



## Webinar & Workshop

May 2, 2023

# Diversity, Equity, & Inclusion in Graduate Education & the Faculty . . .

*The likely “can do’s,” whatever the Supreme  
Court Decides in SFFA v. Harvard/UNC*

Jamie Lewis Keith, JD  
Distinguished Senior Law and Policy Fellow

**EducationCounsel**  
Policy | Strategy | Law | Advocacy

# Agenda

- **Overview & Mindset:**
  - **Faculty as innovators—*Law as a “design parameter,” not an impenetrable barrier***
- **Impact of the Impending Supreme Court Decisions**
  - Distinctions and Overlaps in the Faculty and Graduate Student Realms
  - Clarifying Questions?
- **“Consideration of Race”—*The continuum of meaning matters***
  - Constructive Reflections on Decision Day
  - Survey—Getting Ready for Decision Day:  
*Where do your priority graduate student and faculty DEI programs land on the continuum?*
- **Innovating with a Subject Matter Focus—*Likely “can do” criteria with promising impact***
  - Breakout & Worksheet:  
*How do you use these criteria in target of opportunity, fellowships, research support, mentoring, experiential benefits and more?*
- **Barrier Identification & Removal—*Inclusive climate, merit criteria; rewarding what is valued; mentoring, pedagogy***
  - Breakout & Brainstorm  
*What are the opportunities to inspire leadership and evolve thinking by faculty about priorities and merit?*
- **Open Forum—*Questions, Discussion, Your Key Take-aways***
- **Resources**

## General Directional Guidance, **Not Legal Advice**

- Legal advice should be based on institution-specific facts, legal jurisdiction, context, and risk tolerance
- Work with your own institution's legal counsel for that advice
- Today's workshop elevates possible law-informed strategies for maintaining a strong commitment and meaningful action to advance DEI . . . which you can further explore with your institution's and department's leaders and legal counsel

## Mindset: Faculty as Innovators in DEI Design

- Law is a design parameter for DEI innovation—not an impenetrable barrier
- Each IHE has its own risk tolerance—another design parameter
- Multi-disciplinary expertise is needed for successful innovation
- Committed, knowledgeable faculty and lawyer collaborations advance successful DEI innovation

# Agenda

- **Overview & Mindset:**
  - Faculty as innovators—*Law as a “design parameter,” not an impenetrable barrier*
- **Impact of the Impending Supreme Court Decisions**
  - **Distinctions and Overlaps in the Faculty and Graduate Student Realms**
  - **Clarifying Questions?**
- **“Consideration of Race”—*The continuum of meaning matters***
  - **Constructive Reflections on Decision Day**
  - **Survey—Getting Ready for Decision Day:**  
*Where do your priority graduate student and faculty DEI programs land on the continuum?*
- **Innovating with a Subject Matter Focus—*Likely “can do” criteria with promising impact***
  - **Breakout & Worksheet:**  
*How do you use these criteria in target of opportunity, fellowships, research support, mentoring, experiential benefits and more?*
- **Barrier Identification & Removal—*Inclusive climate, merit criteria; rewarding what is valued; mentoring, pedagogy***
  - **Breakout & Brainstorm**  
*What are the opportunities to inspire leadership and evolve thinking by faculty about priorities and merit?*
- **Open Forum—*Questions & Discussion***
- **Resources**

Critical Supreme Court Term  
(10/2022-6/2023) for Student DEI –  
*With STEMM Workforce Impacts*

- A Federal non-discrimination law mandate generally prohibits race-based differential treatment of *individuals*
  - Public IHEs (Constitution's Equal Protection)
  - Federally funded private and public IHEs (Title VI)
- Supreme Court is reconsidering its 45 years- long exception allowing race-consciousness to advance *educational diversity benefits for all*
  - Relied upon in admission; financial support; mentoring and enrichment; pathways



Focus of Supreme Court Decisions is on [Student](#) DEI—in *Students for Fair Admissions v. Harvard, v. UNC*

- **Concern:** Will individual race-consciousness be subject to even stricter conditions—or prohibited?
- **Impact:** Decisions will bind IHEs on race-conscious admissions ([graduate and undergraduate](#))—
  - Principles also apply broadly to [Student](#) DEI, e.g. Pathways, Recruitment, Financial Support, Mentoring, Enrichment
- **Insight:** Decisions won't bind Faculty DEI; Legal regimes for students and employment differ.
  - General “discrimination” and “neutrality” concepts may inform employment non-discrimination law



