

MARYLAND  
ASSOCIATION  
*of* SCHOLARS

by NAS's Maryland Affiliate

# DEI and Maryland College Campuses

Constitutional Principles and Maryland Public Campuses'  
*Diversity, Equity, and Inclusion* Programs



# Constitutional Principles and Maryland Public Campuses

**Diversity, Equity, and Inclusion Programs**

A report by the

MARYLAND  
ASSOCIATION  
*of* SCHOLARS

[info@marylandscholars.org](mailto:info@marylandscholars.org)

Typsetting by Chance Layton

Published June 2024

© 2024 Maryland Association of Scholars

# Contents

Introduction.....	4
Campus DEI Reports Overview .....	8
University System of Maryland .....	11
Bowie State University (BSU).....	15
Coppin State University (CSU) .....	19
Frostburg State University (FSU).....	22
Salisbury University (SU) .....	26
Towson University (TU) .....	31
University of Baltimore (UB) .....	36
University of Maryland, Baltimore (UMAB) .....	40
University of Maryland Baltimore County (UMBC) .....	44
University of Maryland Center for Environmental Science (UMCES) .	49
University of Maryland (UMD).....	54
University of Maryland Eastern Shore (UMES) .....	59
University of Maryland Global Campus (UMGC) .....	63

# Introduction

**T**his National Association of Scholars Maryland Affiliate analysis is based on the 2023 diversity, equity, and inclusion (DEI) program reports from each of the 12 campuses governed by the Maryland Board of Regents (BOR). These public documents are required by law. The DEI program descriptions raise issues of equal protection under the Fourteenth Amendment and of compelled speech under the First Amendment, which bind all public campuses. All of the campus reports were issued before the recent Supreme Court’s decision in *Students for Fair Admissions, Inc. v. Presidents and Fellows of Harvard College*, 600 U.S. 181 (2023), or *SFFA*, which creates a binding precedent for all Maryland public, and many private campuses. The judicial precedent in *West Virginia Board of Education v. Barnette* barring compelled speech in public educational institutions is eight decades old. Notably, discussions of legal issues are almost entirely absent from the DEI campus reports.

## Recommendations

- **All BOR-governed campuses should use one standard definition of underrepresentation. Where that definition involves racial or ethnic identities, all programs related to underrepresentation should conform to the principles in SFFA and Title VI and Title VII of the Civil Rights Act.**
- **All BOR-governed campuses should have definitions of protected and unprotected speech according to the First Amendment and those definitions should be widely disseminated.**
- **All BOR-governed campuses should commit to encouraging intellectual diversity and academic freedom.**
- **All BOR-governed campuses should avoid using any form of compelled political or ideological speech or activity as a condition for admission, employment, or financial rewards.**
- **All legal advice by Maryland public officials on complying with SFFA should be made public along with reports on compliance with that advice.**

## Legal Context

Except for UMBC which was founded in 1966, all other campuses under the Regents were at one time racially segregated or in the case of Historically Black Colleges and Universities (HBCUs) created as reactions to that segregation. After *Brown v. Board of Education*, 347 U.S. 483 (1954), Maryland campuses were legally desegregated and recent system efforts to consider race in their decision making are reactions to more contemporary political movements.

In 1979, the University of Maryland College Park established the Banneker scholarship exclusively for black students to increase their undergraduate numbers. Fifteen years later when that scholarship program was challenged, the U.S. Fourth Circuit unanimously found it violated the Fourteenth Amendment Equal Protection clause in *Podberesky v. Kirwan*, 38 F.3d 147 (1994). The Court's opinion analyzed the concept of underrepresentation. It found that the University was unable to establish the potential availability pool of black students related to the admissions criteria the University actually employed.

That decision and the failure of the Supreme Court to define exactly the boundaries of how race could be used in higher education decisions made "cultural diversity" policies on Maryland campuses complex. Then in 2003, the Court ruled on two programs at the University of Michigan. In *Gratz v. Bollinger*, 539 U.S. 244, the Court struck down a program that gave underrepresented minorities—African Americans, Hispanics, and Native Americans—an automatic 20-point bonus on a 150-point scale used to determine undergraduate admissions. In *Grutter v. Bollinger*, 539 U.S. 306, decided the same day, the Court upheld the use of a racial advantage in admission to the University of Michigan Law School. The *Grutter* majority opinion affirmed the importance of an exposure to various forms of diversity as an educational goal and held that achieving a critical mass of underrepresented students could be narrowly tailored. It was not clear, however, how frequently and for how long racial preferences could be used. Nor did these decisions address when the use of racial preferences in faculty and staff employment policies might conflict with Title VII of the Civil Rights Act.

In 2008, Maryland passed a law requiring each public institution in the state to have a "cultural diversity" plan—Education Article Sec.11-406. Encouraging cultural diversity seems benign depending on how it is defined. According to the American Heritage College Dictionary culture means "The totality of socially transmitted behavior patterns, arts, beliefs, institutions and all other products of human work and thought." In Maryland, however, the legislative concept focused on "the inclusion of

those racial and ethnic groups and individuals that are or have been under-represented in higher education.” Other cultural dimensions were not considered.

Consequently, in 2009 the staff of the Maryland Attorney General’s office issued a document “Strengthening Diversity in Maryland Colleges and Universities: A Legal Roadmap.” Attorney General (AG) Douglas Gansler’s accompanying letter to College Presidents began:

This year marks a very important time for our nation as we celebrate the 80th anniversary of Dr. Martin Luther King’s birthday and the 100th birthday of the NAACP. In addition to those milestones, we have witnessed one of the most significant developments in the history of race relations in our country—the election of Barack Obama, our first African- American President.

The AG’s roadmap focuses on the *Grutter* decision’s permissiveness in using race. Curiously the AG does not discuss the issues caused by the existence of the four Maryland HBCUs whose overwhelming percentages of black students, faculty, and staff may reduce black representation on other campuses.

In 2023, higher education’s attempt to defend racial admissions preferences in the name of diversity or representation was rejected by the United States Supreme Court in *SFFA*. The Court found that using racial identity to achieve educational diversity was too amorphous a concept to measure and made judicial review impossible.

As the majority opinion firmly stated:

Eliminating discrimination means eliminating all of it. Accordingly, the Court has held that the Equal Protection Clause applies without any differences of race, color or nationality. It is universal in [its] application. (*Yick Wo v. Hopkins*, 118 U.S. 356, 359). Acceptance of race-based state action is rare for a reason: [d]istinctions between citizens solely because of their ancestry are by their nature odious to a free people whose institutions are founded on a basis of equality. (*Rice v. Cayetano*, 528 U.S. 495, 517).

Justice Gorsuch’s *SFFA* concurrence pointed out that categorizing persons by race to confer or deny campus benefits also violates Title VI of the Civil Rights Act which states: “No person in the United States shall on the ground of race, color or national origin be excluded from participation in, denied the benefit of, or

be subjected to discrimination in any program or activity receiving Federal financial assistance,” 42 U.S.C. Sect 2000d. All Maryland public and most private campuses in the state receive federal funds in various programs.

The only exception to the Court’s race neutral mandate relevant to higher education is using race to remedy a specific Constitutional or statutory violation. Though such violations occurred in Maryland education in the past, no current DEI policy is based on such violations.

The 2009 Maryland AG’s legal roadmap is now obsolete, and its advice needs to be revised. In the meantime, Maryland campuses are still operating on the old rules as their 2023 DEI reports reveal. Using racial group “underrepresentation” as the basis for making admissions, financial aid, and employment decisions was never conceptually sensible in Maryland given the presence of so many HBCUs and variables in other institutional missions. Persons may check off a racial box on a campus form, but they are not asked to give permission for using that information to favor or disfavor them as DEI policies often do. People may have many other important identities than their race and ethnicity and several of the categories used are overbroad or under inclusive. The *SFFA* decision finds that such racial and ethnic classifications are ambiguous and create stereotypes, and therefore forbids their use in campus decision making.

When campuses require applicants for admission, financial support, or employment to affirm DEI concepts, they are taking an ideological position and compelling speech, beliefs, or actions. This has been illegal after the Supreme Court declared “If there is any fixed star in our constitutional constellation, it is that no official high or petty, can prescribe what shall be orthodox for politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein,” in *West Virginia Board of Education v. Barnette*, 319 U.S. 634 (1943). See also, “The college classroom, with its surrounding environs, is peculiarly the ‘marketplace of ideas,’ and we break no new constitutional ground in affirming the Nation’s dedication to safeguarding academic freedom,” *Healy v. James*, 408 U.S.169, 180 (1972).

The terms diversity, equity, and inclusion have no clear definition and are subject to vigorous debate over many different political issues. When public campus benefits are limited to those affirming the DEI concepts in the decision makers’ minds, outcomes can be arbitrary and capricious. For example, what is the right or safe answer for a candidate asked to evaluate the *SFFA* decision according to DEI requirements?

# Campus DEI Reports Overview

**A**s was the pattern in much of the rest of higher education, Maryland public campuses gradually shifted their statutorily required emphasis on cultural diversity to the much more encompassing, though still ambiguous rubric of DEI. DEI concepts affect not only admissions, but also faculty and staff personnel decisions, officially sponsored campus organizations, events, awards, and the use of campus spaces. Maryland campuses have specific officers dedicated to enforcing DEI rules. They have no such persons to promote free speech and equal protection.

Our review was limited to the official DEI reports which we quote or paraphrase. (See June 16, 2023 Board of Regents minutes, p.5, <https://www.usmd.edu/regents/agendas/20230616-FullBoard-PublicSession.pdf>.) We did not attempt to go beyond the report's language to investigate DEI implementation or the sanctions implied for disagreeing with DEI initiatives.

It is not clear who wrote the campus DEI statements or whether campus attorneys reviewed or approved them. None of the campus statements discuss the costs of the new DEI bureaucracies, their workshops, training sessions, reporting systems, or surveys. Nor do they report how any of these activities were objectively evaluated. The need for DEI appears to be perpetual in both HBCU and non-HBCU campuses. That raises the questions of how DEI efforts are held accountable, and by whom?

The campus reports reviewed here raise two major kinds of constitutional issues. They show that Maryland public campuses require employee adherence to certain kinds of ideological or political positions and opinions. They are also using racial, ethnic, and in some cases gender classifications to benefit some groups and disadvantage other groups.

For example, many campuses have inserted an adherence to “justice” or “diversity, equity and inclusion” as criteria for personnel decisions or research awards. Almost everyone on campuses professes a belief in “justice.” There are, however, many types of justice—criminal, disability, economic, environmental, food, indigenous, racial, social, etc.—and many different legitimate viewpoints about how these



concepts should be defined and implemented. Similarly, there are many different views about what human characteristics and interests are diverse, when governments should engage in redistribution or reparations to achieve equity, and what kinds of programming, speech, or behaviors are inconsistent with inclusion. When a public campus prioritizes a particular view of justice or DEI and requires adherence to that view of those who study or work there, it takes a political position that may violate First Amendment prohibitions against compelling speech.

The most common programs driver in the 2023 campus diversity reports is correcting current “underrepresentation” of racial and ethnic groups or of groups that were “traditionally” underrepresented. The use of the latter term apparently means that even, if there is no current underrepresentation, DEI programs can be implemented to correct past problems.

How are educational goals affected when a campus declares a racial or ethnic group is underrepresented? The *SFFA* opinion rejects as illegitimate stereotyping the concept that knowing a person’s race or ethnicity can be used to determine their ideas or experiences.

Although economic background or being the first generation to attend college may be mentioned as underrepresented student categories, what is most often measured—and the subject of most vigorous corrective activities—are the categories of race, ethnicity, and sex. Of those groups, the most important category is race.

How is underrepresentation to be measured? No campus reports on political, religious, or geographic underrepresentation. They do not specify who they think is overrepresented or how the persons in that category will be protected from a campus’s multiple efforts to correct underrepresentation. But what is the proper denominator to measure representation? Is it the population of the nation, Maryland, or a region of the state? Is it the population of persons with the academic talent, preparation, and discipline to thrive in higher education? Does the concept refer to current students or to students who identify with groups who were historically discriminated against? As the Court declared in *SFFA* “[O]utright racial balancing is patently unconstitutional.”

