What We Get Wrong about Equity and How It Keeps Us from Achieving Inclusive Excellence

Beronda L. Montgomery
Grinnell College

"The messiness of history is often dispensed with for the sake of
the imagined community. And that should always concern us."
– Imani Perry, *South to America*

Current challenges across higher education are causing us to confront what we hold as truth, and perhaps more importantly what we effectively enact. Equity is one value and principle held as a stated priority in segments of higher education and larger society. Many academic institutions purport to pursue and promote equity in their communities and work. The number of institutions publicly declaring such commitments to diversity and equity appeared to skyrocket across higher education and corporate America in summer to late 2020 after the murder of George Floyd. In addition to stated commitments to address systemic racism and pursue equity, many organizations made practical steps toward improving equity, including hiring diversity officers or staff to work on areas aligned with espoused statements of solidarity and commitment. Much of this work is now under direct threat with new decisions and mandates from the U.S. Supreme Court and recent presidential executive orders.

There is an active assault on diversity, equity, and inclusion (DEI) in the United States. Federal decisions and mandates are unfortunately being amplified by an associated overreach of institutions in dismantling scholarship, fellowship, and mentoring programs designed to support diversity, equity, and inclusion in institutions and businesses.[1] While some institutions such as Columbia University have received direct mandates and a timeline for response from the executive branch of the U.S. government to which they rapidly and fully complied,[2] others have "obeyed in advance," or made changes without a direct or legal mandate, as described by Timothy Snyder in *On Tyranny*.[3] Given the current state of affairs in higher education and beyond that have targeted race, gender, disabilities, and more, we need to question whether commitments to pursue equity, including those that proliferated in 2020, were genuine and if they will survive the current attack on

what appears to be all fronts by the U.S. government, some states, and select citizens.

In this article, I explore the expansion and retraction of DEI initiatives in higher education in recent years. I detail how even some well-meaning individuals impede progress due to the conflation of equality with equity, including an attempt to intervene on behalf of the marginalized while using excess resources to maintain equality, or everyone getting the same thing. I define this latter practice as the pursuit of resource-rich equality and describe how it must be disrupted to promote inclusive excellence.

The Expansion and Retraction of DEI

While the apparent awakenings and commitments to support equity by higher education institutions and corporate entities in the U.S. in 2020 were celebrated by some, backlash ensued rapidly. The Supreme Court decision in 2023 to ban or significantly curb the use of race as a positive factor in college admissions is but one example of national retractions in long-standing legal commitments to the pursuit of equity or fairness. In practice, the Supreme Court's decision will result in—and indeed, is already beginning to contribute to—limited opportunities and access for many individuals from groups already vastly underrepresented in higher education.[4]

In corporate America, the equity backlash has shown up in large-scale slashing of diversity or DEI positions, many of which were announced or established only a short time after the supposed 2020 "racial reckoning" in the United States after Floyd's murder.[5] Notably, although initially linked rhetorically with the Supreme Court's decision on affirmative action and now with executive orders, the widespread backlash and retrenchment across areas of higher education, the nonprofit sector, and corporate America have not all been legally-required responses to the Supreme Court decision—which only legally applied to admissions in higher education—nor have other changes related to recent executive actions. As astutely shared in regard to the Supreme Court decision, "while the law only applied to higher learning, it created a legal opening for those who oppose DEI policies in the workplace."[6] As a result, we began to see many institutions "obey in advance,"[7] as they open programs to all that previously targeted individuals from groups historically and socially excluded from educational opportunities, as well as renaming or canceling scholarship and fellowship programs and other avenues for supporting the marginalized and minoritized.

Liliana M. Garces and colleagues have warned us of the dangers of what they term "repressive legalism" before. According to Garces, in such instances "even when a legal opinion does not prevent a particular practice, it can still lead to responses that are motivated by fear, including fear of the

threat of litigation. This overcorrection can result in more restrictive policies and practices than the law requires."[8] We are in a moment where this is playing out on multiple fronts simultaneously. We are seeing such repressive or restrictive actions associated with legal decisions, such as that of the Supreme Court on affirmative action, and non-legal mandates, such as numerous executive orders associated with massive destruction of civil rights.