Critical Supreme Court Term  
(10/2022-6/2023) for **Student DEI**—  
*Be Prepared to Minimize Impacts*

- **Court's Term: October 2022 to June 2023**
  - Decisions expected by June 30, 2023 (*earlier?*)
- **Get Ready: Identify Race-Conscious DEI Initiatives Now, Assemble Prep & Response Team**
- **Stay Committed: Design DEI Initiatives that—**
  - Are likely to survive Supreme Court's decisions
  - *Focus on the can do*
- **Continue Race-consciousness when allowed under current law and IHE policy—**But satisfy strict conditions and be ready to shift, if needed





# The SFFA Cases: Possible Outcomes—No Crystal Ball

Legal & Political  
Contingency Planning

## 4. Harvard & UNC Win

Law stays the same

## 5. A Split Decision

SFFA wins one, loses one—Impact depends on why

## 3. SFFA Wins

- Court invalidates a specific enrollment practice/process design
- Impacts similar practice/process at other IHEs

## 2. SFFA Wins

- Court permits consideration of a student's lived experience of race related to aspirations, ability to benefit and contribute
- Prohibits “check the box” racial status and assumptions about experience based on societal inequities

## 1. SFFA Wins

- Court prohibits any consideration of race
- Race as subject matter of programming or expertise—without considering a student's own race—is unaddressed (and likely still permitted ) TBD

# Clarifying Questions?

# Agenda

- Overview & Mindset:
  - Faculty as innovators—*Law as a “design parameter,” not an impenetrable barrier*
- Impact of the Impending Supreme Court Decisions
  - Distinctions and Overlaps in the Faculty and Graduate Student Realms
  - Clarifying Questions?
- **“Consideration of Race”—*The continuum of meaning matters***
  - **Constructive Reflections on Decision Day**
  - **Breakout & Worksheet—Getting Ready for Decision Day:**  
*Where do your priority graduate student and faculty DEI programs land on the continuum?*
- Innovating with a Subject Matter Focus—*Likely “can do” criteria with promising impact*
  - Breakout & Worksheet:  
*How do you use these criteria in target of opportunity, fellowships, research support, mentoring, experiential benefits and more?*
- Barrier Identification & Removal—*Inclusive climate, merit criteria; rewarding what is valued; mentoring, pedagogy*
  - Breakout & Brainstorm  
*What are the opportunities to inspire leadership and evolve thinking by faculty about priorities and merit?*
- Open Forum—*Questions & Discussion*
- Resources

# “Consideration of Race”: A Continuum of Meaning and Risk

## 1. Check the Box Racial Status

*Marginalized racial status as a tie-breaker between otherwise highly qualified individuals.*

## 2. Experience of Race in an Individual’s Own Life Journey

*Person of any race’s honoring heritage or overcoming burdens or experiencing minoritized context.*

## 3. Marginalized Race as Subject Matter: of a Program—or of Expertise, Commitment, or Knowledge Relevant to Mission (university, college, department)

- **Expertise in/Record of Action Elevating Others’ Understanding of Race Issues/Inequities or Creating a Welcoming Climate for All** (Actions taken—not the individual’s racial identity or experience)
- **Commitment to Ameliorate Racial Injustice** (actions taken and to be taken)
- **Deep Knowledge of Issues of Race in Society, Community, Education, Field** (valued equally whether from dedicated learning, long service to, or other personal engagement with, communities of color)

*These **Race Subject Matter-Aware But Identity-Neutral** criteria concern marginalized race as subject matter. A person’s race isn’t considered in who is selected or may participate in a program. People of all races may have the desired record of expertise, commitment, or knowledge. No preference is given to the way in which a criterion is satisfied. Interest in each criterion is authentic.*

# Explore, Don't Complete a Survey—Get Ready for Decision Day:

*Where do your priority graduate student DEI programs land on the continuum of “consideration of race”?*

*What about your faculty DEI programs?*

***10 minutes***

-----

**Follow-up: Review the survey tool with your IHE's lawyer (*don't complete it alone*) to:**

**(1) Identify any student programs that may need a design shift for sustainability after the Supreme Court decisions;**

**(2) Assess any faculty program design that considers an individual's racial status under current employment non-discrimination law parameters.**

## Survey: *Where do your priority graduate student and faculty DEI programs land on the continuum?*

Work with your IHE's legal counsel before and when using this tool to help determine programs that may need attention.

