


FOCAL ARTICLE

# Under attack: Why and how I-O psychologists should counteract threats to DEI in education and organizations

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## Abstract

In recent years, there has been an alarming increase in both proposed and enacted legislation that targets diversity, equity, and inclusion (DEI) initiatives within higher education and organizations. These laws aim to dismantle protections and support for vulnerable individuals and groups. In this focal article, we provide an overview of the motives driving these anti-DEI legislative initiatives and categorize the laws based on the type of restrictions they impose: (a) reduction in knowledge, (b) reduction in access, and (c) reduction in support. Next, we discuss the consequences these anti-DEI laws yield for individuals, organizations, and society at large and provide an overview of how individuals and organizations may counteract these regressive policies. Last, we conclude with a call to action for I-O psychologists to investigate and call attention to the consequences of anti-DEI laws for recruitment and selection, well-being and safety of minoritized individuals, organizational reputation, and organizational performance and profits.

**Keywords:** Diversity; inclusion; anti-DEI legislation; activism

## Introduction

“Instructors and materials teaching that men and members of certain races, as well as our most venerable institutions, are inherently sexist and racist are appearing in workplace diversity trainings across the country, even in components of the Federal Government and among Federal contractors . . . Therefore, it shall be the policy of the United States not to promote race or sex stereotyping or scapegoating in the Federal workforce or in the Uniformed Services, and not to allow grant funds to be used for these purposes. In addition, Federal contractors will not be permitted to inculcate such views in their employees.”

Executive Order 13950 signed by Donald J. Trump, September 22, 2020

As highlighted in the opening quote above, former President Donald Trump issued an Executive Order in 2020 that cast diversity training and education programs in an alarmingly negative light, describing them as “destructive,” “anti-American,” and “designed to divide us and to prevent us from uniting as one people in pursuit of one common destiny for our great country.” Furthermore, in the days leading up to this Executive Order, President Trump publicly decried institutions that teach curricula that recognize the existence of systematic racism and White privilege, likening such curricula to a form of “child abuse” and instead advocating for “patriotic education” and a “pro-American curriculum” (Wise, 2020). Despite the fact that this executive

order was overturned by President Biden, it set a precedent for state-based legislation seeking to defund or dismantle diversity, equity, and inclusion (DEI) programs within institutions of higher learning and workplace organizations. In this article, we contend that these legislative initiatives represent a significant threat to DEI progress by creating a chilling effect on policies and programs that aim to increase DEI-literacy among young professionals and impeding organizational efforts to recruit, select, and retain historically underrepresented employees.

These legislative initiatives are creating a chasm between the beliefs of the general population and new governmental regulations. Recent evidence suggests that there is substantial public support for DEI laws and initiatives across the United States. For instance, GALLUP polls show that 71% of Americans support same-sex marriage (McCarthy, 2022), 94% support interracial (McCarthy, 2021) marriage, 60% believe the government should address the effects of slavery on Black Americans (Jones, 2022), and 60% support legal abortion access (Hartig, 2022). Moreover, more than half of Americans overall and nearly 78% of young Americans believe businesses should support DEI efforts (Gallup, 2022). Yet despite general public support for policies that promote and protect the freedoms of women, individuals of color, and LGBTQ individuals, a growing faction of lawmakers is actively working to dismantle these protections and to politicize DEI initiatives by proposing and adopting anti-DEI legislation across the United States. These bills often misunderstand or purposely misrepresent DEI initiatives as a way to rally support for their enactment. Specifically, these proposed bills seek to eliminate DEI efforts within selection and evaluation strategies and limit the content of DEI education.

Such legislative measures promote an identity-blind perspective to diversity, which touts that demographic differences are not important and should be minimized (Leslie et al., 2020). Indeed, identity-blind ideologies generally involve ignoring differences or denying structural forms of discrimination (Yi et al., 2022). Existing evidence indicates that ignoring differences in this way yields negative outcomes, such as reduced support for DEI policies (Leslie et al., 2020) and reduced engagement among minority individuals in the workplace (Plaut et al., 2009), whereas the denial of structural discrimination is associated with increased prejudice and reduced openness to diversity, multicultural competencies, and social justice behaviors (Yi et al., 2022).

Together, these findings demonstrate that policies promoting identity-blind ideologies tend to result in worsened outcomes for diversity-related knowledge, intergroup attitudes, and behaviors—all of which are required for effectively leveraging talent and performance within organizations (Richeson & Nussbaum, 2004; Sasaki & Vorauer, 2013). Despite this empirical understanding, the number of anti-DEI legislative proposals and approved laws are steadily increasing, thereby threatening to undo decades of social justice progress in the United States. Many of these proposed laws mirror the language that was included in Executive Order 13950 signed by Donald Trump in 2020 despite its revocation. Additionally, conservative think tank groups have created model legislation that lays out an agenda for dismantling DEI initiatives (Rufo et al., 2023): abolish DEI offices, end mandatory diversity training, curtail political coercion, and end identity-based preferences. This model legislation helps states to draft bills to restrict funding for and dismantle DEI programs. Indeed, many of the current legislative initiatives focus on banning diversity training and implementing an identity-blind approach to recruitment and selection within higher education and the workplace.

In this article, we discuss motivations for the creation and endorsement of these policies and provide an overview of recent enacted legislation and legislative initiatives for consideration that directly target DEI programs at universities and organizations. Next, we discuss how the dismantling of DEI programs and structures affects outcomes for historically underrepresented individuals, organizations, and DEI efforts more broadly. In particular, we argue that a reduction in DEI-related content and knowledge in educational and employment settings can impact the extent to which employees are comfortable interacting with diverse stakeholders and are prepared to handle important DEI issues within the workplace. On the whole, these legislative initiatives aim to call into question the very value of DEI programs and policies, which we contend can

embolden racist, sexist, and homophobic ideologies across universities and within organizations. To counteract these anti-DEI measures, we identify strategies that individuals and organizations can implement to continue to demonstrate their support for underrepresented individuals and DEI efforts more broadly, even when facing legal barriers. We conclude by advancing a future research agenda that is focused on the value created by DEI policies and programs, and we strongly encourage I-O psychologists to use research as a means to advocate for the necessity of continued investment in DEI programs. Our goal is to encourage discussion about the ways in which I-O scholars, educators, and practitioners can and should aid in efforts to counteract these ongoing legal and political threats to DEI programs.

### **Motivations for dismantling DEI policies**

Based on the rationales provided for introducing anti-DEI legislation, major talking points of conservative media outlets, and statements made by prominent lawmakers across the United States, we discuss three motives for attacking DEI initiatives: fighting the “woke” agenda, stopping reverse discrimination, and restoring meritocratic ideals in education and the workplace. Although additional motives likely exist (e.g., status legitimizing ideologies, belief in a just world, and realistic group conflict theory), we cover those most commonly echoed in the public statements surrounding these legislative initiatives.

#### **Anti-woke agenda**

The term “woke” can be traced back to the early 1920s and has traditionally been used to describe Black individuals’ awareness of the structural and systemic mistreatment that people of color have been (and continue to be) subjected to in society (Robinson, 2022). It is the idea that once an individual “wakes up” to recognize this systemic mistreatment, only then can actions be taken to fight against the structural systems that marginalize people of color in the United States. Recently, the term “woke” has been appropriated to represent a spectrum of progressive policies and social justice initiatives that focus on reducing discrimination and improving the lived experiences of historically marginalized communities (Alfonseca, 2023). Ultimately, a growing faction has used “woke” to encompass many social justice movements including reducing racism and shining a light on its history, LGBTQ+ rights, and reproductive freedom, and has aggressively positioned anti-DEI legislation as being “anti-woke.” Thus, to be anti-woke is to fight against policies, curricula, and ideologies that include diversity and inclusion initiatives, which have been framed by this anti-woke faction as harmful for White Americans and their families.

