiger, *Racial and Ethnic Disparities in Diagnosis and Treatment: A Review of the Evidence and a Consideration of Causes*, INSTITUTE OF MEDICINE COMMITTEE ON UNDERSTANDING AND ELIMINATING RACIAL AND ETHNIC DISPARITIES IN HEALTH CARE, UNEQUAL TREATMENT: CONFRONTING RACIAL AND ETHNIC DISPARITIES IN HEALTH CARE. WASHINGTON (DC): NATIONAL ACADEMIES PRESS (Brian D. Smedley, et al., eds. 2003), available at <https://www.ncbi.nlm.nih.gov/books/NBK220337/>.

<sup>65</sup> *Id.*

<sup>66</sup> Kelly M. Hoffman et al., *Racial Bias in Pain Assessment and Treatment Recommendations, and False Beliefs About Biological Differences Between Blacks and Whites*, 113 PROC. OF THE NAT’L ACAD. OF SCI. 4296, 4301 (2016), <https://www.pnas.org/doi/10.1073/pnas.1516047113>. *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> U.S. DEP’T OF HEALTH & HUMAN SERVS., AGENCY FOR HEALTHCARE RES. & QUALITY, 2021 NATIONAL HEALTHCARE QUALITY & DISPARITIES REPORT EXECUTIVE SUMMARY (2020), at ES-3, D-3-D-51, <https://www.aahr.gov/sites/default/files/wysiwyg/research/findings/nhqrd/2021qdr.pdf>.

<sup>69</sup> Br. for Amici Curiae Assoc. of Am. Med. Colleges et al., *supra* note 51.

<sup>70</sup> *E.g.* S. Rep. No. 114-74, at 42 (2015).

all physicians become better practitioners overall as a result of a diverse working and learning environment.<sup>71</sup> Training alongside people with diverse backgrounds improve patient-physician communication—a critical component of care.<sup>72</sup> Once in practice, members of diverse healthcare teams are less likely to make the types of mistakes they might make in a more racially and culturally homogenous environment.<sup>73</sup> Expanding access to the medical profession can thus improve health outcomes for all patients.

#### V. Increasing Diversity, Equity, Inclusion, and Accessibility on College Campuses Can Improve Student Outcomes

Social science research suggests that certain activities that increase diversity, equity, inclusion, and accessibility can improve outcomes for underrepresented students, including on predominantly white college campuses,<sup>74</sup> as well as increase employment opportunities for faculty and staff of color. In general, social science research has found that DEIA initiatives work best when designed to fit a specific organizational context and when a specific manager is responsible for implementing the intervention.<sup>75</sup> The following interventions have proven to be successful and should be considered in a variety of contexts:

- **Full-Time DEIA Positions and Taskforces:** Appointing a full-time DEIA manager or creating a DEIA taskforce can help promote diversity. An analysis of data on more than 800 employers between 1971 and 2002 revealed that hiring an equal employment opportunity specialist (DEIA staff position) has significant positive effects on increasing the share of women and people of color in management, leading to a 10 percent increase in the proportion of white women in management and a 15 percent increase in the proportions of Black men and women within a five- to seven-year timespan.<sup>76</sup> Diversity taskforces can similarly lead to significant increases in the numbers of Black, Latinx, and Asian American men and women and white women in managerial positions<sup>77</sup> because they help pinpoint specific barriers that unfairly prevent advancement and identify solutions to those barriers.<sup>78</sup>
- **Affinity Groups and Other Support Systems:** Programs that help students develop their racial and ethnic identities have cognitive and noncognitive benefits, including an increase

<sup>71</sup> *Id.* at 5.

<sup>72</sup> Cf. Jonathan M. Metz & Helena Hansen, *Structural Competency: Theorizing A New Medical Engagement With Stigma and Inequality*, 103 SOC. SCI. & MED. 126, 128-32 (1982).

<sup>73</sup> L.E. Gomez & Patrick Bernet, *Diversity Improves Performance and Outcomes*, 111 J. NAT'L MED. ASS'N, 383, 384-89 (2019). See also, e.g., Roland A. Owens, *The Carter Lab at NIH: A Model of Inclusive Excellence in Biomedical Research*, 31 HUM. GENE THERAPY 512, 512-17 (2020) (describing the benefits of diverse team of researchers in the development of gene therapy vectors).

<sup>74</sup> E.g. Momoh Sekou Dudu, *Impact of Targeted Diversity, Equity, and Inclusion (DEI) Initiatives on the Retention and Graduation Rates of Students of Color at Community Colleges*, Hamline University Sch. of Business Student Theses and Dissertations (2023), [https://digitalcommons.hamline.edu/hsb\\_all/26](https://digitalcommons.hamline.edu/hsb_all/26).

<sup>75</sup> Social science research on DEIA programs is a new and growing field. Moreover, as discussed above, DEIA programs at higher education institutions may address the needs of both students and staff. For the purposes of this analysis, we include research on DEIA initiatives at higher education institutions and private employers.

<sup>76</sup> Alexandra Kalev, et al., *Best practices or best guesses? Diversity management and the remediation of inequality*, 71 AM. SOC. REV. 589 (2006).

<sup>77</sup> Frank Dobbin, et al., *Diversity management in corporate America*, CONTEXTS vol. 6, no. 4, p. 21–28 (2007); Emilio Castilla, *Social networks and employee performance in a call center*, 110 AM. J. OF SOC. 1243 (2005).