Graduate Students	What's Considered?	Faculty	What's Considered?
Recruitment ( <i>with benefits not everyone receives</i> ) OR Selection	__Racial status (with other factors)	Recruitment ( <i>with benefits not everyone receives</i> ), Hiring, or Promotion	__Racial status (with other factors)
	__Experience of own race		__Experience of own race
	__Race subject or neutral criteria		__Race subject or neutral criteria
Stipends, TA/RA Selection	__Racial status (with other factors)	Start-up Packages, Seed research funds, Other resources	__Racial status (with other factors)
	__Experience of own race		__Experience of own race
	__Race subject or neutral criteria		__Race subject or neutral criteria
Scholarships, Fellowships	__Racial status (with other factors)	Mentoring, Professional Development	__Racial status (with other factors)
	__Experience of own race		__Experience of own race
	__Race subject or neutral criteria		__Race subject or neutral criteria
Mentoring, Professional Development, Training	__Racial status (with other factors)	Leadership Opportunities	__Racial status (with other factors)
	__Experience of own race		__Experience of own race
	__Race subject or neutral criteria		__Race subject or neutral criteria
Community Building	__Racial status (with other factors)	Community Building	__Racial status (with other factors)
	__Experience of own race		__Experience of own race
	__Race subject or neutral criteria		__Race subject or neutral criteria

Using the survey tool in small groups, consider the criteria used to select participants and beneficiaries of your programs.

1. If racial, ethnic, or “underrepresented” identity status is considered—even with other criteria—the **RACIAL STATUS criterion applies (identity dependent)**

2. If racial and ethnic status are **not** considered—but a person’s **experience of their own race is considered**—**EXPERIENCE OF OWN RACE criterion applies (identity-tied, experience-driven)**

3. If a person’s **expertise on or actions to advance** race and other DEI are considered—if **race-neutral** criteria are considered—or if a **program’s topic** is race (but **criteria in 1 and 2 are not considered**) – **RACE SUBJECT OR NEUTRAL CRITERIA apply (subject-tied action or expertise – or neutral [not race-aimed])**

# Agenda

- Overview & Mindset:
  - Faculty as innovators—*Law as a “design parameter,” not an impenetrable barrier*
- Impact of the Impending Supreme Court Decisions
  - Distinctions and Overlaps in the Faculty and Graduate Student Realms
  - Clarifying Questions?
- “Consideration of Race”—*The continuum of meaning matters*
  - Constructive Reflections on Decision Day
  - Breakout & Worksheet—Getting Ready for Decision Day:  
*Where do your priority graduate student and faculty DEI programs land on the continuum?*
- Innovating with a Subject Matter Focus—*Likely “can do” criteria with promising impact*
  - Breakout & Worksheet:  
*How could you use these criteria in target of opportunity, fellowships, research support, mentoring, experiential benefits and more?*
- Barrier Identification & Removal—*Inclusive climate, merit criteria; rewarding what is valued; mentoring, pedagogy*
  - Breakout & Brainstorm  
*What are the opportunities to inspire leadership and evolve thinking by faculty about priorities and merit?*
- Open Forum—*Questions & Discussion*
- Resources



The Race Subject Matter-Aware, Identity-Neutral (“RSMAIN”) Model:  
*Criteria likely available whatever the Supreme Court decides—Positive impact on diversity and climate*

Without considering racial identity status, **authentically** attribute mission-related merit to a person’s:

<p><b>Expertise or Record</b></p>	<ul style="list-style-type: none"> <li>• Formal expertise in race issues/inequities  <i>(scholarship/pedagogy/professional experience)</i></li> <li>• Record elevating others’ understanding, creating welcoming climate for all  <i>(record of actions taken—not personal experience of own race)</i></li> </ul>
<p>or</p>	
<p><b>Commitment</b></p>	<p>Commitment to ameliorate racial injustice  <i>(actions taken and actions to be taken, whether concrete ideas or plans)</i></p>
<p>or</p>	
<p><b>Knowledge</b></p>	<ul style="list-style-type: none"> <li>• Deep knowledge of issues of race in society, community, education, field  <i>(gained by dedicated <u>learning</u> or <u>service</u> to communities of color)</i></li> <li>• <b>Deep knowledge from <u>other meaningful engagement with communities*</u></b></li> <li>• Knowledge is valued equally regardless of how gained</li> </ul>

