



DEI in the Workplace: A Science-Based Guide for Organizational Leaders

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Dr. Felix Wu is a research scientist at HumRRO. Dr. Wu has 7 years of experience conducting industrial-organizational psychology research pertaining to areas of individual differences and their measurement (e.g., personality and vocational interests), artificial intelligence/machine learning, disability in the workplace, and training and development. He has authored scholarly publications that have appeared in the following journals: *Journal of Vocational Behavior*; *The Industrial-Organizational Psychologist*; *International Journal of Selection and Assessment*; *Educational and Psychological Measurement*; *Journal of Intelligence, Rehabilitation Psychology*; *Equity, Diversity, and Inclusion*; and *Nonprofit and Voluntary Sector Quarterly*. Dr. Wu has also co-authored several book chapters and commentaries. His work uses various statistical methods, such as machine learning, structural equation modeling, psychometrics, and regression in the contexts of job analysis, assessment development, and individual differences.



Jorge Lumbreras, PhD
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Dr. Jorge Lumbreras is an assistant professor of Psychology at California State University, Sacramento, where he works with their Master's Program in Industrial-Organizational Psychology. As a first-generation Mexican American, his research interests generally reflect his experiences and the populations he wishes to serve. Alongside his LUMinary Lab, his current projects focus on first-generation professionals, social and racial identity management (i.e., code switching), and the Latine worker experience.



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Dr. Aisha Taylor is the founder of Taylor-Made Strategies, an evidence-based firm that fosters inclusive leadership and workplace cultures. She holds a PhD in I-O Psychology from Portland State University and brings over 20 years of experience providing data-driven strategies in leadership, team development, and equity, diversity, and inclusion (EDI). Her expansive client portfolio spans major corporations like Toyota and Murad, government agencies including the New York City Department of Buildings, and numerous prominent educational and nonprofit institutions. Dedicated to bridging the science–practitioner gap, Dr.

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Dr. Alexandra Zelin is a manager of Organizational Effectiveness at Wellstar Health System, where she and her team weave DEI-based best practices and principles into and across talent management. Dr. Zelin transitioned into industry from academia where she was a tenured, associate professor of Psychology at the University of Tennessee at Chattanooga. She has authored over 25 book chapters and academic research articles, including co-editing the book *Feminist Scholars on the Road to Tenure*. She has served in numerous leadership roles for the Society for Industrial and Organizational Psychology and the Society

for the Psychology of Women. In 2019, Dr. Zelin (WIN Chair), in conjunction with Dr. Enrica Ruggs (CEMA Chair) and Dr. Fred Macoukji (LGBTQ+ Chair), conducted the first SIOP Climate Survey.

Executive Summary

Drawing on decades of research from industrial-organizational psychology (I-O psychology) and related fields, this paper aims to answer four basic questions leaders are asking right now: (a) What does DEI actually mean; (b) what is the current legal environment, and what does that environment require of organizations as they implement or modify DEI practices; (c) what does the research say about common beliefs and myths about DEI; and (d) what should we do?

DEI refers to a framework that includes a set of organizational initiatives, policies, practices, and principles designed to ensure that representation, fairness, and belonging are possible for all employees, regardless of who they are or where they come from. Organizations with diverse, equitable, and inclusive cultures make more money, retain better talent, and outperform their competitors. That's what decades of research consistently shows. This paper explains the science, addresses common beliefs about diversity, equity, and inclusion ("DEI"), and gives human resources practitioners and organizational leaders language and tools to discuss DEI effectively inside their organizations.

DEI is considered a cornerstone of effective leadership and organizational performance. But today, it has become one of the most debated topics in American workplaces and society. Recent federal policy changes in 2025 and 2026, shifting political winds, and widespread misinformation have left many human resources (HR) professionals unsure about what DEI really means, whether it works, and what their organizations should do next.

A few key findings are worth highlighting up front. Research consistently shows that well-implemented DEI practices improve employee engagement, reduce voluntary turnover, and support innovation. The belief that DEI conflicts with meritocracy is not supported by evidence. In fact, the opposite is true: DEI practices are designed to make hiring and promotion decisions more merit-based by reducing the influence of bias. And, although the federal government has significantly curtailed its own DEI programs, long-standing civil rights laws, including Title VII of the Civil Rights Act of 1964, remain in full effect and continue to prohibit workplace discrimination.

One practical challenge this paper addresses directly is the resistance many HR practitioners encounter when they are responsible for implementing DEI strategies in their organizations. For some employees and leaders, the term "DEI" itself triggers a defensive reaction before any evidence is considered. This paper recognizes that reality, so in addition to the research evidence, it offers language and framing strategies to help practitioners focus people's attention on what matters most: building workplaces where everyone can perform at their best.

The bottom line is that when grounded in science and connected to organizational strategy, DEI is not a political statement. It is a set of evidence-based management practices that can help every employee and organization perform at their best.

Introduction: Why This Paper Now?

The term diversity, equity, and inclusion (DEI) is currently at the center of several debates in scholarly work (e.g., Follmer et al., 2024), the mainstream media (e.g., Kassam, 2025), U.S. governmental policy (e.g., Bowker, 2025; Garcia et al., 2025), and public opinion (Minkin, 2024; Kamalumpundi et al., 2024). Yet, despite its visibility, DEI is widely misunderstood. Organizational leaders and HR professionals are caught in the middle, attempting to implement, defend, and, in some cases, dismantle DEI efforts, without clear guidance on what the scientific evidence actually says.

DEI is not a new area of study. The scientific foundations of DEI stretch back decades and includes work by scientist-practitioners such as Roosevelt Thomas (1991) and earlier, seminal I-O psychology research on test fairness (Thorndike, 1949), test validity, and fairness (Schmidt & Hunter, 1977) through to more modern work like Roberson's (2019) synthesis of the research and Hebl and King's (2024) translation of the science to help leaders focus on what works. This white paper aims to clarify the meanings and legal context, dispel myths, ground the DEI conversation in scientific research from industrial-organizational psychology (I-O) and related fields, and offer guidance to leaders and consultants for engaging in constructive DEI practices.