The issue of racial representation is particularly complex in Maryland because the state has four public HBCUs where a focus on black students and faculty is considered essential to their mission. Bowie State’s students are 81% black as are 75% of its faculty; Coppin State’s students are 80% black as are 93% of its faculty; and at the University of Maryland Eastern Shore 46% students are black as are 78% of its faculty and staff. Morgan State which is not governed by the Regents has 65% black students and 82% black faculty. (Data are from a Microsoft Bing search and may not

reflect current 2023 numbers.) The overrepresentation of black students and faculty at Maryland HBCUs may contribute to their underrepresentation at non-HBCUs.

In this process, the actual diversity of individuals is subordinated to their placement in the categories of underrepresented and, by implication, overrepresented. If accompanied by critical race theory, individuals are also categorized as oppressors and oppressed.

The Regent's required diversity reports reviewed here were written in the spring of 2023 before the Supreme Court decided *SFFA* on June 29, 2023, which limited the use of all racial and ethnic preferences to correcting contemporary Constitutional or statutory violations. In their reports, no Maryland campus indicated that its DEI programs making race-based distinctions were aimed at correcting any such violations. Instead, the rationales were about diversity and underrepresentation.

These campus diversity reports are public, but the discussions between the campuses and their various lawyers about needed changes after *SFFA* may be deemed private. What is lacking in the Regents' statements and campus reports is any discussion about the problems DEI efforts can create in forcing compelled speech about complex political issues or in violating equal protection of individuals as required by federal civil rights laws. These discussions cannot be left to Maryland campuses where there is overwhelming pressure to conform to the DEI agenda. Persons knowledgeable about constitutional law, among the Regents' staff and the state attorney general's office, need to have those discussions and provide new guidance before campuses are hit with a wave of civil rights lawsuit that after *SFFA*, they are likely to lose.

## University System of Maryland

The University System of Maryland (USM), includes 12 institutions, 3 regional higher education centers, and a system office (USM Office) working together “to leverage their collective expertise and resources, share best practices, increase the system’s effectiveness and efficiency, and advance USM’s mission to improve the quality of life in Maryland.”

A 21-member Board of Regents, including two students, governs the USM. Appointed by the governor, president of the senate, and the speaker of the house, the Regents oversee the system’s academic, administrative, and financial operations; formulate policy; and appoint the USM chancellor and the presidents of the system’s universities.

The USM Office serves as the staff to the Board of Regents. Among other things, staff members advocate on behalf of the USM institutions, and facilitate collaboration and efficiency among them.

### **USM Annual Progress Report: Institutional Programs of Cultural Diversity 2023**

Maryland law requires approval by the BOR prior to transmission of the legislatively mandated USM progress report and member institutions’ cultural diversity reports to the Maryland Higher Education Commission (MHEC). Regents had an opportunity to approve these reports or make recommendations or inquiries by May 31, 2023. The full Board apparently approved the USM summary report at its public meeting on June 16, 2023—the minutes of the meeting are unclear on this. The MHEC had until December 1, 2023, to report to the appropriate committees in the state legislature “on the extent to which the institutions of higher learning in the state are in compliance with the diversity goals of the State Plan for Higher Education.”

The USM’s 14-page progress report begins with an introduction that describes its “expanded” mission, and its vision of, among other things, “relentlessly pursuing equity, opportunity, and justice for all.” It continues with a summary of reporting guidance provided by the MHEC to Maryland’s higher education institutions regarding their preparation of annual progress reports. After listing six items that the universities should include in their brief narratives, the report lists highlights from institutions’ responses to the MHEC guidance, and activities of the USM Office and multi-institutional DEIJ efforts.

## Highlights and Themes

This portion of the report contains four sections.

### **Section 1: Summaries of the institutions' plans to improve cultural diversity as required by the applicable Maryland law.**

The report summarizes each of the 12 USM institutions' statements and ideals which are reported for each campus.

### **Section 2: A description of efforts to increase numerical representation of traditionally underrepresented groups among students, staff, and faculty.**

This section lists bullet point examples of "stakeholder-specific initiatives" involving these groups that exist at USM universities.

#### *Students:*

- Reduction of barriers to admission—e.g., application fees—for underrepresented populations.
- Housing arrangements for those interested in learning from and engaging with diverse populations.
- Training on inclusive recruitment for the entire admissions staff.
- Offices dedicated to providing resources and facilitating the academic success of traditionally underrepresented students from recruitment through completion.

#### *Faculty, staff, and administration:*

- More robust onboarding.
- Inclusive search training sessions for staff and faculty.
- Required use of online faculty search software to improve diversity recruitment efforts.
- Administrative review of hiring practices, job descriptions, interview questions and interview panels to ensure that there is diverse representation and to remove barriers to a fair and equitable process.

**Section 3. A description of efforts designed to create positive interactions and cultural awareness among students, faculty, and staff on campus.**

*Students:*

- Counseling center pays special attention to the needs of diverse populations.

*Faculty, Staff and Administration:*

- Consideration of DEI-related work in tenure and promotion policies; required statements regarding DEI during the search process.

**Section 4: A description of emerging populations that are currently underrepresented in higher education.**

Each of the 12 member universities identified “emerging populations” in their reports. These groups included veterans, undocumented immigrants, the incarcerated and neurodiverse.

**USM Office and multi-institutional DEIJ highlights**

Two initiatives of the USM Diversity and Inclusion Council and the RISE UPP program are noteworthy. The USM Strategic Plan “Vision 2030 From Excellence to Preeminence,” identifies one of its priorities as DEI. It notes that the BOR had charged the Chancellor and USM leaders with implementing a framework to redress racial inequities. It also states a goal of educating “our students to be ... social change agents in our democracy.”

**USM Diversity and Inclusion Council**

In 2016, the then-USM chancellor called for the activation of a “Diversity and Inclusion” Council. Members of the Council represent multiple constituencies including “representatives from each USM institution, regional higher education center, and shared governance body.” The Council met over the last year and considered the impact of “likely SCOTUS decisions on race in college admissions.”

**Reimagining STEM Equity Utilizing Postdoc Pathways (RISE UPP)**

RISE UPP is part of a National Science Foundation INCLUDES initiative—NSF Award #2217329—designed to help “Scaling Partners” act as systems to facilitate the recruitment, training, community and network building, and subsequent hiring of minoritized postdoctoral scholars into tenure-track positions within the USM.

“To retain, support, and advance these scholars equitably, the RISE UPP Alliance recognizes that departments, institutions and systems must also be transformed.”

## Conclusion

This progress report ends with the following description of the USM’s ongoing efforts: “Both the USM Office and the USM institutions are enhancing work being done to remove institutionalized, systemic, or structural barriers that have evolved in terms of policies, procedures, language, facilities, campus climate and culture, delivery models, services, and business/financial models.”

### Discussion:

This progress report summarizes portions of the USM universities’ submissions to MHEC of cultural diversity plans and annual program reports. Some of the items raise concerns about the universities’ programs after the Supreme Court’s *SFFA* decision. For example, section 2 lists two “stakeholder-specific” initiatives aimed at underrepresented students: reduction of barriers to admission (e.g., application fees), and offices dedicated to providing resources and facilitating academic success from recruitment through completion. Likewise, two initiatives involving faculty and staff raise similar issues: required use of online faculty search software to improve diversity recruitment efforts, and administrative review of hiring practices, job descriptions, interview questions, and interview panels to ensure diverse representation and to remove barriers to a fair and equitable process.

Section 4 of the USM report, which describes “efforts designed to create positive interactions and cultural awareness among students and faculty,” contains two troubling items under the faculty, staff, and administration heading: consideration of DEI-related work in tenure and promotion policies and required statements regarding DEI during the search process.

The report’s USM and multi-institutional DEIJ highlights address the USM Diversity and Inclusion Council and the RISE UPP alliance. According to the report, the Council has considered the “impact of likely SCOTUS decisions on race in college admissions.” This is the only reference to judicial scrutiny in the entire USM report. As to RISE UPP, USM apparently has been chosen to act as a “system” to facilitate the “hiring of minoritized postdoctoral scholars into tenure-track positions within the USM.”

## Bowie State University (BSU)

BSU is a public HBCU in Prince George's County.

### **Section 1: Efforts to Increase the number of traditionally underrepresented (UR) students.**

- The report recommends targeted outreach to Hispanic and Asian/Native Hawaiian/ Pacific Islander students, which are the fastest growing minority populations, including the development of pathways programs.
- Bowie State University is exploring programs that appeal to underrepresented students, effectively shifting its program portfolio to increase success in recruiting UR students.
- Bowie State has also increased the number of online programs it offers to make it easier to attract UR students.

### **Section 2: Initiatives designed to recruit and retain traditionally underrepresented administrative staff and faculty.**

- Consistent with Bowie State's "Affirmative Action Plan," the university uses external "recruitment sources" to increase applicant diversity including professional associations, higher education publications, Employ Diversity, Hispanic Today, Women in Business and Industry, Facebook Blue Collar Group, and Black Perspective.
- The university does not require applicants for faculty positions include a diversity statement.
- There does not appear to be a uniform diversity statement in job ads for faculty positions, although some ads do mention DEI in the "duties and responsibilities" section.
- Bowie State created a centralized budget (\$100,000) at Human Resources to support broad advertising effort to recruit diverse applicant pools.
- The new Talent Acquisition Team at HR held virtual job fairs to through the Professional Diversity Network and the National Urban League.
- Bowie State enhanced the website and its onboarding programs to communicate that Bowie State is a welcoming place, to better attract and retain minority hires.
- The university grew its professional DEI staff to that it can "much more intentional and aggressive in its inclusive hiring efforts.

### **Section 3: Curricular initiatives that promote cultural diversity in the classroom.**

BSU's general education program does not include a required DEI-related course, but Bowie State University was the first Maryland university to offer a Masters in Culturally Responsive Teacher Leadership program. The program describes what its graduates are supposed to reflect and advocate:

exploring education theory, effective curriculum... and intercultural competence in addressing civic, social, environmental and economic issues; models practices that support building culturally responsive school cultures, with specific skillsets for managing groups, teams and networks to promote change in culturally and linguistically diverse learning communities... and encourages advocacy for equity in the teaching profession and underserved communities at the local, district and national levels.

### **Section 4: Student training programs and other campus culture shifting initiatives.**

- BSU launched a DEI event during welcome week in 2022-23 during which first year students “explored pathways to get connected to retention initiatives that included the following tracks: 1) Social Justice and Student Advocacy, 2) Civic Engagement, 3) Performing Arts, 4) Intramural Sports, and 5) Self-Discovery.” 100 first year students registered for the “Social Justice and Student Advocacy retention initiative.”
- Bowie State sponsors political co-curricular programming as part of its DEI initiatives, including the following:
  - Protecting Our Voting Rights DC March;
  - Mothers Impact on Racism Call to Action;
  - Understanding Critical Race Theory;
  - Should We Defund the Police Series; and
  - Black Lives Matter Shared Conversation Series.
- BSU hosts several events that reaffirm students' group identity, including “affirmation balls,” “tunnel of oppression” events, diversity awareness table talks, a safe space program, Heritage month celebration events, and an opportunity day event focused on diversity scholarships and internships.



- BSU’s Fall 2022 Student Leadership Institute included presentations on “communication etiquette” and “student conduct,” which discourages “harmful” language or discussions.
- The institution supports the establishment of “new and standing affinity groups that represent the interests of specific student groups.” For example, Bowie State recently revived the Muslim Student Association.
- BSU operates a bias incident reporting system that encourages students to report even protected speech that causes offense, even though it acknowledges that “not all hate-bias incidents rise to the level of a hate crime or discrimination.”

### **Section 5: Faculty and Staff Training Programs.**

- The Center for Excellence in Teaching and Learning at BSU hosts a biannual Faculty Institute, which focuses on “innovative instructional practices incorporating DEI.”
- BSU offers DEI presentations, events, and initiative throughout the year that focus “on cultivating inclusion.”
- BSU runs a “Bias Check” training series for faculty and staff.
- BSU is committed to expanding the use of “culturally responsive pedagogies through faculty development.”

### **Section 6: Other Campus-wide initiatives.**

- In fall, 2023, Bowie State was working toward the completion of a new institution DEI policy.
- Bowie State’s Office of Planning, Analysis, and Accountability administers three student surveys to assess students’ satisfaction with the campus climate. This research informs campus-wide DEI initiatives.
- Bowie State has made “ethnic/racial student and employee diversity and campus climate survey results” a key performance indicator for cabinet level mid-year and annual evaluations.