<sup>78</sup> Frank Dobbin & Alexandra Kalev, *The origins and effects of corporate diversity programs*, in THE OXFORD HANDBOOK OF DIVERSITY AND WORK (Quinetta M. Roberson, ed.) (2013).

in their sense of competence, sense of belonging, interpersonal relationships, and commitments.<sup>79</sup> As a result, programs that validate students' identities and culture during recruitment, orientation, in and outside of classes, and through student exit interviews can improve Black students' retention rates.<sup>80</sup> A 2018 study of urban public universities found that schools that provide access, support systems, and close connections with communities can help young Black men successfully graduate from these institutions, which was especially promising given how this particular demographic faces some of the lowest retention and graduation rates in higher education.<sup>81</sup> Participation in affinity groups can similarly increase retention,<sup>82</sup> while targeted retention programs for Black students on campuses of predominantly white institutions can increase academic and social engagement.<sup>83</sup> Research has found that campus support programs and organizations have resulted in improved resilience and engagement among Indigenous students<sup>84</sup> and students of color across a variety of contexts.<sup>85</sup> Finally, campus experiences in both class and extracurricular activities focused on learning and developing a positive racial identity can improve academic support and performance among students of color.<sup>86</sup>

- **Ensuring Equal Opportunities for Faculty of Color:** Fostering faculty diversity by equalizing access to employment opportunities can improve student graduation rates and other outcomes.<sup>87</sup> Faculty of color often serve as mentors and role models for students on campus. Several studies highlight the importance of interactions with Black and Latinx

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<sup>79</sup> Dina C. Maramba & Patrick Velasquez, *Influences of the Campus Experience on the Ethnic Identity Development of Students of Color*, 44 ED. & URBAN SOCIETY 294 (2014), <https://doi.org/10.1177/0013124510393239>; see also Aygul N. Batyrshina, et al., *How Does Ethnic Identity Relate to Adjustment for Minoritized Students? A Two-Site Comparison of Large Public Universities*, 25 J. OF COLLEGE STUDENT RETENTION: RESEARCH, THEORY & PRACTICE 768, <https://doi.org/10.1177/15210251211022649>.

<sup>80</sup> Holmes, et al., *supra* note 20.

<sup>81</sup> Terrell L. Strayhorn, *Factors That Influence the Persistence and Success of Black Men in Urban Public Universities*, 52 URBAN ED. 1106 (2016), <https://doi.org/10.1177/0042085915623347>.

<sup>82</sup> Brooms and Davis, *supra* note 20.

<sup>83</sup> Lakitta Johnson, *The Benefits of a Comprehensive Retention Program for African American Students at a Predominately White University*, 3 INTERDISCIPLINARY J. OF TEACHING & LEARNING 38 (2013).

<sup>84</sup> Adrian A. Rodriguez & Brent Mallinckrodt, *Native American-Identified Students' Transition to College: A Theoretical Model of Coping Challenges and Resources*, 23 J. OF COLLEGE STUDENT RETENTION: RESEARCH, THEORY & PRACTICE 96 (2018), <https://doi.org/10.1177/1521025118799747>.

<sup>85</sup> Batyrshina, et al., *supra* note 81.

<sup>86</sup> Laurie A. Schreiner, *Different Pathways to Thriving among Students of Color: An Untapped Opportunity for Success*, ABOUT CAMPUS, vol. 15, no. 9, pp.10-19 (2014), <https://doi.org/10.1002/abc.21169>; Dina C. Maramba & Patrick Velasquez, *Influences of the Campus Experience on the Ethnic Identity Development of Students of Color*, 44 ED. & URB. SOC. 294, <https://doi.org/10.1177/0013124510393239>.

<sup>87</sup> Stout, et al., *supra* note 27; James David Cross & Carol A. Carman, *The Relationship between Faculty Diversity and Student Success in Public Community Colleges*, 46 COMMUNITY COLLEGE J. OF RESEARCH & PRACTICE 855 (2022), <https://www.tandfonline.com/doi/full/10.1080/10668926.2021.1910595>.

faculty for improved student retention, graduation, and graduate school aspiration among Black<sup>88</sup> and Latinx students.<sup>89</sup>

- **Mentoring:** Mentoring programs can also reduce barriers that prevent people of color from achieving success.<sup>90</sup> A 2015 study found that leaders of color identified mentoring (31 percent) and networking (20 percent), in addition to education (33 percent), as the most useful activities for their success, with younger respondents reporting that mentoring had a more significant impact than education.<sup>91</sup> A 2005 study similarly found that personal guidance and support by mentors is the most effective at facilitating career development.<sup>92</sup>
- **Targeted Recruitment:** Active recruitment of people of color, women, and other underrepresented groups can help reach people who might otherwise not learn about opportunities. Several studies have shown that these outreach programs can increase the diversity of the workforce<sup>93</sup> and higher education institutions. For example, the pediatric residency program at Children's National Hospital addressed the underrepresentation of residents of color by creating an enhanced applicant recruitment process and programs like a diversity dinner series to help underrepresented residents find the support they needed to succeed.<sup>94</sup> The hospital's recruitment efforts increased the percentage of underrepresented interns from 5 percent in 2014 to 51 percent in 2021.<sup>95</sup>

In addition to breaking down barriers to opportunity for students and faculty of color, programs that increase diversity, equity, inclusion, and accessibility can improve critical thinking skills for all students. Teams that bring together people with different backgrounds and experiences engage in more rigorous and thoughtful decision-making, making them better

<sup>88</sup> Lamont D. Simmons, *Beyond Matriculation: Examining Factors That Contribute to African American Male Persistence at a Predominantly White Institution*, 21 J. OF COLLEGE STUDENT RETENTION: RESEARCH, THEORY & PRACTICE 358 (2017), <https://doi.org/10.1177/1521025117714163>; Brooms & Davis, *supra* note 20; Arianna Jackson, et al., *Managing Intersectional Invisibility and Hypervisibility During the Transition to College Among First-Generation Women of Color*, 46 PSYCH. OF WOMEN Q. 354 (2022), <https://journals.sagepub.com/doi/full/10.1177/03616843221106087>; Bridget Turner Kelly, et al., *Critical Validation: Black Women's Retention at Predominantly White Institutions*, 23 J. OF COLLEGE STUDENT RETENTION: RESEARCH, THEORY & PRACTICE 434 (2021), <https://doi.org/10.1177/1521025119841030>.