What is new is the intensity of recent public and political scrutiny, especially since the Supreme Court ruling in *Students for Fair Admissions v. Harvard* (2023) against affirmative action in college admissions. Since then, DEI practices in the workplace have faced intensifying scrutiny, both domestically and internationally (Devine & Schweyer, 2025; Sands & Ferraro, 2025; Smith, 2025). The Trump Administration's executive orders issued in early 2025 (i.e., Exec. Order No. 14148, 2025; Exec. Order No. 14151, 2025; Exec. Order No. 14173, 2025) significantly restructured how the federal government approaches DEI, creating a ripple effect across the private sector. Meanwhile, misinformation about what DEI *is* and *does* has made it harder for organizations to confidently make decisions about their DEI practices. What has been missing is a reliable resource that is grounded in science, attentive to the law, and written for practitioners who need to make decisions and take action.

This paper responds to that need. It is written for leaders and human resources (HR) professionals who are looking for a clear, research-grounded resource to inform their decisions in a rapidly changing environment. The focus is primarily on the United States, where the legal and political debate has been most intense and where many of the practices and frameworks now in use globally were first developed.

What DEI Actually Means: Definitions

The term "DEI" is used so broadly and inconsistently that it has become a source of confusion. A corporate executive might use "DEI" to refer to the organization's stance regarding workforce representation metrics or to an employee resource group (ERG) activity. An attorney might use it to refer to any employment practice that considers protected characteristics,¹ and therefore carries legal risk. A frontline employee might use the term to describe whether they feel respected, included, and fairly treated in their day-to-day experience at work. A regulator might use it as shorthand for affirmative action practices that are now legally contested. Each of these perspectives reflects some aspect of DEI but none captures the whole picture. When people use the same term to mean different things, productive conversation becomes difficult and evidence-based decision-making becomes harder (Follmer et al., 2024). This is why this paper begins with clear definitions of what DEI really means.

In practice, DEI refers to a framework that includes principles, practices, and initiatives that focus on increasing one or more of the focal ideals of diversity, equity, or inclusion. Throughout this paper, we will primarily focus on DEI initiatives, which are a set of actions an organization takes to improve the employee experience, leadership behavior, and organizational culture, increasing the likelihood that all employees can thrive within the organization. Below we provide clear, research-based definitions of each core aspect of the DEI framework.

Diversity refers to the full range of human differences represented within the workforce (Harrison et al., 1998; Roberson, 2019). Diversity includes both visible characteristics (such as race, age, and physical ability) and less visible ones, such as educational background, life experience, values, and ways of thinking. A pervasive misconception is that "diversity" is a euphemism for considerations of only race, gender, or sexual orientation. However, because diversity encompasses every dimension along which people differ, when researchers and practitioners use the term, it refers to representation across a wide variety of characteristics.

Diversity management practices can vary. For example, they can focus on increasing general representation through recruitment efforts (Avery et al., 2013), reducing adverse impact in selection (Outtz & Newman, 2010), or addressing biases among workers (Paluck et al., 2021). The available workforce in the United States is diverse across several dimensions such as gender, age, race, ethnicity, and education (Bureau of Labor Statistics, 2024a; Colby & Ortman, 2014; U.S. Census Bureau, 2025). When an organization's workforce does not reflect that diversity, it may be a signal that something in its hiring or retention systems is biased against certain groups—intentionally or not.

Equity is about fairness in organizational systems and processes. Hebl and King (2024, p. 13) define equity as “the existence of fair and just practices within organizations so that all members can thrive.” Equity is often the least well-understood element of DEI, in part because it is the most complex to put into practice (Zheng, 2022). Equity is not about giving everyone the same thing (“equality”); it is instead, about designing systems so that all employees can access organizational resources, opportunities, and valued rewards without barriers or issues. In practice, equity is supported by practices such as structured interviews, transparent promotion criteria, accessibility and accommodation processes, and flexible work policies (Nittrouer et al., 2025). Organizational justice research consistently shows that employees' perceptions of fairness in systems and processes predicts key outcomes including trust, commitment, and retention (Colquitt et al., 2001), and that equitable treatment is a foundational condition for employees to experience genuine inclusion (Shore et al., 2018).

Inclusion refers to the degree to which an employee perceives that they are a valued member of the work group, whose needs for both belongingness and uniqueness are satisfied (Shore et al., 2011). Inclusion is distinct from diversity, although these terms are often used interchangeably (Shore et al., 2018). An organization can be diverse without being inclusive. For instance, organizations can hire people from a wide range of backgrounds (i.e., have high diversity) and still have a culture in which many people feel like outsiders or do not feel safe speaking up (i.e., have low inclusion). Inclusive workplaces are built through intentional practices such as creating ERGs, training managers to lead inclusively, establishing and enforcing clear antiharassment policies, building psychologically safe team cultures, and creating systems for employees to give honest feedback (Randel et al., 2018; Welbourne et al., 2017).

Together, these three components—diversity, equity, and inclusion—are an interconnected system. Diversity without equity means some employees will face higher barriers than others. Equity without inclusion means that even when systems are technically fair, many employees will not perceive the organization as fair. And inclusion without diversity means belonging is only available to people who already fit the dominant culture.