**Discussion:**

There is no clear discussion in the Bowie State report of how the HBCU campus defines diversity or who would be a minority hire at BSU. White students are also underrepresented at BSU, but they are not discussed in the BSU report. Surveys to assess cabinet level divisions and executives may create strong incentives to continue investing in DEI initiatives that may be race conscious

## Coppin State University (CSU)

CSU is a public HBCU in Baltimore. It offers undergraduate and graduate degree and certificate programs through the following colleges:

- College of Arts & Sciences, and Education
- College of Behavioral & Social Sciences
- College of Business
- College of Health Professions

As of April 2023, CSU enrolled 1,757 undergraduates and 249 graduate students for a total of 2,006. The institution has a second-year retention rate of 59% and a six-year graduation rate of 22%. It has 14 certificate, 33 bachelor's degree, and 14 master's degree programs, along with one doctoral program.

### The DEI Report

Its DEI report is seven pages long with an eight-page appendix. It begins with an introduction stating that differences among “race, ethnicity, gender identification, age, religion, language abilities and disabilities, sexual orientation, socioeconomic status, and geographic region are at (sic) the core values of the institution.” After listing four tenets of diversity that the university’s leadership has agreed to, the report continues by praising the work of CSU’s Diversity and Inclusion Committee (DEIC). CSU asserts that it supports diversity and equal opportunity in its education, services, and administration, as well as research and creative activity. The institution “monitors these results in the program’s activities and strategies it supports to ensure that diversity and inclusion education and awareness continuously facilitate the removal of barriers to the recruitment, retention and advancement of talented students, faculty and staff from historically underrepresented multigenerational populations.”

### Section 1: Summary of plan for improving cultural diversity

#### *The Cultural Diversity Plan*

The report states that the university intends to revise its cultural diversity plan in the spring of 2023 to have it coincide with the school’s five strategic plan goals.

In March 2023, CSU opened components of the Eagle Achievement Center, which will provide “essential” services, including diversity, equity, and inclusion activities.

### *Description of Metrics and Plan Process for Enhancing Diversity*

The DEIC met in fall 2022 to discuss fundraising and other financial gifts to support activities that would produce a more significant share of graduates and scholars of “minority descent.” It also plans to review four key metrics twice a semester, including the race and ethnicity of students, faculty and staff based on data collected annually and broken down by males and females.

## **Section 2: Activities to Increase Diversity**

### *Students*

- According to a table in the appendix to this report, 80% of the student body is Black.
- Safe Space Training: The Counseling Center for Student Development and residence life and student activities provide safe spaces where students, faculty and staff gather to discuss issues related to diversity and inclusion, among others.
- Curricular Requirements: Diversity and Inclusion are taught to incoming students who are required to write a “reflection paper” for academic credit and then share it during in-class lecture sessions.

### *Faculty*

- The appendix states that 75% of the faculty is Black.

### *Recruitment*

Based on the results of a survey conducted by ModernThink, an organizational development and management consulting firm, CSU has been advised of “the need to continue monitoring and increasing efforts for faculty who want to enhance engagement in DEI-related initiatives.”

### *Staff*

The staff is 81% Black. The Office of Human Resources (OHR) offers workshops to all personnel that support diversity and inclusion. Training given for University Search Committees on the “Do’s and Don’ts of the Interview Process” encompasses inclusiveness and unbiased criteria for candidate selection. OHR works with Humanim, a Maryland non-profit that allows individuals from marginalized communities who face social and economic challenges to work at the university.

### **Section 3: Efforts to Increase Positive Interactions and Cultural Awareness**

In addition to the DEIC, the report describes a special committee appointed in the 2021 academic year to provide guidance on the creation of a Center for Diversity, Equity, and Inclusion.

### **Section 4: Description of Emerging Populations**

The report states that CSU has noted an emerging group—minority women—needing close attention. The mix of female to male students at CSU is 75% to 25%.

Appendix 1 describes in more detail how CSU will seek to increase enrollment and achieve more diversity.

#### **Discussion:**

- CSU is an HBCU, so the issues of diversity and representation would appear to be different than on some other campuses. CSU apparently does not try to represent the population of the state or even of the city. The CSU report does not clearly define the problems it is trying to solve. CSU acknowledges that its student body is overwhelmingly black women and says they need “close attention,” but what about the problems of Black males and students of other racial and ethnic groups?
- What does CSU mean by fundraising to produce more scholars of “minority descent?”
- In its list of diverse characteristics that are “core values of the institution” CSU does not list political or ideological diversity or indicate measures of any form of diversity except the percentages of Blacks in various job categories.

## Frostburg State University (FSU)

Frostburg State University (FSU) is the only four-year institution of the University System of Maryland west of the Baltimore-Washington area in the state's Appalachian highlands. Today, the institution is largely a residential university. With an enrollment of approximately 4,858 students, the university offers 47 undergraduate majors, 16 graduate programs, and a doctorate in educational leadership. FSU places primary emphasis on its role as a teaching and learning institution.

The 2023 FSU Diversity report is six pages long with an 18-page appendix.

### **Section 1: Plan to Improve Cultural Diversity.**

According to the report, FSU' intends to update its Cultural Diversity Plan in the 2022-2023 academic year. The institution has a University Council on Diversity, Equity, and Inclusion (UCDEI) with a ten-goal plan that the President's Executive Cabinet approved in 2021. The full Council, which meets monthly—as necessary—and holds retreats twice a year, submits an annual report to FSU's governing bodies and the President's Executive Cabinet tasked with selecting five action priorities annually to meet all the goals by the 2024-2025 academic year, the UCDEI formed five workgroups.

### **The Ten Goals of the UCDEI**

Each appears below, with appropriate remarks.

#### **Goal One: Acknowledge the Past and Revisit History to Prevent Future Institutional Racism**

Of the four "action priorities" listed under this goal, two deserve mention:

- Renovation of a local school building and creation in its place the Adams Wyche Multicultural Center (AWMC), which will offer programs to enhance cultural diversity on campus.
- Development of a land acknowledgement statement.

#### **Goal Two: Lift Minoritized Voices**

The Higher Education Data Sharing Consortium conducted a campus climate survey in the fall of 2020.

**Goal Three: Continue to Prevent Racism in the Campus Culture**

- Conferring with the Office of Human Resources to determine whether bias complaints are addressed in the annual employee evaluation process.
- Providing workshops for faculty and staff addressing topics such as biases, microaggressions, and building increasingly inclusive curricula.
- Providing additional equity and inclusion leadership training to faculty, students, and staff. Faculty and staff were required to complete LinkedIn Learning DEI modules by March 2021, completion was reflected in annual evaluations and considered in merit pay.

**Goal Four: Critically Examine Student Conduct and Discipline Data**

- Reviewing student conduct and discipline data, highlighting any areas of concern.
- Providing bias training for staff completing student conduct referrals, including appropriateness of reporting to police to raise awareness.
- Creating a hate/bias response team. According to Appendix I, there will be training for the team leader and assistants to process complaints through investigations.

**Goal Five: Diversity and Inclusion in Campus Policing**

**Goal Six: Devise a Comprehensive Strategy for Commitment to Preventing Racism**

**Goal Seven: Establish a Black History Resource Center**

**Goal Eight: Disaggregate Student Success Data to Improve Minority Student Persistence**

Exploring the feasibility of hiring an external reviewer to disaggregate student success data to improve minority student retention and graduation rates.

**Goal Nine: Engage in Intrusive Outreach to Students of Color**

Incorporating outreach and learning initiatives regarding AWMC's mission and goals, and developing procedures for reporting, investigating, and responding to hate and bias complaints as part of the AWMC's objectives.

**Goal Ten: Build a Cultural Commitment to Eliminating Racism**

According to the report, one action priority under this goal was including diversity and inclusion in employees' annual evaluation goals. Progress in this regard consisted of including completion of required workshops and training in annual evaluations, which was reflected with merit pay in 2022.

**Section 2: Efforts to Increase FSU's Numerical Representation of Traditionally Underrepresented Groups.***Students*

In spring 2022, FSU developed a Strategic Enrollment Plan focused on improving the recruitment of Latino students. Also, Appendix 1 describes programs to support underrepresented students including direct admission, programs to prepare underrepresented students for post-secondary education and to support underrepresented students from select counties.

*Faculty and Staff*

The FSU Office of Human Resources worked with the three colleges and campus departments and divisions to recruit and retain traditionally underrepresented faculty and staff.

**Section 3: Efforts Designed to Create Positive Interaction and Cultural Awareness Among Students, Faculty and Staff.***Faculty and Staff Training Programs*

Faculty were encouraged and staff were required to complete DEI modules on topics that included "Leading Inclusive Teams" and "Unconscious Bias."

The Office of Diversity, Equity, and Inclusion (ODEI) coordinates "Leadership for Diversity" training every two to three years. The session consists of a "series of incremental experiential activities that fine-tune the leadership skills necessary to build inclusive environments and increase cultural competence."

*Curricular Initiatives that promote cultural diversity in the classroom*

A Social Justice track in the philosophy major was established as well as a Diversity and Leadership upper division certificate in the College of Business' Diversity and Management minor.



### *Co-curricular programming for students*

During academic year 2022-2023, FSU offered a weekend Leadership Retreat and Social Justice Summit, during which attendees were encouraged “to develop action plans to assist them in being agents of positive change on campus.” Staff from the Office of Civic Engagement, ODEI and the director of the J. Glenn Beall Jr. Institute for Public Affairs led the sessions.

## **Section 4: Emerging Populations.**

Defined as Latino students.

### **Discussion:**

- FSU has a substantial DEI bureaucracy which sets multiple goals. It seems very concerned about eliminating bias but doesn't identify any evidence that this a problem at FSU. Nor is there any distinction between protected and unprotected speech or of the problem of compelled speech which its DEI program seems to favor.
- There is no clear definition of how FSU defines diversity or underrepresentation, though there seems to be a special concern for Latino students.
- FSU does not make clear what the purpose of its Social Justice Summit is or how it defines that term. Has FSU adopted a specific set of political goals?

## Salisbury University (SU)

Salisbury University, located on the Eastern Shore, says that it is committed to “increasing the cultural diversity of our campus community.” In her State of the University Address, Dr. Carolyn Ringer Lepre spoke about the university’s plan to “diversify SU’s student body to better reflect Maryland’s demographic makeup, and to seek out more diverse faculty and staff.” The term “better reflect” the state’s demography is not defined, and it is not clear how racial identity will be considered. The President also announced that SU will be creating a campus-wide DEI plan; working to diversify faculty through new hires, and seeking to advance research related to DEI and social justice. There is also a plan to hire a Vice President for Belonging, Diversity, and Inclusion, the first time there will be a cabinet level administrator dedicated to DEI. There is also a search process for a Coordinator of Student Diversity Recruitment & Retention. The primary role of the coordinator will be to “Develop and implement strategic marketing and programming, with a cultural lens, to support the recruitment and retention of undergraduate students from diverse backgrounds.”

SU has not specified how it as an institution defines diversity or social justice. Or how people with different views of those concepts will be treated.

### **The Inclusive Excellence Strategic Plan**

This plan will capture themes to develop a strategic approach related to advancing DEI at Salisbury University. The plan is being developed to accomplish integration of inclusive excellence into all aspects of university operations, foster a sense of shared responsibility, and better monitor progress to goals. There is a description of efforts to increase the numerical representation of multiple traditionally under-represented groups which may be defined racially or ethnically.

Next year, SU plans to implement a new special housing concept titled IDEAA (Inclusion, Discovery, Equity, Allyship & Advocacy). Students interested in learning from and engaging in programs and dialogue focused on complex issues centered in equity, justice, and inclusion are invited to sign up to live in the IDEAA Special Interest Housing Community. As a resident of this community, students will have the opportunity to explore various aspects of their own identities, the intersections of those identities, as well as help to shape the conversation on Equity and Inclusion at SU. What are the criteria

for selecting students for this new housing? Will selection be based on race, ethnicity, gender, or sexual orientation? Does Allyship and Advocacy involve compelled speech for this University housing opportunity?