Of note, the degree to which individuals and entities comply in advance willingly versus put up resistance or fight back has varied depending on the issue at hand. For instance, the executive mandates calling for the dismantling of DEI initiatives were met with a very different response than one targeting a significant reduction in indirect costs (IDC) provided by the National Institutes of Health (NIH) to institutions with investigators receiving an NIH grant. An announcement late on a Friday that indirect costs would be significantly lowered was met on the following Monday—a mere three days later—with a lawsuit filed jointly by attorney generals representing 22 states to halt the policy change, and rapidly thereafter two other lawsuits challenging the change in NIH policy were filed by public and private universities and hospitals.[9] It was much longer—indeed, weeks—before a lawsuit was filed challenging the executive orders banning DEI, and this lawsuit had a much smaller group of complainants.[10]

It is an ongoing tragedy that many stalwart supporters of DEI recognized the power of the strategies, interventions, and resources that were expanded, albeit briefly, post-June 2020; yet now these avenues are being targeted through the slashing of resources and positions, and the active dismantling of offices focused on equity work. Additionally, commitments and practices designed to counteract historical and ongoing impacts of bias, systemic racism, and structural inequities are being rolled back or destroyed entirely. Many of these actions and reversions are being required by or imposed on organizations and entities in order for them to retain or receive funding from federal sources and private foundations. Indeed, some legal entities have gone on record to encourage such actions on the part of funders.[11] Since January 2025 and the installation of a new administration in the United States, the assault on DEI has gone to an entirely different level, with the issuance of executive orders that have labelled DEI efforts as "discriminatory and illegal" and the targeting of such efforts for elimination.[12]

Even prior to the start of 2025, some organizations had started to roll back their supposed commitments to equity, perhaps from the threat of losing their status and benefits as nonprofits or for other unclarified reasons. The Howard Hughes Medical Institute (HHMI), Ford Foundation, NIH, and others reversed course on many DEI-related commitments and initiatives and began publicly or quietly requiring divestments in equitable practices on the part of some of the individuals or organizations that they fund

in order for the recipients of the grants to obtain or retain funding. Some of these foundations and funders, including HHMI and Chan Zuckerberg Initiative in addition to others, also have removed specific commitments to groups historically underrepresented in or excluded from these spaces. For example, HHMI announced a $2 billion investment "to improve racial, ethnic, and gender diversity in science" in 2021.[13] This commitment specifically included support for faculty "from underrepresented groups."[14] A mere few years later, HHMI has removed a focus on individuals from underrepresented groups as the direct target of funding interventions and now accept an "expression" of a commitment to these groups independent of the proposer's identity. In the same time frame, the Ford Foundation divested from a highly successful funding and advocacy program that had been in place for almost 60 years to advance the education and academic careers of individuals from groups vastly underrepresented and historically excluded from higher education.[15] This full divestment by Ford followed a decision a few years earlier to open eligibility for its highly competitive fellowships beyond the groups historically underrepresented in higher education and coincided with the cessation of other programs targeted to support the same marginalized groups that were funded by the Mellon Foundation, Social Science Research Council, the American Council of Learned Societies, and other funders.[16]

At the time of the announcement from HHMI about their major financial commitment to invest in directly supporting scientists from underrepresented groups in 2021, the leader of the organization stated that the move would inspire others and that HHMI "wanted to do something that would have an impact nationally and serve as a model for others to follow."[17] This same leader remains at the helm as commitments specifically to individuals from these groups that have been directly impacted by inequitable and unjust systems were reversed. What we fail to publicly acknowledge, but are now watching the devastating fallout of, is that when these entities reverse course, this also serves as a powerful model for others to follow. Whereas five years ago there were a number of foundations and grant programs that could be pointed to as directly supporting groups that have been historically and currently remain vastly underrepresented in, and excluded from, full participation in the sciences and higher education, most of these programs are now open to all and require, if at all, a nominal commitment to support diversifying their discipline or field. This retraction period ensued even before the legal and regulatory threats of the current climate under new executive leadership.

