

Department of Environmental Studies

Proposal to require a service statement in the hiring process for new ENVS faculty

BACKGROUND

Introduction

During the AY 2022-23 the faculty of the Department of Environmental Studies (ENVS) at the University of Colorado Boulder discussed the processes that the department should use in recruiting new faculty members. One part of this discussion has been whether and/or how to require applicants to submit a ‘diversity statement’ (or ‘DEI statement’) as part of their application.

The [University Faculty Search Process Manual](#) says: “**Consider** Including a Diversity and Inclusion Competency” (emphasis ours). The ENVS faculty voted at a faculty meeting on April 24, 2023, to consider this issue separately to the development of a more comprehensive document that outlines other dimensions of the departmental hiring processes. As part of this separate consideration, we present this document for the faculty to review and a proposal to vote on. Below, we first present several reasons why we believe the ENVS faculty should not require a diversity statement as part of the hiring process. We then make the case for why we believe the ENVS faculty should instead require a service statement.

The ENVS faculty should not require a diversity statement as part of the hiring process.

Diversity statements may be illegal, unethical, and/or undesirable for one or more of the following reasons.

- **Diversity statements may violate the first amendment of the US constitution.** They may effectively [constitute compelled speech](#), by requiring job applicants to express support for a particular ideology or set of views that they do not subscribe to in order to be successful in a hiring process. If the rubric used to evaluate diversity statements favors or preferences one or more viewpoints and/or disfavors other viewpoints, then the request for a diversity statement may coerce an applicant into stating things that they do not believe. Such concerns are currently being raised in the courts: for example, John Haltigan [has recently sued](#) the University of California Santa Cruz, alleging that its hiring practices violate the First Amendment.
- **Diversity statements may violate University of Colorado Regent Law 8A on nondiscrimination.** [Regent Law 8A](#) states that: “The University of Colorado does not discriminate on the basis of race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation, or political philosophy in admission and access to, and treatment and employment in, its educational programs and activities.” If diversity statements are in any sense used to favor or prefer an applicant (or to discriminate against or disfavor another applicant) based on their race, color, or political philosophy (including their views on diversity, equity, and/or inclusion) then the use of these statements may violate Regent Law 8A.
- **Diversity statements may violate federal law.** [Title VII of the Civil Rights Act of 1964](#) states that “It shall be an unlawful employment practice for an employer... to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.” Under [laws enforced by US Equal Employment Opportunity Commission](#), “it is illegal to discriminate against someone (applicant or employee) because of that person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information.” If diversity statements are in any sense used to favor or prefer an applicant (or to discriminate against or disfavor another applicant) based on their race, color, or national origin then the use of these statements may violate these federal laws.

- **Diversity statements may have originated as a means to circumvent anti-discrimination laws.** It is likely that the original purpose of diversity statements, when [developed by the University of California system](#), was to get around [California's Proposition 209](#) (Prohibition Against Discrimination or Preferential Treatment by State and Other Public Entities). Moreover, the recent Supreme Court decision in [Students for Fair Admissions v. Harvard](#) expressly implied that using tools like diversity statements as workarounds for racial balancing are unconstitutional. [Future cases](#) will likely apply this point to faculty hiring.
- **Diversity statements may promote ideological uniformity.** These statements may effectively constitute an [ideological litmus test](#), and may be used by search committees to identify applicants who think about diversity, equity, and/or inclusion in a particular way and to filter out applicants with differing viewpoints. Many commentators have drawn parallels with the anti-communist loyalty oaths that many professors were required to sign in the McCarthy era. Ironically, diversity statements could thus reduce diversity and innovation within academia.
- **Diversity statements are not aligned with criteria used for merit review, reappointment, promotion, and tenure.** At the University of Colorado, merit review, reappointment, promotion, and tenure require faculty to be successful in research, teaching, and service. Per [Regent Policy 5.D.2](#), “Tenure may be awarded only to faculty members with demonstrated meritorious performance in each of the three areas of: teaching (or librarianship), scholarly/creative work, and leadership and service (to the university, profession and/or public); and demonstrated excellence in either teaching, or scholarly/creative work.” There is no requirement that faculty contribute to diversity, equity, or inclusion (however defined) in order to be reappointed, promoted, or awarded tenure. We believe that conditions for hiring and initial employment should not include criteria that are not subsequently required for continued employment and career advancement.
- **Diversity statements may disadvantage international applicants.** Much of the language, and some of the concepts that are contained within many narrow modern conceptions of diversity, equity, and inclusion are US-centric. International scholars may be unfamiliar with and/or confused by this vocabulary and some of the prevailing norms and may be less successful in writing a diversity statement that appeals to search committees. Ironically, diversity statements could thus effectively discriminate against international candidates (which would violate [Regent Law 8A](#)) and reduce the diversity of faculty in terms of national origin. Many faculty who have been on search committees have remarked that this appears to often be the case. Some ENVS international faculty have reported first-hand experience of this unfamiliarity and confusion.
- **Diversity statements may disadvantage applicants from less privileged backgrounds.** Writing a diversity statement that appeals to search committees may require a familiarity with narrow modern conceptions of diversity, equity, and inclusion. Applicants from less privileged backgrounds may have had less exposure to the vocabulary, nuances, and prevailing norms that characterize these conceptions. They may also have had fewer opportunities to volunteer for, or to otherwise be involved in, activities that would ‘count’ as DEI-related experiences. Ironically, diversity statements could thus effectively discriminate against applicants from less privileged backgrounds and reduce the diversity of faculty in terms of socioeconomic background.
- **Diversity statements may violate academic freedom.** Besides amounting to compelled political speech, in violation of the First Amendment, using DEI statements as part of the hiring process also opens the door to other violations of academic freedom and the First Amendment. For example, a renowned psychology professor, Dr. Yoel Inbar, recently [lost a job offer](#) from UCLA because of a student petition citing a years-old podcast appearance wherein he criticized diversity statements in faculty hiring. In their [letter](#), the students argued that Dr. Inbar’s views went against UCLA’s commitment to DEI as part of ‘merit’. Therefore, by codifying DEI as a pillar of our