The Fulton School of Liberal Arts, Enrollment Management, the Office of Diversity and Inclusion, the College Assistance Migrant Program, TRIO Student Support Services, and the Organization of Latin American Students have developed a partnership to discuss increasing the enrollment and engagement of Latinx students at Salisbury University. This committee represents the multiple aspects of the Latinx student experience at SU and meets regularly to discuss ways to better reach the increasing Latinx population on the Delmarva Peninsula. Some of this work includes sponsoring the Culture Fest and Festival Latino during Latinx heritage month as well as attendance at events hosted by the community that provide resources to the Delmarva Latinx community. Are such coordinated actions available for any other student groups?

## Undocumented Students

SU hosted special events such as a Financial Aid Information for Undocumented/DACA students and their families. What is SU's position on immigration status and is the university involved in possible illegal immigration of Latino students? Could SU policies be breaking laws by supporting or refusing to identify illegal immigrants?

The logo of the Program from the SU website, featuring a clenched fist.



SU is an active member of Maryland's AGEP PROMISE Academy Alliance, an NSF-funded program to develop, implement, self-study, evaluate, and disseminate a state system model to transform the hiring practices and career success of tenure-track historically underrepresented minority faculty in biomedical sciences. Again, the concept of historically underrepresented is not defined.

## **Efforts designed to create positive interactions and cultural awareness among students, faculty, and staff on campus:**

A faculty workgroup examined expectations and rewards for faculty DEI work to promote equity in faculty careers and to recognize and reward DEI-related work by all faculty. Their report and recommendations are currently pending with the Faculty Senate for consideration and include specific expectations for and examples of DEI activity in teaching. What does it mean to reward faculty for DEI work and does that apply to promotion, tenure, compensation, and research grants? Will faculty who do not believe in DEI initiatives be penalized?

### *In-Person Training Pilot*

The ODI has a pilot group of faculty and staff members to participate in a soft launch of an in-person training series titled, Every Person, All Day, Every Day: Diversity and Inclusion Initiatives. This training will be based around passages from the book, *Everyday Bias: Identifying and Navigating Unconscious Judgements*. The series is comprised of 5 training modules that we will go through over a 5-week period. Participants will then provide feedback to ODI in preparation for a campus-wide rollout.

### **MOSAIC**

The Mosaic Mentoring Program provides support to new faculty with the goal of retaining and supporting the success of all faculty. Mentors are from a diverse group of individuals with 'different ranks, ages, genders, races, skills and experiences.' College of Health and Human Services - Justice, Equity, Diversity, and Inclusion Committee: This year, the committee provided the Intercultural Development Inventory (IDI) for faculty and staff in the CHHS. As a part of this initiative, faculty and staff completed the IDI and had individual and group reflection with a trained consultant. At the completion of this semester, over 30% of the faculty and staff in the CHHS will have completed the inventory and personal or group debrief of their results. What is an Intercultural Development Inventory and is the training voluntary or required?

Center for the Advancement of Faculty Excellence (CAFE) was launched to support faculty success and inclusion. Programming for inclusive pedagogy and universal design have been emphasized. At least two representatives from the university will be attending the National Conference on Race and Ethnicity.

More than 50% of new tenure-track faculty hires starting at SU last fall were from historically underrepresented or racial minority groups—some of these were international faculty. What efforts were made to reach that percentage and were some actions discriminatory?

### *Students*

Student Affairs created a Social Justice Award that recognizes a Student Affairs staff member, department, or group who has engaged in activities outside the framework of their regular responsibilities to help create and foster a Salisbury community that is equitable and inclusive.

The Accelerated Mentoring Program (AMP) is a comprehensive professional development program for students majoring in Psychology who have interests in social justice and anti-racism topics. AMP integrates a mentored community-based participatory-action research experience with intensive professional development using e-portfolio. The program targets People of Color or from traditionally underrepresented backgrounds, or both.

The School of Social Work's Comunidad and Umoja Scholarship Program (CUSP) is a leadership development and mentoring program designed to enhance the training of full-time, master-level social work students who show a propensity for culturally responsive practice and leadership. The CUSP targets, but is not limited to, students of color pursuing a Master of Social Work degree at SU. Applicants must identify a commitment to working with communities of color as their focus and be dedicated to seeking employment in the field after graduation. Apparently, this program either prefers some students from particular racial or ethnic groups and/ or reflect a particular ideology.

General Education Model Update: SU's new General Education model is well underway with a plan to launch in Fall 2024. The new model includes a required course in DEI- related content (as well as Civic Engagement and Environmental Sustainability). Will this mandatory course require students to affirm a particular ideology?

### *Cultural Diversity Inclusion Consortium Committee*

The purpose of the committee is to assist campus leadership in weaving the diversity strategy throughout the University through providing advice, monitoring the campus climate as it relates to diversity, inclusion, and equity, advocating for diversity and inclusion throughout the institution, and advising on the recruitment and retention of a diverse faculty, staff, and

student body. Other purposes are developing programs and initiatives to promote the University's diversity goals and support community members, building networks to support the diversity mission, monitoring implementation of diversity goals of the Strategic Plan, and assessing progress and setting goals for improvement. What does monitoring DEI campus climate mean and is it compatible with the First Amendment and general concepts of academic freedom?

### *Academic Program Expansion*

The LGBTQIA+ Resource Center is a safe space maintained and occupied by the LGBTQ+ Alliance to invite all identities as well as their allies to gather as a community, participate in educational activities, organize special events, or just network to support each other and promote a more open and accepting society. Salisbury University offers Gender Inclusive Housing as an on-campus living option available to its students who wish to belong to a community not restricted by gender identity or gender expression.

The University values and cultivates learning not only among its students but also for faculty and staff. SU will continue to expand professional development opportunities, with an emphasis on face-to-face training, and create inclusive spaces that support networking, foster professional growth, and inspire innovative ideas. By exploring ways to expand benefits, recognition and rewards programs, the institution hopes to improve the recruitment and retention of all faculty and staff and especially those from diverse backgrounds. Through the collection of these strategies, the institution hopes that all members of the campus community feel a sense of belonging and connection.

#### **Discussion:**

How will campus members who do not support DEI feel a sense of belonging and connection? SU seeks to maximize the use of more inclusive language in university policies, protocols, documents, and publications to speak to and describe students, faculty, and staff in various contexts. What does inclusive language mean, and will it lead to a policy of censorship?

Overall, SU's commitment to DEI at many levels seems to ignore Fourteenth and First Amendment constraints. At least, these legal principles are not discussed.

## Towson University (TU)

### **The 2022-23 Institutional Programs of Cultural Diversity Annual Progress Report, published April 2023.**

TU has a remarkably broad view of diversity:

Our diversity tenets include sex, sexual orientation, gender identity, gender expression, race, ethnicity, color, nationality, mental ability, physical ability, religious affiliation, age, and veteran status. Diversity can also be shaped by our political ideologies. . . .

This statement is admirable, except it is not clear how mental ability is a kind of diversity a campus should consider as a plus unless that campus believes in open non-competitive admissions. Also, how political diversity is protected at TU is not clear, particularly in the light of the following paragraph:

Towson University is at the forefront of providing educational opportunities that are aimed at healing the wounds of exclusion, promoting social and environmental justice, reducing poverty disparities, and achieving sustainable development for generations to come.

### **Section 1: Efforts to increase the numerical representation of multiple traditionally underrepresented groups.**

#### **Students**

We also have a specific priority admission program for Baltimore City public school students, allowing for high school counselors, administrators, and teachers to nominate students for admission. These students are then given a priority review and additional personalized outreach and service from the office. Additional initiatives to specifically recruit Hispanic/Latino students include providing information sessions and marketing materials in Spanish and conducting in-person information sessions in select areas of Maryland with high numbers of Hispanic/Latino students.

It is not clear why TU located in Baltimore County would have a priority admission program for City students, unless it is aimed at increasing black students. A

focus on Hispanic/Latino students could be race neutral, if similar programs are conducted for students from other groups who might have questions about the admissions process. Is the end goal proportional representation which would be illegal under *SFFA*?

Towson University recently announced its membership in the American Talent Initiative (ATI), an alliance of more than 130 four-year institutions united in a shared goal of enrolling, supporting, and graduating 50,000 additional talented, lower-income students across high-graduation-rate colleges and universities by 2025. ATI's work to increase access and success is more important than ever, especially amid a pandemic that disproportionately impacts talented students from lower-income and communities of color.

It is not clear what ATI membership means in practice.

“Over the past 5+ years, the Office of Human Resources (OHR) has implemented a variety of initiatives designed to recruit underrepresented staff. With the inception of a new applicant tracking system, the OHR has faster access to demographic data, and implemented a step in the selection process to ensure that the selected interview pool is representative of the overall qualified applicant pool. The new system also has made it easier for candidates to apply to TU, and seek and apply to multiple positions, further diversifying our applicant pools. In addition, the OHR uses the affirmative action plan to identify specific job groups with significantly less diversity than the reasonable recruitment area for that job group. The OHR uses the ‘source’ information from candidate submissions to determine the sources that produce the most diverse applicant pools, as well as those that reach underrepresented groups.”

It is not clear what the TU affirmative action plan means in practice and how its employment provisions comport with Title VII of the Civil Rights Act.

### **Faculty and Staff Cultural Training Programs**

The Inclusion Advocate (IA) program was established in 2020 and implemented in 2021. IAs are TU tenured faculty and permanent status librarians who are trained as search and selection process advisors. Their preparation includes a 16-hour Seminar and on-going education addressing current research and best practices about implicit bias, diversity, representation, and the ever-changing legal landscape in hiring, inclusive employment principles, and practical strategies for each stage of the search process. IAs are consistently on the cutting edge of effective advocacy of de-biasing the search process. IAs have a 2-year commitment and are assigned to serve on



faculty search committees across all colleges. There have been 47 trained to date (1-2 trainings per year).

Within the Office of Inclusion & Institutional Equity (OIIE), staff in the Center for Student Diversity partner with the DEIJ Education team to deliver workshops across campus. There has been an increase in requests for unconscious bias, microaggressions and how to interrupt them ... supported collaboratively between the Office of the Provost and the Office of Inclusion & Institutional Equity.

Additionally, the intent is to increase awareness and reiterate the importance of the concepts of DEI as well as recognize obstacles that potentially impede a bias-free search. Recognizing and disrupting biases in the search and interview process are discussed. OIIE has conducted training with supervisory staff in the Career Center, Administration & Finance, OTS, and Auxiliary Services.

**Fix Your Climate** is a learning session developed for all campus units to address microaggressions and bullying in the workplace. A significant number of reports filed with the Office of Institutional Equity and Compliance resulted in instances of work conduct that did not rise to the level of discrimination or discriminatory harassment but were harmful just the same. OIIE is attempting to proactively address workplace conduct to interrupt harmful behaviors and to reduce the number of “unactionable” complaints reported.

Although TU DEI activities affect speech, no distinction is made between protected and unprotected speech. Who has the authority to disrupt someone else’s speech? What does it mean to reduce the number of “unactionable” complaints reported? Are complaints involving protected speech kept in employees’ personnel files?

## **Curricular Initiatives that Promote Cultural Diversity in the Classroom**

**The Diversity and Inclusion Faculty Fellows (DIFF)** program which began in 2016 provides selected faculty members of various rank with opportunities to infuse diversity and inclusion into existing curriculum, create models to improve classroom dynamics in support of social justice, create scholarly knowledge that supports equity, access, and inclusion or identify strategies to enhance institutional practices. These Fellows attend monthly workshops throughout the academic year,

implement their newly developed diversity initiative by the Spring semester, showcase their project at TU Educators summit or other approved event, participate in DIFF networking and informal mentorship, and act as a resource for the Office of the Provost, as available.

**Open Educational Resources (OER):** Faculty Colloquium for Excellence in Teaching (FACET) collaborated with a faculty member to win an institutional grant from the Maryland Open-Source Textbook (M.O.S.T.) initiative to support OER development. A significant component of this grant-funded program involves development of culturally responsive pedagogies that will enhance student success.

**Trauma-informed learning environments (TILE) workshop:** FACET led an effort to support faculty in creating a curriculum for the new trauma-informed learning environments (TILE) workshop. The major goal of this initiative is to provide support for all students such that barriers to success are removed. This evidence-based program is built upon the consistent research-supported finding that people with disabilities often experience a heightened level of trauma, as do students from historically marginalized populations. By providing tools to faculty to apply to their syllabi, course assignments, and classroom spaces, the workshop will result in a more supportive platform for student success.

