

A new path to inclusion

How to overcome legal and cultural constraints on building fair workplaces

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Emily Shaffer, PhD, David Glasgow, Joy Ohm, Christina Thomas, & Kenji Yoshino

INTRODUCTION

Finding opportunity in a time of threat

Organizations in the United States continue to face tremendous threats to their diversity, equity, and inclusion (“DEI”) efforts. These threats include:



Lawsuits challenging diversity programs.¹



Enforcement actions taken by the current federal administration.²



Cultural attacks that frame inclusion efforts as divisive and discriminatory.³

Leaders that remain committed to values such as fairness and equal opportunity are still struggling to determine how their organizations can live up to those values without putting their organizations at unnecessary risk.

In 2025, Catalyst and the Meltzer Center for Diversity, Inclusion, and Belonging released a report, [Risks of Retreat: The Enduring Inclusion Imperative](#), based on survey data collected in the first few weeks after the second inauguration of President Trump. We wanted to understand how leaders across corporate America were responding to the escalating attacks on DEI, and warn leaders to consider the many talent, financial, legal, and reputational risks of retreating from this work.

In early 2026, our organizations collaborated again to assess the challenges and opportunities one year after the current federal administration started its assault on DEI. In January and February 2026, we fielded a survey to more than 2,000 employees and leaders from medium and large organizations in the United States to gain insight into how this work has evolved, and should evolve, in response to the external environment.

Contrary to the popular narrative that DEI is “dead,”⁴ we found continued widespread support for inclusion efforts, strong ongoing commitment to advancing fairness and inclusion in the workplace, and enduring business benefits from pursuing this work. In short, leaders and employees still *want* to advance inclusion.

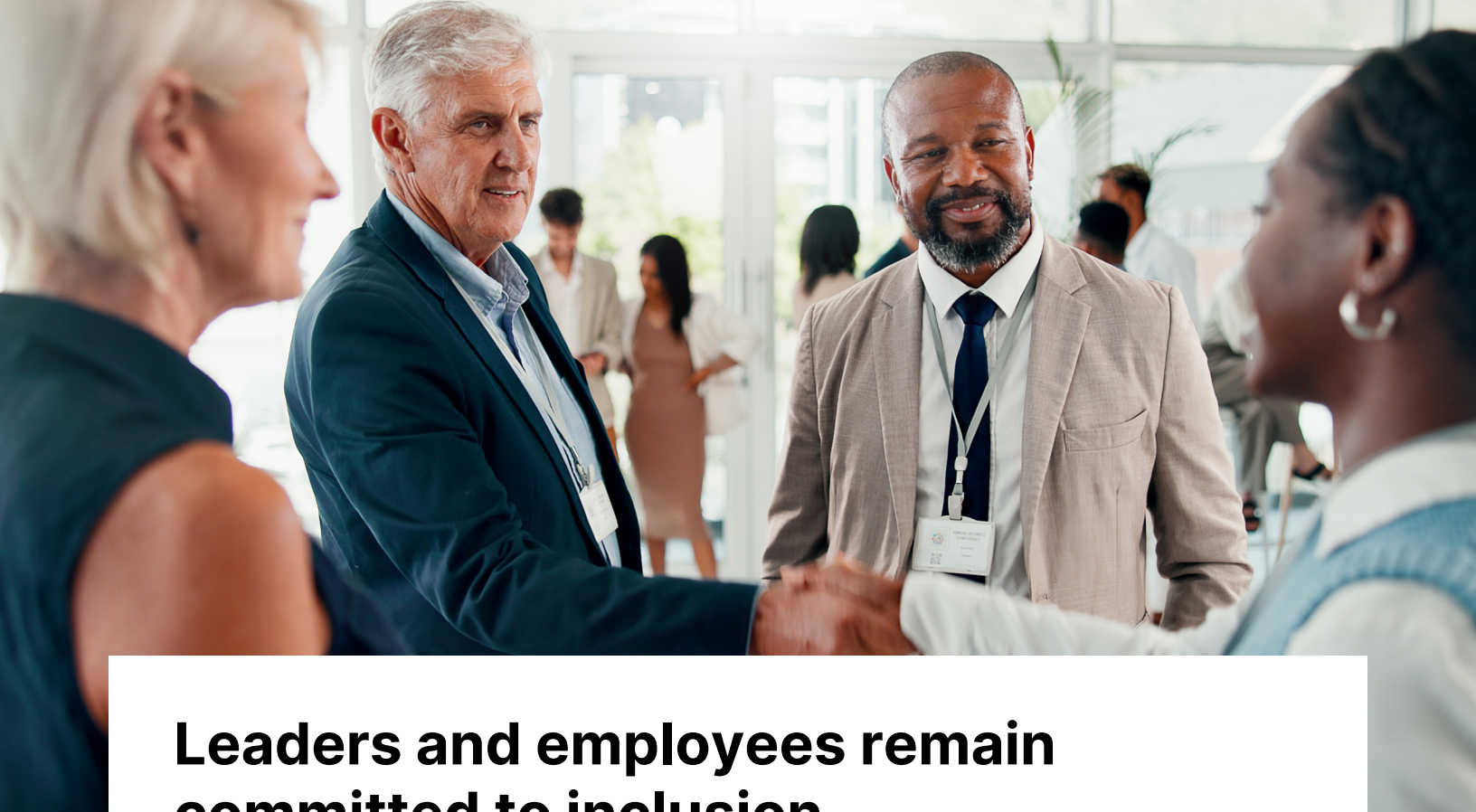
However, we also found that organizations are facing two key constraints that are making it hard for them to uphold their values in the current environment.

First, they face a **legal and regulatory constraint**. Federal contractors,⁵ in particular, are finding it difficult to maintain inclusion efforts under intense pressure and scrutiny from the current administration.

Second, organizations face a **cultural constraint**. Respondents said inclusion efforts should have universal benefits while also prioritizing the needs of marginalized people — a seeming paradox that leaders find challenging to resolve.

In this report, we use the concept of *earned universalism* to help organizational leaders overcome these two constraints.⁶ Earned universalism simultaneously advances universalism *and* addresses barriers faced by the most marginalized. This concept — and the key action items we recommend underneath it — allow organizations to mitigate the legal risks and resolve the cultural paradox they are currently experiencing.

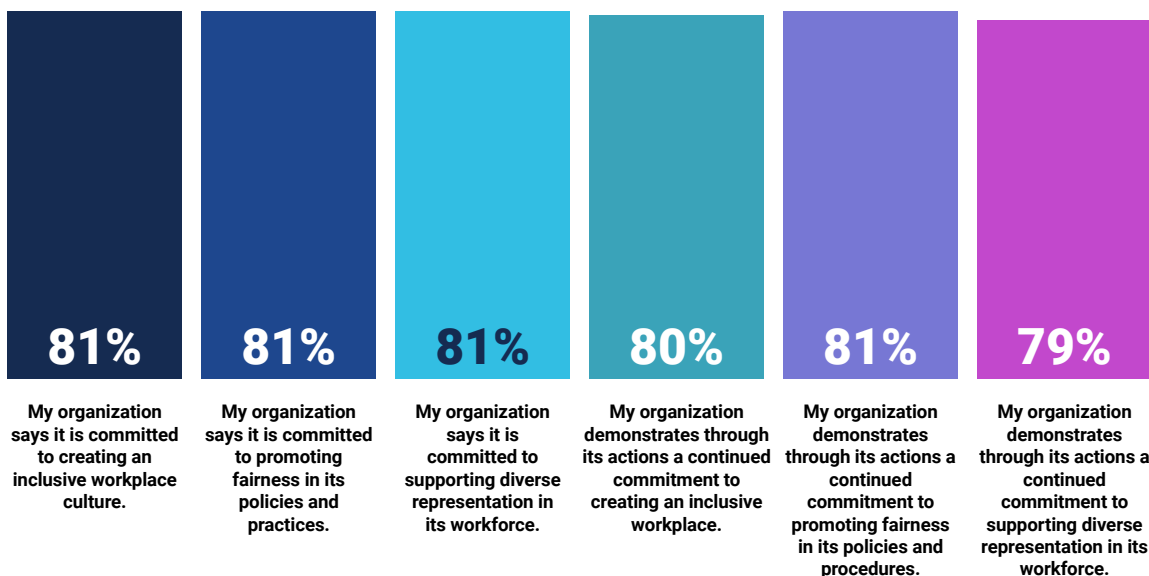
Throughout this report, we use “inclusion efforts” as shorthand for the full range of diversity, equity, and inclusion initiatives, including strategies aimed at increasing diversity, advancing fairness, and fostering inclusive workplace cultures. We do not intend to signal a focus on any single subset of these efforts.



Leaders and employees remain committed to inclusion

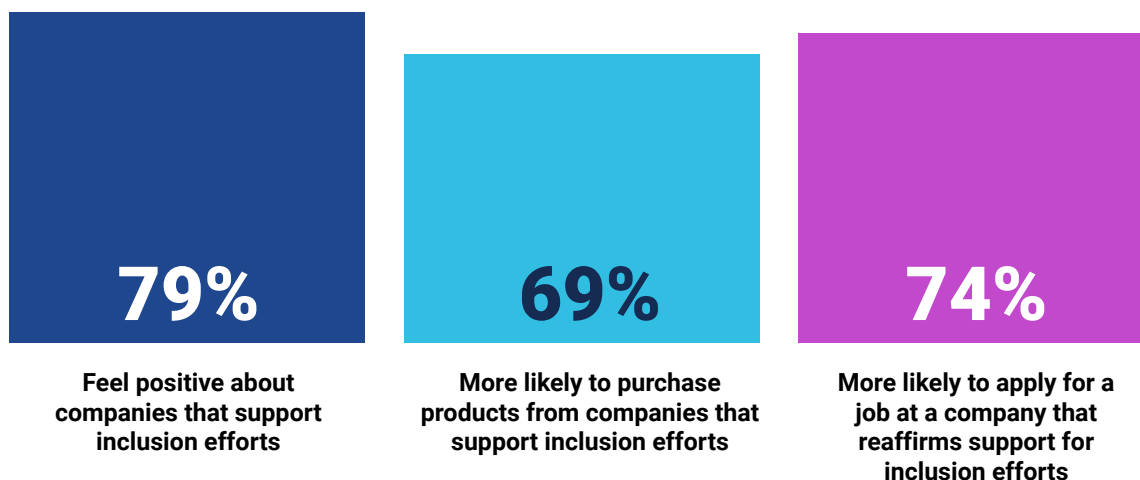
Despite the challenges of the current environment, 80% of employees and leaders we surveyed say that their organization is still committed to diversity, fairness, and inclusion, and that it demonstrates such commitment through its actions.

