Adapting Diversity, Equity, and Inclusion Programs: Navigating the New Landscape

Jeffrey Amidon

The concept of an all-white college campus or office workplace has become a relic of the past due to the longstanding efforts of diversity, equity, and inclusion programs (DEI) introduced in the 1960s. Yet, the U.S. Supreme Court ruling issued in the *Students for Fair Admissions v. Harvard* (2023) illustrates the intention of returning to this reality, embracing the neoliberal conception that the playing field of admissions and job opportunities are equal. The conception of this notion was during the Nixon era and grew exponentially throughout the Reagan Administration; a time that some perceive to be “the good old days.” This striving to return to this individualistic, personal responsibility age is dangerous for people of color and those who come from low-income, marginalized communities. Equal protection in practice must be centered around resolving past discrepancies that have greatly influenced the current socioeconomic hierarchy and status that remains prevalent throughout the American system. DEI programs are designed to give underrepresented communities an opportunity, without violating the Fourteenth Amendment. These programs can utilize other measures to achieve a similar effect without solely utilizing blatant race-based metrics, making it in line with the standard set in the Constitution. The significance and efforts made by DEI measures must remain to continue to combat historical and systemic racism and discrimination amongst workplaces and universities.

The discussion surrounding DEI initiatives and affirmative action programs is centered around the fundamental question: does uplifting specific communities through these programs increase opportunity and fairness for all? When attempting to address this question, one must be able to recognize that the playing field for opportunities historically has been created to benefit those who identify as cisgender white men. This is an unavoidable reality as every aspect of our society is tainted by the darkness of our historical racial policy and culture. From education to job opportunities, it is easy to recognize the systemic difference in opportunities available for those who deal with racial or economic discrimination. The intersectionality between racial policy and socioeconomic status is a crucial detail in this debate, as the Black American poverty rate measures in at 17.1 percent, with the Hispanic poverty rate at 16.9 percent. However, the white poverty rate was almost half of these figures at 8.6 percent in the year 2022 (Statista, 2022). This illustrates the vast discrepancy between the races regarding economic status, with minorities suffering from poverty at much higher rates. Now, as Ibram X. Kendi establishes in his book, *Stamped from the Beginning*, there are two possible reasons for this discrepancy between the races: there is a systemic and historical bias that prevents minorities from collectively moving up the socioeconomic ladder, or that minorities do not deserve the same opportunities as white citizens (Kendi, 2016). There is either a systemic explanation, or a racist explanation that relies on personal responsibility and neoliberal generalizations of specific racial minorities. This principle is further made evident by observing the metrics regarding high-level corporate executives with “Nearly 97 percent of corporate senior executives in the United States are white. Only 5 percent of all professionals are black though blacks comprise 12.7 percent of the workforce. Hispanics hold only 4 percent of white-collar jobs but make up 7.5 percent of the workforce” (Andre et al., 2024). At the highest level of the corporate world there is little to no racial diversity, proving that there are either unequal opportunities for racial minorities, a systematic explanation, or a racist explanation that contends that they did not work hard enough. This personal responsibility rhetoric perpetuates the narrative that each individual and their demographic is responsible for their own success, neglecting any systemic issues that influence the mobility of specific people and demographics. Thus, the argument that there is a level playing field in education and occupation is incorrect, as the evidence proves that there is a systemic aspect at play keeping specific communities down on the socioeconomic ladder.

Diversity, equity, and inclusion programs serve an important role in our social fabric, seeking to redress inequities that stem from the lengthy history of subjugation and discrimination in the realms of race, gender, sexuality, and class. Giving specific demographics slightly more consideration in the realms of education and occupation allows for some level of mobility up the socioeconomic ladder. Dealing with education specifically, the playing field for admissions is inherently unequal given the state of the national public education system and its wide variety of inequities. It is widely understood that public schools garner their funds from surrounding taxes, therefore it is rather evident that low-income communities will have less funds to work with, given the economic state of the surrounding area. With little state or federal involvement, these schools remain poorly underfunded from the beginning, limiting the educational experience for each individual student before it can even begin. For example, Ronald D. O’Neal Elementary School, located in Illinois, is regionally known for being an underprivileged school in a low-income community where “none of the third graders could read and write at grade level according to state tests in 2019. Nearly 90 percent of the school population is considered low-income and nearly three-quarters are labeled English learners, meaning that the state language arts test assesses their reading and writing ability in a language they’re still trying to learn” (Mathewson, 2020). This illustrates how these schools, even at the elementary level, are underperforming when it comes to necessary skills in the educational sphere. With such a staggering number of children considered low-income, it is easy to understand that there is a correlation between low-income communities and general education deficiencies. This is not due to these children being less intelligent, however, it is a problem of funding. The education system has historically allowed for specific demographics to be underserved, requiring DEI programs to ease the difficulty and attempt to level the playing field even slightly.