The potential impacts are many and most assuredly devastating. It is likely, and the cynical would say intended, that practices of coercion and manipulation—that is, "comply or lose your funding"—will cause many

individuals, including many of whom may be from backgrounds historically excluded and marginalized, who have stewardship over programs that are being divested from, to "stay the course" and comply with race-, gender-, and ethnicity-neutral policies to stay in good stead with the powers that be. We can certainly anticipate what is often done to occur now as well—that is, at best, these entities will retreat into quiet practices of support or shift to focusing on broad recruitment of marginalized individuals to maintain the hoped for representational diversity, but will likely otherwise capitulate to a system focused on equality rather than equity. In fact, there are already such actions unfolding quietly. It is this vicious cycle of spurts of investment in the pursuit of equity followed by an often rapid return to a focus on equality, at least in name, that ultimately distracts us from the fact that the system continues to function—inequitably and in status quo—as designed.

Equity is Distinct from Equality

It is not feasible, or, more importantly, not ethical, to layer a moniker of equality on a system that was built and is maintained by inequitable structures and practices. Yet, we time and time again relent and commit to helping individuals into and hopefully through systems bound to staying the same while wearing a "we have changed" t-shirt. In her hallmark work *White Rage: The Unspoken Truth of Our Racial Divide*, Carol Anderson highlighted our national proclivity for such cycles of apparent racial progress followed by backlash and retraction.[18] We have numerous examples of organizations, both in higher education and society at large, that declare as truth a commitment to grappling with tough issues such as systemic racism and committing to the pursuit of practices that support diversity, equity, and inclusion; yet many of these organizations rapidly reversed course based on legal findings that do not necessarily impact them and due to vocal political and legislative pushback. Under the guise of the fear of litigation, these organizations rapidly comply with requests or demands to roll back progress in DEI, and in some cases, institutions such as Columbia University took rare actions to comply with wide-reaching demands on university governance from a sitting U.S. President in what has been described as "a striking concession by the private university to the federal government."[19]

While the current demands to reverse commitments to equity are intentionally cruel and political, many individuals and communities conflate equality and equity, particularly as it relates to the definitions and enactments of equality compared to equity. I argue that espoused equity-related commitments that are not sustainably pursued and invested in and the conflation of equality and equity both represent a potential form of "identity dysmorphia" in which organizations see themselves as possessing one

identity—that is, as organizations actively and genuinely committed to the pursuit of equity—while their decisions and actions appear to indicate and actively maintain a distinct identity. Such organizations in actuality espouse commitments to equity but only with ephemeral resources and structures that instead suggest performative commitments to equity.

Organizations and entities may argue that the steps they are taking to open programs to groups broadly represents a proactive response on their part to avoid litigation related to DEI practices and interventions. Yet the fear and avoidance of legal action by those purportedly committed to equity, and a lack of such fear and a robust commitment of resources to legal action by those actively working against equity, are what drag us back to the status quo time and time again, even if not exactly representing repressive legalism strictly as defined. Yet, it would benefit us to ask if all who declare a fear of legal action are truly being impeded in the pursuit of equitable interventions by that litigation fear or whether some of these individuals are standing behind what would be recognized as a reasonable fear in order to distract us from them being allowed to do what they want to do anyway—that is, to default to equality, which feels fair but exists on a foundation of inequity and structural biases that ultimately support and maintain an inequitable status quo. It is even more important to question whether the fear of litigation is what impedes action when we see the aforementioned differences in willingness to litigate some issues compared to others, e.g., NIH indirect costs vs. DEI rollback, the latter of which has sought "to roll back decades of civil-rights progress and silence those" who disagree with the current administration.[20]

There is an urgent need to confront institutional or organizational truth and address rampant identity dysmorphia. The disconnect between what is stated or espoused to be true of an organization and what *appears* to be true through its actions, including commitments to equity that come and go with the tide, suggests that organizations are in need of truth and reconciliation processes. Such efforts need to examine a number of critical factors: what communities or organizations communally hold as truth, what individuals in communities experience as truth, and whether communities seek to align leadership and environmental stewardship practices such that a community's stated values are a community's lived values, or, in other words, to ensure that what they do aligns with what they say.