Organizations remain committed to inclusion, fairness, and diversity



A large majority of employees and leaders also feel positively about companies that are committed to inclusion efforts, and demonstrate this feeling through individual actions in the marketplace and workforce.

Inclusion efforts can boost reputation, sales, and recruiting



These findings suggest that leaders and employees know inclusion efforts strengthen reputation, sales, and talent pipelines. Indeed, the positive impact of inclusive workplaces on employees, teams, and organizations is well established.²

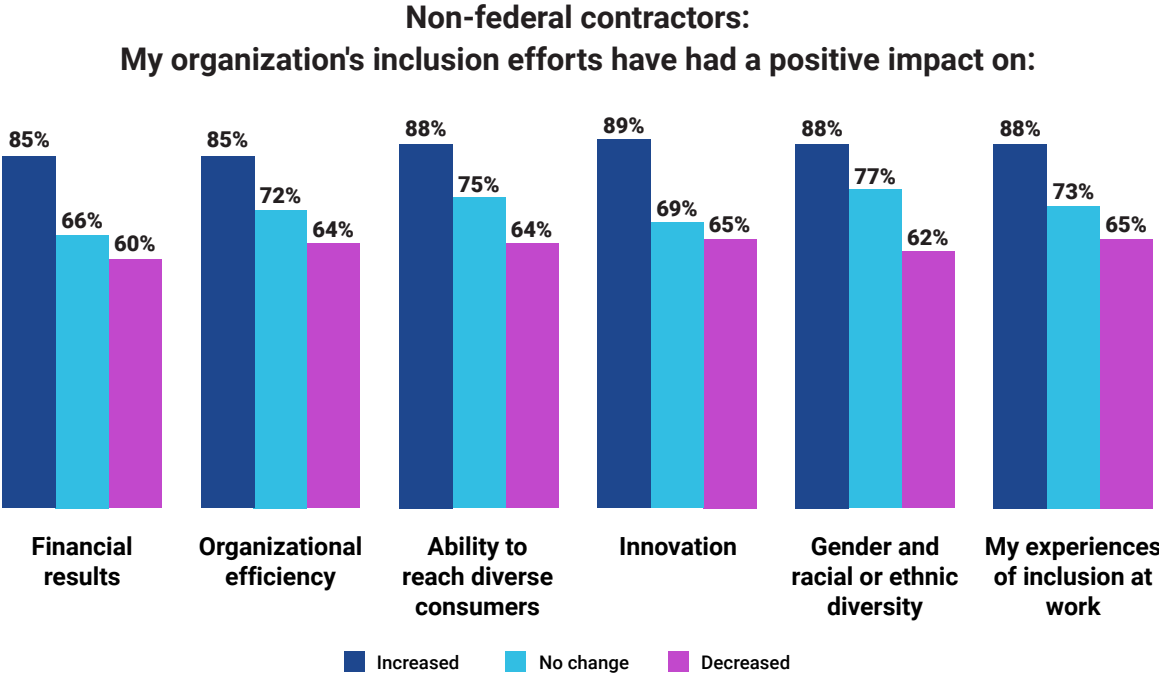
To dig deeper into this topic, we asked respondents how their organization had evolved its inclusion efforts in the last three years, and whether they thought their organization's *current* inclusion efforts had a positive impact on various business outcomes, including their own experiences of inclusion.

Across the board, respondents felt overwhelmingly positive about the business impact of their organization's current inclusion efforts in the following areas:

- Financial results
- Organizational efficiency
- Ability to reach diverse consumers
- Innovation
- Gender and racial or ethnic diversity
- Individual experiences of inclusion at work.

However, we found notable differences in the *degree* of positive business impact depending on whether the organization was a federal contractor (FC) or was not a federal contractor (NFC), and whether the organization had increased, decreased, or made no change to its inclusion efforts over the last three years.

Specifically, at NFCs, employees and leaders perceived the most positive business outcomes from current inclusion efforts when their organization had *increased* such efforts over the past three years. They perceived the least positive business outcomes from current inclusion efforts when their organization had *decreased* such efforts.⁸



As we discuss in more detail below, the picture was slightly different for respondents who worked for FCs due to the unique legal and regulatory pressures faced by such entities. The overall data, however, paints a clear picture. A supermajority of respondents believe that their organization remains committed to inclusion, fairness, and diversity; feel favorably toward companies that demonstrate ongoing commitment; and see clear positive business impacts from inclusion efforts, especially when those efforts have increased in recent years.

The work of inclusion faces two key constraints

Even though most respondents understand the value of inclusion efforts, they are encountering two key constraints on this work in the current environment: a legal constraint and a cultural constraint.

1 The legal constraint

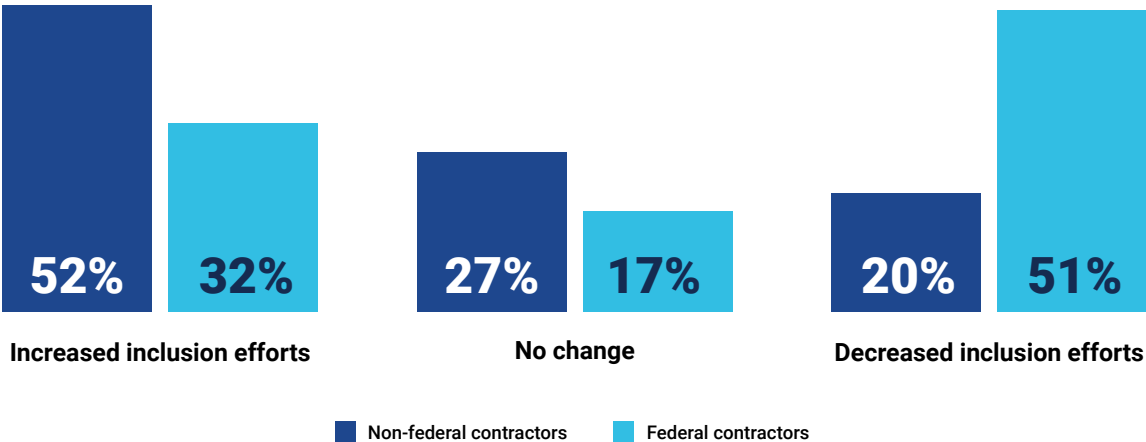
Even prior to our last co-authored report in 2025, organizations of all kinds were facing pressure from a rise in lawsuits challenging the legality of workplace diversity programs.⁹ The key trend in this year’s survey, however, was a split between NFCs and FCs.

The current administration has put FCs under intense scrutiny by requiring them to certify that they do not promote “unlawful”¹⁰ forms of “DEI” as a condition of receiving government contracts. The administration is also enforcing that requirement through investigations led by the Department of Justice. This year, the administration further targeted federal contractors by requiring them to affirm that they will not engage in “racially discriminatory DEI activities.”¹¹

The unique threat level felt by FCs was striking in our results. While a large majority of organizations (77%) overall have changed their level of investment in inclusion efforts, FCs and NFCs are taking divergent paths,¹² reflecting the distinct ecosystems in which they operate:

- Among FCs, 51% reported decreasing inclusion efforts while only 32% reported increasing inclusion efforts.
- By contrast, among NFCs, 52% reported increasing inclusion efforts while only 20% reported decreasing inclusion efforts. This finding suggests that most NFCs feel less directly threatened by the current legal and regulatory environment than FCs.

Evolution of inclusion efforts by federal contractor status







Increase or decrease?

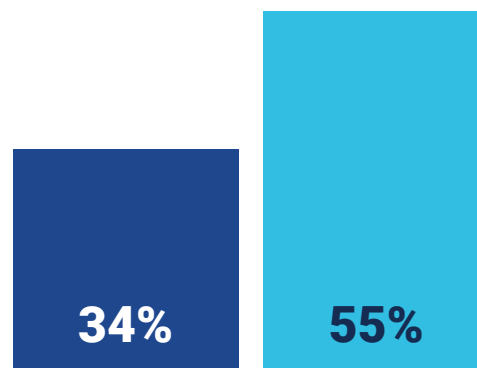
What counts as an increase or decrease of “inclusion efforts” is debatable. For example, if a company cut ineffective, low-impact programs but deepened the remaining ones, some respondents may have considered that outcome to be an overall decrease of inclusion efforts, while others may have considered it to be an increase.

Most FCs also retreated from publicizing their inclusion efforts: 70% of FCs but only 41% of NFCs indicated that their organization took steps to publicly signal a move away from its inclusion work.¹³

Importantly, organizations seemed to *signal* a retreat from inclusion efforts to a greater degree than they engaged in an *actual* substantive retreat. While only 34% of employees said their organization had decreased its inclusion efforts, 55% of employees said their organization had nonetheless publicly announced a shift away from such efforts.