Once these programs were implemented, it allowed for far more inclusion amongst our nation’s workplaces and universities, leading to increased understanding of the importance of racial and ethnic diversity. Various studies have showcased the importance of being around people that are different from us, as it makes us more thoughtful, creative, and able to solve complex problems. For example, at the University of Illinois at Urbana-Champaign, a study was conducted that evaluated group decision-making between homogeneous groups and groups with racial diversity to see if there was a difference in ability. The results of the study state that “**​​**The groups with racial diversity significantly outperformed the groups with no racial diversity. Being with similar others leads us to think we all hold the same information and share the same perspective. This perspective, which stopped the all-white groups from effectively processing the information, is what hinders creativity and innovation” (Phillips, 2014). This illustrates that racial diversity is a significant aspect of education in the university system, as the traits of creativity and problem solving are heightened when introduced with other perspectives and traits. In the workspace there are plenty of advantages to DEI programs, as diverse workplaces experience increased innovation and motivation: “Diverse teams outperform individuals about 87% of the time during business decision-making processes, according to one UK-based [Cloverpop study](https://www.peoplemanagement.co.uk/experts/research/diversity-drives-better-decisions) that covered 600 business decisions made by 200 teams across a range of industries. In fact, diverse teams were also shown to make decisions faster than individuals. Gender-diverse teams are especially effective, outperforming individuals 73% of the time, compared to 58% for all-male teams” (Risby, 2021). This showcases how impactful diversity is in the workplace, as these benefits correspond with increased productivity for the workers, making increased profits for the company and the higher-level management. With all these advantages to increased diversity, it is imperative that Americans continue to have faith in diversity as an important cornerstone of workspaces and universities. Thus, we must never cease innovation of such programs to comply with the decision in *Students for Fair Admissions v. Harvard*.

If traditional DEI programs that utilize mere race-based metrics to determine hiring or admissions are defined as discriminatory by the U.S. Supreme Court’s majority, they must be modified to utilize new metrics to achieve a similar result, never forgetting the purpose and importance of racial diversity. There are plenty of standards that correlate with race-based metrics, such as locational data and socioeconomic status being possible metrics by which to ensure racial diversity in such institutions. As unfortunate as it is, the effects of systemic racism piled up throughout American history has created a socioeconomic hierarchy that has resulted in higher poverty rates for racial minorities than for white Americans. This was evidenced in the data surrounding the white-black wealth inequality gap as “from 1989 to 2022, the Black-white median wealth gap has averaged $172,000, and rarely dropped below 10% of this. However, between 2019 and 2022, the gap breached 10% of the average—signaling an increase in disparity not seen since 2007, when the gap reached $214,970. The growing disparity means that in 2022, for every $100 in wealth held by white households, Black households held only $15” (Perry et al., 2024). This exemplifies the idea that there is a large wealth gap between racial demographics, an unfortunate identifiable correlation between economic status and well-being, making for a good metric to identify racial minorities in the application process. This is also observable in the difference in household income and total net worth when comparing each racial demographic: “Asians have the highest median household income in the U.S., but Hispanics earn 70 cents and blacks earn 59 cents for every dollar of income that whites receive. However, income differences markedly understate racial differences in economic status. Net worth, a measure of wealth, captures the economic assets and reserves that a household has. Wealth facilitates the ability of a household to both plan for the future and cushion shortfalls in income. Racial differences in wealth are striking. For every dollar of wealth that whites have, Asian households have 83 cents but blacks have 6 cents and Hispanics have 7 cents” (Williams et al., 2016). These shocking data points illuminate the issue that the average household has different measures and standards of wealth that correlate strongly with its predominant racial demographic and identity. There is a strong correlation between economic status and stability that can be utilized as a metric to achieve a similar diversity goal that has been established and utilized in traditional DEI programs and their measures. By emphasizing economic status, there is a higher likelihood of achieving the desired outcome of a more racially diverse student base or workspace. It is rather unfortunate that there are such egregious disparities in economic status between different racial demographics even when it can be an effective measure to increasing diversity in these institutions, which hopefully in the long run will ease or eliminate these discrepancies. When we increase diversity in these institutions, we are redressing many of the historic disparities, allowing for more disadvantaged communities to rise out of poverty through education and meaningful employment.

