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Author

Jayakumar, Uma

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**ON “PUTTING LIPSTICK ON A PIG”: BEWARE “MODERATE” CRITIQUES OF
DEI STATEMENTS DRESSED AS CONCERN FOR ACADEMIC FREEDOM**

UMA M. JAYAKUMAR*
UC RIVERSIDE

COMMENTARY OFFERED ON THE CSHE ROPS**
Is the University of California Drifting Toward Conformism?
The Challenges of Representation and the Climate for Academic Freedom
by Steven Brint and Komi Frey – ROPS CSHE.5.2023

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In “Is the University of California Drifting Toward Conformism,” Steven Brint and Komi Frey claim that the practice of requiring DEI statements as “initial screens” in faculty hiring amounts to political vetting and is part of a larger movement to police faculty speech, require orthodoxy, curtail academic freedom, and defy reason. Before I share brief reflections, it’s important to note how Brint and Frey frame the debate, and therefore my response.

The authors have decried “conformism,” and aligned themselves with “academic freedom.” By insisting that their definition of academic freedom is the only legitimate one, they have set up critics to be opponents of freedom. They have reframed attempts to transform cultures of *racism* as attacks on a “culture of rationalism.” As champions of this endangered rationalism, they have rhetorically framed their critics as inherently *irrational*. Civic goals and intellectual goals—conjoined in the mission statements of so many universities—are assumed to be increasingly at odds with one another. There are challenges to using DEI statements well. But this framing precludes us from having that much more helpful and relevant conversation.

If we agree with the false binaries named, Brint and Frey might indeed seem to be the ones on the side of pure and objective academics, and those who seek to increase faculty diversity with tools such as DEI statements, like the University of California, are the ones who are politically and ideologically motivated. If, on the other hand, these assumptions beg too many questions—and I think they do—then Brint and Frey have a heavy burden of proof.

* Uma M. Jayakumar is an Associate Professor in the School of Education at University of California at Riverside. Jayakumar has co-written and been cited across multiple amicus briefs to the Supreme Court in cases involving diversity and race-conscious practices. Most recently she was an expert witness in *SFFA v UNC* at the federal district court of North Carolina and co-wrote an amicus brief in *SFFA v UNC* to the Supreme Court on behalf of 1246 Social Science Researchers. Jayakumar notes her gratitude to Sourav Guha, Kristin Dombek, and Brian Soucek a dialogue regarding the Brint and Frey essay.

** The author was invited by the ROPS Editor to critique and review the ROPS contribution “Is the University Of California Drifting Toward Conformism?” by Steven Brint and Komi Frey. Authors are responsible for the content, and the views and interpretations expressed are not necessarily those of CSHE’s research staff and other affiliated researchers.

First, they would have to give evidence for their descriptive, historical claim: that the University of California's experiments with using DEI statements as part of faculty hiring have given in to the sway of activists, to be used as political litmus tests. But the author's history of UC's introduction of DEI statements merely shows they were intended to support more faculty diversity in hiring, a goal with which the authors agree. And it ignores another, crucial goal of introducing DEI statements as part of faculty hiring two decades ago: as a way to credit all the great but time-consuming DEI-focused work that so many faculty (especially faculty of color) were already doing and not getting acknowledged for.

Second, though the authors celebrate diversity, the belief that it is somehow in tension with academic excellence and academic freedom surfaces throughout the argument. So, they would have to debunk the considerable research that shows that diversity among faculty, and the ability to participate and facilitate conversations and collaboration in diverse groups, are crucial to the intellectual endeavors of research, teaching, and learning (see e.g., Llamas et al., 2021, Sandhu et al., 2022). They do not. Rather, the anecdotes they share are about perceived censorship of white faculty on campuses, such as an accounting professor at UCLA, a history professor at Berkeley, and a UCLA lecturer. The fear seems to be the possible curtailing of the freedom of white faculty to ignore the concerns of diverse students.

There is not space to address each example here, but let's look more closely at one. A white UCLA lecturer, the authors claim, was reviewed for "presenting Martin Luther King, Jr's 'Letter from Birmingham Jail' and clips from a documentary on racism." The authors mention this to demonstrate a trend toward censorship (and attacks on academic freedom) by UC and universities in general. In fact, the real story is more complicated. While teaching the history of racism and the Civil Rights movement, a white (queer) political science lecturer read aloud King's famous, lengthy sentence describing brutal violence against Black Americans, and everyday dehumanizing experiences, including being called the n-word. It was June, 2020, a week after George Floyd was murdered, and the class was on Zoom.