**New Faculty Institute:** FACET provides a year of professional development support to all new full-time faculty on issues that relate to faculty and student success. Prominent among the topics covered during these experiences is the importance of supporting international students and faculty, students with disabilities, and students and faculty from historically marginalized populations.

Many of these program activities may be race-neutral, but the term marginalized populations may be defined by racial or ethnic categorizations.

### **Co-Curricular Programming for Students**

- **The Sexuality & Gender Diversity Student Development Program** celebrates National Coming Out Day. This event celebrates and recognizes LGBTQ+ individuals who are in the various stages of coming out.
- **The Women in Leadership Conference** brought female-identifying persons together to have discussions around various topics that impact women. This year's theme was Defining Womanhood.
- **The African American Student Development Program's Sitting at the Elders' Feet** event took students, faculty, and staff on a historical journey with Towson University Elders. Using oral traditions of generational

sharing, the TU community learned of the history and experiences of TU Black Alumni, explored current realities, and discussed ways to continue to move forward.

- **The Latine/x Student Development Program** hosts a monthly Comunidad or gathering to create a space that celebrates, honors, and engages students in discussion on aspects of the Latine/x community. Recent topics such as “Latine/x History and Culture through Art,” and “Stories of My Immigrant, 1st Generation and Latine Activist Life” were explored and the partnerships with academic departments allowed for aspects of the culture and topics relevant to the Latine/x community to be discussed beyond students who hold the Latine/x identity.
- **H.E.R. (Honesty. Encouragement. Respect)** is a space for students who identify as women of color to come together and have genuine conversations about all things related to being a woman of color. Students, Faculty, Staff, and alumni who hold this identity are invited to participate with the understanding that all formal titles are discouraged to allow students space as we encourage them to be their authentic self, in an open environment, while respecting each other and themselves. While we really like to have a good time and build relationships and connections that may not happen randomly; we also recognize the importance of providing this welcoming space. Students, faculty, and staff are welcomed, and any meeting can be someone’s first meeting.
- **Man 2 Man** is a peer program geared toward men of color at Towson University. This support group serves as a confidential space for male-identified students of color to develop a better understanding of themselves and others in the context of gender, race, culture, and social pressure. Meetings explore how the experience of masculinity shapes how we think, feel, and relate to others, as areas of growth, strength, and unity are discussed.
- **Native American or Indigenous:** While developing guidance for the appropriate use of Indigenous Land Acknowledgements, we partnered with local organizations and institutions in conducting oral histories with Elders from local tribes. We also have increased our outreach and engagement with Native/Indigenous TU students with the goal of developing dedicated support through our Center for Student Diversity.

TU has a variety of programs for groups it seeks to help, but it describes no particular programs for white heterosexual students or veterans.

# University of Baltimore (UB)

*The 2023 Institutional Programs of Diversity Report, published April 14, 2023.*

## **Section 1: A summary of the institution's plan to improve cultural diversity.**

Diversity is defined at UB in its fullest scope, embracing not only racial and ethnic groups and individuals who are or have been underrepresented in higher education, but also including religious affiliation, sexual orientation and gender identity, disability, foreign nationality, economic status, nontraditional student status, and *other important* characteristics. Inclusion describes the active, intentional, and ongoing engagement with diversity—in people, in the curriculum, in the co-curriculum, and in communities (e.g., intellectual, social, cultural, geographic) with which individuals might connect.

UB's 2019 DEI plan was audited in the fall of 2020, whereupon committee teams were established to oversee the 2021 activities, having established these priority areas:

- **Student Mentorship Enhancement:** Support efforts for all students, focused on minority students, especially students of multi-cultural and multi-racial backgrounds, to participate in such programs as UB Connects, and perform research on best practice mentoring programs.
- **Student Career Advancement:** Develop and curate ideas for supporting student career advancement, especially for women and under-represented groups.
- **Faculty, Staff and Student Ongoing Education:** Help further embed the University's commitment to diversity, equity and inclusion and faculty diversity.
- **Communication:** Develop a clear and consistent messaging focused on DEI. Committee Reporting and Feedback - Share the Committee's work in various ways to ensure the governance groups and campus community aware of the DEI activities.

During 2022, the Student Government Association sponsored these campus-wide initiatives: 1) Celebrating Juneteenth; 2) Organizing a Pride Parade; 3) Developing the Inclusion Alley, an outdoor campus gathering space, decorated, and provided with seating; 4) Promote the use of non-gender specific pronouns. The administration, including the Office of Diversity and International Services (ODIS), hosted weekly forums (with trained facilitators) in recognition of months or days

of heritage, history, and special holidays, and also provided safe spaces for Black students, Latin X students, and LGBTQIA+ students.

Planned initiatives: combating race, gender, and sex stereotyping through programming and through our Breaking the Bias Forums; promoting safe zone/brave zone trainings for students, faculty, and staff; enhancing all disability related programming to raise awareness and enhance inclusion; partnering across the university to promote the use of automatic captioning in all our online events; The Women's Initiative for Leadership Development (WILD) program; inclusion of pronouns and chosen names in Campus Groups platform; the learning management system.

## **Section 2: Diversity Profile**

Percentage of undergraduate students who identify as one of the racial and ethnic groups that we count as underrepresented has increased from 53.9% to 64%. Among African Americans, undergraduate students are now 48.5%, and graduates from 35.1% to 45.5%. Since 2016, underrepresented tenure and tenure-track faculty have increased from 12.6% to 15.0%. 15% of tenured/tenure track (T/TT), while those with other tenured status increased from 12.3% in 2012 to 19%-20% since 2020. In the search for a Provost, 60% of the campus finalists (3 of 5) were members of underrepresented groups, but unfortunately two of those three candidates accepted positions elsewhere.

## **Section 3: Activities**

(1) Faculty and other employees participated in the JEDI (Justice Diversity, Equity, and Inclusion) —a partnership between University of Baltimore and the University of Maryland Baltimore County. Faculty-specific programming focused on DEI originated largely through the academic units and the Center for Excellence in Learning, Teaching, and Technology (CELTT). CELTT partnered with SGA to update the learning management system with a new pronoun field, and with the Disability and Access Services to address accessibility needs.

The School of Law offered the following training: Understanding Implicit Bias, Microaggressions: Words Matter, Overcoming Imposter Syndrome, Affirming LGBTQ Folks: Pronouns and More, Service Animals and the law.

(2) The Office of Human Resources supports all campus constituencies. JEDI is designed for community building and connections with faculty and staff across

institutions. The Employee Development Academy (EDA) provided intercultural seminars for staff (also available to faculty) held via ZOOM.

The Merrick School of Business is focusing faculty on curricular updates, in part to address Item 9 in the Association to Advance Collegiate Schools of Business (AACSB) 2020 Standards, which is Equity and Inclusion. The watchwords for AACSB 2020 are “positive societal impact.”

(3) The School of Law has offered several co-curricular programs, including Celebrating Women’s History Month, Celebrating the Black Attorney, Celebrating the Latin X Attorney, Just Listen, etc.

The College of Public Affairs (CPA) (a) launched the Community Engagement Fellows Program, which provides UB graduate students with internships in local nonprofit community organizations, many of which are engaged in equity work within the Baltimore area; (b) hosted “Voices of Public Service” speaker series featuring speakers of diverse backgrounds; (c) hosted the 2023 annual Conference of Minority Public Administrators (COMPA), whose president is an MPA faculty member.

## **Section 4: Education for the Incarcerated**

### **Section 5: Other Initiatives**

The School of Law (SoL) Director of Diversity, Equity, Inclusion, and Belonging initiatives are the following: (a) student orientation has been changed to include a half day training on DEIB issues; (b) trainings are offered to staff, students and faculty in person and virtually; (c) along with diverse student organizations, SoL delivers programming on all matters of DEIB - faculty, staff, and students participate in these discussions; (d) an increased effort to recognize significant relevant dates and religious periods; (e) created a Diversity Council, a student led group made up of approximately 9 diverse student organizations with 5 positions at large, to act a liaison between the law school administration and the student body - managed by the DEIB Director; (f) created a DEIB Advisory Board, consisting of members from the student body, staff, and faculty, to create environments where relevant conversations around DEIB can happen in a safe space. That information is collected and delivered to the Dean with the goal of making the law school more inclusive.

**Discussion:**

In practicable application, inclusion means certain types of diversity identifications receive more recognition and programming than others at UB. Though UB has a law school there is no discussion in this report of the legal issues DEI efforts might raise. The definitions of underrepresentation or inclusion are not clear. Is representation compared with the population of Baltimore, the state, the nation? Efforts to remediate underrepresentation based on race and ethnicity create Fourteenth Amendment and Title VI issues that UB ignores. It isn't clear whether DEI training sessions are mandatory or whether there are any protections for those who disagree with the DEI message.

# University of Maryland, Baltimore (UMAB)

*The 2023 Diversity Report, published April 10, 2023.*

The University of Maryland, Baltimore encompasses seven schools (dentistry, graduate, law, medicine, nursing, pharmacy, and social work). Titled “Spring 2023 Institutional Programs of Cultural Diversity Report,” the eight-page document describes the University’s overarching goals as well as specific DEI programs.

UMAB has created a strategic plan for 2022-2026. One of its new initiatives is to advance anti-racism, DEI, and social justice efforts and there are currently 88 strategic goals that cover DEI and social justice.

The report states groups such as “Black, Hispanic and Latinx, Native American, Asian, Pacific Islander, and people of two or more races, people with disabilities, women, people from lower socioeconomics, and people from the LGBTQ+ community are underrepresented in higher education as students, faculty, staff and leadership.” In short, everyone is underrepresented except able-bodied white males. No data are provided about whether these categories are actually underrepresented in the various UMAB units. There is one exception, however. The report acknowledges that “males, not traditionally categorized as underrepresented, are underrepresented in Nursing education and profession.” The report, however, contains no information or recommendations about to address the underrepresentation finding in Nursing.

The introductory section ends with this sentence “The current DEI political landscape, in which the Supreme Court is considering rolling back affirmative action in college admissions, coupled with organization cultural challenges, impact our progress and ongoing work.”<sup>1</sup>

## Specific DEI programs

### 1. Efforts to Increase the Numerical Representation of Traditionally Underrepresented Groups.

- UMAB has developed an “Interactive Data Dashboard for individual schools to enhance diversity across our various populations.”
- Human Resource Services “prepares a yearly Affirmative Action Plan that focuses on our effectiveness to achieve a more diverse, and highlights areas we need to emphasize.”

---

<sup>1</sup> University of Maryland, Baltimore, “Spring 2023 Institutional Programs Of Cultural Diversity Report,” April 10, 2023, 2, <https://www.umaryland.edu/media/umb/edi/2023-UMB-Cultural-Diversity-Report.pdf>



- DEI leadership at the campus level and designated DEI leadership at each of our schools provide learning opportunities for student faculty and staff.

## **2. Initiatives designed to recruit and retain traditionally underrepresented students**

- The Dentistry's Office of Admissions recruits underrepresented students by engaging the pre-health advising office at five HBCUs.
- Dentistry also has organizations that support Black Dental students and one for Hispanic Dental students.
- The School of Medicine has used a multi-pronged approach which has resulted in in near tripling of the proportion of underrepresented students in each first-year class since 2020. The School seeks to retain these students by "unconscious bias" education for all faculty. Among the incentives the School created was a "Scholarship Program for Visiting Medical Students Underrepresented in Medicine" which was the subject of a complaint (#03-22-2223) to the Office of Civil Rights (OCR) filed 8/31/2022. OCR has not completed an investigation, but reference to this scholarship program has been removed from the School's website.
- The School has appointed an Assistant Dean for Student Diversity and Inclusion who advises the Student Diversity Council.
- The Graduate School promoted a syllabus focused on Equity and Justice and a program for Inclusive Teaching. It also sponsors a weekly professional development newsletter on a wide range of Justice, Equity, Diversity, and Inclusion topics as well as monthly meetings addressing social identities.

## **3. Initiatives designed to recruit and retain traditionally underrepresented faculty.**

- In 2022 a Faculty of Color Network was launched to strengthen overall faculty diversity and development and supporting the recruitment, retention, and overall success of faculty from underrepresented groups.
- OEDI sponsored eleven faculty from underrepresented groups to participate in the Faculty Success program of National Center for Faculty Development and Diversity.

