


COMMENTARY

The unequal burden of DEI bans

Lindsay Y. Dhanani¹ , David F. Arena Jr.², and Sean M. Bogart³

¹School of Management and Labor Relations, Rutgers University, Piscataway, NJ, USA, ²College of Business, University of Texas at Arlington, Arlington, TX, USA and ³Department of Psychology, Ohio University, Athens, OH, USA

Corresponding author: Lindsay Y. Dhanani; Email: ld733@smlr.rutgers.edu

In the wake of the growing number of bills aiming to restrict diversity, equity, and inclusion (DEI) policies, practices, and funding in the United States, we echo the need to take action to ensure that DEI practices and education, and their benefits for minoritized communities, remain intact (Follmer et al., 2024). However, as we collectively try to navigate turbulent political waters, we must recognize that there is harm done by the current legislative efforts and consequences for resisting them, and that such outcomes are unequally distributed. That is, individuals who do work in the DEI space broadly—including, but not limited to, teaching, research, practice, or policymaking—are impacted by anti-DEI policies most acutely. Additionally, DEI-related work tends to be done by those who hold minoritized identities themselves (Umoh, 2024), potentially exacerbating already entrenched workplace inequity. The goal of this commentary is correspondingly to identify (a) the ways in which anti-DEI policies create unique challenges for those who do DEI work, (b) the potential for those challenges to widen the gulf between minoritized individuals and their peers, and (c) the need for organizations to mobilize resources to protect the well-being of those most at risk. We hope that by drawing attention to these issues, we can both highlight the turmoil DEI scholars and practitioners are currently experiencing and offer recommendations for how organizations can best support them.

The penalties for pursuing DEI work

Though we agree with Follmer et al., that the ongoing anti-DEI legislation has the potential to impact all students, faculty, and employees, we argue that those who are on the front lines are at risk of incurring more acute harm. We illustrate this point by identifying the ways this legislation has the potential to reshape research, teaching, and practice related to DEI. Beginning with research, the ongoing push to defund or ban DEI work puts DEI scholars at an increased risk of backlash from the general public and their universities alike. The public have indeed launched focused campaigns targeting specific scholars who do work related to DEI or speak up on related issues, leading to negative outcomes for their careers. Nikole Hannah-Jones is a particularly salient example of this. Perhaps best known for the 1619 project, Hannah-Jones' work has garnered considerable backlash from conservatives, leading to boycotts of her books, death threats, and even a denial of tenure (Robertson, 2024). Hannah-Jones is certainly not alone, and backlash has similarly been aimed at Claudine Gay, Kimberlé Crenshaw, Ibram Kendi, and others. These examples, though particularly extreme, demonstrate the ways in which DEI scholarship may open one up to public scrutiny that can hamper not only career progression but also physical and/or psychological safety. Moreover, as faculty see universities cut DEI programs and centers due to legislation (Lu & Bauman, 2023), they may be left to wonder if pursuing their research will negatively impact their employment. Such a concern is only amplified by the rollback of tenure protections that have occurred alongside anti-DEI legislation in many states.

Relatedly, we recognize there is growing evidence that DEI scholars already face hurdles in the publication process at management and applied psychology journals and argue that shifting political tides may exacerbate existing biases. King and colleagues' (2018) work in the *Journal of Management* draws attention to these subtle biases, finding that, for example, diversity papers using archival data were "12 times more likely to be rejected" in early rounds of review relative to nondiversity papers (King et al., 2018; 848). A recent editorial on a research team's experiences publishing diversity research in the *Academy of Management Perspectives* signals that these biases continue to persist (Roberson et al., 2024). Anti-DEI legislation may amplify the salience of biases in the publication process as public opinion on DEI sours, which may ultimately deter faculty from pursuing this work at the onset.

Shifting to teaching, many of the concerns noted above also extend to the classroom. In states with active or pending legislation, instructors who teach DEI content must now bear the burden of deciphering the current restrictions, anticipating future changes to the curriculum, and charting a course for reconciling the best available evidence with new legal standards. However, even in states without bans, teaching DEI against the current political backdrop poses real risks to instructors as the ongoing public discourse related to DEI may make instructors more vulnerable to experiencing hostile environments and discriminatory language in and outside of the classroom. Retaliation against faculty including lower teaching ratings, formal reports to the university or state, or doxing is also possible. Indeed, a recent survey of faculty revealed that 1 in 10 faculty teaching DEI-related topics received threats from students to report them for violating anti-DEI laws and 12% report receiving an uptick in negative teaching ratings (Goldberg, 2024). We expect this backlash might exist whenever DEI content is presented, but the risk may be even higher for faculty teaching DEI-specific courses (i.e., Diversity in Organizations).