More organizations have publicly signaled a retreat from inclusion efforts than have actually reduced inclusion efforts

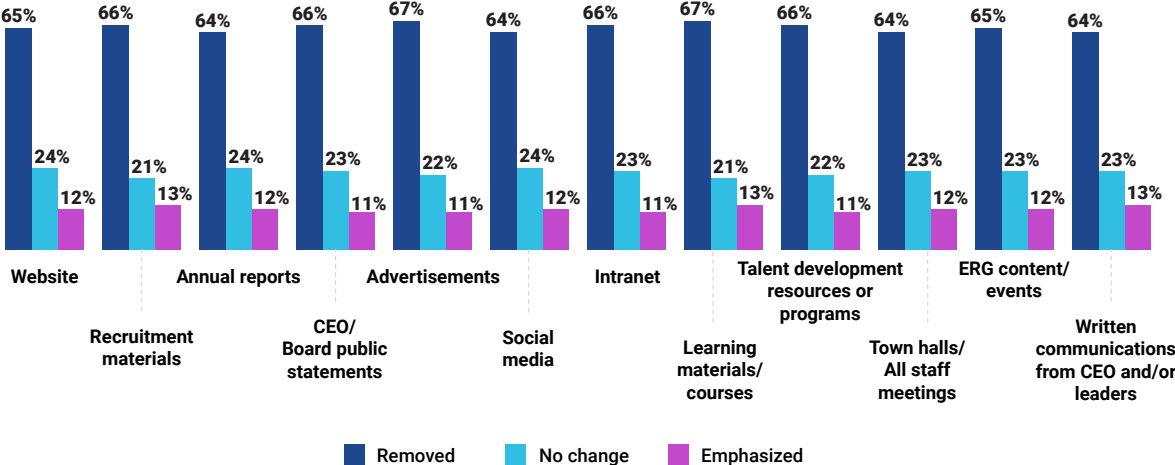
-  % of organizations that have decreased their inclusion efforts
-  % of organizations that have publicly signaled a shift away from inclusion efforts



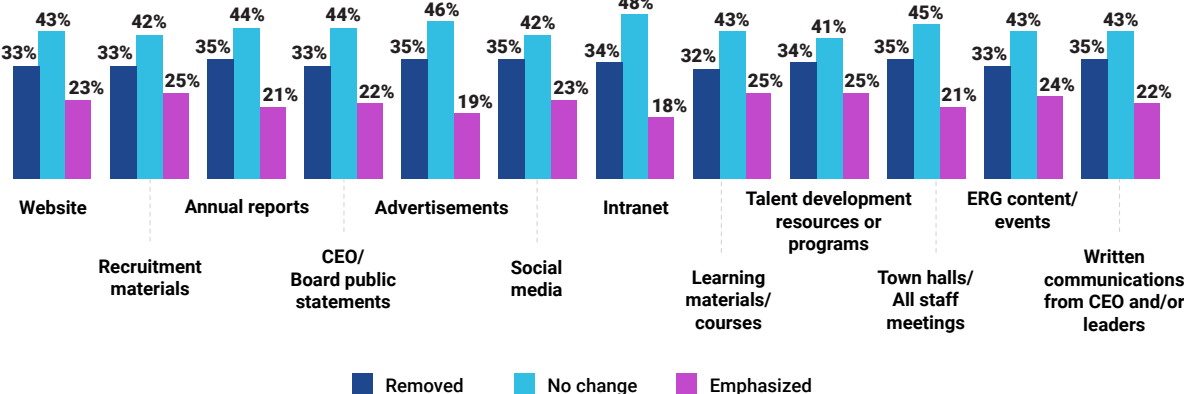
Relatedly, we found that most FCs have modified internal and external references to inclusion efforts, such as on their websites, social media posts, and in internal town halls. Again, we saw a clear distinction between FCs and NFCs:

- At FCs, 65% of respondents indicated that their organization removed references to its inclusion efforts internally and externally, and only 12% said references were emphasized.
- By contrast, at NFCs, 34% of respondents indicated that their organization removed references to its inclusion efforts internally and externally, while 22% reported that their organization emphasized its references to inclusion.

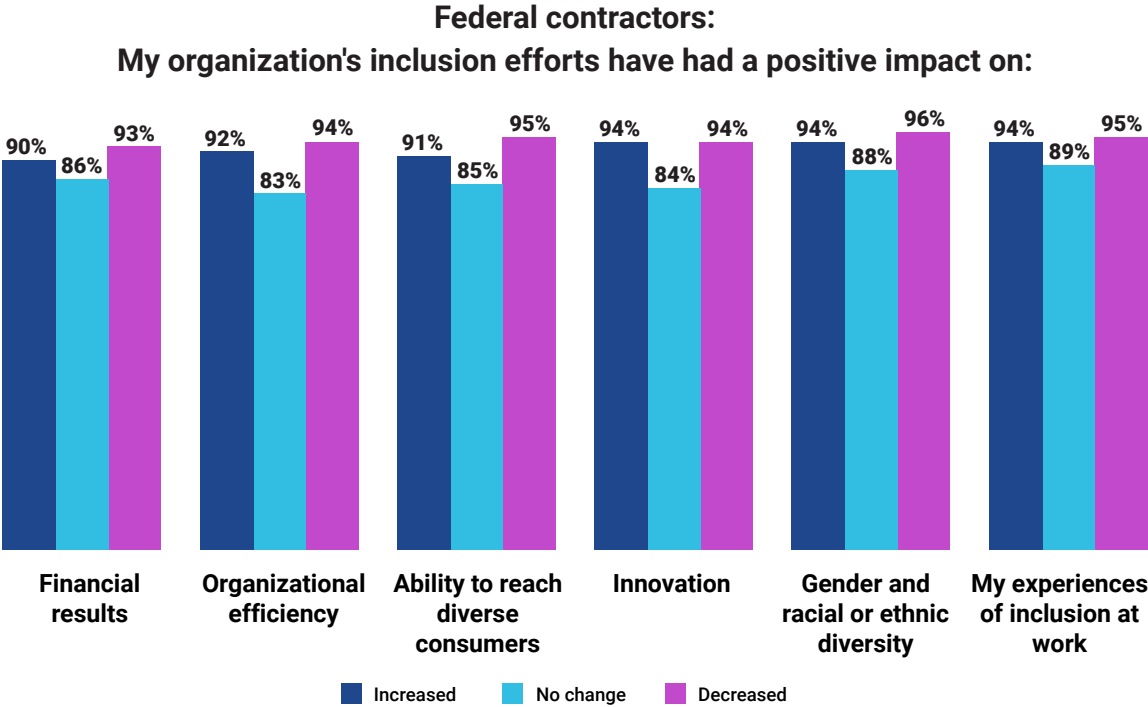
Two-thirds of federal contractors have removed references to inclusion efforts in internal and external messaging



Over half of non-federal contractors have changed their messaging around inclusion efforts



Because of the additional legal and regulatory constraints faced by FCs, respondents at FCs seemed more understanding when their employer felt the need to decrease inclusion efforts than respondents at NFCs. Indeed, while respondents at NFCs were significantly more likely to experience positive impacts from their organization’s current inclusion efforts if such efforts had been *increased* in recent years, respondents at FCs perceived overwhelmingly positive impacts regardless of whether inclusion efforts had increased, decreased, or remained static.¹⁴



This is a reassuring finding that FCs are *still* reaping benefits from their remaining inclusion efforts, even if such efforts have decreased in response to the legal and regulatory environment. Respondents at FCs seem to understand that their organizations are operating in a uniquely challenging risk landscape.

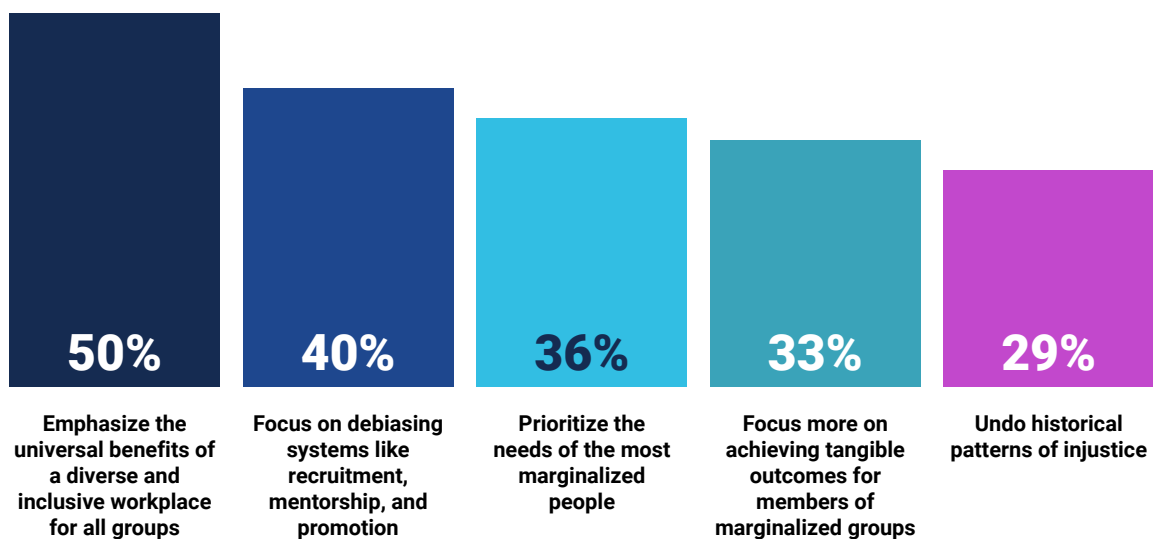
2 The cultural constraint

Aside from the legal constraint, our survey revealed a cultural constraint that organizations committed to inclusion also need to navigate.