- The School of Medicine's Diversity Advisory Council developed Equitable Faculty Search Guidelines recommending diverse gender, racial, and ethnic representation and requiring implicit bias training for search committees.
- The School was awarded an NIH grant to recruit a diverse faculty from underrepresented groups for early career faculty.

#### **4. Initiatives designed to recruit and retain traditionally underrepresented staff.**

- Here the commitment is to increase the numerical representation of traditionally underrepresented groups defined as veterans, women, minorities, and disabled people. Most of the activity appears to be outreach, but it also includes a commitment to diversity in position descriptions and postings.

#### **5. Curricular initiatives that promote cultural diversity in the classroom.**

- The Intercultural Center collaborates to offer programs on Portraits of East Baltimore's Reservation, First Generation Celebration Week, Black Professionals on the Rise and Transgender Empowerment and Advocacy Week.

#### **6. Faculty Training Programs.**

- The Faculty Center on Teaching and Learning sponsored twenty-three faculty members developing new curriculum grounded in cultural diversity frameworks.
- Piloted a new implicit bias training for faculty in the Pharmacy admission committee.
- In the School of Social Work, the Faculty Annual Review has been expanded to include a section specifically on DEI efforts.

#### **7. Staff Training Programs.**

- Human Resources offers a cultural proficiency module three times a year with diversity related materials.
- The School of Medicine sponsors multiple invited DEI lectures as well as Department lecture series.
- Cultural competence is integrated into the Emerging Leaders Program.

- The School of Social Work offers staff training and coaching related to related to their own bias, systemic oppression, and making changes through concrete steps.
- Administration and Finance hired an Executive of Diversity in 2022 who is creating and rolling out a holistic organizational DEI approach.

**Discussion:**

As is common in the Maryland campus DEI reports there is no consistent definition of underrepresentation and no statistical analysis of the concept. UMAB has a law school. Except for one sentence stating UMAB's concern regarding the then impending Supreme Court decision about the use of race in admissions, however, there is no discussion about the legal context or limits related to the institutional drive to end "underrepresentation" in this document.

## University of Maryland Baltimore County (UMBC)

*The 2023 Regents Diversity Statement, published April 10, 2023.*

The UMBC statement is 17 single spaced pages divided into five sections with an Appendix titled the “UMBC Cultural Diversity Plan.”

UMBC begins section 1 by noting that it is one of the most “diverse” public research universities in the nation. UMBC is very explicit that diversity means race and ethnicity. It points out that the U.S. Department of Education designates the campus as a “minority-serving institution.” UMBC states that its undergraduate enrollment is “mirroring” the diversity found in Maryland. It notes that 62.1% of its undergraduates are minorities, while 2020 Census showed a 53% non-white population in the state. It claims its minority enrollment is considerably higher than the average of UMBC’s peers and other Maryland institutions, exclusive of HBCUs. UMBC reports it exceeds its target of 20% African-American students, which is a formidable task in a state with four HBCUs. The campus does not describe what steps it takes to achieve its goal. However, UMBC states it must improve the graduation rates of African-American males and has established a Black Student Success Initiative.

UMBC does not state whether it has targets, met or unmet, for other racial and ethnic groups or other groups. It also provides no statistics regarding faculty or staff racial or ethnic targets.

On March 25, 2021 a complaint (#03/-21-2121) was filed with OCR against UMBC alleging that there were five female only programs and two Title VI race violations. OCR partially resolved the complaint on November 30, 2021 finding that although it was true that UMBC operated several programs for women or black faculty, it did not specifically exclude white male faculty from these programs and thus was not in violation of Title VI. Other potential violations reported in the complaint remained open subject to further investigation. After *SFFA*, the legal issue is not just outright exclusion, but also racial or gender preferences.

UMBC has an Office of Academic Opportunity which focuses on underrepresented students defined as low income, first generation, and minority students, so it is partially race neutral and partially race conscious. Some components of the program appear to be race or gender specific. For example, The Louis Stokes Program for Minority Educational Program, the EMPOWER program for transfer students who identify as “women or femmes of color,” the Transfer Engagement Program where “male students of color” can have fun and motivate each other for academic and social success and the Returning Women Student Scholars program.

Enrollment management has some race neutral programs for “underrepresented” students, but it also hosts a reception and overnight event for Hispanic/Latino high school students.

The Meyerhoff Scholars Program is a nationally famous well-funded effort to increase the representation of minorities in science and engineering. Non-minority students can be members if they affirm the increase of minorities as a goal.

The U-Rise program is a research training program in STEM fields for students who demonstrate a commitment to increasing the number of persons from underrepresented groups in STEM.

The Graduate Research Training Initiative for Student Enhancement (G-Rise) supported by a NIH \$5.6 million grant supports underrepresented graduate students in STEM for up to three years of funding and other training opportunities, “The goal is to help participants select and prepare for a range of career paths in academia, industry, government, entrepreneurship, or beyond.”

The Center for Women in Technology (CWIT) is a merit-based scholarship program for undergraduate students “identifying as women” interested principally in STEM. CWIT also supports K-12 girls interested in computing and engineering.

## **Administrative Staff**

The Department of Human Resources in partnership with the University of Baltimore will sponsor training sessions on Justice, Equity Diversity, and Inclusion.

## **Faculty Section 3 and 5**

Interfolio Faculty Search is a software program that monitors applicant pool diversity throughout the search lifecycle.

UMBC Affinity Groups are intended to improve recruitment, visibility, and retention of faculty and staff to provide professional development, mentoring, and support to help colleagues succeed. The current affinity groups are the Asian and Asian-American Faculty and Staff Council, the Black Faculty Committee, the Colleges of Arts, Humanities and Social Sciences (CAHSS) Women’s Faculty Network, the Latinx and Hispanic Faculty Association, the LGBTQ+ Faculty/Staff Association and Women in Science and Engineering.

The Fellowship for Faculty Diversity supports scholars, artists and creative practitioners committed to DEI preparing them or possible tenure track positions. “Eleven former members of this program are now UMBC faculty.”

The CNMS Pre-Professoriate Fellows Program support scholars in experimental sciences committed to diversity in the academy. All four former fellows were converted to tenure track faculty.

The Advance Leadership Program aim is to promote the advancement of women STEM faculty to positions of leadership by providing funds for professional development opportunities.

NIH First Grant provides \$13.7 million to UMBC and the University of Maryland Medical School to enhance the recruitment and training of a diverse cohort of junior faculty with a strong commitment to DEI.

RISE UPP Alliance is a national effort which UMBC participates in to increase faculty diversification in biomedical fields.

The Inclusion Imperative is a partnership of UMBC and three HBCUs which cultivates a regional network of scholars committed to diversity and inclusion in the humanities.

The Breaking the M.O.L.D Program creates a pipeline to senior leadership in higher education for faculty members of color, women from the arts and humanities and others with a record of promoting diversity within the academy.

Section 5 defines changes to the UMBC promotion and tenure process recommended by the Inclusion Council to promote DEIA principles. The Faculty Handbook was amended in 2019 to state that UMBC's commitment to an inclusive culture means that DEIA work is recognized and reviewed in research, teaching, and service. Departmental chairs in their reports must affirm that DEIA contributions were evaluated. Faculty annual reports should reflect their contributions to DEIA and to think about additional ways DEIA can inform their work. What is exactly meant by DEIA activities is not defined.

### **Section 3 and 4 Other Programs**

The Inclusion Council is composed of students, staff, faculty, and alums which provides advice to the Office of Equity and Inclusion (OEI). OEI Members act as OEI ambassadors across campus to discuss equity issues.

The Initiative for Identity, Inclusion, & Belonging creates opportunities for "Social Justice Dialogues." Programing examples are Sista Care open to Black/African women and femmes, regardless of gender expression, and The Multicultural Leadership Experience which provides a space for students who identify with underrepresented or marginalized backgrounds.

The Office of Off-Campus Student Services has a focus on responding to the needs of black male transfers.

UMBC's Chosen Names Initiative allows students to select their names and pronouns to specify their gender identity and LGBTQ+ affiliation.

#### **Discussion:**

Though the 2019 UMBC diversity statement says it defines diversity "in its fullest scope, embracing not only racial and ethnic groups and individuals who are or have been underrepresented in higher education, but also including religious affiliation, sexual orientation, and gender identity, disability, foreign nationality, non-traditional student status and other important characteristics," intellectual diversity is not mentioned. Clearly race and ethnic underrepresentation is the priority and the most frequently measured.

This report to the UM Regents was made before the SCOTUS *SFFA* decision, so it is not certain what, if any, changes UMBC has made in its focus on race-based student and faculty proportional representation. The concept that some students are from underrepresented groups and must be given additional support permeates this diversity statement. The exact definition or basis for determining underrepresentation is not clearly stated. For example, in what programs are Asian Americans considered underrepresented? What groups are overrepresented is never defined or mentioned. Nor is the concept that persons somehow "represent" their racial or economic class explored.

Once a campus classifies students identified with some racial and ethnic groups as underrepresented an obvious problem follows. These same groups are even more underrepresented in the faculty and in some staff positions. Consequently section 3.2 of the UMBC 2019 Diversity Plan states the campus should "Aggressively recruit and retain underrepresented minority faculty with the goal of increasing the diversity of UMBC faculty to, at a minimum mirror the diversity of UMBC's student population." Also, in 2.1 "Support significant, sustained growth in ethnic, racial and gender diversity among tenure-track faculty, and exempt and non-exempt staff."

Because a clear effort to recruit or promote by race or ethnicity might create a Title VII lawsuit, an alternative is to require all employees to support the goals of the underrepresented groups by mandating adherence to DEI principles. This is the policy UMBC has adopted in its personnel decisions. See job advertisement below.

There are no statements in the UMBC Regents report reflecting any adherence to equal protection, individual civil rights, or free speech principles.

## **Addendum**

Job advertisement International Relations specialization East Asia. Listed in *Inside Higher Education* on October 9, 2023.

UMBC is a Carnegie Research 1, community engaged, minority-serving institution, focused on inclusive excellence.

Candidates must also describe how their research, teaching, and/or life experiences contribute to 'inclusive excellence,' such as their ability to work with underserved and diverse populations and their capacity to respond in pedagogically productive ways to the competence, aspirations and needs of students from diverse backgrounds.

In applications include 'a statement of your commitment to diversity, equity and inclusion.'



## University of Maryland Center for Environmental Science (UMCES)

The University of Maryland Center for Environmental Science (UMCES) is the only scientific research center within the University System of Maryland focused on Environmental and Estuarine Studies.

### **A summary of the institution’s plan to improve cultural diversity**

As of April 14, 2023, UMCES did not have a Cultural Diversity Plan. The Center has begun developing a formal plan, which it intends to submit with its 2024 cultural diversity report.

### **A description of efforts to increase the numerical representation of multiple underrepresented groups.**

The report lists six “activities” UMCES has undertaken to increase numerical representation:

- Adopting more inclusive and equitable hiring practices.
- Developing partnerships with other universities likely to increase the number of underrepresented student applications.
- Offering more courses about diversity in STEM.
- Participating in undergraduate internship programs focused on increasing underrepresented participation in STEM research.
- Joining USM-wide Postdoc to Faculty efforts to attract underrepresented PhD graduates into the professoriate.
- Working to make UMCES an inclusive, equitable and inviting place to work so that underrepresented colleagues want to stay.

Aspects of DEI that appear in the descriptions of these “activities” follow.

#### **Hiring Practices**

- To increase the diversity of administrative staff applicants, UMCES contacted UMBC for implicit bias and strategic recruitment training. Members of a search committee for the post of Vice President for Administration and Finance attended the training. Ultimately the Center hired a diverse candidate.