In Zoom comments, as he read the sentence, students asked him not to say the n-word. He did anyway. Students didn't object to his teaching the letter or showing the documentary. They just didn't want to hear that word out of a white man's mouth. One posted the exchange on Twitter. The lecturer was not fired or even censured; afterwards, he understood, apologized, and UCLA held a town hall. He continued to teach there, and then was hired to teach at Pepperdine. UCLA policy still protects white faculty's right to speak the n-word in class (Ghatala, 2020; Mowreader, 2020). The only people whose voices were censored were the students who, during a time that was acutely stressful, asked him not to read that word, and he did anyway.

What this anecdote does demonstrate is something about why DEI statements are important: diversity is intimately related to issues of pedagogy, which is to say, with how faculty knowledge is shared, and how new scholars and citizens are trained. DEI statements can elicit candidates' competency at doing better than this lecturer did, at facilitating exactly such challenging conversations—and therefore, real learning—in diverse rooms. This is why UC has made it very clear that articulating how one contributes to and supports diversity is not a separate, fourth category for evaluation but part of the evaluation of research, teaching, and service (Soucek, 2022). But again, the author's anecdotes are not about DEI statements, and the paper shares no data to prove that UC's use of diversity statements is a test of ideology.

Curiously, although the authors do lament the lack of representation on the faculties of UC schools, they seem also to lament the data that shows DEI statements could be a potentially useful tool for increasing

representation of underrepresented, minoritized¹ groups on our faculties. In 2019, when several departments at Berkeley used diversity statements as an initial screening tool, applicant and finalist pools had more gender and racial diversity. The authors cite a paper summarizing the result, and lament that “the representation of Asian Americans dropped from 26 percent to 18 percent of the finalists, and the representation of Whites decreased from 54 percent of the applicants to 14 percent of the finalists” (Brint and Frey, p. 4, citing UC Berkeley 2019 report).

The authors might have speculated about a possible correlation between the ability to write a strong diversity statement and academic excellence or suggested that white applicants need more rigorous understandings and articulations of how they research and support learning in diverse contexts. Instead, the increase of Black (3% to 9%) and Latina/o/x applicants (13% to 59%) is pointed to as evidence of a problem.

The authors only share data on the finalist pools. I wondered who got those jobs. So I looked into it. In the 2019 academic year, the UC Berkeley Department of Molecular and Cell Biology appears to have hired an Asian/Asian-American male (of Indian descent) and a white male; the Department of Integrative Biology Department appears to have hired a white female and white male (as Brint and Frey note, Integrative Biology had one finalist but welcomed two new faculty in 2019); the Department of Plant and Microbial Biology appears to have hired an Asian/Asian-American male (of Chinese descent); the Department of Environmental Science, Policy, and Management, appears to have hired a white female. Curiously, from finalist pools filled with Black and Latino/a/x applicants, not even one Black or Latina/o/x applicant was hired.

As the authors acknowledge, research shows that ongoing barriers and prejudices serve to exclude highly qualified people of color from tenured positions. As a result, though white people made up 60% of U.S. citizens in 2017, for example, Biology departments were 83% white, Chemistry 82%, Economics 71%, Education 68%, English 80%, and Sociology 77% (Li & Koedel, 2017). In contrast, while Black people comprised 14% and Latina/o/x people 22% of U.S. citizens, they made up, respectively, 0.7% and 3% of Biology faculty, 1.4% and 2.5% of Chemistry faculty, 2.9% and 5.1% of Economics faculty, 15.1% and 7.8% of Education faculty, 8.8% and 4.2% of English faculty, 8.9% and 5.9% of Sociology faculty (Li & Koedel, 2017). And perhaps those barriers—the culture of prejudice that also means promotion is often more difficult for faculty who are Black, Indigenous, and People of Color (BIPOC), were not at play in hiring only white and Asian candidates, out of a pool so diverse. Maybe they were (e.g. Campos et al., 2021; Wu et al., 2023; Yadav et al., 2020).