An emerging truth that I have observed across multiple ecosystems in which I have had privilege to work or consult is that our pursuit of equity is increasingly derailed by the unproductive ways in which we can falsely conflate equality with equity. By definition, equality is "correspondence in quantity, degree, rank, or ability";[21] i.e., equality corresponds to different individuals receiving the same thing (see Table 1). Many would argue that

equality represents fairness. However, if individuals exist in environments that have had historic or systemic imbalances in the distribution of resources and access to paths to success, equality may not truly result in a fair outcome. Instead, in the face of long-standing inequities and biased interventions, a commitment to and enactment of equality maintains an inequitable status quo.[22] By comparison, equity is defined as the "quality of being fair or impartial" or "something that is fair and just."[23] Yet, as described

Table 1. Definitions of Terminology Related to Equality and Equity

Term	Definition	Example
Inequality	Distribution of resources based on biased factors other than need, including giving to those who are favorites or privileged.	Individuals with experience in highly prestigious programs or institutions get greater resources than others.
Equality	Distribution of resources such that each person gets the same amount, independent of assessed need.	Each faculty member gets the exact same amount money to support research; each students gets the exact same amount of financial aid or travel stipend.
Equity	Distribution of resources based on needed or prior accrual of experience of capital.	Individuals whose research supplies are more expensive get larger annual research funds than those with less expensive supply needs.
Resource-Rich Equality	Distribution of equal resources based on assessing the need of the person with greatest need or the person lacking accrued capital.	Based on the cost of support the person with greatest need, everyone gets the same amount of resources.
Justice	Assessment and removal of barrier to success or replication of paths that accelerate or support success.	Suspension of required test scores for college or graduate school admissions; removal of application fees for fellowship consideration.

above, in reality there are often practices and policies purported to promote equity that are really about equality or making opportunities equally available to all.

Certainly, there are commonly used examples of terminology that cause confusion in terms of equality versus equity, including the oft-discussed concept of pay equity. We talk frequently of commitments to equity in pay and generally understand it to represent "equal pay for equal work." Thus, pay equity can frequently be understood as representing equality in pay for different individuals. Yet, historical and social inequities in pay require documentation and acknowledgement that are followed by differential raises and/or pay increases to achieve pay equity. When we seek to move to equity practices in our spaces of providing access or support, we often fail to support the interventions or investments needed to correct historical and social patterns of inequity, resource hoarding, and injustice. Indeed, one could argue—and indeed I declare myself as one who *would* argue—that the reversal of the ability to use race as one factor that could be considered in college admissions was one such differential intervention intended to correct the impact of historical and long-standing practices of excluding or significantly restricting access to higher education based on applicants' race or ethnicity.

Additionally, equity can be conflated with equality in terms of individual expectations and demands. It can be common to hear "To support equity, I need X, Y, or Z." Such a sentiment and declaration can, and often does, arise from an individual's surveillance-based recognition that someone has something that they don't have, and thus often results in a request for equal access to something. Thus, the seeking of equality can be requested in the name of equity, which is recognized currently, at least in principle and until recently, as something that is valued and to be pursued. The cynical may note that declaring something as an inequity and then seeking individual recompense to achieve presumed equity increases the likelihood of an individual getting what they have asked for or demanded.