- UMCES administrators produced UMCES-specific guidance for faculty searches, based on UMBC's STRIDE program. According to the UMBC Faculty Diversity website, a STRIDE committee is charged with providing peer education that supports the efforts of search committees, departments/programs, and colleges to recruit, retain, and promote diverse faculty and foster more inclusive and equitable academic spaces for its faculty peers. As a peer education resource, it does not create or enforce institutional policy or approve faculty searches. It reports to UMBC's Committee on the Recruitment, Retention, and Advancement of Underrepresented Minority Faculty.
- UMCES and UMD support a USM-wide Marine Estuarine and Environmental Sciences (MEES) Program, which provides funds to recruit high performing graduate students, particularly those from "underrepresented backgrounds in STEM."
- In spring 2022, three UMCES faculty members instructed the MEES course "Advancing Diversity Equity and Inclusion in Environmental Science."
- UMCES and Frostburg State University (FSU) offer a joint Master of Environmental Management (MEM) program. By accelerating the "pathway" for undergraduate students at FSU, MEM will "grow a pipeline of diverse employees for the regional environmental workforce."
- The UMCES' Institute for Marine Technology (IMET), which has partnered with the University of Maryland, Eastern Shore, provides financial support to graduate fellows using funds from a NOAA grant to the Living Marine Resources Cooperative Science Center (LMRCSC). The LMRCSC "aims to train the next generation of marine scientists from underrepresented communities." IMET's summer internship program encourages undergraduate students from underserved communities with an interest in marine and environmental sciences to apply.
- The UMCES Appalachian Lab has developed an internship program to provide research and professional development opportunities to undergraduates from underrepresented groups in Western Maryland.

### **Diversity in STEM**

According to the report, UMCES faculty routinely collaborate with HBCUs in the state. One "pending submission" with Coppin State University aims to address the

issue of “distrust in science” by engaging Black middle and high school students in STEM.

### **Faculty**

As of the date of the report, UMCES had no Black faculty. Nonetheless, its student body and overall employment profiles are “somewhat higher in Black representation.” UMCES has joined the RISE UPP INCLUDES Alliance Postdoc to Faculty program. RISE UPP is part of a National Science Foundation INCLUDES initiative (NSF Award #2217329) designed to help “Scaling Partners” act as systems to facilitate the recruitment, training, community and network building, and subsequent hiring of minoritized postdoctoral scholars into tenure-track positions within the USM. The report states that UMCES is “very hopeful that this effort will improve our diversity outcomes at the faculty level.”

### **A description of efforts designed to create positive interactions and cultural awareness among students, faculty and staff on campus.**

This description begins with some historical context. In 2020, UMCES established its Diversity, Equity and Inclusion Collaborative (DEIC). The DEIC identified two “fundamental truths” about DEI at UMCES: increasing diversity was a long-term commitment, and the institution was dealing with a less than optimal current work climate. Recognizing that an “inclusive, equitable, and welcoming work climate is critical for retaining underrepresented minorities after they are recruited to UMCES,” the DEIC began not only to address issues such as micro-aggression and implicit bias, but also sought external help for professional work climate assessment. Two “candidate assessment providers” began their work in 2021, completed it in 2022, and prepared a final report in 2023.

The DEIC has been working to establish an Ombuds program, which will consist of unpaid volunteers from UMCES faculty and staff to help employees and students “navigate interpersonal situations that while thorny do not rise to the formal grievance level, as well as provide guidance on those situations that do.” Contract negotiations with a professional ombuds consultant were ongoing in April 2023.

## **A description of emerging populations that are currently underrepresented in higher education**

People of color (primarily Black and Hispanic/Latino), women, Native American, AAPI, physically disabled, neurodiverse and LGBTQ+

## **A description of other initiatives that are central to the cultural diversity plan not previously addressed. (This is a prescribed section applicable to all USM institutions' reports).**

As mentioned in section 1, UMCES does not have a cultural diversity plan. Nonetheless, it has developed a plan to evaluate all its current policies “through a DEI lens.” This plan apparently will involve reviewing 20% of the institution’s policies every year for the next five years on a rolling schedule, unless a more frequent review is required by circumstances or “legal amendments.”

### **Discussion:**

Nowhere in the report is underrepresentation or overrepresentation defined.

In section 2 (efforts to increase numerical representation) under the caption of Pipeline Initiatives, the report raised another issue—distrust in science—which is or was the subject of a “pending submission” with Coppin State University that will involve engaging Black middle and high school students to address the matter. The paragraph ends by posing the following question: “Science helped to create this mistrust so what better way to address it than head on?”

The report refers to restrictions on women, impacts on students, and possible issues for tenure-track female faculty resulting from the SCOTUS decision overturning *Roe v. Wade*. It also mentions “legislative amendments” as a possible reason to diverge from its five-year plan to review all UMCES policies through a DEI lens.

What is the “UMCES-specific guidance”—based on the UMBC’s STRIDE program—for faculty searches?

What portion of MEES program funds were spent to recruit graduate students from “underrepresented backgrounds,” and what were the selection criteria?

What are the requirements for earning a Master of Environmental Management (MEM) in the joint UMCES-Frostburg State (FSU) MEM program. How does FSU accelerate the “pathway” to “grow a pipeline of diverse employees”?

How much NOAA grant money goes to the LMRCSC, which “aims to train the next generation of marine scientists from underrepresented communities.”

**Faculty**

How involved is UMCES in the RISE UPP INCLUDES Alliance Postdoc to Faculty program? Has it received any funds from the underlying NSF grant?

The UMCES DEIC sought external help to assess its professional work climate assessment. Who were the “candidate assessment providers” hired to undertake this job, and is their report available for public access?

# University of Maryland (UMD)

*The 2022 Institutional Programs of Cultural Diversity  
Report, published April 15, 2023.*

The University of Maryland, College Park or the University of Maryland is a public land-grant research university. It is the largest university in both the state and the Washington Metropolitan area. Its 12 schools and colleges offer over 200 degree-granting programs, including 113 undergraduate majors, 107 master's programs, and 83 doctoral programs.

Dr. Georgina Dodge, Vice President for Diversity and Inclusion, is the designated contact listed on the nine-page report, titled "2022 Institutional Programs of Cultural Diversity Report," published in April 2023. The UMD Office of Diversity and Inclusion (ODI), provides the following "short definitions" of diversity, equity, inclusion, and social justice on its webpage:

Diversity—The full spectrum of human identities, backgrounds, experiences, and their intersections<sup>2</sup>

Equity—Fairness

Inclusion—Full participation by all

Social Justice—Justice in terms of the distribution of resources, opportunities, and privileges within a society

The report is divided into five sections, four of which are pertinent to this survey.

## **Section 1: A summary of the institution's plan to improve cultural diversity.**

Last year the University adopted Fearlessly Forward, a strategic plan that centers on DEI as one of six guiding principles.

Terrapin Strong, a program for all new faculty, staff, and students, provides information about resources in bias incident reporting, counseling services and additional resources for BIPOC—Black, Indigenous, and People of Color.

---

<sup>2</sup> There is no specific mention of intellectual diversity.

## **Section 2: A description of efforts to increase the numerical representation of traditionally underrepresented groups among students, administrative staff, and faculty.**

The University has taken steps to recruit Black students in Prince George's County. Although acknowledging that its Office of Undergraduate Admissions (OUA) may not "establish numeric enrollment goals by race," the narrative continues by expressing the university's clear intent to improve the recruitment, admission, and enrollment of diverse students from the County. Touting the "impressive impact" that the current efforts have accomplished, the report describes the disparity nonetheless between Black/African American "admits" and the lower subsequent enrollments of members of that group. There is no mention of how HBCUs may have factored into the difference in student behavior. The student body at Bowie State University, an HBCU located nearby in Prince George's County, is 81% Black, as is 75% of its faculty. Nonetheless, the OUA has focused on improving the "yield rate" among County students who have been recruited and admitted. The reason for the focus on PG County is suggested below.

The report mentioned the likelihood of a ruling in the *SFFA* appeal: "As we await the Supreme Court ruling on affirmative action, and its potential impact, we continue with several recruitment approaches that are already in place, modifying and enhancing a number of efforts to target outreach efforts in Prince George's County in preparation for the court ruling against consideration of race in admissions." The report then gives eight examples of outreach efforts in the county. The first is a "Now A Terp" mixer for admits—an evening reception designed to encourage freshman enrollment for African American and Latinx residents. A second example is a College Access Conference (not restricted to the county) that targets rising high school seniors who are African American, Latinx and Native American residents of Maryland.

Additionally, the report asserts that the University is strengthening efforts to increase the number of Black Ph.D. students, including an initiative led by the Office of Graduate Diversity and Inclusion to recruit and support students from underrepresented populations.

UMD has developed cultural centers to support Latinx, Asian Pacific Islander Desi American (APIDA), Native American and Indigenous, multiracial, and biracial, and students with disabilities. The Department of Fraternity and Sorority Life has launched the Agora House for the National Pan-Hellenic Council, the governing body for all historically Black fraternities and sororities (known as the "Divine Nine") on

campus, and the Multicultural Greek Council to use as a gathering and programming space. Other “culturally centered spaces” include the LGBTQ+ Equity Center and the Nyumburu Cultural Center for the University’s Black community. And the Office of Multi-Ethnic Student Education provides “wraparound academic support services for diverse undergraduate students.”

The university has hired three deans who “bring diversity” to its academic leadership.

According to the report, UMD has developed financial incentives to increase faculty diversity, and will continue to seek out and make offers to underrepresented faculty. One of the incentives is the Faculty Advancement at Maryland for Inclusive Learning and Excellence (FAMILE) initiative. Begun in 2021, this will involve the investment of \$40 million over ten years to diversify the University’s tenured and tenure track faculty. According to the report, 23 faculty members from underrepresented populations have been hired through FAMILE thus far, and the number of tenured and tenure track faculty who identify as Black/African American has increased from 77 in fall 2021 to 88 a year later, a 13.5% rise—there are other statistics.

The ADVANCE program, the Office of Diversity and Inclusion (ODI) and the Office of Faculty Affairs launched an Equity Coaches program by which faculty members and administrators “well versed in literature on bias in the academic work environment” facilitate workshops related to “equity in faculty evaluation and inclusive faculty hiring.” According to its website, the mission of the ADVANCE Program is to support the recruitment, retention, advancement, and professional growth of a diverse faculty. The ODI “provides leadership and expertise for helping the university achieve its diversity, equity, and inclusion goals,” with a vision that “fully embraces diversity, equity and inclusion as morally right and educationally sound.” Falling under its bailiwick is a full Diversity and Inclusion staff that oversees UMD diversity officers, the Equity Council, bias incident support services, diversity training and education, the LGBTQ+ Equity Center, the Nyumburu Cultural Center, the Office of Multi-ethnic Student Education, and the Terrapin Strong onboarding program.

Every college, school, and administrative division on the UMD campus has a Diversity Officer and an Equity Administrator.

UMD clearly has several race and ethnic based programs without any discussion of legal limits. There is no definition of “underrepresented”—or “overrepresented”—in this or any other section of the report. Nor is there any mention of political, religious, or geographic underrepresentation.



**Section 3: A description of efforts designed to create positive interactions and cultural awareness among students, faculty, and staff on campus.**

Required implicit bias training for departments that wish to obtain funding through the FAMILE hiring program for faculty.

Evidence-based training for effective evaluation of faculty for promotion includes bias awareness and strategies to ensure fair and transparent evaluation.

Last year, the University Senate passed a proposal to modify the university's general education diversity requirement. Students are also required to complete a course focused on understanding racism and inequality.

The UMD Counseling Center has added staff who are diverse in terms of ethnic backgrounds, cultural backgrounds, sexual identities, gender identities, neurodiversities, and other aspects of diversity, to keep diversity considerations central to hiring decisions.

**Section 4: A description of emerging populations that are currently underrepresented in higher education.**

Neurodivergent learners

LGBTQ+ Equity Center

**Discussion:**

There is an established DEIJ bureaucracy at UMD. In addition to a Vice President for Diversity and Inclusion, the ODI staff numbers 24. There is a Vice President for Student Affairs with her own two person DEI staff which has adopted a DEI Strategic Plan and a Student Affairs Diversity Initiative.

DEIJ concepts appear to have affected many aspects of campus life at Maryland, including admissions, faculty and staff personnel decisions, campus officially sponsored organizations and the use of campus spaces. UMD apparently not only required employee adherence to certain ideological or political positions, but also used racial, ethnic, and sometimes sexual classifications to benefit some groups and disadvantage others.

There is no indication in the UMD report that its DEI programs making race-based distinctions were aimed at correcting Constitutional or statutory violations. The rationales presented were about diversity and underrepresentation. Also, there is no discussion about the problems DEI efforts can create in forcing compelled speech about complex political issues, or in violating equal protection of individuals as required by federal civil rights laws.