Recent attacks of DEI programs have argued that diversity programs and curricula promote a progressive agenda that alienates students from the majority group. Indeed, in describing DEI policies, the Oklahoma State superintendent said these programs should actually be labeled “divide, exclude, and indoctrinate,” highlighting a growing misunderstanding and resentment about the role of DEI programs within education and employment in the United States.

#### **Perceptions of reverse discrimination**

Many DEI initiatives and policies were implemented to counteract decades of overt and subtle discrimination toward minoritized individuals in both education and employment contexts. The purpose of these policies has been to reduce bias and prejudice toward individuals of color, women, individuals with disabilities, and members of the LGBTQ+ community. As historically marginalized individuals have gained societal access, White, straight, and/or cisgender individuals have increasingly expressed concerns that they are being unfairly disadvantaged (i.e., facing “reverse discrimination”) due to preferences being given to minority individuals in higher

education and employment. These beliefs about reverse discrimination have steadily increased among White Americans since the Civil Rights Movement, with a greater number of White Americans opposed to affirmative action policies than they were decades ago, despite evidence that fears related to reverse discrimination do not align with reality and that affirmative action programs do not actually give preferential treatment to minoritized individuals (Newkirk, 2017). Put another way, there are heightened concerns that DEI initiatives represent a “zero-sum” game in which any progress toward dismantling structural inequities is perceived as taking resources and opportunities away from majority group members (Norton & Sommers, 2011). Therefore, from this perspective, one perceived way to stop this so-called reverse discrimination is to discourage or dismantle DEI programs, which are perceived to unfairly favor minoritized individuals.

### **The myth of meritocracy**

There is a pervasive belief that meritocracy—the concept in which individuals’ talent and efforts lead to their success—is the only legitimate way to make decisions related to recruitment, selection, and retention of students and employees. In other words, meritocratic ideals convey the notion that if individuals work hard, they will have ample opportunities for success regardless of their social class, gender, or race (Amis *et al.*, 2020). Yet, evidence continues to demonstrate that meritocracy is a myth and cannot adequately account for the ways in which individuals are currently treated and rewarded within society and organizations (Amis *et al.*, 2018). DEI initiatives that focus on increasing the opportunities and advancement of disadvantaged individuals (namely people of color, women, members of the LGBTQ community, and people with disabilities) are perceived as unfairly favoring individuals who have not earned their place or outcomes. Programs, like affirmative action in higher education, are perceived as overlooking individuals who are meritorious, and instead selecting less accomplished or capable individuals on the basis of diversity alone. Indeed, research has shown that individuals who strongly endorse meritocratic ideals are more likely to oppose affirmative action policies (Son Hing *et al.*, 2002). What is not recognized in these conversations is the inherent and often invisible privilege experienced by majority groups in the United States, which has contributed to their success in education and the workplace (Liu, 2017). Undergirding the language of many proposed and enacted laws is a recommitment to meritocracy as the only legitimate way for individuals to achieve success in society. For instance, laws passed in Tennessee and Florida ban instructors who promote the idea that “a meritocracy is inherently racist or sexist” (Quinn, 2023). Thus, a growing perception of DEI is that it does not reduce inequalities for historically disadvantaged groups but rather makes it harder for nonmarginalized individuals to ascend organizational and societal ladders through merit alone (Norton & Sommers, 2011).

### **Overview of enacted legislation and legislative initiatives**

Now that the motives for dismantling DEI efforts have been outlined, we next provide an overview of laws that have been recently passed or are under consideration across the country. These efforts are relevant to numerous federal laws including Title VI and Title VII of the Civil Rights Act; the former referring to protections in any program receiving federal funds and the latter focusing on employment specifically.<sup>1</sup> Based on the content and aims of the legislation, we categorize these initiatives according to the limitations they impose for constituents: (a) reduction in knowledge, (b) reduction in access, and (c) reduction in support. Importantly, the legal and political landscape

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<sup>1</sup>A thorough review of the legal basis of these proposed legislative initiatives is outside the scope of this focal article. However, we encourage responses that might explore these nuances in more detail and that explain the ways in which existing legal precedent might differentially impact educational institutions and organizations.

of the United States is constantly changing. Although we have made an effort to capture the most salient legislative proposals, the scope of this manuscript precludes us from providing an exhaustive list here. Wherever applicable, we cite organizations and sources that are actively tracking these bills in totality and encourage readers to seek out these sources for the most updated information on their statuses.

### Reduction in knowledge

The first type of legislative measures focuses on eliminating instruction related to DEI topics and theories. The majority of these legislative initiatives limit DEI education in K–12 schools, colleges, universities, and government agencies. These bills aim to reduce or completely remove the teaching of subjects or theories that are foundational to understanding diversity and (in)equality both historically and in the present day, such as teaching about the true history of racism in America, sometimes from the perspective of critical race theory (CRT). According to a report by UCLA, between January 1, 2021, and December 31, 2022, a total of 563 anti-CRT bills were introduced for state or local legislative consideration across 49 states (only Delaware had no proposed measures). To date, 241 of these measures have been enacted into law at the statewide or local municipality level. The majority of the enacted measures target K–12 education, though 12% of the measures that passed affect higher education institutions (Alexander et al., 2023). Of the 563 proposed measures, 41% ban teaching related to any of the divisive topics listed in the original Executive Order 13950 issued by Donald Trump, 35% explicitly ban any teachings related to CRT, and 33% ban instruction related to the idea that “any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex” (Alexander et al., 2023).

Although many of these efforts aim to ban specific courses related to DEI topics, others limit diversity training as part of the curriculum or student requirements. For instance, Oklahoma House Bill 1775 and Tennessee Senate Bill 2290 prohibit mandatory diversity trainings covering “divisive topics”—such as sexual orientation, gender identity, and race or gender stereotyping—for any individual attending or working at a public university (Ronan, 2021). Relatedly, a recent bill (HB 1376) was proposed in Tennessee that would prohibit professors from teaching supposedly controversial topics, such as those related to social justice and racial inequality, including White privilege and unconscious bias. Furthermore, it would establish a process through which students could report professors for teaching these topics in their courses and require universities to maintain a list of faculty members who violate the law. Similar efforts to create hotlines that enable students and their families to report educators who teach “divisive” topics have also been implemented in Arizona and Virginia.

Measures that target educational content vary in scope and geographic location and many have been enacted without much public or media attention. However, there are two prominent bills, both originating from the state of Florida, that have gained national attention and potentially pave the way for additional states to propose similar legislation: the Don’t Say Gay and Stop W.O.K.E. bills.

The Don’t Say Gay (officially called the Parental Rights in Education) bill took effect on July 1, 2022, and prohibits teachings on sexual orientation and gender identity in kindergarten through third grade. In April 2023 (Izaguirre, 2023), the governor of Florida expanded the bill to include grades 4 through 12, effectively banning any educational lessons related to sexual orientation or gender identity for students throughout their entire primary and secondary education experience.

The Stop W.O.K.E. Act was signed into Florida law in April 2022. The language of the law states that teaching or instruction that “espouses, promotes, advances, inculcates, or compels” students or employees to believe certain ideas related to race or race relations are prohibited. The provisions of the law essentially ban any discussion of racism, structural oppression, implicit or

unconscious bias, race-based privilege, or the ways in which meritocracy can promote race-based or gender-based disadvantages. Instructors who violate the bill could be removed from their academic position (regardless of tenure status), and public schools in violation of the bill could lose performance-based state funding. Currently, the enactment of this bill has been halted in court, though it has already had a chilling effect on DEI policies and instruction across the state of Florida (Golden, 2023).