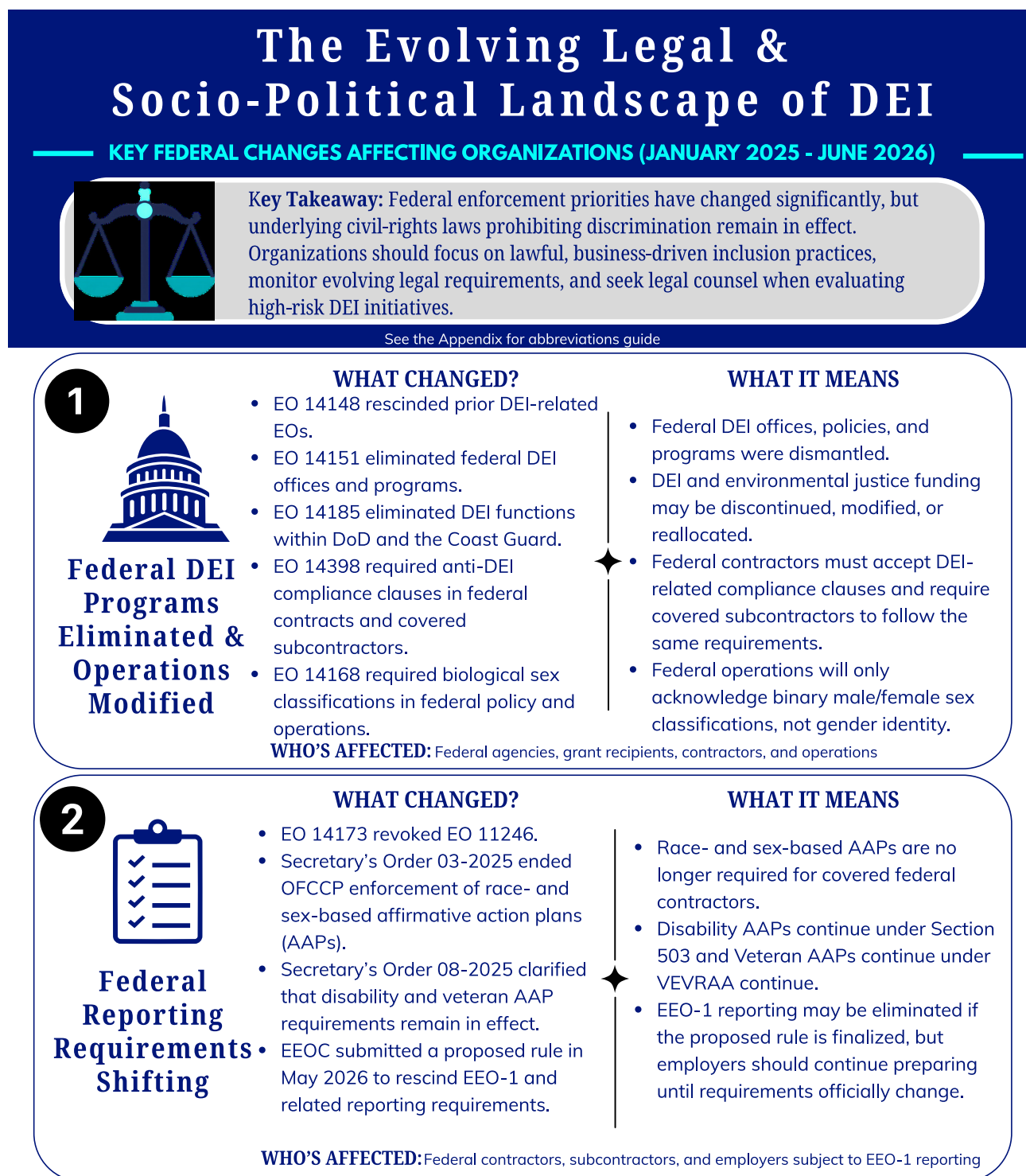
The Evolving Legal and Sociopolitical Landscape

As described in the previous section, DEI is best understood as a broad framework of organizational principles, practices, and initiatives related to representation, fairness, access, and inclusion. This framework is situated within a legal and sociopolitical context in the United States that has changed dramatically in recent years due to shifting political tides. Many of the executive orders issued by the Trump Administration, beginning on January 20, 2025, significantly restructured federal priorities, funding, enforcement, and governance, affecting federal agencies, federal contractors, and private organizations. These actions did not modify or vacate the federal equal opportunity and antidiscrimination laws established through the U.S. Constitution and federal civil rights statutes. However, the current administration's interpretation and application of those laws have changed the compliance landscape for organizations. In some cases, DEI practices that were previously treated as risk-mitigation strategies are now unsupported or targeted for legal and regulatory scrutiny.

These changes have created uncertainty for many organizational leaders, HR professionals, and practitioners who are trying to determine how to sustain lawful, effective, and business-relevant inclusion practices in a shifting environment. The practical challenge is not simply determining whether DEI should continue, but understanding how DEI-related practices should be reviewed, refined, documented, and aligned with current legal expectations. Organizations need a clear picture of what has changed, what remains unchanged, who is most affected, and what steps can help manage risk while preserving lawful, business-driven inclusion practices.

To support that understanding, Figure 1 and its companion chart in Appendix B, provide a high-level summary of key federal changes affecting organizations from January 2025 through June 2026. The infographic is intended to orient readers to the major federal policy shifts, summarize their organizational impact, and identify practical areas for review. It is designed to serve as a conversation starter for HR, Legal, Compliance, Communications, and business leaders as they evaluate their own policies, programs, language, and risk tolerance.

Figure 1. *The Evolving Legal & Socio-Political Landscape of DEI Infographic**



Reporting Requirements Shifting

requirements remain in effect. EEOC submitted a proposed rule in May 2026 to rescind EEO-1 and related reporting requirements.

the proposed rule is finalized, but employers should continue preparing until requirements officially change.