<sup>89</sup> Marcella Cuellar and Amber M. Gonzalez, *Beyond the Baccalaureate: Factors Shaping Latina/o Graduate Degree Aspirations*, 20 J. OF HISPANIC HIGHER EDUCATION 59 (2021), <https://doi.org/10.1177/1538192719830082>; Desiree D. Zerquera & Jacob P.K. Gross, *Context Matters: A Critical Consideration of Latina/o Student Success Outcomes Within Different Institutional Contexts*, 16 J. OF HISPANIC HIGHER ED. 209 (2015), <https://doi.org/10.1177/1538192715612915>; Robert Wassmer & Meredith Galloway, *Evidence That a Greater Presence of Latinx Faculty or Administrators Raises the Completion Rates of Various Cohorts of Community College Students*, 37 ED. POL'Y 1380 (2022), <https://doi.org/10.1177/08959048221090152>.

<sup>90</sup> Dobbin, et al., *supra* note 79; Castilla, *supra* note 79.

<sup>91</sup> Ryan Smith, *Contributions and barriers to developing black and Latino leadership in the public and nonprofit sectors of the economy* 15, in HOW GLOBAL MIGRATION CHANGES THE WORKFORCE DIVERSITY EQUATION (PM. Pilati, et al., eds.) (2015).

<sup>92</sup> Castilla, *supra* note 79.

<sup>93</sup> Harry Holzer & David Neumark, *What does affirmative action do?*, 53 INT'L LABOR RELATIONS REV. 240 (2000), <https://journals.sagepub.com/doi/10.1177/001979390005300204>; Lauren Edelman & Stephen Petterson, *Symbols and substance in organizations' response to civil rights law*, 17 RES. IN SOC. STRATIFICATION & MOBILITY 107 (1999); Alison Konrad & Frank Linnehan, *Formalized HRM structures—coordinating equal-employment opportunity or concealing organizational practices*, 38 ACAD. OF MGMT. J. 787 (1999).

<sup>94</sup> Sanford Roberts, *Impact of Mentoring on Diversity and Inclusion in Surgery*, 87 THE AM. SURGEON 1739 (2021), [https://doi.org/10.1177\\_00031348211047486](https://doi.org/10.1177_00031348211047486).

<sup>95</sup> *Id.*

equipped to find innovative solutions.<sup>96</sup> For example, a 2018 study found that companies were more likely to have a larger “number of new product announcements per R&D dollar spent by a firm” if they had more diverse managers; hiring policies that opened up employment for people with disabilities; and personnel policies that included LGBTQ+ employees, among other measures.<sup>97</sup> Other research has similarly found that diverse learning environments help build critical thinking, problem-solving ability, and intellectual self-confidence.<sup>98</sup> For example, “[r]esearch shows that diverse teams working together and capitalizing on innovative ideas and distinct perspectives outperform homogenous teams. Scientists and trainees from diverse backgrounds and life experiences bring different perspectives, creativity, and individual enterprise to address complex scientific problems.”<sup>99</sup> Cross-racial interactions can also reduce prejudice and stereotypes, increase empathy, and open minds.<sup>100</sup>

Programs that allow students to learn with and from peers and faculty from all backgrounds can also prepare these students to thrive in our increasingly global economy. Although the overall U.S. consumer base is already “barely 50 percent white,” that “number is likely to continue shrinking.”<sup>101</sup> Between 2010 and 2020, the buying power of Asian Americans grew by 111 percent, Latinx people by 87 percent, Indigenous people by 67 percent, and Black people by 61 percent.<sup>102</sup> In comparison, the total U.S. buying power increased 55 percent between 2010 and 2020.<sup>103</sup> Moreover, as corporate growth increasingly comes from expansion to foreign markets, companies will seek out employees who can effectively communicate and work with international colleagues and customers.<sup>104</sup> These changes, combined with larger demographic shifts within the country, will put a premium on prospective employees who have the experience

<sup>96</sup> David Rock & Heidi Grant, *Why Diverse Teams are Smarter*, HARV. BUS. REV. (Nov. 4, 2016). See also William J. Holstein, *Diversity is Even More Important in Hard Times*, N.Y. TIMES (Feb. 13, 2009) (“[I]t’s difficult, if not impossible, for [a] homogenous board[] to challenge and offer different perspectives, unique experiences and the broad-based wisdom that makes the board, and therefore the company, as effective as they can be.”).

<sup>97</sup> Roger C. Mayer et al., *Do Pro-Diversity Policies Improve Corporate Innovation?*, 47 FIN. MGMT. 617 (2018).

<sup>98</sup> Br. for Amici Curiae Am. Psych. Assoc., Mass. Psych. Assoc., & North Carolina Psych. Assoc. in Support of Respondents, *Students for Fair Admission v. President & Fellows of Harvard Coll. and Students for Fair Admissions v. Univ. of North Carolina*, Nos. 20-1199 & 21-707 (Aug. 1, 2022), [https://www.supremecourt.gov/DocketPDF/20/20-1199/232429/20220801152225681\\_2022-08-01%20Nos.%2020-1199%20and%2021-707%20%20American%20Psychological%20Assn%20Amici%20Brief.pdf](https://www.supremecourt.gov/DocketPDF/20/20-1199/232429/20220801152225681_2022-08-01%20Nos.%2020-1199%20and%2021-707%20%20American%20Psychological%20Assn%20Amici%20Brief.pdf); Br. for Amici Curiae American Educational Research Association, et al., *Students for Fair Admission v. President & Fellows of Harvard Coll. and Students for Fair Admissions v. Univ. of North Carolina*, Nos. 20-1199 & 21-707 (Aug. 1, 2022), [https://www.supremecourt.gov/DocketPDF/20/20-1199/232329/20220801131706384\\_AERA%20SFFA%20Brief%20-%20Revised%20Final.pdf](https://www.supremecourt.gov/DocketPDF/20/20-1199/232329/20220801131706384_AERA%20SFFA%20Brief%20-%20Revised%20Final.pdf); M. J. Chang, “Does Racial Diversity Matter?: The Educational Impact of a Racially Diverse Undergraduate Population,” *Journal of College Student Development* 40, no. 4 (July 1999): 377–95, [https://www.researchgate.net/publication/232547545\\_Does\\_Racial\\_Diversity\\_Matter\\_The\\_Educational\\_Impact\\_of\\_a\\_Racially\\_Diverse\\_Undergraduate\\_Population](https://www.researchgate.net/publication/232547545_Does_Racial_Diversity_Matter_The_Educational_Impact_of_a_Racially_Diverse_Undergraduate_Population).