\*Whether “other engagement” is knowledge/subject matter of race—or really experience of a person’s own race—may depend on whether people of all races could (and do) have the kind of engagement (e.g., via school attended, residential district, etc.). **But, if no preference is given to the way knowledge is gained, and it’s the knowledge (not a person’s race) that is consistently valued, there should be a credible neutrality position.**

## Breakout & Worksheet—Getting Ready for Decision Day:

How could you (or how do you) use the race subject matter-aware, identity-neutral (RSMAIN) criteria in student admission (or faculty hiring under current law); research support; or mentoring/professional development/training . . .

*with consideration of race (if legally sustainable) and without (if not)?*

*20 minutes*

# Breakout & Bulletin Board

## Using race subject matter-aware, identity neutral (RSMAN) criteria

(expertise/record, commitment, and knowledge re: DEI and race)

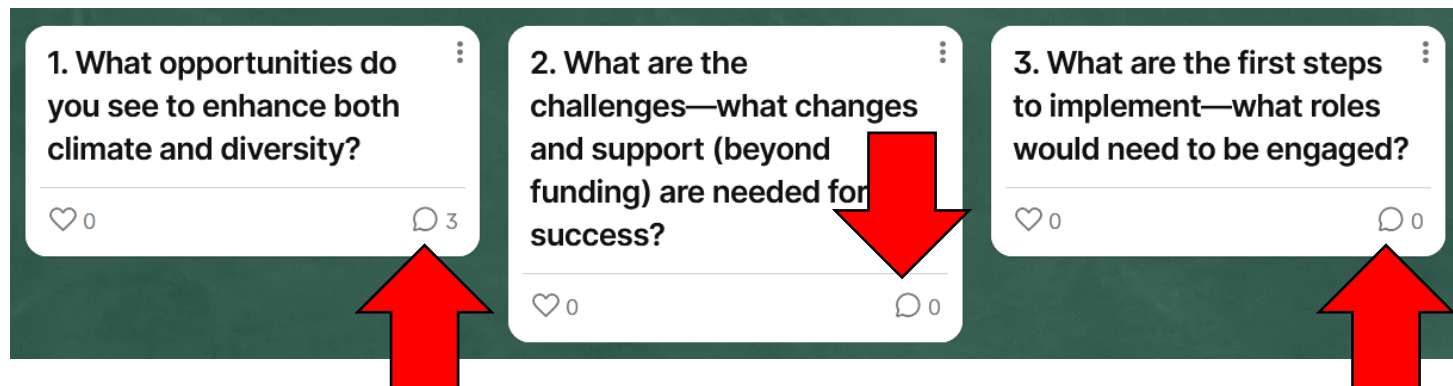
1. Each group pick ONE program type: A, B or C.

A. Student admission or faculty hiring (target of opportunity or regular)

B. Research support (student research funding; faculty start-up packages or seed funding)

C. Mentoring/Professional Development/Training (for faculty or students)

2. Discuss possible ways to apply the RSMAN Criteria to the program:



The image shows three discussion questions arranged in a grid. Each question is in a white box with a heart icon and a speech bubble icon. A red arrow points to the speech bubble icon of the first question, another red arrow points to the speech bubble icon of the second question, and a third red arrow points to the speech bubble icon of the third question.