WHO'S AFFECTED: Federal contractors, subcontractors, and employers subject to EEO-1 reporting

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Private-Sector DEI Programs Face Increased Scrutiny

- WHAT CHANGED?**
- EO 14173 directed federal agencies to investigate potentially unlawful DEI practices in the private sector.
 - Federal DOJ guidance identified DEI practices receiving heightened scrutiny.
 - Several EOs and federal agencies initiated investigations into private employers and law firms.
 - FTC warned that coordinated DEI frameworks will violate antitrust laws.

- WHAT IT MEANS**
- Organizations should review DEI programs that use protected characteristics in eligibility, selection, or decision-making.
 - Coordinated DEI efforts across industries should be reviewed with legal experts.
 - Core civil-rights protections remain unchanged.

WHO'S AFFECTED: Private employers, law firms, universities, nonprofits, and federal contractors.

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Civil Rights Enforcement Shifts Towards Intentional Discrimination

- WHAT CHANGED?**
- EO 14281 directed agencies to reduce reliance on disparate impact enforcement.
 - DOJ rescinded portions of EEOC's guidance under Title VII regulations relying on disparate impact theories.
 - EEOC reportedly closed disparate impact-only investigations.
 - EEOC's 2026 enforcement priorities emphasize intentional discrimination claims.

- WHAT IT MEANS**
- Agencies have reduced reliance on systemic discrimination theories.
 - Federal enforcement priorities are focused on intentional discrimination (disparate treatment vs. disparate impact).
 - Disparate impact liability remains available through private lawsuits and many state laws.
 - Organizations should continue monitoring adverse impact and business necessity.

WHO'S AFFECTED: All employers

Implementation Status Note: Some federal actions summarized here have been challenged in court, and their implementation, enforcement, or practical effect may continue to change.

Organizational Response & Risk Management



RECOMMENDED ACTIONS: ORGANIZATIONAL LEVEL

- ✓ Align DEI efforts with organizational strategy and values.
- ✓ Coordinate HR, Legal, Compliance, Communications, and Business Leaders.
- ✓ Monitor legal developments and federal contractor requirements.
- ✓ Consider employee, customer, contractor, investor, and community stakeholder impacts.



RECOMMENDED ACTIONS: PROGRAMMATIC LEVEL

- ✓ Ensure programs are open and accessible to all employees.
- ✓ Use and document job-related and business-related eligibility criteria.
- ✓ Avoid intentional or unintentional preferences based on protected characteristics.
- ✓ Regularly review policies and practices for legal compliance and effectiveness.

This infographic is for informational purposes only and does not constitute legal advice. Organizations should consult qualified legal counsel for compliance guidance.

What the Research Shows: Fact-Checking Six Common Beliefs About DEI

One of the most significant challenges leaders and HR professionals face in this dynamic environment is distinguishing credible information about DEI from misinformation. The following section examines six widely held beliefs about DEI and evaluates each one against the available research-based evidence.

Belief #1: Public Support for DEI in the U.S. Is Low

What the Research Shows

From the tenor of conversations in traditional and social media, it may seem that support for DEI in the U.S. is low. However, Pew Research Center data show that only a minority (less than a quarter of U.S. workers) say DEI is bad, a narrow majority believes it is good, and the rest are neutral about DEI (Minkin, 2024). A 2025 University of Massachusetts poll found that support for DEI programs had not declined (Amherst Indy, 2025). What has changed is not public support but public expression of that support. Since the Trump administration took office in January 2025, many organizational leaders have become quieter about DEI (Borchers, 2025), and some companies have rebranded or restructured their programs. But quiet is not the same as opposition. Survey data show that although many organizational leaders have reduced their public expression of DEI support, the majority report that their underlying commitment to DEI remains unchanged (Catalyst & Meltzer Center for Diversity, Inclusion, and Belonging, 2025).

Companies are continuing DEI work. The useful question is *why*, especially given the intensity of the current political environment. The answer is straightforward: The business case has not changed. Companies like Costco, Delta Air Lines, Apple, and JPMorganChase have maintained their commitments publicly and explicitly, not as a political statement, but because their leaders understand that an inclusive culture is a performance strategy (Smith, 2025). Delta Air Lines' chief external affairs officer put it plainly in their 2024 fourth-quarter earnings call: DEI "is about talent, and that has been our focus. The key differentiator at Delta is our people" (Nasdaq, 2025). In the 2025 proxy season, approximately 98% of shares voted to maintain corporate DEI programs across 32 major companies, including Berkshire Hathaway, Coca-Cola, Disney, and Walmart, a signal from investors that they view inclusive workplaces as a driver of long-term shareholder value (Smith, 2025).

Belief #2: DEI Is at Odds With Meritocracy and Lowers Standards

What the Research Shows

Well-designed DEI practices do the opposite; they make employment *more* merit-based, not less.

Research consistently shows that without deliberate effort, hiring and promotion decisions are influenced by factors unrelated to performance: unconscious biases, personal familiarity, and assumptions about candidates' preferences and capabilities based on their demographic characteristics (SIOP, 2018). Merit-based hiring and promotion depend on evaluating people based on their actual job-relevant knowledge, skills, and abilities (KSAs). In the field of industrial-organizational (I-O) psychology, these KSAs are identified through job analyses that carefully consider job responsibilities and the requirements needed to fulfill them (SIOP, 2018).

The goal of federal civil rights laws, such as Title VII of the Civil Rights Act of 1964, and other DEI efforts, is to ensure that firms make decisions based on relevant KSAs rather than based on an individual's demographics. DEI efforts in decision making also focus on the use of selection tools that help reduce bias and increase fairness. For example, the practice of using structured interviews, where each candidate is asked the same questions rather than relying solely on employers' impressions, reduces bias and makes interview scores a more reliable guide to who will succeed in the role (Campion et al., 1988; Wolgast et al., 2017). DEI is intended to establish and preserve meritocracy rather than undermine it by enabling decisions to be more accurately based on candidates' and employees' qualifications.