<sup>99</sup> See, e.g., Lu Hong & Scott E. Page, *Groups of Diverse Problem Solvers Can Outperform Groups of High-Ability Problem Solvers*, 101 PROC. NAT’L ACAD. SCI. 16385 (2004) (finding that diverse groups perform more productively and creatively than nondiverse ones).

<sup>100</sup> *Id.*

<sup>101</sup> Kasey Lobaugh et al., *The consumer is changing, but perhaps not how you think: A swirl of economic and marketplace dynamics is influencing consumer behavior*, DELLOITTE INSIGHTS (May 29, 2019), <https://tinyurl.com/5au9zv7l>.

<sup>102</sup> J. Merritt Melancon, *Consumer Buying Power Is More Diverse Than Ever*, UGA TODAY (Aug. 11, 2021), <https://news.uga.edu/selig-multicultural-economy-report-2021/>.

<sup>103</sup> *Id.*

<sup>104</sup> Rebecca Doherty, et al., *The growth code: Go global if you can beat local*, MCKINSEY & CO. (Jun. 23, 2023), <https://www.mckinsey.com/capabilities/strategy-and-corporate-finance/our-insights/the-strategy-and-corporate-finance-blog/the-growth-code-go-global-if-you-can-beat-local>.

and skills to interact effectively with people from a variety of backgrounds. Programs that ensure equal access to higher education to foster greater diversity can prepare students for this future.<sup>105</sup>

## VI. Programs That Support Diversity, Equity, Inclusion, and Accessibility Have the Potential to Improve Campus Climate and Reduce Prejudice

Multiple studies have found that antidiscrimination trainings focusing on racial or LGBTQ+ bias can lead participants to self-report lower levels of prejudice.<sup>106</sup> However, additional work needs to be done to examine whether such trainings can reduce the prevalence of discrimination and improve campus climate long-term. In general, sexual harassment and racial discrimination trainings that incorporate an intersectional framework,<sup>107</sup> focus on similarities and shared experiences rather than differences, and frame the training as an opportunity for learning and growth may be more effective at changing discriminatory behaviors.<sup>108</sup> Higher education institutions can improve the effectiveness of these trainings by combining them with additional interventions, such as leadership socialization, changes to organizational culture and climate, increases in professional competence, and integration with social responsibility and performance.<sup>109</sup> In focus groups with Black students, faculty, and staff, more than half (54 percent) of Black respondents reported that race/ethnic themed initiatives helped to create a positive campus climate by addressing their specific interests, needs, and concerns while connecting them with others who shared a common interest or identity.<sup>110</sup>

Contrary to what many critics falsely claim, there is no evidence that DEIA programs foster antisemitism or other forms of bias. According to the U.S. Department of Education, DEIA initiatives do not presumptively create hostile environments.<sup>111</sup> In fact, even before October 7, 2023, several colleges and universities included trainings on antisemitism as part of DEIA

<sup>105</sup> Gretchen Guiton et al., *Student Body Diversity: Relationship to Medical Students' Experiences and Attitudes*, 82 *ACAD. MED.* S85, S87 (Supp. 2007); see also, e.g., Somnath Saha et al., *Student Body Racial and Ethnic Composition and Diversity-Related Outcomes in US Medical Schools*, 300 *JAMA* 1135, 1135 (2008) (finding that non-minority students attending more racially diverse medical schools exhibited greater preparedness to care for minority patients and stronger attitudes about equitable access to healthcare).

<sup>106</sup> Daragh T. McDermott, et al. *Ameliorating transnegativity: assessing the immediate and extended efficacy of a pedagogic prejudice reduction intervention*, 9 *PSYCHOL. SEX* 69–85 (2018), <https://www.tandfonline.com/doi/abs/10.1080/19419899.2018.1429487>; Heather D. Hussey, *Reducing student prejudice in diversity-infused core psychology classes*, *COLL. TEACH.* vol. 58, no. 3, pp. 85–92 (2010), <https://www.jstor.org/stable/41305090>; Angie Colvin-Burque, et al., *Can cultural competence be taught? Evaluating the impact of the soap model*, 43 *J. SOC. WORK EDUC.* 223 (2007), <https://www.tandfonline.com/doi/citedby/10.5175/JJSE.2007.200500528?scroll=top&needAccess=true>; Mitchell J. Chang, *The impact of undergraduate diversity course requirement on students' racial views and attitudes*, 15 *J. OF GEN. ED.* 21 (2002), <https://www.jstor.org/stable/27797900>.

<sup>107</sup> Gabrielle C. Danna, et al., *Who else besides (White) women? The need for representation in harassment training*, 13 *INDUSTRIAL & ORG. PSYCH.: PERSPECTIVES ON SCI. & PRACTICE* 208 (2020), <https://doi.org/10.1017/iop.2020.38>.

<sup>108</sup> Salter, N., & Roman, J.-L. R. (2020). Receptivity to sexual harassment and racial discrimination training: You can't learn what you won't hear. *Industrial and Organizational Psychology: Perspectives on Science and Practice*, 13(2), 213–215. <https://pdfs.semanticscholar.org/b964/e33df32beb4887ad65cbb6726eb46a1bfeco.pdf>

<sup>109</sup> Theodore L. Hayes, et al., *Coffee and controversy: How applied psychology can revitalize sexual harassment and racial discrimination training*, 13 *INDUSTRIAL & ORG. PSYCH.: PERSPECTIVES ON SCI. & PRACTICE* 117–136 (2020), <https://doi.org/10.1017/iop.2019.84>.

<sup>110</sup> Serie McDougal, et al., *Black Campus Climate: Towards a Liberatory and Equitable Black Campus Experience*, 55 *J. OF BLACK STUDIES* 3 (2023), <https://doi.org/10.1177/00219347231207061>.