We asked survey respondents what, in their view, inclusion efforts should look like going forward, and provided 12 possible options.¹⁵ In order of priority, the top five directions for future inclusion efforts were:

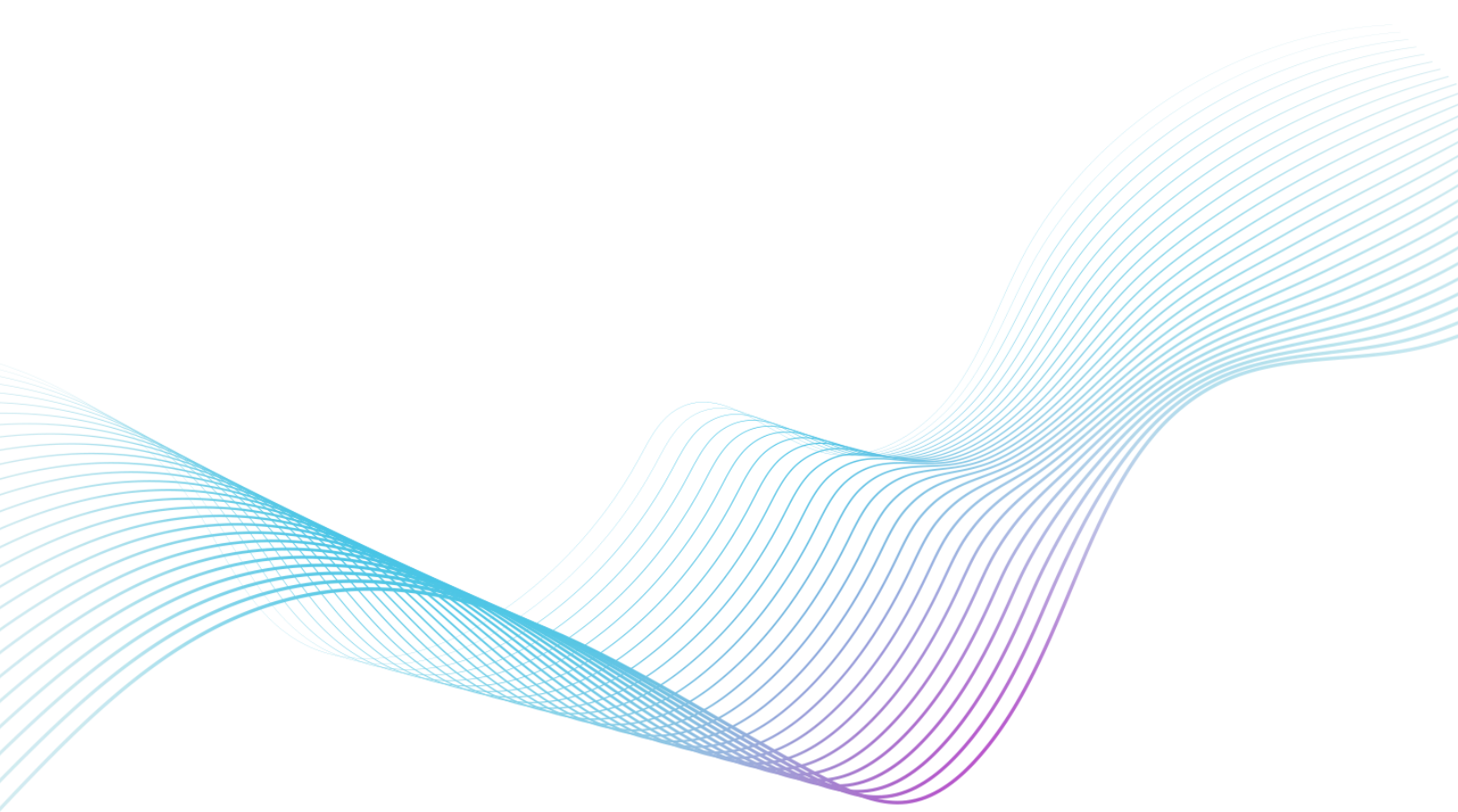
1. Emphasizing the universal benefits of a diverse and inclusive workplace for all groups.
2. Focusing on debiasing systems like recruitment, mentorship, and promotion.
3. Prioritizing the needs of the most marginalized people.
4. Focusing more on achieving tangible outcomes for members of marginalized groups.
5. Undoing historical patterns of injustice.

Respondents' preferences for future inclusion efforts



These responses reveal an apparent paradox. On the one hand, respondents want inclusion efforts to benefit everybody. On the other hand, respondents want inclusion efforts to focus on the most marginalized.

More anecdotally, this tension is visible in the reactions that many committed leaders encounter when they try to implement the work of inclusion. Some leaders get criticized for focusing too much on “divisive” group identities and not doing enough to emphasize commonalities. Others are criticized for neglecting marginalized groups. This paradox can lead to a feeling of stagnation, causing leaders to retreat from inclusion efforts entirely.



Solution playbook

How can leaders overcome the legal and cultural constraints and move the work forward?

We've seen how respondents remain overwhelmingly committed to inclusion and experience multiple positive business impacts from their organization's current inclusion efforts. Despite *wanting* to pursue inclusion efforts, however, organizations are struggling with *how* to do so in the current environment, given both legal and cultural constraints.

Our roadmap: Earned universalism

To break this impasse, we offer an approach to inclusion called "**earned universalism.**"¹⁶ This approach is legally safe, meaning organizations can adopt it regardless of whether they are FCs or NFCs. It also resolves the core cultural tension between promoting universalism and prioritizing marginalized groups.

To understand what "earned universalism" is, it helps to start with the critique that is often leveled against universalist approaches to inclusion. Many employees are rightly skeptical of calls to "unify" and "focus on what we have in common," because such calls often entail moving directly from a group register to a universal register without doing anything to acknowledge or address group inequalities. This approach is "unearned universalism."

Earned universalism, by contrast, agrees with the goal of unifying behind what we have in common and moving beyond group-based strategies. But it suggests an organization must *earn* the pivot to the universal by showing it cares about, and seeks to address, group disparities and biases on the path to achieving the universal goal. For example, in an organization with a significant gender pay gap and a dearth of women in senior leadership, an unearned universalist would say: "Let's not talk about gender so we can unify." An earned universalist would say: "Let's talk about gender so we can identify any barriers that women face in our institution. Then let's remove those barriers so we can all come together."

Below we detail three actions that organizations can take, consistent with the framework of earned universalism, to advance their inclusion strategies in the current environment.



ACTION 1

Remove bias from systems

Instead of conceiving of inclusion efforts as a set of scattershot programs, leaders should think of this work as a pervasive project of systemic debiasing. Across the employee life cycle, organizations operate a variety of systems, whether formally or informally, such as:

- Outreach
- Job advertisements
- Resume screening
- Interviewing
- Onboarding
- Compensation
- Work assignments
- Discipline
- Mentorship
- Performance standards
- Performance evaluations
- Promotion
- Job referrals
- Feedback
- Layoffs
- The conduct of meetings

Leaders can audit each of these systems for bias, then take them apart and reconstruct them to ensure they are creating a fair and level playing field for all.

Take recruitment as an example. An approach focused solely on benefiting the most marginalized candidates might confer a bump or preference on members of underrepresented groups, such as by using “tiebreaker” practices to favor underrepresented candidates when considering multiple candidates of roughly equal quality. That approach is legally risky.¹⁷

By contrast, an approach focused solely on universalism might treat everyone the same without regard to potential biases. Yet if the system isn’t fair at the outset, treating everyone the same could favor dominant groups by default. For instance, research suggests that an unstructured recruitment process that assesses candidates for “cultural fit” based on the interviewer’s “gut feel” assessment is a breeding ground for bias. Leaders favor candidates who remind them of themselves, often replicating demographic disparities within the organization.¹⁸

It is possible, however, to benefit the most marginalized candidates while also ensuring universality. In the context of recruitment, this could mean adopting clear job-related criteria for assessing candidates, asking each candidate the same questions, and using a scoring rubric. This approach mitigates implicit bias without conferring a preference on any candidate.

To remove bias from systems, we recommend three steps:

STEP 1

Audit the current system to identify areas in which it is biased in favor of some groups over others.

STEP 2

Redesign the system to create a level playing field.

STEP 3

Measure the operations and outcomes of the new system to ensure it is working as planned.



To take a different example, research suggests that a performance evaluation system can favor men over women when:

- Employees are asked to self-rate and managers have access to the employees' self-rating before making their own assessment. Since women tend to rate themselves lower than men, such a system can "anchor" managers on women's lower self-rating.¹⁹
- Rating scales involve a large numerical span, such as 1-10. Men are more likely than women to receive a rating of "10 out of 10," while a smaller numerical span (such as 1-6) nearly erases the gender gap.²⁰
- Evaluation criteria are open-ended, which can result in women receiving feedback that is vague or grounded in gender stereotypes.²¹

An organization could level the playing field by identifying whether its own performance evaluation system replicates any of these gender biases. It could then adjust the system, such as by removing self-ratings, narrowing the numerical scale, or tightening the evaluation rubric. Finally, it could track the outcomes of the new system to test whether it has resolved the gender bias, and to make sure it doesn't create other forms of bias, such as along racial, ethnic, or socioeconomic lines.²²

Organizations should do this work of systemic debiasing not just in hiring or performance evaluation, but in all the formal and informal systems that affect people from recruitment to retirement.

This action — removing bias from systems — resolves the paradox revealed in our survey responses. It is universalist because it uses identity-neutral methods to create equal opportunity for all and doesn't confer any bumps based on group status. At the same time, it can result in fairer outcomes for people from marginalized groups, because it identifies and addresses biases that cause disparities.



ACTION 2

Maintain group focus in universal programs

Our second recommended action is to open inclusion efforts to everybody while maintaining focus on the distinct experiences of people from marginalized groups.

In earlier iterations of inclusion work, some organizations adopted targeted programs such as scholarships, grants, internships, fellowships, mentorship programs, leadership initiatives, retreats, and employee resource groups (ERGs) reserved for members of specific demographic groups. Those that continue to do so in the current environment are exposing their organizations to legal risk for discrimination under federal statutes such as Title VII of the Civil Rights Act of 1964 and section 1981.²³

Yet simply discarding these programs, or turning them into generic initiatives open to all, has downsides. First, it fails to acknowledge or address the disparities that caused the targeted program to exist at the outset. An organization that adopted, say, an internship program for people of color likely did so because of a glaring racial disparity in hiring rates. A universal program without any emphasis on racial equity would allow that disparity to persist. Second, a blanket universalist approach could add a greater administrative burden. Opening programs to all-comers could result in a larger number of applications or a larger group of participants. When budgets and other resources are limited, it may not be feasible to allow any interested candidate to join.

