



Diversity and the Law: 2021
**Customizable DEI Statement and
Survey Questions¹**

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This resource provides:

- ◆ *An illustration of adversity, equity, and inclusion (DEI) statement, which articulates the mission-centrality of a postsecondary institution’s diversity and equity interests; and*
- ◆ *Illustrative survey questions that interrogate the value of educational diversity to key stakeholders.*

None of the following examples should be adopted as “cookie cutter” statements. Rather, they should serve as illustrations and reference points within an IHE’s policy development process.

Legal context. The articulation and authenticity of institutional diversity interests (as enhanced by broader equity interests) is an essential foundation for establishing the lawful consideration of race, ethnicity, sex, and gender policies and practices where individual student or faculty benefits are conferred, as in admissions and hiring. Those interests should be institution-specific, aligned with mission., Mission statements and student surveys have provided critical evidence in successful institutional efforts to defend their race-conscious policies and practices against claims of unlawful discrimination.²

Model Institutional Statement.

Broad student and faculty diversity³ are needed to achieve the institution’s *[and specified discipline’s]* educational mission, including excellence in education, service, scholarship *[and research]* to meet the needs of a diverse society at the *[local, state, national and global]* levels. A broadly diverse academic community offers the multi-cultural, multi-perspective, broad experience, and ethical context needed for all students to develop knowledge, empathy, creativity, and skills for success in learning during college and in personal, civic, and work life after graduation. Experiencing diversity, and learning about issues of equity, in college help to prepare students to contribute to a more equitable society. Similarly, such an academic community advances the faculty’s creativity, breadth of perspective and excellence in teaching, scholarship/research, and service. Advancing diversity and equity in our educational *[and research]* programs also serve economic and national security interests, considering population demographics. Achieving adequate racial and ethnic diversity and, in some fields, gender diversity, have been more elusive than other dimensions of diversity and require focus

² See, e.g., *Fisher v. Univ. of Texas at Austin*, 570 U.S. 297 (2013) (“*Fisher I*”); *Fisher v. Univ. of Texas at Austin*, 136 S.Ct. 2198 (2016) (“*Fisher II*”). *Grutter v. Bollinger*, 539 U.S. 306 (2003).

³ Broad diversity refers to multiple aspects of an individual or individuals that reflect their knowledge, life experiences, interests, commitment, self-identity, and ability to both benefit from and contribute to a rich academic environment. More specifically, such broad diversity often encompasses:

- ◆ Individual perspectives; interests in particular disciplines; talents; geographical backgrounds, socio- economic backgrounds, resource levels of schools attended, homelessness, hunger, family definition and responsibility, disability, and religion; and
- ◆ An individual’s *knowledge, experience and commitment* associated with race, ethnicity and sex and gender (including sexual orientation and gender identity/expression, inclusive of individuals’ *knowledge, experience and commitment* associated with intersectionality of identity status (e.g., regarding the intersectional identities of race and gender).

(e.g., in many science, technology, engineering, mathematics, and medical fields—STEMM). Certain other aspects of diversity also require focus, e.g., *[some perspectives and knowledge, disabilities, sexual orientation, gender identities, religions, socio-economic and geographical experience]*.

To achieve the benefits of diversity, representation of people of color, women (or men) and other groups in the student body and faculty of related disciplines must be adequate to allow each person's full participation and expression as an individual and not as a token of an identity group (times called "critical mass"); breakdown stereotypes; and/or provide all students meaningful experiences living, learning, working and socializing in broadly diverse academic and residential settings. Individuals—of any race, ethnicity, gender, or other identity—who have deep knowledge of societal inequities, are passionate about and able to elevate others' knowledge, or are committed to helping ameliorate inequities, are critical to achieving our educational goals.

Practice Pointer. It is a good practice for discipline-specific statements, such as departmental statements, to be aligned with the IHE's statement. A discipline's statement would articulate the discipline's role in society and how broad diversity of the student body and faculty are needed for students to acquire the necessary skills and knowledge in college to succeed in, contribute to, and lead in the field—and for faculty to achieve excellence in their teaching, research/scholarship, and service—in a diverse society.

Student and Faculty Surveys. Demonstrating the mission imperative and authenticity of diversity-related interests can be achieved, in part, through effective survey data regarding student and faculty experiences in classrooms, research environments and other academic settings essential to educational excellence. Key steps to consider include:

1. Review diversity- and access-related questions and institution-specific data from the HERI faculty survey, SERU student survey and others in which the institution participates; and include additional questions as needed;
2. Survey alumni, seniors and first year students (on a blind basis, but identifying degree major and minor and graduating class and, at a participant's option, racial/ethnic group, sex, and gender)⁴ regarding:
 - a. Whether, for example, in their experience at the institution, on a regular basis, they have (or had) opportunities to learn from, interact with, and be supervised by faculty and other instructors (e.g., teaching assistants) of races, gender, sexual orientation, gender identity, nationalities, ethnicities, cultures, socio-economic background, urban and rural backgrounds, perspectives, and experiences different than their own;
 - b. Whether, in their experience at the institution on a regular basis, they have (or had) opportunities to work, collaborate, and interact on campus and in their classroom, laboratory and other academic activities with students of such background, perspectives, and experiences different than their own;
 - c. Whether they feel they gained a greater understanding of the individuality of each person

⁴ Blind surveys may be difficult in majors with few students. Attend to good anonymizing protocols, conferring with experts as needed.

and the cultures of people of such backgrounds, perspectives, and experiences different than their own during their experiences at the institution;

- d. Whether they feel broad diversity of students on campus and in the classroom, laboratory, and other academic activities is (or was) important to the quality of their educational experience—ask the same question about co-curricular activities and about broad diversity of faculty;
 - e. Whether broad diversity of students on campus and in the classroom, laboratory, and other academic activities will be, is (or was) important to their preparation for and success in work, leadership and civic roles after graduation in a global and diverse society—ask the same question about co-curricular activities and about broad diversity of faculty;
 - f. Whether they felt isolated or marginalized on campus and felt they were representing their racial, ethnic, gender, religious, socio-economic or other identity-group—or whether they felt they could fully participate in class and other academic activities and represent themselves as individuals—ask the same question about co-curricular activities;
 - g. Whether the races, ethnicities, genders, and other identities of faculty affected faculty accessibility to them—and if so whether faculty with identities different or in common with theirs were more accessible in class and formal academic activities, as well as for mentoring and assistance;
 - h. Whether they had opportunities and felt welcome to participate fully as individuals in other experiences that would be considered an important part of the culture, academic life, and social fabric of the institution.
3. Hold focus groups of faculty, including those of a broad diversity of career stage, identities and backgrounds, to get their judgment as educators about whether women (or men, depending on the discipline), people of marginalized sexual orientation or gender identity or religions, people of color, and people of different socioeconomic, urban and rural backgrounds (to the extent known) are welcomed and able to participate fully as individuals, and whether all students have meaningful opportunities to engage in diverse settings for learning, work and living. Explore the effects of diversity in academic endeavors on quality of teaching and learning. Be sensitive to power differentials (based on seniority, position, identity, and other factors) when forming the focus groups and provide opportunities for input outside of the group for those more comfortable communicating differently.
 4. Conduct climate surveys and hold similar focus groups to explore the faculty experience as well.