<sup>111</sup> U.S. DEP'T OF EDUCATION, *Supra* note 38.

trainings.<sup>112</sup> Nor do DEIA programs inherently disparage members of majority groups or diminish their contributions to the campus community.

Rather, DEIA is intended to ensure that schools and workplaces reflect the talent that exists in people of all backgrounds. These programs force decision-makers to interrogate why disparities exist and grapple with prejudice to ensure that civil rights are protected, opportunity is equally available to everyone, and all are welcome. DEIA programs can and should also acknowledge the experiences of all historically marginalized communities.

Finally, campus climate could be further improved by strengthening Title VI enforcement. This effort should include increasing the capacity of the Department of Education to investigate discrimination claims on campus, and restoring private individuals' right to challenge university policies that disparately harm students who are members of protected categories.

## **VII. Conclusion**

While talent and potential are found in students and workers of all backgrounds, opportunities to fulfill that potential are not equally accessible. As the United States becomes increasingly more diverse, it is imperative that institutions of higher learning equalize opportunities and foster an equitable and inclusive climate in which everyone can succeed. Yet, DEIA programs aiming to achieve these goals currently face attacks from extremists who are spreading disinformation with the intentional goal of chilling racial equity efforts and hindering the realization of a truly equitable and inclusive educational environment. In this moment of crisis, we as a nation must fully commit to the success of our multiracial democracy, where the contributions of all Americans are valued. Otherwise, we risk losing the valuable contributions of a generation of talented young people to the detriment of us all.

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<sup>112</sup> Universities Selected to Combat Anti-Semitism in Higher Education, INSIGHT INTO DIVERSITY (Sept. 27, 2022), <https://www.insightintodiversity.com/universities-selected-to-combat-anti-semitism-in-higher-education/>.





Southern Poverty Law Center  
400 Washington Ave  
Montgomery, AL 36104  
splcactionfund.org

Written Statement by the Southern Poverty Law Center

Submitted to the U.S. House Committee on Education and the  
Workforce, Subcommittee on Higher Education and Workforce  
Development

In connection with its March 7, 2024, hearing entitled:  
“Divisive, Excessive, Ineffective: The Real Impact of DEI on College  
Campuses”

Hearing March 7, 2024

Organizational Statement Submitted March 19, 2024



### Introduction

On behalf of the Southern Poverty Law Center, we write to provide our insights on issues discussed during the U.S. House Committee on Education and Workforce Committee's Subcommittee on Higher Education and Workforce Development March 7, 2024, hearing entitled "Divisive, Excessive, Ineffective: The Real Impact of DEI on College Campuses." We appreciate the opportunity to share our expertise on the historic and ongoing importance of anti-discrimination policies and laws and our concerns with the erroneous framing of the hearing to discredit important non-discrimination efforts like Diversity, Equity, Inclusion, and Accessibility programs in higher education.

Established in 1971, the Southern Poverty Law Center (SPLC) is a nonprofit organization founded in Montgomery, Alabama, to help ensure the promise of the Civil Rights Movement became a reality for all, particularly for Black communities in the South, who are all too often the victims of discriminatory policies and who experience targeted violence at the hands of white supremacists. We work in partnership with communities of color to dismantle white supremacy, strengthen intersectional movements through transformative policies and initiatives, and advance the human rights of all people.

The SPLC believes that all people in our country deserve to live free from discrimination and that the government must provide remedies and interventions to protect communities that have been systematically and continually marginalized and discriminated against throughout the history of this country. Anti-discrimination policies and programs like Affirmative Action and Diversity, Equity, Inclusion, and Accessibility (DEIA) are critical to ensuring that the promise of and the rights bestowed by the Constitution are enjoyed by all, especially in the context of education and employment.

### The Historic and Ongoing Importance of Anti-Discrimination Laws, Policies, and Programs like Diversity, Equity, Inclusion, and Accessibility (DEIA) in Education and Other Facets of Life

People of color in the United States, especially Black people, have experienced systematic racial discrimination that was ingrained in the policies of private and public institutions across every aspect of life, from legal and policy barriers to voting and homeownership to accessing high-quality education and equal employment opportunities. As a result, Congress, the courts, and the executive branch acknowledged the need to create specific interventions to tackle discrimination.

The *Brown v. Board of Education* decision that overturned the "separate but equal" doctrine and the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 created significant rights to help remedy the racial subjugation of Black people, and by extension other communities of color in this country. Though transformational, it became clear that these anti-discrimination statutes and legal victories were not enough to overcome deeply entrenched patterns of racial



segregation and discrimination.<sup>1</sup> As a result, the courts and the executive branch incorporated the concepts of “affirmative actions” to remedy violations of civil rights laws and establish positive policies of nondiscrimination to overcome obstacles to equal opportunities.<sup>2</sup>

Those policies were implemented and enforced for decades in higher education admission policy, employment, business enterprises, and other sectors as specific interventions created as part of anti-discrimination efforts designed to expand opportunities, address and remedy both historic and persistent inequities, and prevent future discrimination.<sup>3</sup> Additionally, those policies evolved to include policies, programs, and services designed to increase Diversity, Equity, Inclusion, and Accessibility to help overcome patterns of discrimination and eliminate disparities in opportunities.<sup>4</sup>

While the country has taken significant strides to address historic and persistent inequities and increase educational opportunity, through legal and policy victories, that progress has always been and continues to be threatened. For more than a decade, there has been a concerted effort by the extreme right, led by people like Edward Blum and Stephen Miller, to eliminate anti-discrimination policies and programs in both the private and public sectors through the federal courts and state legislatures throughout this country, and particularly in the South. The recent Supreme Court ruling ending Affirmative Action in higher education, the onslaught of anti-DEIA legislation across the deep South, and the wave of cases challenging programs and services that support minority-owned businesses are the most recent examples of their attempts to rewrite history by erasing the existence of historic and present discrimination, eliminate legal protections, policies and programs designed to root out and provide redress for racial and all other forms of discrimination that Black, Brown, and other people of color experience throughout their daily lives.