1. What opportunities do you see to enhance both climate and diversity?

2. What are the challenges—what changes and support (beyond funding) are needed for success?

3. What are the first steps to implement—what roles would need to be engaged?

3. After each question, record key take-aways under each question **by clicking the speech bubble.**

# Agenda

- Overview & Mindset:
  - Faculty as innovators—*Law as a “design parameter,” not an impenetrable barrier*
- Impact of the Impending Supreme Court Decisions
  - Distinctions and Overlaps in the Faculty and Graduate Student Realms
  - Clarifying Questions?
- “Consideration of Race”—*The continuum of meaning matters*
  - Constructive Reflections on Decision Day
  - Survey—Getting Ready for Decision Day:  
*Where do your priority graduate student and faculty DEI programs land on the continuum?*
- Innovating with a Subject Matter Focus—*Likely “can do” criteria with promising impact*
  - Breakout & Worksheet:  
*How could you use these criteria in target of opportunity, fellowships, research support, mentoring, experiential benefits and more?*
- Barrier Identification & Removal—*Inclusive climate, merit criteria; rewarding what is valued; mentoring, pedagogy*
  - Breakout & Brainstorm  
*What are the opportunities to inspire leadership and evolve thinking by faculty about priorities and merit?*
- Open Forum—*Questions & Discussion*
- Resources

# Barrier Identification & Removal--*Often avoids triggering non-discrimination law*

- **Establish Baselines—** Conduct surveys, focus groups, data collection re: existing climate and barriers
- **Barrier Removal—Pay attention to what is valued and why, and whether merit definitions align**
  - **Engage Faculty on Levers of Excellence and Innovation**
    - The need to include junior and marginalized voices to answer this question
    - The need to include all talent to advance excellence and innovation
  - **Interrogate Merit and Reward Criteria—and Related Systems**
    - How does ability to advance DEI (expertise, knowledge, commitment, and if legally sustainable personal experience) factor into merit?
    - How are you measuring all aspects of merit—Is the measurement system valid to identify all talent, including talent that has had less opportunity?
    - Is the institution/department considering its own need to improve—to maximize students' and faculty's promise (shed deficit model)?
    - Are you measuring, reporting, rewarding all that is valued—including in selection criteria, performance evaluation, benefits/rewards?
    - Are you maximizing the impact of robust, inclusive outreach (students, faculty)—not limited to “where we’ve always recruited the best”? What systems are in place to assure adequacy of outreach?
- **Barrier Removal – Pay attention to systems of exclusion vs. inclusion; Create inclusive climate where all talent can thrive**
  - **Focus on conduct**
    - It's hard to dictate beliefs
    - It's possible to elevate standards of conduct needed to advance excellence and innovation
    - Its important to include concrete examples of conduct that harms vs. conduct that advances
  - **Focus on mentoring**
    - Is mentoring not only available, but accessible and relatable, to everyone—Are inequities rectified?
    - Are mentoring structures sensitive to preventing abuse of power in one person (e.g., via centralized funding, mentoring committees)?
  - **Invest in inclusive pedagogy—Provide professional development**

## **Brainstorm (& Breakout, Time-permitting):**

**Share what you know about who is doing what to make the definition or evaluation of “merit” more inclusive.**

**Consider, for example, departments you know, a task force in your disciplinary society, or a foundation incentivizing more inclusive work.**

**Which corners of the academy are already identifying and removing barriers?**

***We will discuss key take-aways in our last segment.***

# Agenda

- Overview & Mindset:
  - Faculty as innovators—*Law as a “design parameter,” not an impenetrable barrier*
- Impact of the Impending Supreme Court Decisions
  - Distinctions and Overlaps in the Faculty and Graduate Student Realms
  - Clarifying Questions?
- “Consideration of Race”—*The continuum of meaning matters*
  - Constructive Reflections on Decision Day
  - Survey—Getting Ready for Decision Day:  
*Where do your priority graduate student and faculty DEI programs land on the continuum?*
- Innovating with a Subject Matter Focus—*Likely “can do” criteria with promising impact*
  - Breakout & Worksheet:  
*How could you use these criteria in target of opportunity, fellowships, research support, mentoring, experiential benefits and more?*
- Barrier Identification & Removal—*Inclusive climate, merit criteria; rewarding what is valued; mentoring, pedagogy*
  - Breakout & Brainstorm  
*What are the opportunities to inspire leadership and evolve thinking by faculty about priorities and merit?*
- **Open Forum—Questions & Discussion**
- **Resources**

# Resources



# How Do Student and Faculty Legal Regimes Differ?

## Student Legal Regime—*Court Impact*

- **Universal Educational Aim:** “Educational diversity benefits” (from broad—not just racial—student body diversity) for *all* students’ learning and workforce, leadership, and civic preparation
- **Means to Achieve Aim:** Must be race-neutral; *Current* law (now under Supreme Court review) allows *limited* individual race-consciousness with evidence of inadequacy of neutral strategies alone
- **Prohibited:** Race-exclusivity in admissions (at least); also, individual race-consciousness to remedy general societal inequity
- **Rarely Used or Successful—Remedial Aim, Race-conscious Means:** Remedy an IHE’s *own* intentional segregation/discrimination