But what’s puzzling is that this is not data that shows DEI statements are political orthodoxy tests, but that they work in exactly the way UC intended—to create diversity in the pools. Yet that diversity was not enough to create more diversity in hiring. Why do the authors object?

I think it’s because, despite allegiance to diversity, there is an implicit deep (and perhaps unconscious) deficit framework, in which people of color and women (along with, in this case, anyone who could write a strong DEI statement), are assumed to be lower-quality applicants, scholars, and teachers—and conformist group-thinkers, as well. Despite claims that the authors are on the side of “diversity,” they give a history of U.S. institutions that is nostalgic for an “age of reason” before postmodernism, which happens to coincide with the time when college was primarily for white men. Was that exclusion not political? Perhaps there was a culture that venerated “rationality” at that time, but does anyone really believe

¹ For more on definition of “minoritized” and why its used over “minority” see: <https://www.theodysseyonline.com/minority-vs-minoritize>

teaching and learning in such fully white and male institutions was a matter of reason? Was that academic freedom?

This is the real “conformism,” and speaks to an actual problem of DEI statements, and of DEI efforts in general—one worth spending time and energy solving. Oftentimes, DEI amounts to lip service and or is heavily resisted, which in my view, is a reason to do better, not to give up or give into the cultures of racism that protect and ensure the overwhelming majority status of white faculty in most fields. Why do the authors assume antiracism is against reason?

For fifteen years, I’ve researched diversity in higher education, written amicus briefs and served as an expert witness in legal cases where the value of diversity—actual, authentic diversity—has been confirmed as crucial to the project of academic excellence (and, I think, academic freedom). Research shows that when racial diversity increases, the quality of faculty, and learning, goes up (Bitar, Montague, & Ilano, 2022).

The University of California, in recognizing this value, has for the past two decades fashioned itself as a leader and national model “for universities seeking to recognize and credit meritorious contributions that work to reconcile inequalities” (Soucek, 2022, p. 1998). And they are protected by institutional academic freedom in doing so. As legal scholar and academic freedom expert Brian Soucek explains: “Academic freedom — and at public schools, the First Amendment — preserves faculty’s right to question their institution’s values, not to insist that their institution remain value-neutral, were such a thing even possible” (Soucek, 2022, p. 1994). Universities’ right to academic freedom legally protects their right to pursue diversity as part of the institutional mission.

Yet the benefits of diversity are contingent on how diversity is facilitated. This very much requires faculty who are skilled at supporting diverse learning environments. In the UC system in particular, several universities are designated as Hispanic Serving Institutions (HSI), Minority Serving Institutions (MSI), and Asian American and Native American Pacific Islander- Serving Institutions (AANAPISI). Diversity statements seek to assess experience and capacity to support such student bodies in becoming educated members of an increasingly diverse country and global economy. These skills, as the University of California and other leading public institutions, have made clear are essential to preparing students for an increasingly diverse society (Brief for the University of Michigan, 2022; Brief for the President and Chancellors of the University of California, 2022).

In addition, former U. S. military leaders have argued that diverse leadership is essential to a healthy democracy and for enabling diverse armed forces work together effectively (see e.g., Brief of 35 top former military leaders, 2023), which led the Supreme Court to continue allowing military schools to utilize the practice affirmative action (*SFFA v Harvard*, 2023).

These skills, as business leaders have made clear, are also important for training leaders and specifically supporting the economic interests of the country. My point: these are not “political” interests of “liberal” institutions and individuals, unless the authors believe that the Fortune 500 companies who filed briefs to the Supreme Court regarding their interest in cross-cultural competencies (Brief of General Motors Corporation, 2000; Brief of Fortune-100 and Other Leading American Businesses, 2015) also skewed politically liberal. My guess is the opposite.

My own research has shown that understanding racially minoritized students’ experiences can illuminate lingering exclusionary institutional norms, organizational cultures, and practices to inform educational interventions that move campuses toward healthy racial climates that promote learning and growth for

students (and faculty) of all racial backgrounds. Whether the use of these statements is successful in supporting all these things is a matter for genuine investigation, but the authors fail to make a convincing case that their use in screening is necessary or sufficient to constrain academic freedom.

Scholars truly interested in advancing diversity and ensuring academic freedom may think through how to appropriately utilize DEI statements in ways that prioritize increasing “cross-cultural competencies” (awareness and sensitivity to various cultural backgrounds and contexts) and what in the medical field is referred to as “structural competencies” (an awareness, in every moment, of the upstream decision-making that produces the unequal educational and societal outcomes.