Belief #3: DEI Does Not Work

What the Research Shows

The research is consistent: Organizations that effectively implement DEI practices outperform those that do not, across a range of outcomes (Creary et al., 2025; Nittrouer et al., 2025; Roberson, 2019). A large-scale study using data from the Great Place to Work database (Edmans et al., 2023, p. 5) found that DEI was positively associated with 1- and 3-year sales growth, with 3-year stock returns, and with multiple measures of profitability, including return on assets and return on sales. Research also shows that inclusive workplace climates improve employee engagement, job satisfaction, organizational commitment, and retention, across all demographic groups (Holmes et al., 2020).

Not all DEI programs are equally effective, and some backfire. Decades of research by Dobbin and Kalev (2022) found that programs focused on changing individual attitudes—such as mandatory diversity awareness training and stand-alone unconscious bias training—usually have little lasting effect. What works better are structural interventions such as building diverse recruiting pipelines, establishing formal mentoring programs, giving managers tools and accountability for equitable decision-making, and creating flexible work policies that reduce barriers for all employees (Sitzmann & Schwartz, 2024).

Belief #4: DEI Practices and Affirmative Action Are the Same Thing

What the Research Shows

DEI and affirmative action are distinct concepts in both purpose and function, and conflating them creates significant confusion, both about what DEI is and what the law requires (Alqaseer et al., 2024; Iyer, 2022; Wright, 2025).

DEI practices range from improving the employee experience, leadership behavior, and organizational culture, to making organizational systems fairer and more effective. It encompasses everything from designing a job posting and training managers to structuring the organization’s promotion processes.

Affirmative action is a more specific legal concept. The term “affirmative action” first appeared in federal law in 1964 (Title VII of the Civil Rights Act of 1964). That law authorizes courts to order “such affirmative action as may be appropriate” to correct proven discrimination. In this original context, “affirmative action” referred to remedies that were tied to evidence of harm. President Lyndon B. Johnson signed Executive Order 11246 in 1965, requiring federal contractors to take affirmative steps to ensure equal employment opportunity. This requirement was revoked for race and gender in January 2025 via Executive Order 14173 but remains in effect for veterans and people with disabilities (see Figure 1 for more information). Affirmative action is based on the premise that prohibiting discrimination alone is not sufficient to dismantle longstanding patterns of exclusion in organizations. Instead, organizations must take deliberate steps to expand access to opportunity. These legal foundations evolved into today’s organizational practices, based on a few consistent principles: The solution should provide a remedial purpose and be evidence-based, time-limited, and flexible. Organizations that agree with this premise have taken actions such as expanding recruitment pipelines to underrepresented communities, educational institutions, and professional networks; auditing hiring and promotion data for adverse impact; standardizing selection criteria to reduce bias; and creating structured pathways to facilitate equitable access to promotion. The true purpose of affirmative action is not to fill quotas but to find patterns of exclusion and discrimination affecting protected groups and take reasonable steps to address them (Crosby et al., 2006).

Affirmative action has long been criticized as “reverse discrimination” by those who argue that it is all about quotas. However, affirmative action law does not mandate quotas or the hiring of unqualified individuals. U.S. employment law does however permit narrowly tailored, evidence-based interventions to address documented imbalances (Crosby et al., 2006; Dreiband & Simonet, 2022; U.S. Department of Labor, 1979). The practice has helped companies modernize their hiring and advancement systems (Crosby et al., 2006). Few organizations have ever applied affirmative action in the heavy-handed manner critics describe (Atkinson & Headley, 2024). Affirmative action sits under the broader DEI umbrella as one narrow legal tool, but it plays no role in most corporate DEI work.

Belief #5: DEI Only Helps “Minoritized” Employees—It Hurts Everyone Else

What the Research Shows

Despite the belief that DEI practices are designed solely to benefit employees from traditionally marginalized groups, majority groups are not discriminated against by DEI practices (Ballinger et al., 2024). This belief reflects the “zero-sum” fallacy that helping some employees must necessarily come at the expense of others. Research suggests that the benefits of DEI initiatives are felt across employees of all demographic backgrounds. Specifically, research indicates that when organizations foster climates that value diversity and inclusion, employees from all backgrounds are more committed, engaged, and satisfied; exhibit higher levels of performance; and are less likely to leave the organization (Chrobot-Mason & Aramovich, 2013; Holmes et al., 2020; Kaplan et al., 2011; McKay et al., 2007).

For example, flexible work arrangements, such as hybrid or remote work, were first adopted to address work–family conflicts among working parents (Kelly et al., 2008). However, they also benefit many other employees by increasing access to employment for individuals with disabilities, enabling employees to work amid concerns about contracting communicable disease, such as during the COVID-19 pandemic, and allowing some employees to retain a job for which they might otherwise have had to relocate. Remote and hybrid work options are now among the most universally popular workplace practices across all employee groups (McKinsey & Company, 2022). That pattern of a targeted intervention producing broad benefits is characteristic of well-designed DEI practices.

Nevertheless, some employees may still hold zero-sum perceptions of DEI (Ballinger et al., 2024). Organizations should therefore clearly communicate the underlying goals and intended benefits of any DEI work, emphasizing that they are designed to increase fairness, equity, and inclusion for all. Ensuring that DEI activities are open to all employees rather than just a subset can help address these beliefs (Ballinger & Crocker, 2021).

Belief #6: DEI Is Not Necessary; Discrimination Is Mostly a Thing of the Past

What the Research Shows

Despite decades of civil rights legislation, discrimination in the workplace—both subtle and overt—remains prevalent (Jones et al., 2016, 2017; Smith & Griffiths, 2022).