Another measure that could be utilized to increase diversity amongst universities and workspaces would be the origin of the applicant in question, as location of the residence is highly correlative with racial identity. Due to the era of slavery that preceded the Civil War and the following eras of segregation and discrimination that are still present today, an individual’s place of residence is heavily determined by racial identity. Residential racial segregation is alive and well even in the modern age: “To our great surprise, we found that more than 80 percent of major metropolitan areas in the United States were actually more segregated in 2019 than they were in 1990” (Menendian, 2021). This statement shows that where people live is heavily influenced by their racial identity, a trend that has unfortunately stood the test of time and remains unjustly powerful. Within cities there typically remains a rather sharp racial contrast between neighboring communities, with the inner cities being populated by racial minorities and the surrounding suburbs mostly populated with white Americans: “Among urban residents, 44% are white, compared with 68% in suburban and small metro counties and 79% in rural counties. In fact, whites have become the minority in most urban counties (53% of them are majority nonwhite) since 2000; only about one-in-ten suburban (10%) and rural (11%) counties are majority nonwhite” ​(Mitchell, 2018). This exemplifies that utilizing location as a factor in admissions or hiring would allow for there to be higher diversity rates if the individual is selected from a location that has a high percentage of racial minority inhabitants. By identifying communities that are predominantly populated by racial minorities, one can safely assume that the likelihood of selecting an individual who identifies with that racial demographic is higher than in other communities. Thus, to achieve the same effect, universities and employers should take into consideration the location of residence or location of childhood, as there is a strong correlation between the place of residence and of upbringing and racial identity. This would achieve the same goal as traditional race-based DEI programs, as selecting from a wide range of communities that are resided by mostly minorities will most likely yield higher rates of diversity within that institution. Location is a race-blind metric by which these institutions would be able to achieve the same goals as traditional DEI programs without violating the Fourteenth Amendment’s interpretation by the Supreme Court in the case *Students for Fair Admissions v. Harvard.*

There are other measures by which employers or admissions boards can utilize to achieve the diversity that is best for their institution or workplace. For example, the board of the labor law firm Ogletree Deakins outlines a new recommendation for DEI programs based on the new Supreme Court requirements. Firm attorneys do place more emphasis on the economic and geographical analytics in order to achieve diversity, yet they continue with the inclusion of further categories that “granted admissions points based on four ‘Experience Factors’: (1) eligibility for free or reduced-price meals; (2) status as an English language learner; (3) eligibility for special education services; and (4) attendance at a historically “underrepresented” public middle school…”(Goldman et al., 2024). This illustrates that these other factors, like language barriers and food assistance correlate with racial trends, adding more standards by which DEI programs can achieve their diversity goals without violating the Supreme Court’s interpretation of the Fourteenth Amendment. These metrics do not just help lift racial minorities in the admissions or hiring process as it also assists immigrants and people who face hardships that intersect with racial and ethnic boundaries. Such practices comply with the Supreme Court’s interpretation as they do not utilize *de jure* segregation, but instead varying metrics that will allow for there to be more widespread diversity in our universities and workplaces, a very important aspect in maximizing the productivity and creativity of the environment.

The interpretation of the Fourteenth Amendment that has supposedly “ended” DEI initiatives and the notion of affirmative action in universities through the case *Students for Fair Admissions v. Harvard* is problematic, as these programs in no way could be deemed as discriminatory against any racial demographic and were intended purely as a way of lifting communities who have been horribly discriminated against and pushed down by systemic racism. However, the decision of the U.S. Supreme Court is currently binding, and therefore prevents the system that has been built up over the years to maximize equality and diversity in our nation’s universities from running. Thus, these programs must adapt to preserve the clear benefits that are experienced from a diverse student body and workplace. The innovations that must be implemented unfortunately must be race-blind to follow this interpretation of the Fourteenth Amendment of the U.S. Constitution. The top candidates for new metrics would be the standards of economic well-being and location, as they are rather correlative to racial identity. While the existence of such correlations is due to systemic racism dating all the way back to the era of slavery in the U.S., they remain as powerful as ever in the modern age, requiring a redressing and a promotion of diversity in such institutions. The important aspect of these modifications is that it is preserving an important facet of our institutions, recognizing, and redressing the historical wrongs that have perpetuated throughout history and currently in the modern age. To preserve these programs, administrators must be able to modify them to recognize communities of low-economic status and high rates of racial minority occupants and place higher significance on these race-blind metrics. As unfortunate as it is, the Supreme Court’s interpretation of the Fourteenth Amendment is now the law of the land, unless legislation is enacted to codify policy that would allow such regulations surrounding DEI programs. Yet, utilizing these metrics are the best and most effective way to incorporate diversity without utilizing *de jure* segregation, as each trait heavily correlates to racial trends. This is the future of DEI programs in admissions and hiring processes and barring any new legal changes at the federal level, for these programs to survive, they must adapt and put in the effort of locating people who fit these criteria to ensure that all-white universities and workplaces remain in the past toward a brighter future for all of us.