#### The Continued Need to Address Discrimination in Higher Education and Employment

Access to high-quality education opens doors to economic mobility and can reduce the racial wealth gap. Educational attainment leads to better jobs and higher wages, which, in turn, leads to

<sup>1</sup> See, Del Pilar, W. (2023, June 2023). *A Brief History of Affirmative Action and the Assault on Race-Conscious Admissions*. Ed Trust. <https://edtrust.org/resource/a-brief-history-of-affirmative-action-and-the-assault-on-race-conscious-admissions/>; National Archives (2024). *Affirmative Action History and Rationale*. Clinton White House. <https://clintonwhitehouse3.archives.gov/WH/EOP/OP/html/aa/aa02.html>

<sup>2</sup> See The American Association for Access, Equity and Diversity (AAAED) (2024). *What is Affirmative Action?* [https://www.aaed.org/aaed/About\\_Affirmative\\_Action\\_Diversity\\_and\\_Inclusion.asp](https://www.aaed.org/aaed/About_Affirmative_Action_Diversity_and_Inclusion.asp)

<sup>3</sup> See The American Association for Access, Equity and Diversity (AAAED) (2024). *Affirmative Action Policies Throughout History*. [https://www.aaed.org/aaed/History\\_of\\_Affirmative\\_Action.asp](https://www.aaed.org/aaed/History_of_Affirmative_Action.asp)

<sup>4</sup> See Golden, H. (2024, January 1). *History of DEI: The Evolution of Diversity Training Programs*. Notre Dame University. <https://www.ndnu.edu/history-of-dei-the-evolution-of-diversity-training-programs/>; see also, White House (2021, June 25). *Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Workforce*. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/>



stable housing and communities, and more educational opportunities. But people of color are more likely to attend systemically underfunded schools, face school closures, and be historically excluded from institutions of higher education.<sup>5</sup> A recent study found that one in five Black students experience discrimination on college and university campuses, and Black students attending the least racially diverse schools and programs are even more likely to suffer discrimination.<sup>6</sup> The U.S. Department of Education’s Office for Civil Rights logged a record number of discrimination complaints in Fiscal year 2022, most of which alleged discrimination based on race, sex, or disability.<sup>7</sup> Research shows that all students benefit from interactions with classmates from diverse backgrounds and cultures.<sup>8</sup> DEIA offices play a critical role in helping colleges and universities comply with civil rights laws and ensure students have recourse when they face discrimination or hostile environments.<sup>9</sup> These programs can help improve student life, success, and retention for historically underrepresented and underserved students.

During the hearing, some of the attacks on DEIA efforts in higher education institutions inaccurately and offensively suggested that students from diverse backgrounds are not satisfying the “rigor” or “merits” of the institution. That false and racist viewpoint suggests that students from underrepresented communities cannot satisfy the school’s academic demands and has been used to block Black and Brown people from opportunities and maintain the status quo of the white dominant power structure without any recognition of unearned admissions preferences such as legacy admissions.<sup>10</sup> This viewpoint also ignores the fact that many of these students have already overcome incredible obstacles in their lived experiences, demonstrating grit, tenacity, and skills that bring significant value to an institution and that removing the constraints of discrimination and prejudice allows students to thrive.<sup>11</sup> DEIA programs are simply opening the door and providing opportunities for students who face historical barriers to access, and they help

<sup>5</sup> Lombardo, C. (2019, February 26). *Why White School Districts Have So Much More Money*. NPR.org. <https://www.npr.org/2019/02/26/696794821/why-white-school-districts-have-so-much-more-money>; Karp, S. (2018, May 22). *Study: 2013 Chicago School Closings Failed to Help Students*. WBEZ. <https://www.wbez.org/stories/study-2013-chicago-school-closings-failed-to-help-students/0eca4948-78dc-4fc9-9c45-0750584cb9f4>

<sup>6</sup> Lloyd, C. and Brown, C. (2023, February 9). *One in Five Black Students Report Discrimination Experiences*. Gallup. <https://news.gallup.com/poll/469292/one-five-black-students-report-discrimination-experiences.aspx>

<sup>7</sup> Pendharkar, E. (2023, May 8). *The Ed. Dept. Received the Most Civil Rights Complaints in History Last Year*. Education Week. <https://www.edweek.org/leadership/the-ed-dept-received-the-most-civil-rights-complaints-in-history-last-year/2023/05>

<sup>8</sup> Stuart, A, Fox, L., & Cordova-Cobo, D. (2016, February 9). *How Racially Diverse Schools and Classrooms Can Benefit All Students*. The Century Foundation. <https://tcf.org/content/report/how-racially-diverse-schools-and-classrooms-can-benefit-all-students/>

<sup>9</sup> Department of Education (2023, January) *Factsheet: Diversity & Inclusion Activities Under Title VI*. <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-tvi-dia-202301.pdf>

<sup>10</sup> Wong, A. (2023, July 4). *After Supreme Court’s rejection of affirmative action, complaint target legacy admissions*. <https://www.usatoday.com/story/news/education/2023/07/03/legacy-admissions-complaint-after-affirmative-action-ruling/70380084007/>

<sup>11</sup> See Seymour, S. & Ray, J. (2015, October 27). *Grads of Historically Black Colleges Have Well-Being Edge*. Gallup. <https://news.gallup.com/poll/186362/grads-historically-black-colleges-edge.aspx>



ensure students from all backgrounds have resources and support to succeed and thrive on campus. A 2023 study found that 75% of college students are supportive of DEI on college campuses and a majority support critical discussions about race, gender, and sexuality.<sup>12</sup>

DEIA programs and offices are also crucial to the workforce—they enhance employee experiences, strengthen organizational health, lead to more thoughtful decision-making and outcomes, and break down barriers that exclude qualified employees.<sup>13</sup> In many sectors, improving DEIA has notable benefits. This is especially true in the medical field, where health equity and disparities are significant for communities of color, and a diverse and representative healthcare workforce improves patients' access to care, their perceptions of the care they receive, and their health outcomes.<sup>14</sup>

#### Attacks on DEIA and Honest History in the Deep South

Across the country, we are seeing radical and sweeping attacks on our education system, including banning discussions of systemic racism, LGBTQ+ issues, Black history, and DEIA initiatives.<sup>15</sup> Public schools are becoming the political battleground between those who support teaching honest, accurate history and inclusivity and those wishing to erase and rewrite our nation's uncomfortable history. Some schools in the Deep South have already taken expansive and unnecessary actions to end DEIA programs and closed supportive programs for Black and Brown students in response to the narrowly limited SCOTUS decision on race-conscious admissions in higher education.