## Faculty/Employment Legal Regime—*Court Insight*

- **Remedial Aim:** Remedy an IHE’s *own* failure to provide adequate “Equal Employment Opportunity” or to remedy its “Presumed Discrimination” *under a federal formula*—true “affirmative action”
- **Means to Achieve Aim:** Must be race-neutral; evidence of sustained use and inadequacy of neutral remedies is required to possibly justify *any* race consciousness
- **Prohibited:** Individual race-consciousness to remedy general societal inequity; race-exclusivity is extremely difficult to justify
- **Theoretical Remedial Aim, Race-Conscious Means** (Not Yet Tested/Used in Higher Education): Remedy an artificially limited labor pool, which an IHE has contributed to creating, using race-conscious (not exclusive) temporary training programs (e.g., time-limited research experiences, visiting and post-doc appointments)

# Resources: *Diversity and the Law 2021*

Supported by the Alfred P. Sloan Foundation. EducationCounsel & AAAS provided updated resources to support student and faculty DEI efforts (with different legal regimes): <https://www.aaas.org/programs/diversity-and-law>

## Student- and Faculty- Focused Resources ([click on image at right to access](#))

- **Key Fundamentals and Staircase Diagram**—One each for Students (*current law is under review by the Supreme Court, but the neutral/barrier removal base is likely to survive*) and for Faculty
- **DEI Design Guide-Students**—p. 20 Race Subject Matter-Aware criteria—STEP 5, pp. 25-26
- **DEI Design Guide-Faculty**—pp. 26-27 Race-Aware knowledge and commitment criteria—see the Berkeley faculty diversity rubric (which can be used more broadly than in “diversity statements”)—and STEP 5—pp. 29-31
- **Sample Target of Opportunity Policy**—One each for Students, Faculty (race-aware criteria)
- Neutral Strategies Guide—One each for Students, Faculty
- Brief Legal Overview and Key Definitions—Students and Faculty compared
- Amplification of Underutilization in Employment
- Graduate Students and Post Docs DEI Guidance
- Model Multi-Office DEI Team

Also see the AAAS SEA Change Program: <https://seachange.aaas.org/>

**AAAS**  
AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE

**EducationCounsel**  
Policy | Strategy | Law | Advocacy

**DIVERSITY AND THE LAW: 2021**  
Overview of Resources for Lawyers and Policymakers  
Funded by the Alfred P. Sloan Foundation (Grant No. G-2019-11443)

**Primary Resources**  
Policy Guides

- \*5-Step Design Guide-Faculty
- \*5-Step Design Guide-Students
- \*Neutral Strategies Guide-Faculty
- \*Neutral Strategies Guide-Students

**In-Depth Legal Resources**

- \*Handbook on Diversity & the Law, 2d Ed.
- \*State Law Bans Guide, 2d Ed.

**Quick-Study & Key-Issue Resources**

- \*Brief Legal Overview
- \*Key Definitions
- \*Federal Non-Discrimination Law on Sex & Gender
- \*Definition of "Sex" Under Federal Non-Discrimination Law
- \*Amplification of Underutilization in Employment
- \*Graduate Students and Post Docs DEI Guidance

**Tools & Reference Materials**

- \*Key Fundamentals & Staircase DEI Diagram-Faculty
- \*Key Fundamentals & Staircase DEI Diagram-Students
- \*Research Charts

**Adaptable Models**

- \*Model Charter for Multi-Office DEI Team
- \*Customizable DEI Statements and Survey Q&As
- \*Sample Target of Opportunity Policy-Faculty
- \*Sample Target of Opportunity Policy-Students
- \*Example Application Q&As-Faculty and Students

# More Resources:



CollegeBoard | EducationCounsel  
The College Board | The Education Counsel

**The Playbook:  
Understanding the  
Role of Race Neutral  
Strategies in Advancing  
Higher Education  
Diversity Goals**