Fortunately, leaders can thread the needle on both the theme of the program and the eligibility criteria used to establish access.

Theme of the program

While the legal landscape makes it risky for organizations to limit program eligibility based on protected characteristics like race or gender, nothing prevents organizations from thematizing programs around diversity and identity issues.

Take the example of a “diversity” retreat. Allowing anyone to join the retreat does not require the organization to discard the diversity-related theme and turn the event into a generic leadership program. It could still, for instance, host sessions on topics such as:

- Common forms of bias experienced by members of marginalized groups.
- How to engage in effective allyship.
- How to become an inclusive leader.
- How to reform organizational systems to address racial, gender, and other disparities and achieve fairness and equal opportunity.
- How to ensure the organization continues to recruit, retain, and advance diverse talent.

The same goes for other initiatives like ERGs. Given the current landscape, we recommend that organizations do not restrict ERG membership based on race, gender, or other demographic criteria. However, organizations can and should continue to offer ERGs structured around constituencies such as caregivers, veterans, and Black, Asian, Hispanic, LGBTQ+, women, disabled, and “first gen” employees. ERGs and the organization at large can continue to celebrate heritage months, host speakers and discussion groups on topics relevant to specific cohorts, establish mentorship or sponsorship programs, sponsor external organizations focused on specific communities, and participate in external conferences or initiatives around advancing women’s leadership, racial equity, or LGBTQ+ inclusion (among others). So long as such programs are open to all, the theme can remain targeted.

Eligibility criteria

Aside from the program’s theme, organizations can also set eligibility criteria to preserve a program’s focus on marginalized groups:



Shift from cohorts to content: This shift means that instead of requiring participants in the program to belong to a particular demographic cohort, organizations should allow anyone to participate who is committed to the content of the program.



Shift from cohorts to character: This shift means that instead of requiring participants to belong to a particular demographic cohort, organizations should allow anyone to participate whose life experience reflects strengths valued by the program.²⁴

Take, for instance, an internship or fellowship program previously reserved for members of underrepresented racial or ethnic groups. Rather than opening the program to anyone who expresses interest, an organization could require applicants to respond to a prompt (whether in writing or verbally), such as:

- Please describe how your previous studies, work experience, or extracurricular activities have demonstrated a commitment to advancing diversity and inclusion.
- Please discuss how race, gender, socioeconomic status, or other aspects of your social identity have shaped your life and character. In doing so, describe how the characteristics and skills you have developed relate to the qualifications required to succeed in this program.
- If you are accepted into this program, how will you use the skills that you develop to advance fairness and equal opportunity in our industry?

Decision-makers within the organization could then assess the quality of the answers to these prompts when deciding which applicants to admit to the program. Many organizations have already embraced similar shifts:

- A major law firm changed the eligibility criteria for a fellowship program so that instead of requiring candidates to belong to “a diverse population that has historically been underrepresented in the legal profession,” it required them to have “a demonstrated commitment to diversity and inclusion in the legal profession.”²⁵
- A fast food company changed the eligibility criteria for a scholarship program previously reserved for Hispanic or Latino high schoolers by opening it to “any student who can demonstrate an impact on or commitment to the Latino community.”²⁶
- A university opened a medical scholarship previously limited to “groups recognized as historically underrepresented in medicine” to “all applicants” with a focus “on those who have had personal experience overcoming hardship or have an interest in working with or advocating for patients who have traditionally experienced barriers to accessing health care.”²⁷

None of these examples require applicants to belong to any demographic group. However, they do tend to select applicants who will advance the organization’s values of inclusion.

Importantly, any organization that adopts the “cohorts to content” or “cohorts to character” strategy must do so in a genuinely even-handed manner without regard to race, gender, or other protected characteristics. Otherwise it will risk investigations or lawsuits for using seemingly identity-neutral prompts as a pretext for discrimination.





ACTION 3

Promote gender partnership

A third recommended action is to embrace and promote gender partnership, a concept we define as:

People of all genders 1) assuming mutual accountability for advancing gender equity and inclusion and 2) working together to invest in and advance culture change for the benefit of everyone.

Gender partnership exemplifies the principle of earned universalism because its goal is to create equity for all genders, by acknowledging and dismantling the specific stereotypes and barriers that people of each gender face.

- It doesn't assert that gender doesn't matter — it recognizes that society assigns distinct expectations of behavior, role, and presentation on all genders, which deeply shape everyone's lives.
- It doesn't claim that treating everyone the same will result in equity — it is invested in finding tailored solutions for specific systemic or individual circumstances.
- It doesn't hold one gender responsible for the limitations imposed on another gender — it holds people of all genders responsible for removing those limitations.

Gender partnership advances inclusion efforts beyond traditional conceptions of “allyship” where allies with social, economic, or reputational capital “help” people from marginalized groups but don't necessarily gain anything themselves. As gender partnership's name implies, people work together *as partners* with everyone contributing and everyone benefiting.



What does this look like in practice? Catalyst has created a roadmap to gender partnership that starts with five Bs.



1. Begin with you

Gender partners have the opportunity and the responsibility to create workplaces where everyone thrives, no matter their gender. The first step is gaining clarity on how gendered expectations have impacted one's own life. Gender partners should reflect on what they learned about gender when they were growing up. What were they taught about what girls or boys should or shouldn't do, feel, wear, or want for their careers? Where did those messages come from? How did they feel about those messages at the time? How do they feel about them now?

Then, gender partners should reflect on how expectations around gender play out in their workplace. They should interrogate their own assumptions and judgments about colleagues' behavior, career goals, and leadership potential, and notice whether other people are making different assumptions or judgments, based on gender.

Finally, gender partners can initiate conversations at work about their observations to raise attention to the issues, brainstorm solutions, and model gender partnership.



2. Break down what's not working

Many workplaces were not built to be fair and inclusive, or to be environments where a wide range of people could be successful.²⁸ No matter a person's gender, there are probably stereotypes, assumptions, and expectations baked into the workplace culture and systems that don't serve them well. Gender partners take a critical lens to written and unwritten rules about when, where, and how work gets done, what good leadership looks like, and what it means to "fit in" at the workplace. They also explore whether there are legacy models, frameworks, and systems that don't line up with what's possible with today's technology, diverse workforce, and business goals.

Gender partners recognize that just because systems seem to be working for one group, they may not be working for others. They get curious about the barriers that other groups face and their ideas for dismantling outdated stereotypes, norms, or systems. They are guided by the understanding that when organizations discard what's not working, opportunities to optimize the business and people's careers multiply.



3. Build up what's in it for men

Often when people discuss “gender initiatives” at work, they are focused on women’s advancement. But gender partnership is about much more than women’s advancement — it is about advancing everyone, including men. Boys and men have much to gain from discussion about gender stereotypes and the rigid expectations placed on their behavior and emotions.

Gender partners should call out the many benefits that men reap when they are freed from the pressure to live up to a narrow definition of manhood all the time, such as:

- The flexibility and freedom to be themselves rather than conforming to traditional gender norms and expectations.²⁹
- Better physical and psychological health.³⁰
- The freedom to fully participate in parenting.³¹
- Less pressure to be the financial provider or breadwinner.³²
- More rewarding and intimate relationships with partners and children.³³
- More productive relationships at work.³⁴
- Better communication, decisions, and outcomes at work.³⁵



4. Bridge the gender gaps

When gender partners talk about gender gaps, they aren’t just referring to instances where women are behind men, for example, in representation, development opportunities, or board seats. Gender partners are also concerned with areas where men are behind women, for example, in taking parental leave or using flexible working arrangements.³⁶

Gender partners work with people of their own gender and different genders to find ways to close these gaps. Some gaps may start to close when individuals change their own behavior, such as when a manager announces he is leaving early every Wednesday to coach his child’s sports team, making it acceptable for others to act similarly. Other gaps may need more systemic attention, such as by auditing performance reviews for gender biases.



5. Bring humanity to work

A core tenet of gender partnership is that we are all human, and all of us can display a range of human behaviors and emotions. Assumptions that women are better at one type of behavior, or men are better at a different behavior, don't serve anyone, even when they are ostensibly positive.

Gender partners see the humanity in each colleague. This requires empathy, which helps them connect with and understand their colleagues' experiences, perspectives, and strengths. It doesn't mean gender partners always agree with a colleague's point of view or know exactly what their colleague experienced, but it does mean that they see beyond stereotypes and assumptions to the unique human that their colleague is. Empathy is a learnable skill and is essential to building respectful workplace relationships and an inclusive culture.

When everyone has the freedom to be their authentic self at work, they are best positioned to lead, produce, and create their best work. In turn, this result creates a workplace where everyone, no matter their gender, is able to thrive.

Communication is key

We have offered three specific actions that leaders can take to maintain and enhance their inclusion efforts in a challenging environment. To achieve the most positive results from their inclusion efforts, organizations should pair their actions with clear and effective communication.

Our data show that, by and large, organizations seem to understand this imperative: 88% of respondents said their organization shared how and why it modified its inclusion efforts.

We found that communication itself had a positive impact on all business outcomes (i.e., efficiency, financial results, ability to reach diverse consumers, innovation, diversity, and individual experiences of inclusion at work) regardless of how inclusion efforts changed. Indeed, and somewhat counter-intuitively, we found that clear communication led to more positive outcomes even if the organization *decreased* its inclusion efforts overall.³⁷ This finding suggests that employees are often willing to accept disappointing decisions when leaders take the time to explain why the decisions are necessary for the business.

As we explained in our earlier report, *Risks of Retreat*, effective communication includes differentiating between compliance-based decisions and strategy-based ones. Vague references to pivoting because of "the legal landscape" or "the current environment" are unlikely to build trust with employees who have come to expect robust inclusion efforts. Rather, specific references to why certain court decisions, agency guidelines, or business imperatives require a change in strategy are likely to be more favorably received.