These are academically meritorious skills necessary for serving an increasingly racially diverse student body and nation (see Metzl & Hansen, 2014). Just as doctors, regardless of viewpoints, must effectively serve racially diverse patient populations—as an essential part of their job—so too must college faculty. In fact, scholarship across multiple fields has shown that given an increasingly non-white student body, lack of cultural competencies and structural competencies among faculty is at the root of problems from push-out to unhealthy racial climates on campus.

Maybe BIPOC applicants tend to write DEI statements that demonstrate greater cultural and structural competency and the ability to negotiate cross-cultural conversations in the classroom and in their fields. Maybe we more often have an advantage when it comes to authentically expressing how and why we care about supporting diversity. Maybe everyone here—Brint and Frey, me, the UC—suspects that’s sometimes or most times true. If the ability to teach and produce knowledge within diverse environments is, as so much research has shown, a crucial competency for academic excellence in general, why is this a threat?

There is no part of the faculty hiring process that is value-neutral. Racial and gender biases against minoritized applicants are deeply imbedded in our systems of hiring and promotion. For example, the valuing of PhDs from prestige graduate schools, which white applicants statistically speaking inherit easier access to, is just one way supposedly race-neutral hiring practices are biased toward white and wealthy applicants. And BIPOC faculty tend to do more teaching, advising, DEI work, and mentoring (especially of students of color), activities traditionally valued less highly in hiring and promotion.

The American Council on Education has shown in a recent report that this historical inequity has increased during and after the pandemic, which affected students and faculty of color more (O’Meara, et al., 2022). If hiring committees have rubrics that help them to identify and value such labor and such cultural competency, and DEI statements are deeply written and carefully read, they can be race-neutral tools for valuing kinds of expertise and knowledge that coincide, in some cases, with the experiential education one is more likely to get as a person of color, in this country. And DEI statements can visibilize—and value—kinds of labor that faculty of color tend to do in our institutions. But it’s important to remember that anyone, including Brint, could be an effective teacher of diverse students, and a defender of the knowledge production of BIPOC scholars in the field, and articulate that well, regardless of his identity and personal beliefs.

The authors seem less concerned with teaching and learning, though, than with the way that “antiracist” efforts might thwart the primacy of “reason,” or academic excellence. Again, the evidence is to the contrary. Even the authors acknowledge, the production of knowledge is limited by racism. But this problem is central, not ancillary, to the goal of achieving academic excellence (and defending academic freedom). As detailed in the Proceedings of the National Academy of Sciences, women and people of color innovate more but are recognized and promoted at much lower rates (Crew, 2020; Hofstra et al., , 2020).

The Stanford research team who examined this diversity-innovation paradox used machine learning and text analysis to uncover that women of color, white women, and men of color, were more likely to link novel scientific ideas together for the first time (Hofstra et al., 2020).

Scott Page, a Professor of Complex Systems, Political Science, and Economics at the University of Michigan, has done extensive research on diversity and innovation, showing that the inclusion of people with non-dominant world views and life experiences leads to better ideas and greater innovation (see Page, 2008 and 2019). However, such novel ideas were more likely to be adopted when expressed by white researchers who identify as men. The same study found that researchers who identify as women or people of color were, respectively, 5% and 25% less likely to get a research faculty position than those in the majority group. Our existing metrics reflect exclusionary biases and need appropriate correctives.

So, it is immensely valuable not only for our students, but for the future of scholarship across the disciplines, to hire and promote diverse faculty, and faculty who demonstrate facility and consciousness of the importance of diversity.

The problem with DEI statements is not that they go too far, but that they are insufficient to address and transcend the culture and biases that create barriers to hiring and promoting great scholars and scientists. I agree with the authors that DEI statements should not be used as political litmus tests, but I think they have the potential for helping us to defend academic freedom, and the future of knowledge, against the hegemony of versions of “reason” that continue to exclude and undermine the knowledge production of people of color, and the most effective teaching and training of our diverse student bodies. We need to be doing way more to advance racial equity than diversity statements.