# **Bibliography**

Andre, Claire, et al. 2024. “Affirmative Action: Twenty-Five Years of Controversy.”

www.scu.edu/mcae/publications/iie/v5n2/affirmative.html#:~:text=Nearly%2097%20percent%20of%20corporate.

Goldman, Linda, et al. 2024. “DEI under Scrutiny, Part VI: Supreme Court Declines to Hear

Case over Race-Neutral Measures Allegedly Intended to Increase Racial Diversity.”

*Ogletree*, 23 Feb. 2024, ogletree.com/insights-resources/blog-posts/dei-under-scrutiny-part-vi-supreme-court-declines-to-hear-case-over-race-neutral-measures-allegedly-intended-to-increase-racial-diversity/.

Kendi, Ibram X. 2016. *Stamped from the Beginning : The Definitive History of Racist Ideas in*

*America*. New York, Nation Books.

Mathewson, Tara García. 2020. “New Data: Even within the Same District Some Wealthy

Schools Get Millions More than Poor Ones.” *The Hechinger Report*, 31 Oct. 2020,

hechingerreport.org/new-data-even-within-the-same-district-some-wealthy-schools-get-

millions-more-than-poor-ones/.

Menendian, Stephen. 2021. “Opinion | Why Neighborhoods Are More Segregated Now than

They Were a Generation Ago.” *NBC News*, 16 Aug. 2021,

[www.nbcnews.com/think/opinion/u-s-neighborhoods-are-more-segregated-generation-](http://www.nbcnews.com/think/opinion/u-s-neighborhoods-are-more-segregated-generation-)

ago-perpetuating-racial-ncna1276372.

Mitchell, Travis. 2018. “1. Demographic and Economic Trends in Urban, Suburban and Rural

Communities.” *Pew Research Center’s Social & Demographic Trends Project*, 22 May

2018, [www.pewresearch.org/social-trends/2018/05/22/demographic-and-economic-](http://www.pewresearch.org/social-trends/2018/05/22/demographic-and-economic-)

trends-in-urban-suburban-and-rural-

communities/#:~:text=In%20fact%2C%20whites%20have%20become.

Perry, Andre, et al. 2024. “Black Wealth Is Increasing, but so Is the Racial Wealth Gap.”

*Brookings*, 9 Jan. 2024, [www.brookings.edu/articles/black-wealth-is-increasing-but-so-](http://www.brookings.edu/articles/black-wealth-is-increasing-but-so-)

is-the-racial-wealth-gap/#:~:text=...in%202022%2C%20for.

Phillips, Katherine W. 2014. “How Diversity Makes Us Smarter.” *Scientific American*, vol. 311,

no. 4, 16 Sept. 2014, pp. 42–47, [www.scientificamerican.com/article/how-diversity-](http://www.scientificamerican.com/article/how-diversity-)

makes-us-smarter/, https://doi.org/10.1038/scientificamerican1014-42.

Risby, Michelle. 2021. “Why Diversity and Inclusion Are Good for Business.” *Uncp*, 27 Oct.

2021, online.uncp.edu/degrees/business/mba/general/diversity-and-inclusion-good-for-

business/.

Statista. 2022. “U.S. Poverty Rate, by Ethnicity 2022 | Statista.” Statista, 2022,

[www.statista.com/statistics/200476/us-poverty-rate-by-ethnic-group/](http://www.statista.com/statistics/200476/us-poverty-rate-by-ethnic-group/).

*Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023).

Williams, David R., et al. 2016. “Understanding Associations among Race, Socioeconomic

Status, and Health: Patterns and Prospects.” *Health Psychology*, vol. 35, no. 4, Apr. 2016,

pp. 407–411, [www.ncbi.nlm.nih.gov/pmc/articles/PMC4817358/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4817358/),

https://doi.org/10.1037/hea0000242.