Coinciding with legal initiatives to ban “divisive topics” are increasing pressures to also eliminate or restrict tenure provisions for faculty at institutes of higher education. Historically, tenure has provided faculty with academic freedom to conduct research and teach courses without fear of retaliation or punishment. In June 2023, however, Texas became the first state to codify tenure into state law, thereby making it easier for faculty to be fired for violating provisions of the law. According to the language of the law, tenured faculty could be fired due to “professional incompetence” or “conduct involving moral turpitude.” Although vague, such language may impact the type of research faculty conduct or the content they teach in the classroom, due to fears that DEI-related research and teaching may be interpreted to violate moral norms (particularly those defined by conservative legislators).

Attempts to regulate DEI education are not restricted to educational institutions. Additional measures have directed organizations to stop administering diversity trainings or public discussion of controversial topics as a “condition of employment,” essentially relegating DEI training to a voluntary activity. For example, in 2021, Connecticut passed Public Act No. 22-24, which makes it illegal to punish or fire an employee who opts out of listening to or attending company meetings related to religious or political matters. Although this legislation was primarily drafted to limit union-based activities, it is broad enough to also encompass modern public issues that may be relevant to the organization’s operations but deemed politically divisive (e.g., COVID-19 pandemic, abortion access and services, DEI training, and associated topics; Beckford-Anderson *et al.*, 2022). Furthermore, lawmakers in Kansas recently advanced a bill that would ban state funding from being used to provide training related to “diversity, equity, inclusion, anti-racism, critical race theory, or other related topics” for psychologists, social workers, counselors, and therapists (Tidd, 2023).

As part of the Stop W.O.K.E. Act in Florida, employers are prohibited from requiring employees to participate in DEI training if the content includes coverage of the “divisive” ideas outlined in the broader bill. The language of the bill clarifies that these trainings would be permissible if they are presented in an objective way without the organization endorsing the ideas. Given the uncertainty surrounding the language in these bills, it is unclear what exactly it would mean for an organization to “endorse” these ideas and to what extent an employee may need to prove that they have been compelled to participate and/or accept the ideas. In March 2023, Montana introduced a bill that mirrored the language of the Stop W.O.K.E. law (it was ultimately tabled in April 2023), demonstrating that anti-DEI legislation is gaining momentum across the United States, and that inflammatory legislation in Florida is providing a model for other states to minimize DEI education.

Together, these laws and legislative initiatives purposefully restrict educational content related to DEI theories and concepts with far-reaching consequences for students, employees, and organizations. Such efforts outlaw critical discussions surrounding historical and current events, which are needed to understand why structural and social inequities persist and to ultimately reduce conscious and unconscious biases against certain groups in society.

### **Reduction in access**

The second type of legislative measures aim to restrict the processes through which historically underrepresented individuals have gained access to or participation in education or organizations.

Programs or initiatives that were created for the purpose of ensuring equal opportunity are quickly being challenged and slowly being dismantled. For instance, there was a major rolling back of individual freedom as a result of the Supreme Court *Dobbs v. Jackson* (2022) decision, which eliminated the constitutional right to abortion, impacting and impeding women's ability to control their reproductive choices related to abortion, miscarriage management, and fertility treatments. Research demonstrates that restricted access to reproductive services and abortion care negatively impacts women's workforce participation, educational attainment, and income (Rahman & Fellow, 2022), particularly for women of color. This aligns with a recent survey of 569 OB-GYN professionals practicing in the United States that was administered nearly 1 year after the *Dobbs* ruling (Frederikson et al., 2023). The findings suggested that most OBGYNs indicate the *Dobbs* decision has inhibited their ability to treat pregnancy-related emergencies (68%), increased pregnancy-related mortality (64%), and exacerbated racial inequity in maternal healthcare (70%). On balance, the *Dobbs* ruling created momentum surrounding conservative efforts to rollback progressive protections for other vulnerable groups, including undocumented immigrants, students of color, and those within the LGBTQ community. Below we provide an overview of the most recent major legislative initiatives affecting minoritized individuals access to education and organizations.<sup>2</sup>

In a sweeping change to education policy, in June 2023, the Supreme Court reversed decades of legislative precedent by ruling affirmative in university admissions unconstitutional. As a result, universities may no longer consider race as a criterion during the admissions decision-making process. Ultimately, this change will require universities to implement "merit-based" admission processes, which have been shown to disproportionately disadvantage historically underrepresented groups including Black, Brown, and Indigenous communities. In California and Michigan, race-based admissions have been illegal for more than a decade and the resulting declines in admissions for Black and Brown students may foreshadow nationwide outcomes in the coming years. In an effort to mitigate these negative effects on non-White applicants, the state of California has spent more than a half billion dollars on targeted outreach to minoritized communities and alternative admissions standards and still remains unable to reach adequate representation of minoritized individuals on campus (Bowman, 2023). Declines have also been evidenced in graduate school admissions for students of color. In Michigan, a similar landscape has emerged, with enrollment of Black and Native American students dropping significantly since the ban on affirmative action, even though the number of minoritized individuals in the state has increased during that time (Saul, 2022).

Also affecting institutions of higher education is a surge of laws targeting transgender athletes by restricting their ability to participate in sporting teams if their biological sex assigned at birth does not match the gender of the team. In April 2023, the United States House of Representatives passed legislation that would bar individuals whose biological sex assigned at birth was male from participating in girls' or women's sports (Freking, 2023). The content of this bill would apply to any school or university receiving federal funding. At the time of the writing of this manuscript, 21 states have already enacted legislation that restricts transgender athletes from participating in sports consistent with their gender identities, including Iowa, Indiana, Wyoming, Alabama, Arkansas, and Louisiana (Movement Advancement Project, 2023). In combination with the recent affirmative action ruling, educational access and opportunities are becoming significantly constrained for minoritized individuals.

<sup>2</sup>We have made a concerted effort to discuss proposed and enacted legislation affecting multiple minoritized communities. We recognize that some communities (e.g., individuals with disabilities, religious minorities) may be impacted but are not directly discussed in our article due to space constraints. However, we also believe these perspectives are important and warrant continued allyship from I-O psychologists and encourage responses that might specifically highlight the ways in which other groups may be adversely affected through these legislative measures.

Although the Supreme Court decision is contextualized to higher education, it stands to reason that DEI programs within organizations may also be subject to legal scrutiny following this ruling (Scheiber, 2023). In particular, DEI initiatives that aim to involve minoritized individuals in internship opportunities or accelerated leadership programs may make an organization vulnerable to lawsuits, given that these programs focus on providing opportunities to individuals who have historically been excluded from positions of power or status within organizations. Perhaps foreshadowing these legal future challenges, BlackRock, an investment management company, is currently being sued over its efforts to increase its number of minoritized employees. According to the complaint, the organization's emphasis on hiring women and people of color violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex, or national origin (Zeisloft, 2023). Thus, even though these DEI programs have not been deemed illegal, the Supreme Court ruling on affirmative action is likely to create a chilling effect related to DEI programs within organizations.

Separate from affirmative action, alarming legislative changes that target organizations and their DEI operations have also been implemented over the past year. For instance, in February 2023, the governor of Texas issued a memo that directed state agencies and public universities to stop integrating DEI into their hiring or promotion processes (McGee, 2023). Specifically, this memo proposes an elimination of resources to support underrepresented groups, a ban on the use of diversity statements as part of application materials, and a limit to policies that encourage interviewing or hiring members from historically underrepresented groups. Several other states and school systems have also introduced efforts to eliminate diversity statements in the hiring process. As an example, the University of North Carolina's Board of Governors banned diversity statements as part of student and employment applications. In issuing their decision, the Board of Governors said they were banning "compelled speech." Similarly, Missouri has a legislative proposal that would ban diversity statements from job applicants, employees, students, and contractors at public universities (Zahneis, 2023). Diversity statements are being positioned as part of the "woke" agenda in which job candidates are being indoctrinated or coerced to share liberal ideals, such as being inclusive of all individuals and actively working to reduce inequities for historically underrepresented groups.