The nature of workplace discrimination has changed. Overt, deliberate discrimination is less common than it was before the Civil Rights Acts. But subtler forms like unconscious bias in hiring decisions, patterns of exclusion from formal networks, and inconsistent application of promotion criteria persist and are harder to detect and prove (Jones et al., 2016).

Avery et al.’s (2023) research review pointed out that racial minority employees experience bias across all facets of their employment journey, from entry to exit. Members of these groups are less likely to be hired, and they are also less likely to be promoted to leadership roles and given challenging development opportunities. Black employees, particularly women, are significantly less likely than equally qualified peers to be promoted into management and executive roles (Guynn & Fraser, 2023). Asian Americans are hired into technology roles at high rates but promoted into management at disproportionately low rates (Gee & Peck, 2018). Women with comparable qualifications to men are less likely to receive

Remote and hybrid work options are now among the most universally popular workplace practices across all employee groups



the type of high-profile developmental assignments that lead to senior leadership roles (Bareket & Fiske, 2023; Dardenne et al., 2007). Employment rates for people with disabilities remain lower than expected, despite the passage of the Americans with Disabilities Act (Acemoglu & Angrist, 2001; Bureau of Labor Statistics, 2024b; Colella & Bruyere, 2011).

The advent of artificial intelligence (AI) and its use in personnel decisions raise a new concern that these tools will reproduce and amplify these disparities. Research on AI use in selection has already demonstrated the potential for bias if the data they are trained on reflect historical disparities (Glazko et al., 2024). Organizational leaders should carefully consider the implications of AI for DEI outcomes by ensuring that AI use in talent selection and development is ethical and fair (International Test Commission and the Association of Test Publishers, 2022; The Institute for Workplace Equality, 2022; Tippins et al., 2021). These concerns are already being considered in some state legislation and U.S. Equal Employment Opportunity Commission (EEOC) guidance (Artificial Intelligence Video Interview Act, 2020; New York City Department of Consumer and Worker Protection, 2021; U.S. Equal Employment Opportunity Commission [EEOC], 2022).

What to Do: Practical Guidance for Leaders and HR Practitioners

The following recommendations reflect the current legal environment and the evidence on what helps make DEI efforts effective. Because organizations vary in where they are in their DEI journeys, their starting points, resources, and risks will also vary. Nevertheless, these recommendations start with legal alignment and diagnosis in all cases. Strategy, measurement, and culture alignment/realignment come next. In all cases, business strategies should determine program design. *Note: This material is for informational purposes only and does not constitute legal advice. Organizations should consult legal counsel to determine appropriate actions.*

Align With Legal Rulings

Given the rapidly shifting legal and political landscape, organizations should carefully review their DEI-related programs and practices through the lens of legal compliance, organizational risk management, and strategic alignment. Keep abreast of current litigation via resources such as the DEI litigation tracker (Meltzer Center for Diversity, Inclusion, and Belonging, n.d.). The goal is not to eliminate effective practices but to ensure current practices are grounded in legitimate business objectives, applied consistently and transparently, and documented clearly in alignment with the law.

For example, an organization that previously used a diverse candidate slate requirement—mandating that at least one finalist should be from an underrepresented race/ethnicity group or from an underrepresented gender—should consult legal counsel to assess whether to modify that process. The organization might consider reframing the process to a requirement for structured outreach to the full available talent pool and avoid any practices tying eligibility or selection to protected characteristics.

Avoid Programs That Use Quotas Based on Protected Characteristics

Avoid making individual employment decisions on the basis of race, gender, or other protected characteristics. These practices have long been prohibited and remain so. At the same time, practices that are designed to expand access, reduce bias, and improve the fairness and accuracy of employment decisions remain legally defensible and organizationally valuable.

Document Everything

Maintain clear documentation of the rationale behind your DEI-related actions including: the problem they are designed to solve, how participation is determined, and the outcomes you are measuring. This documentation will serve as both an internal management tool and a defensibility resource if your practices are questioned.

Assemble a Cross-Functional Team

A team comprising HR, legal, compliance, communications, and senior leadership can be an invaluable resource for monitoring the evolving regulatory and legal environment and coordinating the organization's response. Reactive, uncoordinated changes to DEI policy and practice carry their own risks, including reputational damage and employee relations consequences (Reuters, 2026). Given the dynamic nature of the current environment, organizations benefit from a measured, evidence-based approach rather than reactive decision-making.

Avoid Adopting “Best Practices” Without Review

Peer insights can be invaluable, but avoid adopting “best practices” without first thinking through their applicability for your organization's specific needs and culture. Just because a practice works well in one organization does not mean it would work well in a seemingly similar peer organization. Tailor your organization's DEI practices to your organization's specific strategic objectives, business problems, and context to avoid misalignment or unintended legal exposure.

Start With Strategy, and Treat DEI as an Organization-Wide System

A common mistake is treating DEI as a standalone initiative rather than a business strategy. Research shows that DEI practices disconnected from organizational strategy tend to become symbolic rather than impactful (Kellough & Naff, 2004), and that DEI practices, like all other HR practices, are most effective when aligned with what the business is trying to accomplish (Becker & Huselid, 1998).

Consider two organizations, each responding to a female employee's complaint about potential discrimination. Organization A launched a mandatory unconscious bias training for all employees, without a needs assessment, defined outcomes, or any follow-up measurement. Organization B began by asking two strategic questions: Does the problem really exist, and if so, how does it affect our employees and our business? Having determined that a new product line's success depended on its adoption by female customers, Organization B concluded that women needed representation at every stage of the product cycle: design, manufacture, and sale. That business rationale drove what came next: An analysis of promotion data revealed that women advanced from entry-level to managerial to executive roles significantly more slowly than men, so the organization redesigned its promotion process with standardized criteria, trained managers to apply them consistently, and tracked outcomes quarterly.