2nd Edition

Arthur L. Coleman  
Jamie Lewis Keith  
Emily L. Webb

- ***The Playbook, 2<sup>nd</sup> Ed. (2019)***-EducationCounsel with the College Board:  
<https://professionals.collegeboard.org/pdf/playbook-understanding-race-neutral-strategies.pdf>

Scholarship models using race-aware experience/service/commitment, pp. 33-34:

- McQuown Scholarship Program (University of Florida);
- Doris Duke Conservation Scholars Program (University of Florida, University of Arizona, University of Idaho, North Carolina State University, and Cornell University);
- Cousins Scholars Program (University of Georgia)
- *Don't reject models for undergrads—design elements adapt to graduate programs*

- ***A Communications Primer (2020)***-EducationCounsel with College Board and ACE:  
<https://professionals.collegeboard.org/pdf/engaging-campus-stakeholders-enrollment-diversity.pdf>

CollegeBoard | EducationCounsel | ACE  
The College Board | The Education Counsel | American Council on Education

**Engaging Campus  
Stakeholders on Enrollment  
Issues Associated with  
Student Diversity:  
A Communications Primer**

Art Coleman  
Jamie Lewis Keith  
Emily L. Webb

# What is SEA Change

A keystone AAAS initiative that seeks to catalyze and sustain systemic institutional transformation to cultivate equitable and inclusive colleges and universities that support the success of all students and scholars.

Barrier identification and neutral barrier removal—as well as inclusive climate for all—are a key focus that should survive, whatever the Supreme Court decides.

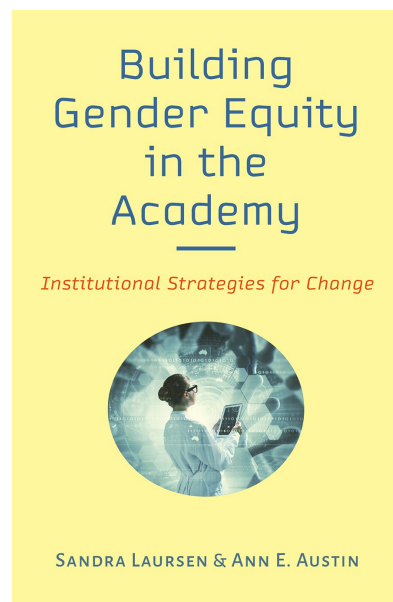


# Resources: SEA Change Institute



## Talking about Leaving Revisited:

Deep dive with the authors exploring their findings about why students leave STEM



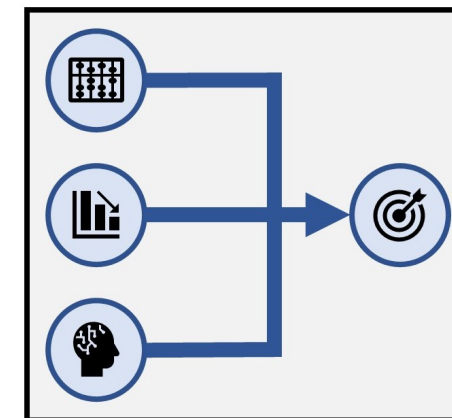
## Building Gender Equity in the Academy:

Authors led exploration of the implications of findings from 20 years of NSF ADVANCE grants



## Transforming Institutions:

Practical guidance for applying systemic change research in STEM higher education



## Data-Driven Decision Making:

Building understanding on how to use data to remove the barriers that limit DEI

## SEA Change is different from other change initiatives

- Builds the capacity of individuals and institutions to undertake a systemic approach to change
- Provides a law-attentive lens via legal expertise
- Leverages institutional context-relevant design
- Prioritizes the use of an intersectional lens
- Enacts a long-term commitment to dismantling structural inequalities through mutually-reinforcing cycles of iteration and renewal
- Builds alignment with existing and future programs

## SEA Change is not:

- Another intervention
- A “check-the-box” exercise
- A ranking system
- A magic bullet



Systemic



Capacity Building



Intersectional



Longterm



Law Attentive



Context Relevant



Iterative



Alignment Building



This deck offers general  
directional guidance,  
not legal advice



**Jamie Lewis Keith**

Distinguished Senior Law and  
Policy Fellow

EducationCounsel

[jamie.keith@educationcounsel.com](mailto:jamie.keith@educationcounsel.com)