We often default to equality because it feels "fair" for everyone to have access to available resources and for them to be equally distributed (see Fig. 1A compared to 1B). It is not uncommon for some colleges to earmark an equal amount of dollars to support the research of each faculty member, because that seems fair. However, when such an approach fails to consider whether some faculty travel and others do not, or whether some faculty have more expensive research tools or materials than others, doling out the same amount to each individual may have vastly different impacts on their abilities to successfully conduct their research or scholarship. Indeed, failing to appropriately cultivate equity (see Fig. 1C) through recognizing and dealing with historic, social, and frequently persistent inequities

and making differential interventions to promote success can keep us at status quo or result in only incremental progress. A falsely equated commitment to fairness can be promulgated even by those who would declare themselves as liberal and committed to the pursuit of diversity, equity, inclusion, and/or justice. Such a response that prioritizes equality, even though sometimes in the name of equity, can be deeply rooted in a fear of giving up something that you are hoarding, knowing or unknowingly, as opposed to a commitment to a redistribution of resources and the needed effort to support the equity that is possible when a broader range of individuals have what they need to thrive and fully contribute to community.

Individuals who receive resources that they do not need under an equality model also may be positioned to use these to further secure their privileged standing; for these resources can be bartered and/or used to position these individuals as benevolent philanthropists when they distribute them to others. The common things bartered include the following: transferred prestige, e.g., promises to provide access to limited opportunities such as awards or grants; proximal prestige, e.g., mentoring, collaboration, or training by individuals at prestigious institutions; or, privilege or social capital to negotiate or challenge the system, including using excess resources to buy out of teaching, which leaves these individuals with additional time for research or personal endeavors. This hoarding of resources and later serving as philanthropists is common by the ultrawealthy more generally in the American capitalist society; yet it can serve powerfully to exacerbate or prolong states of inequity.[24]

A significant portion of the reversion in the pursuit of true equity is associated with a move to valorize equality, which is perceived as fairer. Indeed, the University of North Carolina System became one of the first public universities in the U.S. to announce disbanding and defunding DEI offices and work.[25] The University of North Carolina System repealed the standing DEI policies, "Policy on Diversity and Inclusion Within the University of North Carolina" and "Regulation on Diversity and Inclusion Within the University of North Carolina," and instated a new policy named "Equality Within the University of North Carolina."[26] The new policy clearly sought to replace a focus on equity with a new one on equality in definitively stating that the UNC System will prioritize a "commitment to the equality of opportunity in education and employment as a core value."[27] While some may say that equality and everyone being treated equally is something to embrace and celebrate, I am a true believer of Imani Perry's wisdom that "the landscape is still frightening because one doesn't know what is lurking beneath the professions of equality."[28]