Organization B's approach reflects a second principle: DEI issues rarely originate, or get solved, solely within HR. They surface across the enterprise—in how managers run meetings, how assignments are distributed, how performance reviews are conducted, and how informal networks include or exclude people. Assuming DEI is only an HR process issue leads you to look for solutions in the wrong places (Kreitz, 2008). A more effective approach is to treat DEI as an organizational system issue and look for leverage points throughout the business, using employee surveys, focus groups, and trend analysis (recruiting funnels, hiring, representation rates, promotions, attrition, performance-review outcomes, succession data) to locate where problems actually exist. Then design interventions at the individual, team, and system levels rather than relying on one-off training events (National Academies of Sciences, Engineering, and Medicine, 2018).

These patterns are visible in the research. Employees from underrepresented racial and ethnic groups are more likely to quit when they perceive the organizational diversity climate negatively (McKay et al., 2007), and Nishii (2013) found that an inclusion climate relates to employee engagement, commitment, and turnover, especially among gender-diverse groups. So when surveys show variable responses on climate, or differences in these outcomes between, for example, men and women, it may signal that groups are having materially different experiences that affect their tenure with the organization. This matters because a problem often surfaces in one part of the business while originating in another. A company may find women leaving its sales department at higher rates than men and assume the cause is sales management when the real drivers sit in operations, which builds schedules around evening client entertainment without regard for caregiving demands, and in finance, which routes the highest value accounts to whoever logged the most client hours the prior quarter. Women disproportionately carry caregiving responsibilities (AARP and National Alliance for Caregiving, 2025). This is a pattern with documented effects on women's employment and career advancement (Bauer & Sousa-Poza,

2015). That is why systems like these can quietly push women out of the most lucrative roles even though sales is doing nothing wrong. Resolving this challenge requires HR, operations, finance, and sales leadership to redesign their systems together, which is why DEI problem solving is fundamentally cross-functional (Roberson, 2019; Shore et al., 2018).

It may therefore be necessary to change culture and climate across the entire organizational system (Warren et al., 2022; Willness et al., 2007). Running one training session, or even a series, can feel like meaningful action, but its impact will likely be minimal, and some employees may perceive the work as symbolic box checking. System-level interventions should instead include clear policies that protect employees from discrimination and hold people accountable; transparent promotion and compensation processes; and visible, consistent leadership commitment to diversity, equity, and inclusion. When senior leaders publicly and consistently demonstrate that commitment, it signals to the whole organization that these values are real, not merely stated (Warren et al., 2022).

Measure Outcomes

Once the problem is defined, define success. Zheng (2022) has criticized some DEI work for using poor indicators of success. Likewise, Dobbin and Kalev (2016) argued that many organizations rely on symbolic or poorly designed indicators instead of meaningful metrics. For example, an employee survey might show generally positive reactions to events celebrating cultural awareness (e.g., Black History Month, International Women’s Day, and National Day of Prayer), but these events might be judged by some employees to be symbolic, particularly if employees do not feel included or valued in everyday contexts. Instead, as recommend by Roberson (2019), apply rigorous metrics, disaggregate demographic data to determine if outcomes vary for different demographic groups, and use key employee attitudes (such as job satisfaction and organizational commitment), employee well-being measures (such as stress and burnout), and work outcome measures (such as performance, turnover intentions, and employee engagement) to determine if DEI initiatives are having the desired, positive results. These metrics can also help align DEI initiatives to the root cause of a problem and establish parameters that define success. To understand impact, use the same metrics that helped reveal the root cause of the problem (employee attitudes, employee well-being measures, etc.) to measure the effect of the new policies and processes. For example, if data suggest that a more accommodating or flexible working policy might enable more employees to fully participate in the workforce, that can provide a clear rationale for an initiative and a logical outcome metric for assessing progress.

Use Training Thoughtfully and Design It Well

Diversity training is one of the most commonly used DEI tools (Pendry et al., 2007), but its effectiveness depends on how it is designed and implemented. Following Bezrukova et al. (2016, p. 1228), we define diversity training as “a distinct set of instructional programs aimed at facilitating positive intergroup interactions, reducing prejudice and discrimination, and enhancing the skills, knowledge, and motivation of participants to interact with diverse others.” DEI training is not a cure-all. Used well, it can build knowledge, develop skills, and shift behavior. Used poorly, particularly as a one-time, mandatory awareness session, it can have little effect, or even backfire (Dobbin & Kalev, 2022).

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Before selecting or designing any training intervention, practitioners should be able to answer three basic diagnostic questions: (a) What specific knowledge gap, skill, or ability deficit or other essential performance requirement is the training designed to address? (b) How will behavior change be measured after the training ends? (c) What structural supports (i.e., manager reinforcement, policy alignment, accountability mechanisms) are in place or need to be put into place to sustain what participants learn in the training?

The research on effective training design is clear (Bezrukova et al., 2016; Kalinoski et al., 2013; Zirn & Wisshak, 2025). Training is most effective when sufficient time is allotted to accomplish the learning objectives (which will vary depending on the complexity of the content and the needs of the audience) and when that learning is spread over time rather than delivered all at once. Additional design principles supported by that research include using interactive rather than solely lecture-based delivery, focusing on knowledge and skill development in addition to awareness, and building in structured opportunities for employees to apply what they have learned when they are back on the job.

Although uniquely popular (Chang et al., 2019), the evidence for the effectiveness of unconscious bias training is weak. Although it can raise awareness, awareness alone rarely translates into lasting behavior change (Pritlove et al., 2019). Better alternatives include training that builds concrete skills; for example, how to conduct a structured interview, how to give equitable feedback, or how to recognize and interrupt patterns of exclusion in team settings, which are behaviors shown to mitigate or reduce bias (Campion et al., 1988; Dobbin & Kalev, 2022; Onyeador et al., 2021; Wolgast et al., 2017). Supplement training with structural supports like formal mentoring programs, sponsorship initiatives, and ERGs. These create ongoing opportunities for learning and connection that training alone cannot provide (Hebl & King, 2024; McCarter et al., 2024; Wang et al., 2024). DEI training may also be considered as part of a change management strategy rather than just an education solution. Addressing the knowledge and skills of employees can be an enabler of a system-level intervention, accounting for the intricate needs of large-scale change.