Access to paid employment for undocumented immigrants has also been significantly threatened in the state of Florida. Senate Bill 1718 went into effect on July 1, 2023, and directly impedes employment opportunities for undocumented immigrants in two ways. First, it invalidates drivers' licenses that have been issued in other states to undocumented individuals, thereby eliminating an important identifying document that is often required to apply for jobs. Second, it requires organizations with more than 25 employees to use the federal E-Verify system to confirm whether an individual has the necessary documentation required to work in the United States. The ramifications of this new law are expected to be quite deleterious for organizations operating in industries that have historically relied upon immigrant labor, including agriculture, hospitality, and construction (Romo, 2023). In the short time since its enactment, it has been estimated that between 10 and 20% of undocumented workers are failing to show up for work out of fear of being detained (Romo, 2023), creating several setbacks for Florida-based organizations that are already understaffed.

In addition to broad anti-DEI legislative initiatives, 2023 has seen an alarming uptick of legislation specifically targeting access to employment, business, and healthcare for members of the LGBTQ community. Since the beginning of the year, more than 400 bills have been proposed in the state legislatures that aim to reduce protections and liberties for LGBTQ individuals (Movement Advance Project, 2023). Of these, 35 can be classified as targeting civil liberties, which aim to weaken nondiscrimination protections related to employment, businesses, and healthcare. For instance, Idaho House Bill 63 would allow counselors or therapists to refuse to treat patients due to goals, outcomes, or behaviors that conflict with their "sincerely held principles." Concerningly, there has also been a resurgence of states attempting to restrict transgender



individuals' access to public restrooms or changing facilities, including Florida (Senate Bill 1674 and House Bill 1521), Indiana (House Bill 1520), North Dakota (BH 1473), and Idaho (Senate Bill 1016). These legislative initiatives restrict access to public places for transgender and nonbinary individuals, including the workplace, by removing their rights to use bathrooms or changing rooms that align with their gender identity. These restrictions create additional safety barriers for individuals in all occupations but especially those where donning and doffing of uniforms is required to perform the work (e.g., police officers, nurses, fire fighters, chemical plant workers, mechanics). By restricting individual's access to restrooms or changing facilities that match their gender identity, individuals may be exposing themselves to hostile or even dangerous situations, which may ultimately discourage them from these occupations entirely.

Relatedly, proposed bans on drag shows have been proposed in more than 15 states, thereby attempting to limit the types of content or entertainment that organizations are able to offer within their establishments (Burga, 2023). In June 2023, a law banning "male and female impersonators" in Tennessee was ruled unconstitutional by a federal judge; however, several others states are forging ahead with similar proposals to limit drag performances. Most of these proposals describe drag shows as containing sexually explicit content and prohibit the shows from occurring in public places where minors could be present. The penalties for violating the laws are quite drastic, with some imposing fines of up to \$25,000 (Oklahoma, West Virginia), jail time (South Carolina, Oklahoma), and requiring individuals to register as sex offenders (Arizona). Together, these laws limit the types of programming offered by a range of organizations including bookstores, coffee shops, libraries, and restaurants, as well as employment opportunities for drag performers who are often members of the LGBTQ community. These laws also exacerbate stereotypes that individuals who express themselves outside of binary gender norms are perverse and do not belong within our society, causing additional harm to LGBTQ individuals. Taken together, these laws limit individuals from engaging in paid employment in the entertainment industry and have a detrimental effect on organizations' sales and profits (Franklin, 2023).

### Reduction in support/protection

The third type of legislative measures we discuss focuses on reducing support for or protections of historically marginalized groups. For example, in 2022, the Alaska State Commission for Human Rights removed language from its website concerning equal protections for LGBTQ individuals and stopped investigating nonemployment-based discrimination claims (Hopkins, 2023). This change, which was made without public announcement, was instigated by the attorney general. Such changes pave the way for LGBTQ individuals to experience discrimination in multiple life domains including housing, finance, and public accommodations.

In 2022, the Biden administration expanded Title IX provisions to include sexual orientation and gender identity. However, the Florida Department of Education issued a memo instructing schools not to comply with these guidelines, as they did not want the federal government "imposing a sexual ideology" on its schools (News Service of Florida, 2022). By refusing to comply with these new guidelines, Florida is halting any efforts to offer accommodations to LGBTQ individuals or to investigate claims of discrimination.

Relatedly, several proposed laws take aim at the use of pronouns by allowing teachers and other school officials to refuse to use a student's preferred pronoun. Essentially, these bills would allow students to be misgendered by school authority figures. A recent court ruling and settlement also provided support for a faculty member who refused to use a student's preferred pronoun and continued to publicly misgender the individual in front of the class (Bauer-Wolf, 2022). These proposed laws and legal disputes demonstrate an increasingly hostile climate toward gay and transgender individuals within higher education and other major life domains.

There have also been several broad efforts to remove DEI programs entirely from college campuses. These proposals would ban spending funds on any DEI programs or initiatives and would eliminate college DEI offices and related staff positions. In June 2023, the state of Texas passed Senate Bill 17 which bans DEI offices in higher education. The ban took effect in January 2024, so universities will no longer be able to support DEI offices, use DEI statements in admissions or hiring, or administer DEI trainings (Rodrigues, 2023). In several states, including South Carolina, Oklahoma, Mississippi, Florida, and Iowa, institutions of higher education have been mandated to produce financial reports that detail all funds and resources that have been devoted to salaries and operating costs associated with DEI programs (Lu, 2023; Minta, 2023). Even though these financial inquiries do not yield any legislative or structural changes related to DEI management, they signal that there is increased scrutiny related to the value of investing in DEI programs and staff.

Although the status of many of these legal initiatives is in flux, there are immediate consequences for both the proposal and enactment of such measures for individuals, organizations, and DEI efforts at large. Below, we describe how these ongoing, pervasive attacks against DEI impact the experiences of minoritized individuals, employees engaging in DEI work, and the general knowledge and acceptance of DEI among students and employees.

## Implications of anti-DEI Legislation

### ***For individuals***

Because many of these laws have only recently been enacted, the full repercussions associated with their passing is not yet clear. However, there is ample reason to believe that these laws will significantly affect individuals, both those who identify as part of minoritized communities and those who act as allies to those communities.

Legislative measures that target DEI policies are likely to yield harmful consequences for minoritized individuals, especially students and employees with targeted identities who are living in regions that are directly impacted by these bills. In particular, these (enacted and proposed) laws may impact individuals' feelings of safety and security, vulnerability to and experiences of discriminatory treatment, mental health and well-being, and decisions regarding higher education and career pathways.

Employees and students who live in states where DEI protections have been threatened or removed are likely to feel increasing fear and insecurity about their place in education, the workforce, and society at large. This fear is compounded by the uncertainty regarding which bills are being passed and how their eventual passage will effectively impact those individuals. Additionally, the onslaught of such bills emboldens individuals with covert prejudices to more openly engage in hostile, discriminatory behaviors toward underrepresented individuals. Indeed, at a time when underrepresented groups are already experiencing discrimination, mistreatment, and violence, the enactment of laws that further reduce protections for these groups will exacerbate these already harmful consequences (Barron & Hebl, 2013). On a national level, hate crimes increased nearly 12% from 2020 to 2021 (Franklin, 2023), with a majority of reported cases involving race or ethnicity and nearly 16% involving sexual orientation. Deaths associated with antitransgender violence are also on the rise, accounting for at least 32 individuals' deaths in 2022 (Schoenbaum, 2022). According to a 2023 Gallup poll, one in five Black students report discrimination experiences at college and universities (Lloyd & Brown, 2023). Black students were most likely to report experiences of discrimination and reduced feelings of psychological and physical safety when enrolled in institutions with the least amount of diversity. These findings are similar among LGBTQ students: Nearly one in five LGBTQ students reported in-person harassment or bullying at a 4-year institution, and this number rose to almost 40% among

transgender individuals (Conron et al., 2023). In the workplace, similar experiences emerge, with 25% of Black and Hispanic employees, 24% of cisgender bisexual employees, and 34% of cisgender gay and lesbian employees reporting having experienced discrimination (Mallory et al., 2022). Furthermore, minoritized individuals living in states that have passed such discriminatory measures have reported an increase in experiences of discrimination (Barron & Hebl, 2010) as well as diminished health and well-being (Gonzales & Ehrenfeld, 2018; Solazzo et al., 2018).