In Florida, the legislature passed a law last year that banned the state's public colleges and universities from spending money on DEIA programs.<sup>16</sup> Despite significant protests by students and faculty, the University of Florida recently terminated all positions associated with DEIA in response to the new legislation.<sup>17</sup> The vagueness of this law has created a climate of confusion, anxiety and fear among students, faculty, and administrators and block the ability to address the

<sup>12</sup> Bryant, J. (2023, March 27). *Only 1 in 4 Students Support Legislative Efforts to Limit DEI on College Campuses*. Best Colleges. <https://www.bestcolleges.com/research/diversity-equity-inclusion-stop-woke-survey/>

<sup>13</sup> U.S. Office of Personnel Management (2024) *Diversity, Equity, Inclusion, and Accessibility*. <https://www.opm.gov/policy-data-oversight/diversity-equity-inclusion-and-accessibility/>

<sup>14</sup> Zephyrin, L., Rodriguez, J. & Rosenbaum, S. (2023, July 20) *The Case for Diversity in the Health Professions Remains Powerful*. The Commonwealth Fund. <https://www.commonwealthfund.org/blog/2023/case-diversity-health-professions-remains-powerful>

<sup>15</sup> Bryant, J. & Appleby, C. (2024, February 26). *These States' Anti-DEI Legislation May Impact Higher Education*. BestColleges. <https://www.bestcolleges.com/news/anti-dei-legislation-tracker/>

<sup>16</sup> The Florida Senate (2023) *CS/SB 266: Higher Education*. <https://www.flsenate.gov/Session/Bill/2023/266/?Tab=BillText>

<sup>17</sup> United Faculty of Florida (2024, March 5). *An open letter from UF faculty and graduate assistants, the United Faculty of Florida, and FEA regarding the recent removal of DEI positions on behalf of UF Faculty and Graduate Assistants*. <https://myuff.org/an-open-letter-regarding-the-recent-removal-of-dei-positions-on-behalf-of-uf-faculty-and-graduate-assistants/>; Betts, A. (2024, March 2) *University of Florida Eliminates All D.E.I.-related positions*. The New York Times. <https://www.nytimes.com/2024/03/02/us/university-florida-dei.html>



needs of an increasingly diverse campus.<sup>18</sup> Additionally, last year, Florida legislators also passed a “Stop WOKE” Act, which limited Florida employers’ ability to discuss diversity, equity, and inclusion in trainings and seminars; the 11<sup>th</sup> Circuit court just found part of the law infringes on the free speech rights of employers.<sup>19</sup> The Florida Department of Education also rejected the College Board Advanced Placement Course for African American History and decided to make changes to the curriculum to erase, misinterpret, and misrepresent the ugly history of slavery to the detriment of Black students.

In Alabama, the legislature just passed a bill that prohibits local education boards, institutions of higher learning, and state agencies from promoting or engaging in diversity, equity, and inclusion programs and activities.<sup>20</sup> Despite hundreds of college students rallying to oppose the bill and highlighting the importance and impact of these programs and activities on their experiences on campus and their ability to feel safe and supported, the Alabama legislature ignored the will of the people and passed this bill.<sup>21</sup>

#### SPLC’s Local and National Efforts to Advance DEIA and Push Back Against Rollbacks

In our work to dismantle white supremacy, strengthen intersectional movements, and advance a multiracial democracy, SPLC has been working to promote education and engagement in DEIA efforts. For example, SPLC’s Learning for Justice program provides training, resources, and advocacy to help educators and caregivers promote a more inclusive and just public education system that supports all students.<sup>22</sup> Given the prevalence of anti-DEIA state legislation in the South, SPLC has been partnering with local communities in our Deep South states – Alabama, Florida, Georgia, Louisiana, and Mississippi – to oppose legislation and raise concerns about the harm to institutions of higher learning and other sectors.

On the Federal level, SPLC has been working to support DEIA efforts and eliminate harmful policy provisions that undermine DEIA efforts. We recently submitted an amicus brief in support

<sup>18</sup> Acevedo, N. (2023, May 25). *DeSantis’ anti-DEI law is sparking ‘confusion, anxiety and fear’ among Florida faculty*. NBC News. <https://www.nbcnews.com/news/latino/desantis-anti-dei-education-law-chilling-effect-florida-rcna85646>

<sup>19</sup> Nottingham, S. (2024, March 5). *Florida’s ‘Stop WOKE Act’ commits a ‘First Amendment sin,’ appeals court says in a ruling that blocks part of the bill*. CNN Politics. <https://www.cnn.com/2024/03/05/politics/florida-anti-woke-act-blocked-businesses/index.html>

<sup>20</sup> Northland, A. (2024, March 7). *Students rally against SB 129 at Montgomery State House*. Crimson White Online. <https://thecrimsonwhite.com/113694/top-stories/students-rally-against-sb-129-at-montgomery-state-house/>

<sup>21</sup> SPLC Action Fund (2024, March 7) *SPLC Action Fund Condemns Passage of Harmful Anti-Inclusion Bill in Alabama*. <https://www.splcactionfund.org/press-center/splc-action-fund-condemns-passage-harmful-anti-inclusion-bill-alabama>