Finally, the penalties for pursuing DEI work are also felt by practitioners. In addition to fears of public backlash, DEI practitioners are facing increased scrutiny and precarity within their organizations. Perhaps most notably, many chief diversity officers (CDOs) and other DEI staff are at risk of losing their jobs. Several universities have gutted DEI offices, firing all relevant staff in the process (Bushard, 2024; Svrluga, 2024), and many DEI practitioners working within private firms fear that a similar culling might be on the horizon. These concerns are only fueled by the announcement from several large organizations that they will be stepping back from DEI programming, including John Deere, which has recently committed to ending or shifting the focus of their DEI initiatives (Pontefract, 2024). The shifting focus away from DEI is also evidenced by job searches for CDO positions being down 75% in 2023 as compared to the year before (Chen & Weber, 2023). We are also observing high rates of turnover among DEI executives, with Deloitte reporting that the average tenure of a CDO is 2.5 years, roughly half the average tenure of other C-suite positions (Korn Ferry, 2023). This has led some to describe the position of CDO as the new glass cliff wherein firms appoint someone, typically with a minoritized identity, to solve their DEI problems, provide little to no resources, and then blame them when the effort fails.

The unequal impact

Alongside acknowledging the direct and unique harm done by anti-DEI legislation to DEI scholars, educators, and practitioners, it is also critical to recognize that faculty and employees with minoritized identities are disproportionately represented among those who are doing this work. Indeed, *Fortune* reports that 44% of CDOs come from historically marginalized racial/ethnic groups and 76% are women (Umoh, 2024). Faculty of color are also more likely to be tasked with service roles related to DEI work than their peers (Trejo, 2020), and LGBTQIA+ employees report spending more time advocating for DEI in the workplace compared to their cisgender and heterosexual peers (Jacobson et al., 2022).

The tendency for minoritized employees to bear the responsibility for DEI work is important to acknowledge because it means that the consequences highlighted above are unequally being shouldered by faculty and employees who are racially/ethnically minoritized, women, queer, or otherwise marginalized. These individuals already face a number of challenges at work that their peers do not (e.g., Grandey et al., 2020; King et al., 2022), and the current litany of anti-DEI legislation stands to exacerbate existing workplace inequity. That is, on top of contending with the more enduring disadvantages at work, minoritized faculty who do DEI work now must also navigate the instrumental and symbolic harms of this legislation while also absorbing the cost of mobilizing resources to combat and/or work around successful DEI bans.

We argue this leaves employees at an increased risk of an array of negative well-being outcomes that can further contribute to health inequities among social groups, such as an elevated risk of burnout, physical health symptoms, depressive symptoms, and anxiety, among others (e.g., King et al., in press). DEI scholars, instructors, and practitioners might also experience moral distress, which occurs when employees have to engage in work behaviors that do not align with their values because of institutionally imposed obstacles (Jameton, 1984). Anti-DEI legislation is likely to trigger moral distress because it requires employees and faculty to teach, do research, or practice in ways that violate best practices and compromise deeply held personal and professional standards. Moreover, employees and faculty might also experience heightened racial battle fatigue, defined as a specific type of chronic stress produced by repeated exposure to hostile and demeaning racial experiences (Smith et al., 2007), or other similar forms of minority stress. We argue this is possible because DEI scholars, instructors, and practitioners might have to navigate a growing number of conversations in which their work and its value, and by extension the value of supporting people with their identities, are called into question.

Additionally, in light of DEI bans and the broader political climate, employees and faculty who do DEI work may also feel required to invest more effort into, and engage in more emotional labor because of, their jobs. This may spur a downward spiral of well-being that is likely to erode task performance. Indeed, recent work on the critical impact of megathreats (Leigh & Melwani, 2022) supports this point, demonstrating that identity-threatening societal events are associated with performance decrements (Ruggs et al., 2023). Much of the added work imposed by current political shifts is also invisible in that colleagues who do not do work related to DEI may be unaware of the additional effort demanded at this time, making it harder for others to understand the compensatory factors that may explain any observed changes in performance. Finally, the impact of the anti-DEI legislation might also increase the likelihood that DEI scholars and practitioners choose to leave their organizations, which in turn undermines one of the primary goals of DEI programs as organizations may continue to struggle to retain the diverse employees they hope to recruit.

The path forward

Our commentary is not meant to discourage employees, faculty, or students from pushing back against anti-DEI legislation. We agree with Follmer et al.'s recommendations for organizations to engage with lawmakers to curtail the legislation and to comply with changing legal standards in ways that still facilitate inclusive environments. However, we argue that their responsibility does not stop there, nor does it fall solely on the shoulders of individuals who might be targeted by this legislation. We advocate for organizations to ensure that those who are on the front lines of doing this work are protected. Otherwise, we risk allowing DEI scholars and practitioners to bear the brunt of the efforts needed to continue this work in a hostile climate as well as the harm of having to do so.

In terms of concrete strategies for insulating against the impact of anti-DEI legislation, we first advocate for being intentional around *who* is doing DEI work. Not only do we suggest doing an audit of who is currently in DEI-focused roles, but we also recommend the integration and involvement of senior or institutionally powerful others. Second, we encourage a critical review of

how DEI work is being conducted. Akin to successful HR of any form, DEI initiatives need to be formalized, evidence based, and given the resources they need to succeed. Finally, we want to foster precision around the *why* of DEI work. DEI policies and programs that are reactionary or may be construed as performative undermine the reputation of successful initiatives. It is therefore paramount to align DEI work with the values and inclusive outcomes that organizations and universities should uptake.

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