Together these reports demonstrate that discrimination and threats to safety remain critical societal problems that require the investment of resources to properly address—rolling back DEI initiatives that focus on reducing stereotypes, discrimination, and structural inequities will only serve to intensify the negative experiences reported by minoritized individuals. This existing evidence underscores that we can do more, that we have to do more to educate and protect vulnerable groups and individuals, and that failing to do so will only make education and employment more dangerous for those individuals.

Furthermore, employees and students who are minoritized will likely feel threatened and undervalued as a result of these policies, leading to feelings of isolation, anxiety, and depression. For example, these individuals may experience reduced self-esteem as a result of these policies, internalizing the beliefs inherent to such proposed bills that suggest they are less capable, less worthy, or less deserving of acceptance than their majority peers. Indeed, the immediate and unquestioned acceptance of such policies by one's organization, educational institution, supervisors, administrators, colleagues, and/or peers signals that one's social networks are not supportive of DEI, potentially leading to decreased work engagement, reduced commitment to one's work, worsened performance, and more negative attitudes toward one's organization or university.

These legislative changes are also likely to limit formal job opportunities for minoritized individuals, as well as reduce beneficial outcomes for all of those who are interested in working and learning in diverse and inclusive environments. Preliminary evidence suggests that these laws are affecting where employees choose to work and how employees actually perform their work. For instance, a report on faculty members employed in the state of Florida revealed that instructors are changing their course names, canceling course offerings, delaying tenure decisions, and altering their teaching methodologies to reduce their personal liability associated with possible breaches of new law (Golden, 2023). One faculty member stated that he has reduced the amount of time he spends lecturing and instead uses a group discussion format in response to a Florida law that allows students to record instructors' lectures as evidence of political bias (University of Central Florida, 2023). The effects of these changes are far reaching for both faculty and students. On the one hand, faculty passion and innovation are stifled by these new laws, which limit their ability to teach about and conduct research on subjects to which they are committed. On the other hand, students will have a less accurate picture of societal phenomena and academic theories that underlie modern society. Thus, vital knowledge that could benefit students' individual learning and ability to contribute to social progress is also lost.

Many of these policies aim to suppress efforts to improve diversity within selection, evaluation, and promotion systems. Given the inherent biases that pervade selection systems (Bertrand & Mullainathan, 2004; Quillian et al., 2017), it is reasonable to presume that these laws will further reduce education, job, and promotion opportunities for minoritized individuals, as they will continue to be undervalued and overlooked. These changes will likely lead to less diverse organizations over time, which will also reduce collaboration, innovation, and growth opportunities for all. Indeed, when an organization becomes more homogenized, it reduces peoples' abilities to work with those from different backgrounds and perspectives. This reduces creativity, innovation, and success of teams (Frink et al., 2003; Homan et al., 2015) and may also limit growth and development opportunities for individual team members. Exposure to a range of ideas and perspectives is vital for the professional development of individuals within the

21<sup>st</sup> century, and the absence of such opportunities will hinder people's ability to achieve their full potential.

As more legislative initiatives are enacted and "violaters" identified, the workforce is likely to see very serious consequences for individuals already engaging in DEI-related work. Already, there have been multiple terminations of faculty and staff across the United States who teach, research, or support DEI efforts (Anderson & Gecker, 2023; Flaherty, 2022; Kim & Payne, 2023). In Florida, for instance, a newly appointed Board of Trustees for the New College of Florida voted to completely dismantle the institution's Office of Outreach Inclusive Success. Closing offices and programs that support DEI and firing professors and staff who teach and conduct DEI research yields actual job losses for highly qualified individuals. There has long been social costs associated with allyship and engaging in DEI work, but this work now also presents very real threats to individuals' economic security.

Last, the proposal of such policies will decrease opportunities for learning and growth among all students and employees, especially minoritized individuals. Recent results from the Nation's Report Card show that students' knowledge related to history and civics is at a record low (Carrillo, 2023), a trend that will likely only be exacerbated by continued restrictions related to what topics can be taught in classrooms. Depriving students of the opportunity to learn about DEI-related issues at all levels of education will result in them being less prepared to interact with and work alongside individuals from varying backgrounds. For high school and college graduates, a lack of DEI education will minimize individuals' abilities to effectively manage relational dynamics among different groups of people in their careers, contributing to a future generation of less effective managers.

### ***For organizations***

Following the murder of George Floyd in 2020, many organizations publicly voiced their commitment to DEI and acknowledged the responsibility they had in making society more equitable and just for minoritized groups. By 2022, nearly 75% of large organizations had instilled a chief diversity officer (CDO) position within its executive team (Chen & Weber, 2023). However, support for such positions has steadily declined within the last year, as job searches for CDO positions have dwindled and employees involved in DEI work have been laid off at higher rates compared to other employees (Atkinson, 2023). As a result, organizations have already begun to dismantle executive DEI positions and related offices, and in the shifting cultural landscape, they may be able to do so with less scrutiny than in the past. Such an abrupt decrease in corporate support for DEI work may indicate that many organizations continue to overlook the true value of diversity in the workplace and instead make DEI-related decisions based on political and social pressures.

Even in the absence of formal laws being enacted, the increasingly volatile political landscape is impacting the ways in which organizations engage in DEI efforts. Conservative political leaders and news outlets have become more vocal in criticizing organizations that engage in DEI efforts, leading some organizations to reduce or eliminate DEI initiatives, even among organizations that have engaged in supportive measures in prior years. For instance, in April 2023, Bud Light partnered with Dylan Mulvaney, a transgender social media influencer, to promote its beer brand. The company immediately experienced vocal opposition and calls for boycotting from conservative celebrities and consumers. Of great concern was Bud Light's response to the backlash. Rather than standing by the partnership, the organization apologized for the marketing partnership and left Mulvaney vulnerable to harassment and threats (Holpuch & Creswell, 2023). Similarly, in May 2023, Target launched multiple store displays centered around Pride Month to show support for LGBTQ individuals. However, after online backlash and multiple calls for boycotts from conservative social media users, the retail brand moved the displays from the front of the stores and even removed merchandise that was perceived to be controversial (Holman &

Creswell, 2023). These recent missteps by large organizations are damaging because they showcase the ways in which organizations try to monetize support for minoritized communities yet fail to publicly stand up for those same communities when backlash occurs and when those communities need their support the most.

The shifting political and cultural backdrop described above has set the stage for the plethora of legal initiatives undermining DEI efforts to emerge, creating a hostile environment for organizations in which they must try to navigate supporting DEI work and balancing potential political and cultural backlash. Importantly, legal measures that aim to dismantle DEI education and initiatives yield several implications for organizations, including loss of skilled human talent, reduced funding opportunities, decreased innovation and productivity, and decreased diversity management competencies among managers and employees. First, states that impose restrictions on DEI education or freedoms for minoritized individuals are likely to experience an exodus of qualified employees and a more limited applicant pool for open job positions. Early evidence has already shown that highly skilled individuals are leaving their jobs in states where DEI efforts are being outlawed or dismantled (Gonzalez, 2023). Even when DEI programs are not completely shuttered, turnover rates among DEI staff are increasing, influenced in part by the politicized climate surrounding their work (Knox, 2023). Anti-DEI policies will also likely limit the diversity and quality of the applicant pool, as these initiatives limit the ability for organizations and search committees to be unbiased, to value diversity-related service efforts, and to demonstrate their commitment to diversity and inclusion. These policies will detract diverse applicants, as well as those who value diversity given that research has shown that DEI statements and signals are critical for recruiting minoritized individuals (Avery et al., 2013; Walker et al., 2012). For instance, it will be more difficult to recruit top female talent to join organizations or institutions in states that limit women's access to critical reproductive healthcare. Similarly, organizations may struggle to recruit and retain racial minorities or LGBTQ individuals in states with laws that are hostile toward these groups.