CONCLUSION

Overcoming constraints on commitment

Our three recommended actions—removing bias from systems, maintaining group focus in universal programs, and promoting gender partnership—empower leaders who are dedicated to inclusion but face constraints in the current environment to adopt an approach that is legal, popular, and effective at advancing inclusion goals:

- **Legal:** Inclusion efforts that exclude members of dominant or majority groups, or that confer bumps or preferences on non-dominant or minority groups, are often legally risky. All of our recommended actions fully comply with federal anti-discrimination law, mainly because they don't treat any groups differently from others.
- **Popular:** Survey data suggest that inclusion efforts tend to be more widely supported when they are perceived as promoting individual potential, advancing equal opportunity, and fostering unity, rather than perceived as promoting quotas or “identities over qualifications.”³⁸ Our recommendations fit neatly into the more popular frame, allowing organizations to build wide buy-in for their inclusion efforts.
- **Effective:** Organizations that adopt our recommendations will bake equal opportunity into systems throughout the employee life cycle, use targeted efforts (open to all) to address ongoing disparities, and promote an inclusive and cooperative culture for employees of any gender.

In addition to these benefits, our three recommended actions speak directly to core findings in our survey.

First, they close the gap between FCs and NFCs. Even FCs, who have felt tremendous pressure to pull back from inclusion efforts, can adopt our recommendations without putting their organizations at unnecessary risk.

Second, the three actions are easy to communicate clearly and confidently to organizational stakeholders, including investors, employees, and customers. While some approaches to inclusion can get leaders bogged down in jargon or force them to navigate heated political terrain, our approach can be explained and defended simply as promoting fairness, equal opportunity, and a level playing field for all.

Finally, our actions reflect the preferences of survey respondents about the future direction of this work. Our actions create a fair workplace for everyone while also addressing disparities experienced by marginalized groups.

Despite the immense challenges of the current environment, organizational leaders still have ample opportunity to build the inclusive and thriving workplaces that their employees expect and deserve.

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Methodology

From January 13 to February 5, 2026, we fielded a survey to employees in medium and large organizations in the United States. Respondents answered a series of questions about their organizations’ inclusion efforts over the last three years, how these efforts have impacted key business outcomes, and their desired future direction for inclusion efforts. To ensure accurate responses, only respondents who indicated that their company had “diversity, equity, and inclusion” programs qualified to complete the survey. All analyses were performed using IBM SPSS version 30.

Demographics

Sample size	Age	Gender	Race and ethnicity	Top industries	Federal contractor status	Job level
2,267	38 Average age	53% Men	76% White	11% Education	50% Non-federal contractor	16% Entry-level or individual contributor
	19-75 Age range	47% Women	12% Black and/or Afro-diasporic	8% Technology	44% Federal contractor	37% Mid-level
		< 1% Another gender	6% Multiracial	8% Healthcare or medical	6% ³⁹ Unsure	35% Senior-level
			3% Asian	6% Business or professional services		12% Executive-level
			2% Latine	6% Aerospace, aviation, or automotive		
			< 1% Indigenous	5% Manufacturing		
				5% Retail		
				5% Finance, banking, or insurance		

Endnotes

- 1 Parisi, K. (2025, December 16). [2025 in review: Anti-DEI lawsuits targeted employers over diversity practices.](#) *HR Brew*; Elsesser, K. (2026, February 25). [Coca-Cola bottler sued over women-only networking event.](#) *Forbes*.
- 2 For examples, see Exec. Order No. 14151. [Ending radical and wasteful government DEI programs and preferencing.](#) (2025); Exec. Order No. 14173. [Ending illegal discrimination and restoring merit-based opportunity.](#) (2025).
- 3 Allen, S. A., Murrell, A. J., & Pil, F. K. (2025). [DEI backlash — Implications for organizational DEI alignment and employee belongingness.](#) *Equality, Diversity and Inclusion: An International Journal*, 1-29.
- 4 Aratani, L. (2026, February 19). [‘DEI is dead, equality isn’t’: Experts chart path forward amid Trump’s culture war.](#) *The Guardian*.
- 5 Federal contractors are “individuals who enter into a contractual agreement with a department or agency of the federal government for the purchase, sale, or use of goods or services. Given that this is a government contract, both the government department or agency and the individual contracting with them are subject to specific labor laws and obligation.” See [Federal Contractors.](#) Workplace Fairness.
- 6 Yoshino, K. & Glasgow, D. (2026). [How equality wins: A new vision for an inclusive America.](#) Simon Acumen.
- 7 [Why diversity and inclusion matter.](#) (2020). Catalyst.
- 8 Participants were asked to indicate how their organization has changed its approach to DEI in the last three years (decreased, no change, increased). Participants were also asked the extent to which they agreed with the following statements: “My organization’s current approach to DEI has driven better financial results,” “My organization’s current approach to DEI has resulted in more organizational efficiency,” “My organization’s current approach to DEI has improved its ability to reach diverse consumers,” “My organization’s current approach to DEI has had a positive impact on innovation,” “My organization’s current approach to DEI has had a positive impact on gender and racial or ethnic diversity,” and “My organization’s current approach to DEI has had a positive impact on my experiences of inclusion at work.” Responses to these items ranged from 1 (strongly disagree) to 6 (strongly agree). A one-way between-subjects ANOVA was run to examine the impact of DEI approach on participants’ perception of financial results at NFCs. Perceptions of financial results varied by DEI approach, $F(2, 1091) = 38.26, p < .001$. Pairwise comparisons indicated that employees in NFC organizations that increased DEI efforts ($M = 4.60$) reported significantly higher agreement than those in NFC organizations that decreased ($M = 3.87, SE = .10, p < .001$) and did not change DEI efforts ($M = 3.91, SE = .09, p < .001$). Employees in NFC organizations that decreased DEI efforts did not vary significantly from those who were in NFC organizations that did not change DEI efforts ($SE = .12, p > .05$). A one-way between-subjects ANOVA was run to examine the impact of DEI approach on participants’ perception of organizational efficiency at NFCs. Perceptions of organizational efficiency varied by DEI approach, $F(2, 1091) = 32.61, p < .001$. Pairwise comparisons indicated that employees in NFC organizations that increased DEI efforts ($M = 4.60$) reported significantly higher agreement than those in NFC organizations that decreased ($M = 3.89, SE = .10, p < .001$) and did not change DEI efforts ($M = 4.03, SE = .09, p < .001$). Those in NFC organizations that decreased DEI efforts did not vary significantly from those who were in NFC organizations that did not change their efforts ($SE = .11, p > .05$). A one-way between-subjects ANOVA was run to examine the impact of DEI approach on participants’ perception of their NFC organization’s ability to reach diverse consumers. Perceptions of reach varied by DEI approach, $F(2, 1091) = 51.22, p < .001$. Pairwise comparisons indicated that employees in NFC organizations that increased DEI efforts ($M = 4.72$) reported significantly higher agreement than those in NFC organizations that decreased ($M = 3.79, SE = .10, p < .001$) and did not change DEI efforts ($M = 4.10, SE = .09, p < .001$). Employees in NFC organizations that decreased DEI efforts reported significantly lower agreement than those in NFC organizations that did not change DEI efforts ($SE = .11, p < .01$). A one-way between-subjects ANOVA was run to examine the impact of DEI approach on participants’ perception of innovation at NFCs. Perceptions of innovation varied by DEI approach, $F(2, 1091) = 54.54, p < .001$. Pairwise comparisons indicated that employees in NFC organizations that increased DEI efforts ($M = 4.71$) reported significantly higher agreement than those in NFC organizations that decreased

($M = 3.90$, $SE = .10$, $p < .001$) and did not change DEI efforts ($M = 3.94$, $SE = .09$, $p < .001$). Those in NFC organizations that decreased DEI efforts did not vary significantly from those in NFC organizations that did not change DEI efforts ($SE = .11$, $p > .05$). A one-way between-subjects ANOVA was run to examine the impact of DEI approach on participants' perception of the positive impact on gender and racial or ethnic diversity at NFCs. Perceptions varied by DEI approach, $F(2, 1091) = 52.12$, $p < .001$. Pairwise comparisons indicated that employees in NFC organizations that increased DEI efforts ($M = 4.78$) reported significantly higher agreement than those in NFC organizations that decreased ($M = 3.79$, $SE = .10$, $p < .001$) and did not change DEI efforts ($M = 4.23$, $SE = .09$, $p < .001$). Those in NFC organizations that decreased DEI efforts reported significantly lower agreement than those in NFC organizations that did not change DEI efforts ($SE = .11$, $p < .001$). A one-way between-subjects ANOVA was run to examine the impact of DEI approach on participants' experiences of inclusion at work at NFCs. Experiences of inclusion varied by DEI approach, $F(2, 1091) = 48.96$, $p < .001$. Pairwise comparisons indicated that employees in NFC organizations that increased DEI efforts ($M = 4.78$) reported significantly higher agreement than those in NFC organizations that decreased ($M = 3.89$, $SE = .10$, $p < .001$) and did not change DEI efforts ($M = 4.14$, $SE = .09$, $p < .001$). Those in NFC organizations that decreased DEI efforts reported significantly lower agreement than those in NFC organizations that did not change DEI efforts ($SE = .11$, $p < .05$).