As of the date of the report, the University was continuing its "targeting outreach efforts." Will these efforts continue despite the *SFFA* ruling? Or did the report's authors choose this wording hoping that the SCOTUS opinion would give UMD leeway with its race-based initiatives and programs?

# University of Maryland Eastern Shore (UMES)

## **Section 1: A summary of the institution's plan to improve cultural diversity.**

A Driving Change Self-Study (DCSS) was conducted as part of UMES' application to the Howard Hughes Medical Institute (HHMI) Grant Initiative. Driving Change, focuses on supporting STEM programs, but the scope of the study encompassed the climate for DEI efforts. To that end, UMES hired an outside consultant.

## **Section 2: A description of efforts to increase the numerical representation of traditionally underrepresented groups among students, administrative staff and faculty.**

### **Students**

Summer Bridge Program; Hispanic Student Initiative; Transfer Student Initiative; International Student Initiative; Non-Traditional Student Initiative

### **Faculty**

Human Resource Office (HRO) encourages departments to advertise in a wide arrange of areas that will potentially create diversity in the pool of applications; encourages departments to advertise in areas that will potentially create diversity in the pool of applications; optimizes the opportunity to promote continued diversity by alerting all on campus departments to open positions, placing them on bulletin boards and providing electronic access; specific sites used for advertisement/recruitment to attract a diverse applicant pool are noted here.

### **Discussion:**

Again, there is the problem of the lack of definition of historically underrepresented persons in academia. UMES is an HBCU, and blacks are overrepresented among students, faculty and staff. Apparently, the term traditionally underrepresented gives a campus the mandate to focus resources and programs for such groups for the indefinite future.

### **Section 3: A description of efforts designed to create positive interactions and cultural awareness among students, faculty, and staff on campus.**

#### **Faculty and staff cultural training programs**

- **Safe Colleges:** The University has contracted with Safe Colleges to develop, create, and generate learning content/training for faculty, staff, and students. Training modules focus on various areas of protected class including race, ethnicity, ADA, civil rights, etc.<sup>3</sup>
- **LGBTQIA+ Safe Zone:** This training is intended to help participants learn about the LGBTQIA+ community in order to become more inclusive of various identities by using appropriate terminology and language, avoiding microaggressions and unintentional behaviors. Two 1.5-hour segments.
- **Fostering a Diverse and Inclusive Environment:** The WHY and HOW: Workshop participants learn how to promote inclusion in their workplace.
- **Unconscious Bias—Fundamentals of Equal Opportunity:** participants engage in group activities and small group discussion on how implicit bias influences their decisions in their university life and will be introduced to strategies to combat bias in their own lives.
- **Fundamentals of Equal Opportunity** will outline relevant laws such as Title VII, Title IX, and the ADA, including the groups protected by each, and it will touch on corresponding institutional policies; discrimination, harassment, and retaliation in a professional or academic environment (OIE offered).<sup>4</sup>
- **Intercultural Competency: Beyond the Basics: Working and providing services in a diverse environment** requires a knowledge and understanding of cultural differences, values, and behaviors.
- **Microaggression: Recognizing and Challenging a Subtle Form of Bias:** will facilitate exercises and discussions to recognize microaggressions and learn strategies for addressing them.

---

3 Is this training mandatory and does it include a discussion of Constitutional constraints on the use of race and compelled speech?

4 Title VI is omitted.

- **Religious Diversity: Challenging Assumptions to Advance Inclusion:** workshop facilitator will share ways of approaching this challenging conversation, and, through interactive exercises, will develop tools for a welcoming and religiously inclusive campus.

### **Curricular initiatives that promote cultural diversity in the classroom**

- Cultural awareness events were held with small groups of 5-10 students in-person and/or online during various cultural celebrations including but not limited to Hispanic Heritage Month, Coming Out Day, Women's History Month.
- Frequent research briefs regarding cultural diversity shared with faculty via Academic Affairs.
- Frequent academic programming by departments, addressing cultural diversity within their disciplines (specific plans for each School are being developed).

### **Co-curricular programming for students**

- Ongoing events and programs such as Lavender Circle (once a week) for students navigating issues related to sexual and/or gender exploration and acceptance.
- The University hosted the political and cultural and literary human rights activist Kevin Powell for Black History Month.
- The Center for International Education and the School of Education, Social Sciences and the Arts began a monthly speaker series of African American ambassadors about careers in foreign service.

## **Section 4: A description of emerging populations that are currently underrepresented in higher education.**

UMES has HBCU status; we need to make room for broadened definitions of gender diversity (LBGTQIA+). Other emerging student populations: Undocumented Students, Hispanic Students, Non-Traditional Students, Students with Mental/Physical Disabilities, Incarcerated Students. We need to be more effective in recruiting from families with more financial resources.

## **Section 5: Other initiatives.**

In February 2023, a staff member attended an EAB (Education Advisory Board) conference in Washington, D.C. One presentation was titled: “An Enrollment Leader’s Guide to Diversity Strategy: Steps You Can Take Right Now to Start Identifying, Engaging, and Enrolling More Underrepresented Students.”

The UMES understanding of diversity is broad-based, emphasizing the identities and experiences of groups that have been historically under-represented in higher education, and encompassing age, class, culture, (dis)ability, ethnicity, gender identity, gender expression, immigration status, national origin, race, religion and spirituality, sex and sexual identity, veteran status, among others.

The only identities that may count at UMES are those that were historically underrepresented in higher education, even if they are not underrepresented now at UMES. There is no reference to viewpoint diversity or political identity.

# University of Maryland Global Campus (UMGC)

## **The Analysis of Cultural Diversity Progress Report, published 2023.**

### **Section 1: Efforts to Increase the Number of Traditionally Underrepresented (UR) students.**

- UMGC has a student body that is 28.3% Black and 32% of its 2022 graduates identified as Black.
- To increase the Hispanic student population, UMGC has established a Latino Student Working Group to serve Latino students from inquiry/application through to graduation.
- UMGC offers bilingual success coaches and advisors and has joined the Excelencia in Education network, which helps the university to develop, share and implement best practices in the area.
- The university has tasked its Analytics Office with assessing where UR students tend to “stall out.”
- UMGC has partnership and pathways programs with community colleges to recruit students, many of whom are underprepared or historically disadvantaged.

#### **Discussion:**

UMGC clearly focuses on the concept of “traditionally” UR students. How is this group membership currently measured? UR compared to what demographic base? For how long does a group remain traditionally UR? Targeted outreach and pathways initiatives are among the least problematic DEI strategies, if they have a proper statistical basis. Without such, UMGC appears to offer different student support services to different racial groups.

Analytics offices/programs can help universities reach out to underprepared students proactively and improve student outcomes. But they can also lead to pressure to advance students academically who do not merit a passing grade in the name of equity. Data analytics should be used to support student success, but the focus should be helping *all* underprepared students; the analysis should not focus on disparate outcomes across identity groups.

## **Section 2: Initiatives designed to recruit and retain traditionally Underrepresented (UR) administrative staff and faculty.**

- At UMGC, 46% of Staff and 32% of Faculty identify as belonging to an underrepresented minority (UR) group.
- UMGC’s Diversity, Equity, and Inclusion strategic plan (2021) calls for “increasing the diversity of the leadership ranks across divisions, schools, and departments.”
- UMGC uses targeted recruitment and outreach to increase the number of UR applicants in faculty and administrative searches.
- The university also claims to use “hiring practices, job descriptions, interview questions, and interview panels... to ensure” diverse representation and create an equitable process. This suggests that race (or lived experience as an underrepresented minority applicant) is a “plus” in the application process. Additional research into the specific policies is necessary.
- The progress report references an “annual Affirmative Action plan” that is used to “ensure that any gaps in hiring and staff retention can be surfaced and addressed.” This suggests that UMGC may have race targets for hiring and makes a conscious effort to meet them by using race preferences.

### **Discussion:**

Is UMGC defining UR in the same way for faculty and staff as for students? UMGC engages in targeted recruitment of minority applicants to shape its search pools. But it also uses policies and practices to address “gaps in hiring” identified by an “annual Affirmative Action plan,” but the specifics are left ill-defined. This suggests race plays a large role in some hiring decisions. More information is needed about UMGC’s use of race in hiring practices and interview panels.

## **Section 3: Curricular initiatives that promote cultural diversity in the classroom.**

- UMGC’s Diversity, Equity, and Inclusion strategic plan (2021) calls for academic schools to review curricula across departments to integrate materials focused on cultural competence, race, and society.



- The DEI plan also calls for the establishment of a Student Diversity Council to incorporate DEI “conversations” into the classroom.
- UMGC’s undergraduate general education program does not include a specific DEI requirement. However, the Behavioral and Social Sciences distribution requirement contains many courses related to Critical Race Theory.

**Discussion:**

The 2021 DEI plan calls for a review of all curricula with a view to integrating DEI materials. This may create strong pressure to politicize courses and academic programs. A diversity council dedicated to importing DEI conversations into the classroom may violate norms of faculty autonomy in the classroom.

**Section 4: Student training programs and other campus culture shifting initiatives.**

- UMGC’s DEI office runs a range of extracurricular DEI programs, including heritage month celebrations, presentations by leading experts, documentaries, panel discussions, and facilitated discussions including a “diversity dialogue series.”
- Student Affairs is creating affinity groups based on group identity.

**Discussion:**

These UMGC DEI student life programs may be voluntary. Which groups will be entitled to have institutionally supported “affinity groups”?

**Section 5: Faculty and Staff Training Programs.**

- UMGC’s Diversity, Equity, and Inclusion strategic plan (2021) mandates the establishment of a “diversity advisory council” tasked with engaging professors in discussions related to “management of the classroom.”
- The plan also calls for a “diversity certificate program” to track faculty and staff participation in optional DEI events.
- The Office of Human Resources is working to link “diversity competencies and values to performance reviews and expectations.”

- The Multicultural Training Team offers regular training to faculty and staff to help them “lead, influence, and advocate for diversity change.”
- Staff affinity groups called inclusion networks have been launched to “recognize the various diverse cultural groups” on campus and bring individuals together “for professional development, sharing of ideas... and building their network.”

#### **Discussion:**

Why was there a need at UMGC to engage professors in DEI focused classroom management? Will that activity encourage professors to consider group identity in assigning work and grades? What will be the use of the diversity certificate program in personnel decisions at UMGC? The university may be creating very strong incentives for faculty and staff to advance DEI's ideology by tracking training attendance and considering contributions to DEI in performance reviews.

### **Section 6: Other Campus-wide initiatives.**

- UMGC has engaged Glint (a “people success” platform) to measure faculty and staff satisfaction with the campus environment for inclusion. Department-level data will guide efforts to “improve the culture.”
- UMGC’s Diversity, Equity, and Inclusion strategic plan (2021) calls for a new campuswide “diversity advisory council” charged with advising university leadership on DEI and the university’s broader culture.
- The DEI plan mandates development of “a comprehensive communication strategy” to disseminate DEI best practices and publicize metrics.
- The DEI plan also mandates that leadership “establish measurable goals” for DEI “at the division, school, and department/unit levels” including accountability metrics.
- UMGC is a member of the Capital Region Minority Supplier Development Council (CRMSDC), which suggests that URM and DEI considerations could be shaping procurement activities. CRMSDC professes “advancing economic equity” as one of its objectives.
  - In 2022, UMGC partnered with CRMSDC to offer its first MBE Academy, which “brought together minority entrepreneurs across the region.”<sup>5</sup>

<sup>5</sup> This suggests that the university limits some opportunities to participants based on their race, in potential violation of Title VI of the Civil Rights Act.

- UMGC was established recent partnerships with the University of Baltimore and the University of Maryland Eastern Shore (an HBCU) to share best practices for improving the learning environment for Black students.

**Discussion:**

UMGC has an extensive array of DEI programs, some of which are race and ethnic conscious. But it isn't clear what problem it is trying to solve. Or whether that problem is institutional or societal. Campus wide inclusion surveys paired with a university effort to set measurable DEI goals for each unit will create powerful tools for DEI conformity. The development of a comprehensive communications strategy to disseminate DEI "best practices" is inconsistent with fostering diverse viewpoints necessary to academic freedom. The university is attempting to create a viewpoint orthodoxy in the place of a marketplace of ideas.