Organizations may also risk alienating their current employees, particularly if they fail to counteract or speak out against these anti-DEI laws (Wang et al., 2023). Research has shown that perceptions of organizational diversity climate is a significant predictor of employee job attitudes (Wolfson et al., 2011), as are antidiscrimination policies (Day & Schoenrade, 2000). Thus, legislative measures that lessen an organization's ability to enact DEI initiatives may result in more negative employee job attitudes, which can affect both employee and firm performance.

Experiences of overt and subtle discrimination may also rise within organizations, as individuals may feel more emboldened to act on their prejudices toward minoritized individuals. Meta-analytic evidence has demonstrated that experiences of discrimination negatively affect employees' physical health, psychological well-being, and performance (Jones, 2022). Such performance decrements are undoubtedly costly for organizations.

Relatedly, organizations that are less diverse or barred from engaging in DEI activities are less capable of engaging a diverse base of customers and students. Indeed, more diverse organizations are better able to market themselves to a wider range of customers (Capon et al., 1988). Similarly, students are often interested in working with and learning from faculty who have similar backgrounds and experiences to them (Castro Samayoa, 2018; Kim & Sax, 2009). For instance, higher education institutions are likely to experience decreased applications or enrollment of minoritized individuals and their allies. These legislative changes are particularly important among LGBTQ individuals when deciding where to apply to college (Horowitz, 2023), as many students and their caregivers have indicated that they are basing college decisions on the legislative and political climate across the United States. Importantly, higher education institutions that fail to uphold a commitment to DEI-supportive principles in hiring and recruitment risk losing their accreditation status, as many accrediting bodies require such commitment and practices (Cliburn, 2023). This in turn could lead to severe negative implications for public colleges and universities with regard to federal funding and reputation.

Last, organizations that are more homogenous are more likely to exhibit problematic behaviors, such as selection and promotion-based discrimination, interpersonal harassment, and subtle and overt forms of discrimination. These discriminatory behaviors can result in legal challenges that are costly and can permanently damage a company's reputation, further alienating diverse customers, students, and future applicants. Supporting this notion, recent meta-analytic evidence estimated that workplace discrimination costs organizations approximately \$691.70 billion to \$1.97 trillion annually due to sickness absences and productivity losses (Dhanani *et al.*, 2021).

Overall, policies banning diversity and inclusion efforts can have serious negative consequences for organizations and educational institutions within those regions, including decreased quality of applicant pools and workforces, hindered performance among existing employees, loss of accreditation and federal funding, and diminished status and reputation externally.

### **For society**

In addition to harming individuals and organizations, efforts to dismantle DEI programs and initiatives have troubling implications for society at large. First, these laws will likely have negative effects on public perceptions and attitudes toward the institutions and organizations that must adhere to them. Individuals who are underrepresented will feel alienated or isolated by these laws and policies and will view organizations within these regressive regions as less inclusive or safe. Indeed, such legislation sends a message that individuals within these regions are not welcome, safe, or valued, which will lead to them experiencing heightened levels of marginalization and exclusion. In addition, these laws will cause many applicants to view these educational institutions and regions as less desirable or attractive. As such, many people, especially those who are underrepresented and/or those who care about DEI, will be less motivated to apply to or join these institutions and will instead be drawn to establishments located in more inclusive areas. Ultimately, this will also lead to reduced quality, status, credibility, and reputation of institutions located in regions governed by anti-DEI laws. This may elicit a cyclical pattern whereby it will be even more difficult to attract and retain a diverse and skilled workforce. These policies are therefore likely to only exacerbate segregation of marginalized groups in America and will contribute to further polarization.

Second, these changes will make it more difficult to address and rectify long-standing issues associated with institutionalized discrimination. Many DEI-supportive programs and policies exist to rectify systemic barriers against certain groups. Abolishing these programs and structures will lead to a return to homogeneity and the status quo within those regions. Indeed, laws that discourage or prevent organizations from achieving diversity will reinforce existing hierarchies and power structures that continue to disenfranchise minorities.

Third, these legislative initiatives pose serious threats to individual liberties, including free speech. There have been an increased number of bans related to drag shows, college lectures, and even library content (Boone, 2023). Increasingly, states are installing hotlines and other reporting mechanisms that encourage individuals to identify employees who violate these anti-DEI laws; yet, these surveillance mechanisms only contribute to a chilling effect surrounding DEI and infringe upon the constitutional rights of employees and experts. Last, the reductions in diversity that are expected to accompany these laws should also elicit reductions in creativity, innovation, and, ultimately, economic development. State-level nondiscrimination laws have been shown to actually spur innovation and provide an opportunity for increased financial earnings, suggesting that these regressive policies may actually thwart innovation and business development (Gao & Zhang, 2017; Mayer *et al.*, 2018). Within educational institutions, increased diversity leads to improved learning and enhanced educational experiences. Thus, anti-DEI laws that will limit diversity and inclusion will also elicit reduced innovation and economic growth, leading to severe societal consequences.

## Counteracting anti-DEI legislation: What can we do?

Although these legislative measures represent serious attacks against DEI initiatives and policies, they alone cannot undo centuries of progress made by activists, scholars, and organizations. Advocacy has long been built into the social fabric of the United States and efforts to protect the freedoms of minoritized groups is just as important now as it ever has been. In the section that follows, we highlight ways that individuals and organizations can both passively and actively address these threats, even in the face of legal constraints.

### *Individuals*

There are several strategies individuals can engage in to counteract the negative effects associated with these regressive laws. Staying up to date on legislative proposals and their progress in being passed into law is a critical first step. Many of these legislative initiatives are being introduced and passed even though the content of the measures goes against the majority of Americans' beliefs related to issues of women's rights, racism and inequalities, and LGBTQ protections. Tracking new legislative proposals is necessary to raise awareness among the general public and to provide an opportunity for advocacy behaviors, such as attending legislative meetings and calling local or state representatives. Another tactic involves signing and sharing petitions through one's social network. Evidence indicates that online petitions are quite effective for raising awareness and garnering support for social issues (Minocher, 2019). Taking individualized action is critical for progress; individuals can feel outraged, but without tangible action, those emotions will not thwart attacks on DEI.

In addition to tracking laws, general knowledge and learning related to the issues and struggles faced by minoritized students and colleagues can help supportive individuals to be more effective and proactive in engaging in appropriate forms of allyship. It is necessary to understand the general societal barriers faced by underrepresented groups but to also pay specific attention to how changing laws could further impact their experiences and opportunities. This form of allyship is an important first step in being able to identify and call out biases within oneself, others, policies, and broader institutions. Further, individuals can be intentional about providing social support to their colleagues and subordinates who may be negatively impacted by anti-DEI legislation. For example, if an untenured junior faculty member is slated to teach a DEI course and is fearful of possible retaliation due to anti-DEI legislation, a more senior tenured faculty member could step in and volunteer to teach that course instead. In addition, informally checking in with impacted colleagues to see how they are faring and reassuring colleagues that you stand with them, support them, and that your principles and values are unwavering would likely be comforting to those individuals.