- 9 [Cases](#). Advancing DEI Initiative, Meltzer Center for Diversity, Inclusion, and Belonging.
- 10 The administration did not clarify what it meant by “unlawful” forms of DEI. Regardless, what is and is not lawful is determined by existing anti-discrimination and civil rights laws, including Title VII of the Civil Rights Act of 1964. The Meltzer Center’s [3Ps framework](#) helps organizations assess whether a specific program or practice carries legal risk based on these laws. Organizations should also consult legal counsel for guidance specific to their situation.
- 11 Exec. Order No. 14398. [Addressing DEI discrimination by federal contractors](#). (2026).
- 12 A chi-square analysis between DEI approach (increased, no change, decrease) and US federal contractor status (yes, no) revealed a significant association, $X^2(2) = 217.49$, $p < .001$. Examination of adjusted standardized residuals showed that federal contractors differed from non-federal contractors within each level of DEI approach (all residuals > 5).
- 13 Participants were asked to indicate whether their organization had taken steps to publicly move away from DEI (yes, no). A chi-square analysis between a public move away from DEI and US federal contractor status revealed a significant association, $X^2(1) = 169.69$, $p < .001$.
- 14 A one-way between-subjects ANOVA was run to examine the impact of DEI approach on participants' perception of financial results at FCs. Perceptions of financial results varied by DEI approach, $F(2, 993) = 6.12$, $p < .01$. Pairwise comparisons indicated that employees in FC organizations that increased DEI efforts ($M = 4.87$) did not significantly differ in agreement than those in FC organizations that decreased efforts ($M = 4.94$, $SE = .07$, $p > .05$). Those in FC organizations who indicated that their organization did not change its DEI efforts ($M = 4.62$) reported significantly lower agreement than those in FC organizations that increased ($SE = .10$, $p < .05$) and decreased efforts ($SE = .09$, $p < .001$). A one-way between-subjects ANOVA was run to examine the impact of DEI approach on participants' perception of organizational efficiency at FCs. Perceptions of organizational efficiency varied by DEI approach, $F(2, 993) = 10.26$, $p < .001$. Pairwise comparisons indicated that employees in FC organizations that increased DEI efforts ($M = 4.93$) did not significantly differ in agreement than those in FC organizations that decreased efforts ($M = 4.92$, $SE = .07$, $p > .05$). Those in FC organizations that did not change DEI efforts ($M = 4.54$) reported significantly lower agreement than those in FC organizations that increased ($SE = .10$, $p < .001$) and decreased their efforts ($SE = .09$, $p < .001$). A one-way between-subjects ANOVA was run to examine the impact of DEI approach on participants' perception of their FC organization's ability to reach diverse consumers. Perceptions of reach varied by DEI approach, $F(2, 993) = 6.58$, $p < .01$. Pairwise comparisons indicated that employees in FC organizations that increased DEI efforts ($M = 4.95$) did not significantly differ in agreement than those in FC organizations that decreased efforts ($M = 4.92$, $SE = .07$, $p > .05$). Those in FC organizations that did not change DEI efforts ($M = 4.63$) reported significantly lower agreement than those in FC organizations that increased ($SE = .09$, $p < .001$) and decreased efforts ($SE = .09$, $p < .001$). A one-way between-subjects ANOVA was run to examine the impact of DEI approach on participants' perception of innovation at FCs.

Perceptions of innovation varied by DEI approach, $F(2, 993) = 9.00, p < .001$. Pairwise comparisons indicated that employees in FC organizations that increased DEI efforts ($M = 4.97$) did not significantly differ in agreement than those in FC organizations that decreased efforts ($M = 4.95, SE = .07, p > .05$). Those in FC organizations that did not change DEI efforts ($M = 4.60$) reported significantly lower agreement than those in FC organizations that increased ($SE = .10, p < .001$) and decreased efforts ($SE = .09, p < .001$). A one-way between-subjects ANOVA was run to examine the impact of DEI approach on participants' perception of the positive impact on gender and racial or ethnic diversity at FCs. Perceptions varied by DEI approach, $F(2, 993) = 4.80, p < .01$. Pairwise comparisons indicated that employees in FC organizations that increased DEI efforts ($M = 5.02$) did not significantly differ in agreement than those in FC organizations that decreased efforts ($M = 4.96, SE = .07, p > .05$). Those in FC organizations that did not change DEI efforts ($M = 4.74$) reported significantly lower agreement than those in FC organizations that increased ($SE = .09, p < .01$) and decreased efforts ($SE = .08, p < .05$). A one-way between-subjects ANOVA was run to examine the impact of DEI approach on participants' experiences of inclusion at work at FCs. Experiences of inclusion varied by DEI approach, $F(2, 993) = 5.86, p < .01$. Pairwise comparisons indicated that employees in FC organizations that increased DEI efforts ($M = 5.06$) did not significantly differ in agreement than those in FC organizations that decreased efforts ($M = 4.98, SE = .07, p > .05$). Those in FC organizations that did not change DEI efforts ($M = 4.75$) reported significantly lower agreement than those in FC organizations that increased ($SE = .09, p < .001$) and decreased efforts ($SE = .09, p < .01$).

- 15 Participants were presented with 12 different options regarding future directions for what DEI should look like in the future and could select any, all, or none of the items. The 12 options were: Should seek to engage more members of dominant groups like white people or men; Should prioritize the needs of the most marginalized people; Should undo historical patterns of injustice; Should focus on debiasing systems like recruitment, mentorship, and promotion; Should emphasize the universal benefits of a diverse and inclusive workplace for all groups, including those who belong to dominant or majority groups; Should focus more on the business benefits associated with DEI; Should focus more on how engaging in DEI is the right or fair thing to do; Should focus more on achieving tangible outcomes for members of marginalized groups like people of color, women, and LGBTQ+ individuals rather than performative gestures; Should focus less on targeted programs for members of particular demographics and more on universal programs that allow anyone to participate; Should focus on programs that aren't described as DEI on the surface, but nonetheless advance DEI goals, like teaching people how to give effective feedback, how to conduct fair performance evaluations, or creating more transparency about promotion tracks; Should lean more into topics that everyone can benefit from, like allyship, inclusive leadership, authenticity, or psychological safety; Should emphasize how programs that advance fairness and equal opportunity in the workplace also advance merit.
- 16 This term is different from, but often consistent with, the framework of "targeted universalism" offered by the Othering & Belonging Institute at UC Berkeley, which calls for universal goals pursued by targeted processes to achieve those goals. See, e.g., [Targeted Universalism](#). Othering & Belonging Institute, UC Berkeley. Earned universalism is merely a conceptual framework for distinguishing between positive and negative forms of universalism, rather than dictating a particular set of implementation strategies.
- 17 Yoshino, K. & Glasgow, D. (2025, February 10). [Steer clear of 'illegal DEI' with leveling — not lifting — programs](#). *Bloomberg Law*.
- 18 Bohnet, I. (2016). [What works: Gender equality by design](#). The Belknap Press of Harvard University Press; Rivera, L. A. (2015). [Pedigree: How elite students get elite jobs](#). Princeton University Press.
- 19 Bohnet, I. & Chilazi, S. (2025). [Make work fair: Data-driven design for real results](#). Harper Business.
- 20 Rivera, L. A. & Tilcsik, A. (2019). [Scaling down inequality: Rating scales, gender bias, and the architecture of evaluation](#). *American Sociological Review*, 84(2), 248-274.
- 21 Nishiura Mackenzie, L., Wehner, J., & Correll, S. J. (2019, January 11). [Why most performance evaluations are biased and how to fix them](#). *Harvard Business Review*.
- 22 For more on the benefits of leveraging HR measurement practices to detect gender, racial, or other gaps, see Shaffer, E., Robotham, K., & Van Bommel, T. (2025). [The powerful business impact of HR measurement practices](#). Catalyst.
- 23 Yoshino, K. & Glasgow, D. (2024, June 11). [New paradigm shifts DEI from box-checking to mindset-building](#). *Bloomberg Law*.

- 24 For more on these shifts, see: Yoshino, K. & Glasgow, D. (2024, January 5). [DEI is under attack. Here's how companies can mitigate the legal risks](#). *Harvard Business Review*.
- 25 Yoshino & Glasgow (2024).
- 26 Durbin, D. (2025, January 31). [McDonald's settles lawsuit over Latino scholarship program by opening door to non-Latino applicants](#). *Associated Press*.
- 27 Brundin, J. (2025, February 17). [Scholarship won't just be for 'historically underrepresented' as CU med school settles lawsuit](#). *CPR News*.
- 28 Acker, J. (1990). [Hierarchies, jobs, bodies: A theory of gendered organizations](#). *Gender & Society*, 4(2), 139-158; Ray, V. (2019). [A theory of racialized organizations](#). *American Sociological Review*, 84(1), 26-53.
- 29 [Flexible masculinities at work: Infographic](#). (2023). Catalyst.
- 30 DiMuccio, S., Sattari, N., Shaffer, E., & Cline, J. (2025). [Gender norm stress and interrupting sexism at work](#). Catalyst; Andoh, E. (2025, September 23). [Rethinking masculinity to build healthier outcomes](#). American Psychological Association.
- 31 Petts, R. J., Shafer, K. M., & Essig, L. (2018). [Does adherence to masculine norms shape fathering behavior?](#) *Journal of Marriage and Family*, 80(3), 704-720; [What we know about masculinity, fatherhood, and caregiving](#). (2019, July 17). Equipundo; Lauro, G. (2025, June 17). [When the pressure to "be a man" is killing you, and what we can do about it](#). Equipundo.
- 32 [What we know about masculinity, fatherhood, and caregiving](#). (2019, July 17). Equipundo; Lauro (2025).
- 33 Bareket, O., & Fiske, S. T. (2025). [Lost opportunities: How gendered arrangements harm men](#). *Proceedings of the National Academy of Sciences*, 122(5), e2320788122; Lauro (2025); [What we know about masculinity, fatherhood, and caregiving](#). (2019, July 17). Equipundo.
- 34 Berdahl, J. L., Glick, P., & Cooper, M. (2018, November 7). [How masculinity contests undermine organizations, and what to do about it](#). Society for Human Resource Management.
- 35 Berdahl, Glick, & Cooper (2018).
- 36 Mohan, P. (2025, February 28). [Report: Men aren't taking parental leave, even when states offer it](#). *Fast Company*; Melillo, G. (2022, November 22). [Compared with men, more US women prefer working from home to the office: poll](#). *The Hill*.
- 37 Participants were asked to state their agreement on a 1 (strongly disagree) to 6 (strongly agree) scale with the following statement: "In the last 3 years, my organization has clearly communicated what changes they have made to its DEI efforts and why." This variable was then dichotomized to indicate low levels of communication (responses 1-3) and high levels of communication (responses 4-6). Participants who indicated that their organization did not change their DEI approach in the last three years were not shown this question and are thus excluded from analyses. A two-way between-subjects ANOVA was run to investigate the impact of DEI approach (increase, decrease) and organizational communication (high, low) on perceptions of organizational efficiency. A significant main effect of DEI approach was found, $F(1, 1678) = 10.33, p < .01$, such that those whose organizations increased DEI efforts ($M = 4.27$) perceived significantly higher organizational efficiency than those in organizations that decreased their DEI approach ($M = 4.00$). A main effect of communication was also found, $F(1, 1678) = 278.15, p < .001$, such that those who reported high communication ($M = 4.82$) perceived significantly higher organizational efficiency than those who reported low communication ($M = 3.45$). These main effects were qualified by a significant interaction, $F(1, 1678) = 9.50, p < .01$. Pairwise comparisons revealed that of participants who reported high communication, there was no significant difference in perceived organizational efficiency between those who indicated their organization increased DEI efforts ($M = 4.82$) and those whose organization decreased DEI efforts ($M = 4.81, SE = .06, p > .05$). Of respondents who indicated low communication, there was a significant difference by DEI approach, such that those who indicated their organization increased DEI efforts ($M = 3.71$) perceived significantly higher organizational efficiency than those whose organization decreased DEI efforts ($M = 3.19, SE = .15, p < .001$). Furthermore, among those whose organization decreased DEI efforts, communication had a significant impact. Participants who indicated high communication perceived significantly higher organizational efficiency than those who indicated low communication ($SE = .12, p < .001$). Similarly, among