Figure 1. Equality versus Equity. In attempting to respond to inequality, interventions may lean towards equality, or providing every individual with the same quantity and quality of resources, or towards equity, or providing every individual the quantity and quality of resources that respond to a specific individual's need(s) in the pursuit of a goal. In environments that have plentiful resources, to respond to a call for "fairness," yet also to address a need to respond to the individuals with the greatest need for resources, some communities practice resource-rich equality. As compared to equality or equity approaches that offer resources to allow individuals to work around barriers, justice seeks to increase access by removing barriers. (A) Inequality, (B) Equality, (C) Equity, (D) Resource-Rich Equality, and (E) Justice. Figure drawn by Zoé Brown.
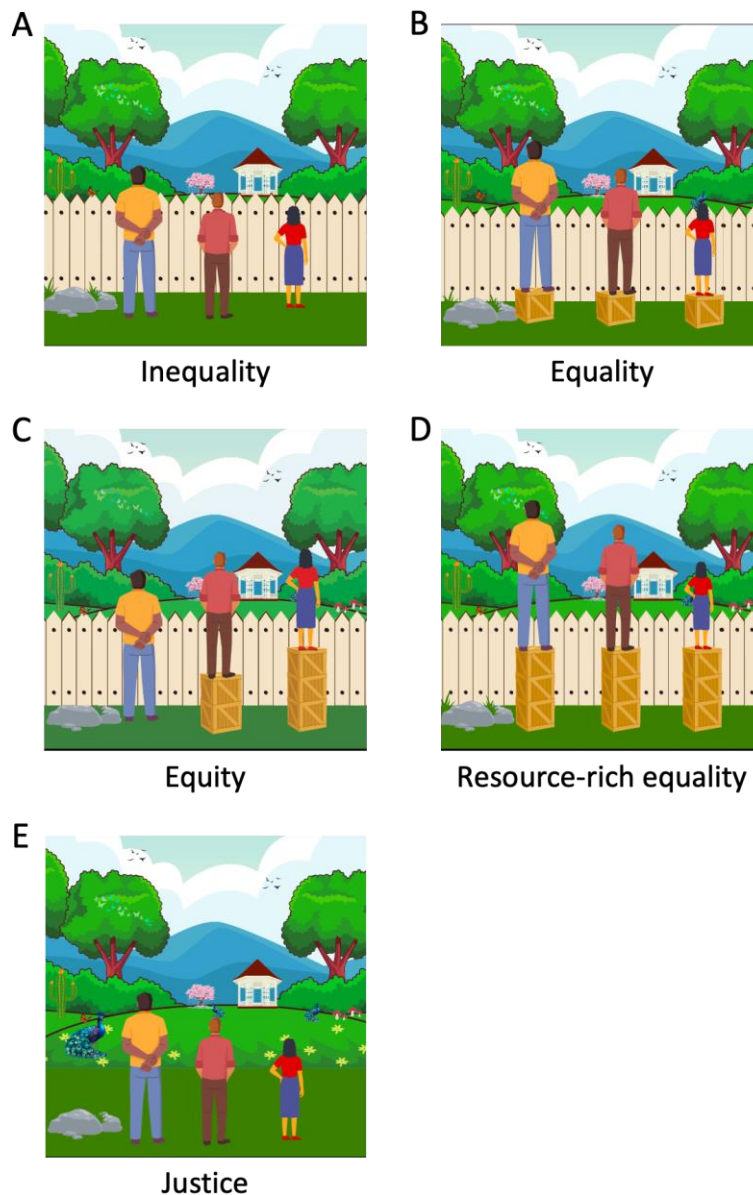
Disrupting Resource-Rich Equality: An Equity Dupe that Maintains an Inequitable Status Quo

When the pursuit of equity goes awry or feels too difficult to accomplish, environments that have abundant resources may pivot to something that feels most fair. Such communities often pursue an equity dupe that consists of a version of equality that has emerged that gives people a sense that they are working towards genuine equity, i.e., serving those in most need, and most of all prioritizing a sense fairness. This elevated form of equality emerges where individuals or institutions recognize the needs of the most disadvantaged or marginalized and intervene with the needed resources. However, to maintain a sense of fairness, equal resources are distributed to all in a community (Fig.1D). I refer to this as "resource-rich equality." Some may ask, what is the problem with this, as it recognizes and responds to the needs of those who are marginalized? The issue is that resource-rich equality uses resources for those not in need in regard to a particular issue in order to maintain a false sense of fairness in a community. The deployment of resources and support through resource-rich equality can give a community a sense that they are doing excellent work, when in practice resources are being squandered to alleviate a sense of a lack of fairness. Also, such efforts can contribute to a false sense of enacting "social justice" when, in practice, this is a way to address the needs of the most marginalized but to simultaneously alleviate the fragility and fear of those not in need in order to preserve peace. Because the underlying structure is built on equality and a false sense of fairness conflated with equity, when and if resources become scarce, the default of equality with fewer resources reveals the inequity that was maintained under an excess of resources.