Moreover, individual students and employees play an important role in speaking up and advocating for change at an organizational and societal level. Individuals can share their concerns about these policy changes and call on their organizations and educational institutions to do what they can to respond and fight back against them. For instance, more than 100 students recently staged a protest at Loyola University to express dissatisfaction with the university's decision to not renew the contract of a Black faculty member (Bellamy, 2023). Individuals across the university garnered more than 600 signatures for a petition to reinstate the faculty member; although the effectiveness of these actions is not yet clear, the university president did publicly agree to review the situation and conduct a proper investigation. By using their voices, both individuals and collectives can help support vulnerable employees. Additionally, when organizations fail to act, individuals can use their voice and power to call them out and boycott them for their failure to respond. Following the passage of the Stop W.O.K.E. act in Florida, the NAACP sent out a warning to Black individuals to "not come to Florida, not send their children to Florida, not

vacation in Fla. if you're Black." These are effective ways that individuals can raise awareness and hold organizations accountable to their stated values.

## **Organizations**

It is critical for organizations to signal their support for DEI. Organizations that are complacent or silent during these times signal that they support anti-DEI policy changes, whereas those that increase their efforts to demonstrate support for DEI may be able to counteract these changes. We recognize that educational institutions and organizations may face different constraints, and in some instances, organizations may have greater latitude for circumventing anti-DEI laws compared to educational institutions that receive federal funds. Therefore, we discuss distinct strategies for each type of organization below.

### ***Educational institutions***

As new laws take effect, universities will need to find ways to continue to promote their commitment to DEI while also complying with the legal statutes. First and foremost, places of education that sincerely value diversity and the benefits it provides to the academic community need to be vocal about the ways in which they will continue to support minoritized students on campus. Because these laws are in nascent stages, minoritized students, faculty, and staff will undoubtedly feel uncertain about the long-term effects on the campus community, personal safety, and belonging. Thus, it is imperative that educational institutions not only publicly commit to embracing DEI principles, but that they outline and effectively communicate their strategies for doing so. Moreover, given the fast-paced nature of these political changes, many campus community members may be unaware of the legislative proposals that will undoubtedly affect their education or employment at education institutions. Thus, educational institutions should have organizational representatives who actively monitor and engage in local and state political initiatives, and these laws (proposed and enacted) should be clearly communicated to constituents. With advanced notice of these political initiatives, campus community members may have the opportunity to organize and more proactively fight against measures that will impact who is included in the educational context and what content is supported.

Following the Supreme Court ruling on affirmative action, higher education institutions may no longer use race as a criterion when making admissions decisions. However, the new law does not prohibit decision makers from considering socioeconomic status or financial hardship in the admissions process. Socioeconomic status itself is not a proxy for race or ethnicity but may allow schools to provide more educational opportunities to students with fewer socioeconomic means, which can also aid in reaching minoritized communities.<sup>3</sup> Additionally, the Supreme Court did not prohibit students from discussing race or its impact in their college admissions essays, meaning that college and universities may no longer ask about and consider race as a decision criterion, but they can still evaluate the impact that race may have had on an applicant's life experiences via their personal essay. In the application instructions, this caveat could be emphasized and explained to potential applicants so that race-based information may still be conveyed to admissions committees.

Many of these new laws place restrictions on how state funds could be used for DEI-related purposes. However, there may be opportunities for colleges and universities to engage with their alumni networks and corporate partners to establish private funding to support DEI efforts. For instance, some state lawmakers have already begun dismantling race-based scholarships in light of

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<sup>3</sup>We wish to underscore the fact that SES is not an adequate measure of race or ethnicity. By focusing solely on SES, middle class students of color may continue to be overlooked in admissions processes, even if they have been subject to the effects of structural racism or discrimination. However, such an approach may allow colleges and universities to continue to reach minoritized populations more effectively than not considering SES at all in the absence of legally supported race-based admissions processes.



the Supreme Court ruling on affirmative action (Hidalgo Bellows, 2023). Educational institutions may specifically ask donors to support DEI-related programs or scholarships as a means of supplementing lost governmental support for these initiatives.

Last, universities could encourage the creation of volunteer organizations outside of formal organizational structures that could continue to support DEI efforts with less governmental oversight. These groups could create resources that help support minoritized members of the campus community, write petitions or engage in advocacy efforts to establish more diversity-affirming policies at the institution or regional level, and establish informal social-support networks to better support underrepresented campus members. Assuming these faculty and student-led groups are completely voluntary and are not being financially or structurally supported by public universities or colleges, they should be able to exist and engage in efforts to improve DEI within these educational institutions, despite the existence of these laws.

### **Businesses**

The changing legal and political landscape can leave many organizations feeling uncertain or confused about the types of DEI programs that they are allowed to implement and support. Organizations may start to question whether they are still allowed to hold DEI positions and offices, support identity-specific ERGs, or create minority-focused career development and leadership programs. Despite the downstream effects of affirmative action being overturned on organizations (e.g., fewer minoritized individuals attending elite institutions, fewer minoritized individuals in leadership positions), the broad legal requirements surrounding organizational DEI initiatives have not changed (D'Agostino, 2023). Thus, organizations should carefully review their existing DEI policies and programs to ensure they align with current legal guidelines. Additionally, organizations may benefit from seeking legal counsel when uncertainties arise or when creating new DEI policies. Proactively seeking guidance on how to create and implement legal DEI programs may aid an organization should they be faced with legal action. This may also be an opportunity for organizations to create new DEI positions related to the tracking of changing legal standards and ensuring that DEI policies are operating within the confines of state and federal law.

In addition to reviewing existing policies for legal compliance, organizations should also ensure that their existing policies and practices are not affected by inherent biases. Conducting a thorough review of recruitment, selection, evaluation, and development policies can help organizations to identify where potential blind spots may exist (Williams et al., 2021) and to improve these existing procedures in order to strengthen career support for minoritized individuals.

Organizations operating in states where certain diversity initiatives have been banned may need to find new ways to demonstrate support for DEI values and initiatives. For instance, organizations could bolster inclusive images and statements on their websites, involve minoritized individuals in the recruitment and selection processes, create employee resource groups (ERGs) for minoritized communities, engage with and financially support corporate social responsibility issues impacting their local communities, create mentoring and development programs for minoritized individuals, and publicly speak out against anti-DEI legislation. Reevaluating an organization's entire HR life cycle through the lens of minoritized groups may help organizations to strengthen their DEI climates.

Additionally, organizations may choose to delay enactment of these changes, implement changes in only narrow or specific ways, or refuse to adhere to these policies. We do note that organizations need to adhere to the law, but in instances where there is ambiguity or flexibility in the law, organizations may opt to do the "bare minimum" that is required to follow anti-DEI laws. For instance, when organizations operate in states that limit or ban diversity training, they may change the ways in which these trainings are positioned or described. Instead of calling these programs diversity training or bias-reduction training, organizations may use phrases such as intergroup collaboration, teambuilding, or self-awareness training, as these are similar and often overlapping constructs. Additionally, training on

unconscious bias can be included within other mandatory trainings rather than holding specific trainings on this topic alone. Incorporating bias reduction training into existing training seminars on performance management, coaching, or selection may limit extreme affective reactions to this topic. This approach allows organizations to effectively deliver the same messages to their employees while still complying with regional laws. For organizations that are no longer allowed to solicit diversity statements from applicants, interview questions can be designed to tap into diversity values and beliefs through wording changes. For instance, interviews can ask applicants about their efforts to improve the climate of their previous institutions or to ask more broadly about their organizational citizenship behaviors. Another similar approach has been to ask applicants how they have engaged in efforts to support the goals or the mission of the organization, specifically when those missions include goals of improving diversity and inclusion.

Organizations may also leverage their resources to support employees affected by anti-DEI laws. Such actions were witnessed after the Supreme Court ruled abortion as unconstitutional when large companies publicly shared their plans to aid employees seeking abortions. Many organizations such as Amazon, Starbucks, Levi Strauss, and Bank of America committed funding to provide employees with time off and travel stipends to seek reproductive care in states where it is legal (Goldberg, 2022).