those whose organization increased DEI efforts, those who indicated high communication perceived significantly higher organizational efficiency than those who reported low communication ($SE = .11, p < .001$). A two-way between-subjects ANOVA was run to investigate the impact of DEI approach (increase, decrease) and organizational communication (high, low) on perceptions of financial results. A significant main effect of DEI approach was found, $F(1, 1678) = 22.56, p < .01$, such that those whose organizations increased DEI efforts ($M = 4.31$) perceived significantly higher financial results than those in organizations that decreased DEI efforts ($M = 3.91$). A main effect of communication was also found, $F(1, 1678) = 297.17, p < .001$, such that those who reported high communication ($M = 4.83$) perceived significantly higher financial results than those that reported low communication ($M = 3.40$). These main effects were qualified by a significant interaction, $F(1, 1678) = 30.38, p < .001$. Pairwise comparisons revealed that of participants who reported high communication, there was no significant difference in perceived financial results between those whose organization increased DEI efforts ($M = 4.80$) and those whose organization decreased DEI efforts ($M = 4.86, SE = .06, p > .05$). Of respondents who indicated low communication, there was a significant difference by DEI effort, such that those whose organization increased DEI efforts ($M = 3.82$) perceived significantly higher financial results than those whose organization decreased DEI efforts ($M = 2.97, SE = .16, p < .001$). Furthermore, among those whose organization decreased DEI efforts, communication had a significant impact, such that those who indicated high communication perceived significantly higher financial results than those who indicated low communication ($SE = .12, p < .001$). Similarly, among those whose organization increased DEI efforts, participants who indicated high communication perceived significantly higher financial results than those who reported low communication ($SE = .12, p < .001$). A two-way between-subjects ANOVA was run to investigate the impact of DEI approach (increase, decrease) and organizational communication (high, low) on the perceived ability to reach diverse consumers. A significant main effect of DEI approach was found, $F(1, 1678) = 20.49, p < .001$, such that those whose organizations increased DEI efforts ($M = 4.34$) perceived significantly higher reach than those in organizations that decreased DEI efforts ($M = 3.98$). A main effect of communication was also found, $F(1, 1678) = 292.95, p < .001$, such that those who reported high communication ($M = 4.85$) perceived significantly higher reach than those that reported low communication ($M = 3.47$). These main effects were qualified by a significant interaction, $F(1, 1678) = 8.46, p < .01$. Pairwise comparisons revealed that of participants who reported high communication, perceived reach was higher for those whose organization increased DEI efforts ($M = 4.92$) compared to those whose organization decreased DEI efforts ($M = 4.78, SE = .06, p < .05$). Of respondents who indicated low communication, there was a significant difference by DEI effort, such that those whose organization increased DEI efforts ($M = 3.77$) perceived significantly higher reach than those whose organization decreased DEI efforts ($M = 3.17, SE = .15, p < .001$). Furthermore, of participants whose organization decreased DEI efforts, communication had a significant impact, such that those who indicated high communication perceived significantly higher reach than those who indicated low communication ($SE = .12, p < .001$). Similarly, of respondents whose organization increased DEI efforts, those who indicated high communication perceived significantly higher reach than those who reported low communication ($SE = .11, p < .001$). A two-way between-subjects ANOVA was run to investigate the impact of DEI approach (increase, decrease) and organizational communication (high, low) on perceptions of innovation. A significant main effect of DEI approach was found, $F(1, 1678) = 25.23, p < .001$, such that those whose organizations increased DEI efforts ($M = 4.45$) perceived significantly higher innovation than those in organizations that decreased DEI efforts ($M = 4.05$). A main effect of communication was also found, $F(1, 1678) = 247.49, p < .001$, such that those who reported high communication ($M = 4.87$) perceived significantly higher innovation than those who reported low communication ($M = 3.63$). These main effects were qualified by a significant interaction, $F(1, 1678) = 19.51, p < .001$. Pairwise comparisons revealed that of participants who reported high communication, there was no significant difference in perceived innovation between those in organizations that increased DEI efforts ($M = 4.90$) and those in organizations that decreased DEI efforts ($M = 4.85, SE = .06, p > .05$). Of respondents who indicated low communication, there was a significant difference by DEI effort, such that those whose organization increased DEI efforts ($M = 4.00$) perceived significantly higher innovation than those whose organization decreased DEI efforts ($M = 3.25, SE = .15, p < .001$). Furthermore, among those whose organization decreased DEI efforts, communication had a significant impact, such that those who indicated high communication perceived significantly higher innovation than those who indicated low communication ($SE = .11, p < .001$). Similarly, among those whose organization increased DEI efforts, those who indicated high communication perceived significantly higher innovation than those who reported

low communication ($SE = .11, p < .001$). A two-way between-subjects ANOVA was run to investigate the impact of DEI approach (increase, decrease) and organizational communication (high, low) on positive perceptions of gender and racial or ethnic diversity. A significant main effect of DEI approach was found, $F(1, 1678) = 27.25, p < .001$, such that those whose organizations increased DEI efforts ($M = 4.47$) perceived significantly higher diversity than those whose organizations decreased DEI efforts ($M = 4.05$). A main effect of communication was also found, $F(1, 1678) = 246.24, p < .001$, such that those who reported high communication ($M = 4.89$) perceived significantly higher diversity than those that reported low communication ($M = 3.63$). These main effects were qualified by a significant interaction, $F(1, 1678) = 9.14, p < .01$. Pairwise comparisons revealed that of participants who reported high communication, perceptions of diversity were higher for those whose organization increased DEI efforts ($M = 4.98$) compared to those whose organization decreased DEI efforts ($M = 4.80, SE = .06, p < .01$). Of respondents who indicated low communication, there was a significant difference by DEI effort, such that those whose organization increased DEI efforts ($M = 3.96$) perceived significantly higher diversity than those whose organization decreased DEI efforts ($M = 3.30, SE = .15, p < .001$). Furthermore, among participants whose organization decreased DEI efforts, communication had a significant impact, such that those who indicated high communication perceived significantly higher diversity than those who indicated low communication ($SE = .12, p < .001$). Similarly, among respondents whose organization increased DEI efforts, those who indicated high communication perceived significantly higher diversity than those who reported low communication ($SE = .11, p < .001$). A two-way between-subjects ANOVA was run to investigate the impact of DEI approach (increase, decrease) and organizational communication (high, low) on experiences of inclusion. A significant main effect of DEI approach was found, $F(1, 1678) = 27.55, p < .001$, such that those whose organizations increased DEI efforts ($M = 4.49$) reported significantly higher inclusion than those whose organizations decreased DEI efforts ($M = 4.07$). A main effect of communication was also found, $F(1, 1678) = 260.46, p < .001$, such that those who reported high communication ($M = 4.92$) reported significantly higher inclusion than those that reported low communication ($M = 3.64$). These main effects were qualified by a significant interaction, $F(1, 1678) = 12.86, p < .001$. Pairwise comparisons revealed that of participants who reported high communication, ratings of inclusion were higher for those whose organization increased DEI efforts ($M = 4.98$) compared to those whose organization decreased DEI efforts ($M = 4.85, SE = .06, p < .05$). Of respondents who indicated low communication, there was a significant difference by DEI effort, such that those whose organization increased DEI efforts ($M = 3.99$) reported significantly higher inclusion than those whose organization decreased DEI efforts ($M = 3.29, SE = .15, p < .001$). Furthermore, among those whose organization decreased DEI efforts, communication had a significant impact. Specifically, participants who indicated high communication reported significantly higher inclusion than those who indicated low communication ($SE = .11, p < .001$). Similarly, among those whose organization increased DEI efforts, respondents who indicated high communication reported significantly higher inclusion than those who reported low communication ($SE = .11, p < .001$).

38 [August 2024 quantitative research report](#). (2024). Resource Impact.

39 A small portion of respondents in our survey indicated that they did not know if their organization was a federal contractor. For the purposes of analyses involving federal contractor status in the report, we excluded those who did not know the status of their organization; however, we report percentages of all responses in the demographics table.