Use Precise Language To Talk About DEI Work

One of the simplest and most effective actions leaders and HR practitioners can take to improve DEI is to use precise language when talking about DEI practices.

When communicating about DEI work, be specific about what you are doing and why. For example, if the organization is designing or redesigning a promotion process to make it more transparent, say so. Specificity builds credibility and helps employees understand the connection between DEI efforts and the things they care about: fairness, opportunity, and a workplace where they can succeed (Roberson, 2006). Specificity can also help shift the focus from viewing DEI as just a set of programs to understanding it as a set of principles and values embedded in everyday work. Inclusive meetings, equitable processes, and fair feedback are not DEI initiatives, they are just good management practices. Framing them as management practices can reduce resistance and make them more sustainable over time (Porosoff, 2025; Weick et al., 2005).

If the “DEI” Label Is an Obstacle, Focus Communication on Outcomes

In some organizational cultures, the term “DEI” has become a barrier. Research shows that Americans’ opinions of the acronym “DEI” are significantly more negative than their opinions of the underlying concepts it represents, like fairness, opportunity, and belonging (Brodbeck et al., 2025).

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If the label creates resistance to progress, HR practitioners could lead with outcomes instead of the acronym (Roberson, 2006; Weick et al., 2005). This means describing work with DEI-related outcomes in language that connects directly to what employees and leaders already care about. For example, a manufacturing leader who resists “DEI training” might respond more positively to “a program designed to make sure our promotion process identifies our best people, not just our most visible ones.” A CFO skeptical of “inclusion initiatives” may engage readily with “a retention strategy targeting the 23% annual turnover rate in our engineering division.” Leaders care about outcomes that can deliver their vision for the future.

Note: For a deeper background in practicing DEI in organizations, we have provided a brief book list, Appendix A, entitled “Suggested Reading for Practitioners,” at the end of the paper.

Conclusion/Call to Action

The practice of DEI is at a critical juncture because related federal policy, in many ways, operationalizes a perspective that contradicts the science supporting the value of DEI. The evidence cited in this paper indicates that organizations that help every employee feel seen, valued, and equipped to succeed—and that build systems designed to give everyone a genuine shot—perform better. Those organizations attract stronger talent, make smarter decisions, and build cultures that people do not want to leave.

Organizations can reaffirm their commitment to evidence-based, strategic DEI practices rather than symbolic gestures by modeling inclusion and maintaining respectful, open, merit-based, psychologically safe workplaces to build and maintain trust. HR practitioners can use the tools in this paper: the definitions, the legal clarity, the evidence, and the language, to help their organizations build fair, inclusive, high-performing organizations.

Footnote

¹Under U.S. federal laws, many characteristics are protected from employment discrimination, including race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age, disability, or genetic information, citizenship or immigration status, or military service. These protections are documented in various laws, including, but not limited to, the following:

- **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621–634. <https://www.eeoc.gov/statutes/age-discrimination-employment-act-1967>
- **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101–12213. <https://www.eeoc.gov/statutes/americans-disabilities-act-1990>
- **Civil Rights Act of 1964**, Title VII, 42 U.S.C. § 2000e et seq. <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>
- **Genetic Information Nondiscrimination Act of 2008**, 42 U.S.C. §§ 2000ff et seq. <https://www.eeoc.gov/statutes/genetic-information-nondiscrimination-act-2008>
- **Pregnancy Discrimination Act of 1978**, 42 U.S.C. § 2000e(k). <https://www.eeoc.gov/statutes/pregnancy-discrimination-act>
- **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701–796. <https://www.eeoc.gov/statutes/rehabilitation-act-1973>
- **Vietnam Era Veterans’ Readjustment Assistance Act of 1974**, 38 U.S.C. §§ 4211–4215. <https://www.dol.gov/agencies/ofccp/vevraa>

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Appendix A Suggested Reading for Practitioners

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Appendix B Abbreviations and References for Figure 1

This appendix is provided for transparency and further reading. It is not intended to serve as legal analysis or legal advice.

Abbreviations in Figure 1

DEI	Diversity, equity, and inclusion
DOD	Department of Defense
DOJ	Department of Justice
EO	Executive order
EEO-1	Equal Employment Opportunity-1 Component Data Collection (Employer Information Report)
EEOC	U.S. Equal Employment Opportunity Commission
FTC	Federal Trade Commission
HR	Human resources
OFCCP	Office of Federal Contract Compliance Programs
VEVRAA	Vietnam Era Veterans' Readjustment Assistance Act

References for Figure 1

Figure 1 in Section 4 synthesizes federal executive orders, agency guidance, enforcement developments, and related legal updates affecting DEI-related practices from January 2025 through June 2026. The primary sources listed below include official federal documents, such as executive orders, agency guidance, agency orders, Federal Register notices, and other government materials referenced in Figure 1 to describe federal actions. Note that the executive order citation dates are the executive order date, not the federal registration publication date, for clarity of timeline.

Additional selected litigation sources are included to show that some of these federal actions have been challenged in court. These sources are not intended to provide a comprehensive litigation history, but rather to document that implementation, enforcement, or practical effect may continue to change.

Last, selected secondary sources are included to provide additional context and interpretation when primary sources are incomplete, not publicly detailed, or require explanation for organizational audiences. Together, these sources identify major federal changes, summarize their organizational implications, and distinguish between changes in federal policy or enforcement priorities and the underlying civil rights laws that remain in effect.

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