Internally, organizations should bolster their support for minority-oriented resources and resource groups during this difficult time. Specifically, organizations should conduct climate surveys to assess potential areas for opportunity and growth within the DEI space, bolstering the resources they commit to these areas. Organizations can ensure that they have created strong structures to support DEI, including offices and officers that hold real power within the company. They can establish and support large networks of identity-specific employee resource groups to foster safe spaces for minoritized individuals to network, learn, and socialize. They can also create minority-focused mentoring, training, and leadership programs to ensure that they are supporting and achieving high levels of demographic diversity at all levels of the organization.

Last, organizations need to develop clear value statements, publicize these statements to their stakeholders and stand by these statements even amid backlash or changing laws. Organizations often have the social capital and financial means to speak out against these regressive policies. For instance, consortiums of large and small businesses have come together to admonish lawmakers for legislation targeting the rights of LGBTQ individuals (Crumb *et al.*, 2023; Gibson, 2022). Organizations should also strategically align themselves with business partners who are supportive of DEI initiatives. One way for organizations to financially divest themselves from negative DEI policies is to proactively select suppliers only from states with supportive DEI laws or to plan conferences and meetings in states with progressive DEI policies and protections. External or publicly facing statements can also help to mitigate negative public perceptions of companies within these regions, possibly improving perceptions among applicants, customers, and other external stakeholders (Corrington *et al.*, 2022). Furthermore, these external statements can also help to change public attitudes surrounding these regressive policies, thereby changing how people vote in future elections. In doing so, organizations can also make efforts to increase and incentivize voting behavior among stakeholders by increasing communication about voting registration and opportunities to vote, providing details about the voting process and locations, providing paid time off to vote, providing transportation to voting locations, and emphasizing the importance of voting as a means through which we can manifest social change that will shape organizational policies and practices. Doing so can also directly engender political pressures that can help to influence subsequent policy changes. These efforts may be strengthened by collaborating or joining forces with other organizations that have similar goals, which could create a critical mass of pressure that can help to influence and improve DEI policies in the future. In addition, organizations will see these actions pay off when the pendulum of social attitudes and policies swings back toward justice. Indeed, engaging in these types of strong, unwavering DEI efforts can be seen as an investment that will lead to financial benefits in the long term.

## Continued DEI research

DEI scholars have been essential to drawing attention to the inequities experienced by minoritized individuals in the workplace and to identifying the business advantages that are realized through proper diversity management. However, it is clear that continued DEI research is more critical than ever in fighting back against discriminatory and inflammatory legislative initiatives. We contend that scholars are an invaluable asset to thwarting attacks on DEI education and policies. Decades of research has already demonstrated the social and economic value that DEI policies provide to organizations (Roberson et al., 2017), yet what is needed now is scientific investigations of the consequences brought about by anti-DEI legislation, both for individuals and organizations. Such evidence may be used to convince lawmakers to either overturn or abandon efforts to rollback DEI funding, protections, or initiatives. Though we believe that all DEI research is inherently valuable, below we highlight areas that have the greatest sense of urgency in light of these rapid legislative changes.

The use of diversity statements has become a particularly contentious issue for conservative lawmakers who argue that such statements are compelling students and job applicants to espouse progressive ideologies in order to be selected at institutions of higher education and organizations. Yet, little is actually known about DEI statements in terms of how they are perceived by applicants, their effectiveness in predicting job performance in jobs requiring interpersonal collaboration, or the extent to which applicants truthfully represent their beliefs in these statements (Bombaci & Pejchar, 2022). In order to defend the use of such statements in making admissions and hiring decisions, organizational scholars could be instrumental in providing evidence that these statements are a valid tool for predicting performance-related outcomes.

Recent data have shown that students' understanding of history and civics education is declining in the United States. As more states implement bans on the topics discussed in classrooms, it is likely that these declines in knowledge will continue. Thus, what is needed is empirical evidence of how changes in classroom content are affecting students' DEI attitudes, knowledge, and awareness. Does a reduction in diversity-related education impact individuals' attitudes about dissimilar others? Does it influence willingness and ability to collaborate with minoritized peers? In what ways are managerial competencies affected by a lack of DEI training? For instance, do managers who previously received DEI instruction in secondary school or college demonstrate less biased decision making? To what extent are these individuals able to problem solve, alleviate conflict, and support employees in their workplaces? Scholars have previously identified reasons for why diversity education is paramount for future managers (Bell et al., 2009; Kulik & Roberson, 2008), but empirical investigations of the short- and long-term effects of such education on managerial and organizational outcomes are still lacking. Unfortunately, arguments that position DEI as a moral or ethical imperative are not enough to stymie attacks on DEI education; data-driven, empirical research, however, may be a critical factor in demonstrating the utility of DEI education.

Anecdotal news reports have highlighted the ways in which anti-DEI policies are affecting students' college decisions and individuals' employment decisions, yet more evidence is needed to understand the extent to which these policies influence application and retention behaviors. Event-based studies would be particularly useful in understanding discrimination claims and attrition rates in states that have been affected by these regressive policies (vs. those that have not). Additionally, experimental designs and field-based studies are needed to evaluate the extent to which applicants' consider state-level DEI laws in their employment decisions and whether organizations' DEI statements and policies can be used to counteract the challenges posed by state-level, anti-DEI policies.

Perhaps of greatest concern is the roll these regressive policies may wield on the well-being and safety of minoritized individuals. Emerging evidence has been useful in understanding how statements made by political leaders affect minoritized individuals' behaviors, stress reactions, and well-being (Block et al., 2023; Hobbs & Lajevardi, 2019). If negative politicized statements are damaging for the identities and well-being of minoritized individuals, how might these harms be

exacerbated after the implementation of legislation that delegitimizes or excludes them from society? Even more, how might these policies affect minoritized individuals' motivations and decisions to attend college or pursue traditional paid employment? Research has shown that stigmatized individuals often pursue nontraditional career paths out of necessity after being excluded from or shamed in society at large (Bacq et al., 2023). Thus, might regressive policies discourage individuals from seeking an advanced education or pursuing traditional forms of employment either due to physical (e.g., transgender bathroom laws) or social (e.g., banning of affirmative action policies or minority-supportive initiatives) restrictions?

The reverberations of these laws extend beyond students and employees; organizations fulfill many important roles within society and are impacted by multiple stakeholder groups. It is likely, therefore, to assume that organizations will suffer financial repercussions as a result of operating in states where anti-DEI laws are passed. States themselves are likely to lose business prospects and investments as organizations reconsider the geographic and political regions in which they operate. The loss of large corporations in these states will have trickle down effects on the overall economy, including small businesses. Additionally, consumer activism is on the rise, and customers are increasingly looking to organizations to take a stand on political and social issues (Pasirayi et al., 2023). Thus, firms who do not attempt to counteract anti-DEI laws or who continue to operate in states with anti-DEI laws are likely to experience losses in sales and profits as customers look for alternatives in the marketplace. In this vein, scholarly research is needed to understand how organizations' DEI strategies and positioning affects their attraction of potential applicants, current employees, stockholders, and customers, particularly in response to anti-DEI laws.

## Conclusion

Threats to DEI education and organizational initiatives are real and increasing in both number and intensity. Legislative initiatives (both proposed and enacted) are attempting to dismantle decades of progress for minoritized groups. In this manuscript, we provided an overview of these legislative measures and described ways in which they are likely to affect individuals, organizations, and society at large. Without intervention, the entire DEI system as we know it may be dismantled. We argue that I-O psychologists have a responsibility to stand up against these attacks as purveyors of science and knowledge; the community cannot stand by idly. Through research and activism, individuals and organizations can work together to stymie these regressive policies and restore justice and equity to some of the most valuable societal institutions.

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