hiring process, we open ourselves up to giving candidates illegal viewpoint-based scrutiny of their past political or academic speech.

If any one of the nine concerns described above is warranted, we believe that that alone should be sufficiently concerning so as to disqualify the use of diversity statements in the hiring process.

For further reading, some critiques of diversity statements in faculty hiring include:

[FIRE Statement on the Use of Diversity, Equity, and Inclusion Criteria in Faculty Hiring and Evaluation](#) - The Foundation for Individual Rights and Expression

[The Hypocrisy of Mandatory Diversity Statements](#) - Conor Friedersdorf, The Atlantic (July 3, 2023)

[The Legal Problem With Diversity Statements](#) - Brian Leiter, The Chronicle of Higher Education (March 13, 2020)

PROPOSAL (*this is the only part of this document that we would like ENVIS faculty to vote on*)

The hiring process for new ENVIS faculty will not require a diversity statement (or DEI statement, or similar).

The hiring process for all new ENVIS faculty will require a service statement.

The hiring process for all new ENVIS faculty will use the following prompt to ask applicants to describe their research, teaching, and service:

“Please include a) a research statement, b) a teaching statement, and c) a service statement. Each statement should be a maximum of two pages (single-spaced, Times New Roman 11pt font, 1-inch margins). These statements should, respectively, describe your philosophy, approach, experience, and/or aspirations for a) conducting research and/or scholarship, b) teaching and mentoring students, and c) serving the department, university, profession, and/or community. Within these statements, please indicate how you will support the ENVIS [Mission and Vision](#), and how you will contribute to the department’s [Strategic Imperatives](#).”

The prompt will be adapted to exclude the requirement for a research statement in the case of hires that have no research expectations.

The rubric for search committees to use to assess the three statements will be:

- Does the applicant demonstrate evidence of, and/or potential for, achieving excellence in research?
- Does the applicant demonstrate evidence of, and/or potential for, achieving excellence in teaching?
- Does the applicant demonstrate evidence of, and/or potential for, engaging in meaningful service to the department, university, profession, and/or community?
- Does the applicant demonstrate how their research, teaching, and/or service would support the department’s Mission and Vision?
- Does the applicant demonstrate how their research, teaching, and/or service would contribute to the department’s Strategic Imperatives?

CONCLUSIONS

The proposal above has the following benefits:

- **It is aligned with the criteria used for annual merit review, and with the criteria used for reappointment, promotion, and tenure.** That is, the prompt asks applicants to speak to their research, teaching, and service. Similarly, annual merit review, reappointment, promotion, and tenure are all restricted to assessing faculty members' accomplishments as they relate to research, teaching, and service. At the same time, the prompt allows applicants to mention their work as it relates to diversity, equity, and inclusion in the research, teaching, and service statements if they choose to. Similarly, within the processes of annual merit review, reappointment, promotion, and tenure, faculty members can elect to include mention of their work as it relates to diversity, equity, and inclusion if they choose to.
- **It puts value on service, as well as on research and teaching.** ENVS values academic service activities (whether to the department, university, profession, or community), encourages engaged scholarship, and recognizes that there are sometimes tradeoffs between academic productivity (e.g., in terms of grant funding and peer-reviewed publications) and meaningful service activities. Giving applicants an opportunity to highlight the ways in which they have served or would serve is aligned with the values of the department, as well as with the criteria used for annual merit review, reappointment, promotion, and tenure.
- **It affords an opportunity for every applicant to include discussion of their thoughts about, and/or work on, diversity, equity, and inclusion but does not insist that every applicant writes about these things.** The ENVS Strategic Imperatives includes objectives related to diversity, equity, and inclusion, and this is one way in which an applicant could meet the request to indicate the ways in which they will contribute to those Strategic Imperatives. At the same time, the prompt also remains open to the myriad other ways in which a potential new faculty member could achieve academic excellence, support the department's Mission and Vision, and contribute to the department's Strategic Imperatives.
- **The rubric would value an applicant's activities that were related to diversity, equity, and inclusion** (however defined), but it would give no special priority to such activities, nor would a successful application be required to include any such activities.
- **It avoids all nine of the critiques and concerns with diversity statements that we identify in the first part of this document.** This prompt retains those aspects of diversity statements that can be useful and positive (e.g., giving those applicants who wish to an opportunity to talk about their work as it relates to diversity, equity, and inclusion). At the same time, this prompt avoids all nine of the concerns that we identify above.

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