Some communities frequently hold onto resource-rich equality—some with great pride—as a viable alternative to inequity as a means to meet the needs of those most detrimentally impacted by a system but to simultaneously feed into the entitlement of all to have access to abundant resources equally and in a manner that they perceive as fair. However, if as I argue, equity is not equivalent to resource-rich equality, how does a commitment to the latter show up in our work, and how does it impede actual progress towards achieving equity and justice? These questions may lead us to ask why we would not move to recognize and disrupt resource-rich equality or a focus on equality rather than investing resources more deeply in pursuing equity in a society clearly marred by a long history of social, cultural, financial, racial, ethnic and other inequities. There are many reasons why resource-rich equality is revered over the pursuit of genuine equity in many communities; here I outline a few of the most salient ones.

First, we fear the "loud" voices. When we focus on equity, those who have been privileged may have to give up access to resources that they have become accustomed to having. Often, these well-positioned individuals, even those who purport to be liberal and committed to social justice, will cry foul or declare mistreatment due to a retraction in recognition and support if they do not receive equal resources, even though they don't need them. This can occur even when these individuals are aware that others are more clearly in need of the limited resources. It has been said before that *when you have been used to privilege, fairness seems like oppression.*

Second, the equal distribution of resources leads to a false sense of fairness and equality that can make a community believe that they have set up an ideal, exemplary communal system. However, a bubble of equality practiced locally yet embedded in a larger community still committed to and marked by the detrimental impacts of inequity is not a victory. Settling for a local victory can indicate that this is a community "where the external optics are more celebrated than actually driving substantive change."[29]

Third, we often fail to assess and redefine fairness based on outcomes rather than inputs of resources. If we focus on agreed upon outcomes as the goal, we would be able to embrace the judicious stewardship of resources, including differential inputs as needed, to achieve equal outcomes. This approach would embrace the practices used to approach or achieve pay equity, in which reaching equitable outcomes requires differential corrections based on historical and social practices that supported and resulted in the original inequity.

Often, institutional inertia, commitments to consensus before moving to action, and failure(s) to speak the truth about many being satisfied with systems as they are can make it difficult to truly pursue equity, let alone a state of justice in which we work to remove altogether the barriers that require differential inputs across groups for access (Fig. 1E). Until we can confront the ways in which we conflate equity with equality and truly prioritize the pursuit of equity as a part of *being* progressive, we may continue to retrench into simply being viewed as progressive in name only. Or as is evident in the current situation in the United States, some may give up the specter of being committed to the pursuit of equity at all—in name or deed.

Pivoting to Inclusive Excellence

Higher education is in political and regulatory crosshairs and facing challenges to its continued existence. Yet, walking away from commitments to social justice that boldly address long-standing biases and inequities will not save us. If higher education in the United States survives only to amplify and platform commitments to false notions of meritocracy that are rooted

in a national history of white supremacy and patriarchal privilege, we will have failed. A move to platform equality without addressing the historical, social, and cultural factors that have deeply rooted inequity into the fabric of our systems will serve to put equal resources into the hands of individuals that have differential privileges and access. This will ultimately lead to the maintenance of inequity and prolong a long-standing American project.

To continue to move towards a system that exemplifies equity as defined in the sense of pay equity—that is, a system focused on equal outcomes rather than inputs—we have difficult work ahead to pursue inclusive excellence. This difficult work includes identifying, acknowledging, and working to address the long histories of social, cultural, and political inequities, as well as committing to differentially distributing resources to correct them. Such efforts are challenging on many fronts. Success in this realm requires collective commitment to educating ourselves about and embracing a history of inequity in higher education and society at large. Some have called for the use of truth and reconciliation practices in higher education to support needed progress in coming to terms with histories of inequity and colonialism.[30] There is also a need for institutions to commit to revisiting the means of resource distribution to support a move towards embracing differential distribution of resources, which will be critical for continued efficacious approaches to pursue equity. Ultimately, the goal of pursuing equity and finding the means to support those historically and persistently marginalized will also require cultivating avenues to engage inputs from these individuals. Current actions to destroy efforts supporting DEI will make this difficult, but it is absolutely necessary if we are to truly experience and benefit from inclusive excellence.

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