<sup>22</sup> SPLC Learning for Justices (2024). *What Districts Can Do to Support Educators in Teaching Honest History*. <https://www.learningforjustice.org/magazine/publications/advocating-for-teaching-honest-history-what-educators-can-do/what-districts-can-do-to-support-educators-in-teaching-honest-history>



of a grant program for Black-owned small businesses.<sup>23</sup> We also worked in coalition to fight dangerous provisions in the Fiscal Year 2024 National Defense Authorization Act, including helping to lead a letter to raise concerns and emphasize the importance of these programs in the military as they enhance equity and cohesion, and force readiness.<sup>24</sup> Notably, investments in DEIA initiatives are critical in the military, given that a majority of minority servicemembers have witnessed racism in the ranks, an estimated 80% of LGBTQ+ servicemembers have faced sexual harassment or assault during their service, and by 2027 the majority of adults eligible for military service will identify as a person of color.<sup>25</sup> We also recently joined a coalition letter that opposed policy riders in the FY 24 appropriations bills that would prohibit funding for federal agency DEIA programs and racial equity efforts and highlighted the significant barriers people from underrepresented groups face in accessing educational opportunities, employment, and housing.<sup>26</sup>

### Conclusion

Black and Brown people, women, LGBTQIA+ people, people with disabilities, and other underrepresented groups, have historically experienced discrimination and continue to face discrimination in education, the workplace, healthcare, housing, and many other facets of American life.<sup>27</sup> Anti-discrimination laws were created to eliminate and redress historic and persistent inequities, and there continues to be a need for laws, policies, programs, and services, with a focus on DEIA to not only prohibit discrimination but also to provide specific remedies to overcome patterns of discrimination and eliminate disparities in opportunities.

<sup>23</sup> SPLC (2023, December 21) *Lawyers' Committee for Civil Rights, SPLC File Brief in Support of Grant Program for Black-Owned Businesses*. <https://www.splcenter.org/presscenter/lawyers-committee-civil-rights-splc-file-brief-support-grant-program-black-owned>

<sup>24</sup> Human Rights First (2023, October 4). *Letter to Senate and House Leadership re: NDAA*.

[https://humanrightsfirst.org/wp-content/uploads/2023/10/Ltr.-Congress-re-NDAA-DEI-Extremism\\_Final35.pdf](https://humanrightsfirst.org/wp-content/uploads/2023/10/Ltr.-Congress-re-NDAA-DEI-Extremism_Final35.pdf)

<sup>25</sup> Blue Star Families Racial Equity & Inclusion (2021). *The Diverse Experiences of Military & Veteran Families of Color*. [bluestarfam.org/wp-content/uploads/2022/02/BSF\\_MFC\\_REI\\_FullReport2021-final.pdf](https://bluestarfam.org/wp-content/uploads/2022/02/BSF_MFC_REI_FullReport2021-final.pdf); Shane, L. (2020, February 6). *Signs of white supremacy, extremism up again in poll of active-duty troops*. *Military Times*.

<https://www.militarytimes.com/news/pentagon-congress/2020/02/06/signs-of-white-supremacy-extremism-up-again-in-poll-of-active-duty-troops/>; Lang, N. (2020, May 13). *Over 80 Percent of LGBTQ+ Service Members Report Sexual Harassment in Military*. *Them*. <https://www.them.us/story/over-80-percent-of-lgbtq-service-members-report-sexual-harassment-in-military>

<sup>26</sup> Letter from Legal Defense Fund and coalition partners to Leader Schumer, Leader McConnell, Speaker Johnson, Leader Jeffries, Chair Grander, Ranking Member DeLauro, Chair Murray, and Vice Chair Collins opposing Anti-DEI Riders. (2024, March 6)

<sup>27</sup> See Pew Research Center (2016, June 27) *Discrimination and Racial Inequality*.

<https://www.pewresearch.org/social-trends/2016/06/27/3-discrimination-and-racial-inequality/>; Medina, C. &

Mahowald, L. (2023, January 12). *Discrimination and Barriers to Well-Being: The State of the LGBTQI+*

*Community in 2022*. CAP. <https://www.americanprogress.org/article/discrimination-and-barriers-to-well-being-the-state-of-the-lgbtqi-community-in-2022/>; Parker, K. & Funk, C. (2017, December 14) *Gender Discrimination comes*

*in many forms for today's working women*. Pew Research Center. [https://www.pewresearch.org/short-](https://www.pewresearch.org/short-rds/2017/12/14/gender-discrimination-comes-in-many-forms-for-todays-working-women/)

[rds/2017/12/14/gender-discrimination-comes-in-many-forms-for-todays-working-women/](https://www.pewresearch.org/short-rds/2017/12/14/gender-discrimination-comes-in-many-forms-for-todays-working-women/)



DEIA programs in higher education serve a crucial role in supporting underrepresented students and ensuring these students are free from harassment and discrimination. Addressing the recent surge of antisemitism, Islamophobia, and Anti-Arab Hate on campus requires more, not less, attention and support for DEIA programs. Eliminating these crucial offices will only exacerbate these issues. Instead, more support and resources are needed to ensure these programs better support all students, including more funding for the Department of Education Office of Civil Rights to ensure students are free from discrimination.<sup>28</sup>

Our country benefits tremendously when we celebrate, acknowledge, and protect the rich diversity and experiences of people across race, ethnicity, gender, sexual orientation, ability, religion, socioeconomic status, and other identities through our laws and policies. DEIA programs provide important resources for underrepresented students on campus to ensure they have both the tools to redress any harassment, discrimination, or harm and the necessary support to succeed and thrive on campus.

We appreciate the opportunity to submit this statement. For more information about SPLC's work protecting civil rights in the Deep South, please contact Theresa Lau, Senior Policy Counsel, Eradicating Poverty, [Theresa.Lau@splcenter.org](mailto:Theresa.Lau@splcenter.org). We stand ready to work with subcommittee members to protect and advance anti-discrimination laws, policies, and programs, including DEIA throughout the federal government.

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<sup>28</sup> Leadership Conference on Civil and Human Rights (2024, February 14) *90+ Civil Rights Groups Call for Robust Funding for Education Civil Rights Office to Protect Students*. <https://civilrights.org/2024/02/14/90-civil-rights-groups-call-for-robust-funding-for-education-civil-rights-office-to-protect-students/>

[Whereupon, at 12:19 p.m., the Subcommittee was adjourned.]