That said, diversity statements are likely most effective when hiring departments and faculty intentionally assess racial literacies² and include field specific racial equity goals into their job call (e.g., research focused on racialized systems, asking for demonstrated commitment to specific racially underrepresented groups, life experiences related to mentoring students of color). DEI rubrics can perhaps support that if they gauge cultural competencies and structural competencies better, including valuing the life experiences (or cultural wealth) of people of color (see Yosso, 2005).

Ideally, DEI statements could be used to:

- Signal to faculty of color that they are welcome to apply and therefore effectively support a diverse candidate pool.
- Provide an opportunity for faculty candidates to articulate life experiences, cross-cultural competencies and structural competencies that enhance their academic merit. For example, applicants can demonstrate that they can effectively teach students from racially and economically diverse backgrounds (in the case of UCR-- my own and Brint’s academic home, an HSI, MSI, and AANAPISI), or that they understand how institutional decisions and policies have historically impacted underrepresented groups so that they can support policies and practices that enable all students to meaningfully participate and thrive.
- Complement and nourish academic freedom by inviting candidates to show how they expand the breadth of intellectual inquiry beyond previously excluded epistemologies, or pursue modes of analysis undermined by dominant thinking in the field.

² Racial literacies: having the knowledge and language to describe and understand racialized structures (policies, practices, norms, cultures) in ways that allow for effective interventions (Guinier, 2004)

- Give candidates an opportunity to share life experiences and demonstrate commitment/capacity for mentoring diverse students who continue to be excluded in STEM fields.
- Especially in HSI contexts, assess demonstrated capacities for what my colleague Gina Garcia calls “servingness” (for more on skills needed in a “Hispanic Serving Institution” and “servingness”, see Garcia, 2019 and Garcia, 2020).
- Gauge skills needed to promote diversity life skills in an increasingly diverse and global society.
- Gauge skills needed to collaborate in diverse and global contexts with other scholars and scientists.
- Provide an opportunity for faculty candidates to articulate their aspirations about serving diverse and excluded communities through knowledge production.

Brint and Frey frame their position as a middle ground. The authors want to differentiate their argument from the large-scale attack on DEI and anti-CRT censorship legislative efforts. But the assumptions that undergird this argument— BIPOC inferiority, white victimhood—align with conservative attacks on the teaching of Critical Race Theory, the outlawing of DEI programming, and other politicized white backlash against efforts to make higher education less racist. Furthermore, the authors want to address what they name as a problem with the overwhelming majority of faculty being white and barriers to the faculty pipeline for faculty of color, without any feeling of change, discomfort, or shift in white-centered institutional norms. “Academic freedom” is often used as a rhetorical bludgeon against accountability for institutional racism, which is freedom’s enemy. I’m afraid that is what is happening here.

The authors are essentially arguing that it is wrong for the UC to pursue diversity as an “end,” through race-neutral means, even though it’s an end goal that the authors supposedly agree with, and one that the UC is well within its own academic freedom rights to pursue. They are contradictory in valuing diversity on the one hand, and then opposing any means to achieve it on the other (after all their only evidence for why diversity statements are biased are that they word to diversify the faculty candidate pool). This is a kind of magical thinking.

It can feel confusing, except it’s been explained by race scholars who have broken down “racial frames” that allow the user to espouse concerns for equity and justice (see e.g., Bonilla-Silva, 2021 and Omi & Winant, 2014), and even a commitment to addressing structural racism (see e.g., Jayakumar & Adamian, 2017), while being against any actions that could produce the changes agreed to in theory. Martin Luther King warned us of such contradictory magical thinking and niceties that are characteristic of moderate/liberal challenges to addressing racism, in the very essay brought up in the Brint and Frey paper. Such critiques, framed as rational and as genuine concern, were in his estimation worse than the conservative attacks, which Brint and Frey denounced.

The Supreme Court recently utilized this type of magical thinking when they claimed to value diversity, while deciding to “meticulously gut” affirmative action. To quote Justice Sotomayor’s dissenting opinion, such nods to diversity and “moderate” opinions are “nothing but an attempt to put lipstick on a pig,” and furthermore, “No one is fooled.” (Sotomayor dissenting opinion, *SFFA v Harvard*, p. 47-48). In fact, while it frames itself as a middle ground, this paper is an attack on institutions’ academic freedom, speech, and right to pursue their missions. It is on the side of censorship, not freedom.

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