

Reframing Inclusion: A Discussion on Navigating Today's Activism and Uncertainty

OVERVIEW
JANUARY 2026



One year in, the administration has sent ideological and judicial shockwaves through corporate America

Federal Regulatory Shift



Presidential action and sustained conservative pressure have weaponized the post-affirmative action legal landscape, leading to new judicial interpretations that lower the bar for "reverse discrimination" claims.

Investment & Divestment Threats



Anti-DEI investment firms are launching new ETFs (e.g., Azoria Partners' SPXM) that actively exclude companies based on their DEI/ESG adherence, directly targeting shareholder value.

Online & Legal Activism



Companies are facing targeted campaigns & scrutiny from social media and legal activist groups, as well as government entities threatening their reputations and political standing.

How federal and state governments are building momentum and enforcing compliance

Aggressive Enforcement Landscape

Facing severe risk, many prominent companies have **scaled back, eliminated roles, or rebranded DEI initiatives**, accompanied by new shareholder tensions over program risks and risk disclosure.

Top areas where adjustments have occurred include:

Rollbacks to hiring quotas and trainings

Re-evaluating external partnerships

Ending participation in external surveys

Adjustments / softening of language and messaging

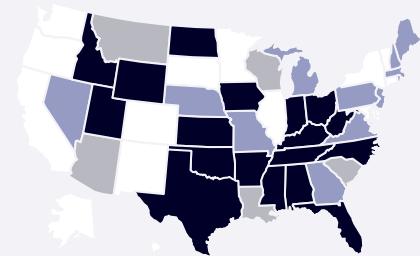
False Claims Act & Whistleblower Risks

The DOJ's Civil Rights Fraud Initiative is using the False Claims Act (FCA) to pursue treble damages against federal contractors and grantees that make false DEI compliance certifications.



Corporate America's Rebranding Domino Effect

A **wave of anti-DEI legislation across states** has created legal compliance challenges, while federal guidance pressures state-funded institutions by threatening their financial viability.



■ Introduced ■ Passed at least one chamber ■ Enacted

Key conservative voices continue to gain legitimacy and momentum

Robby Starbuck's Platform Growth

Pre-Election Activism

- Generated social and traditional media controversy
- Threatened boycotts and directly contacted companies to apply pressure
- Emboldened conservative grassroots

Gaining Post-Election Legitimacy

- Invited to speak at major HR/inclusion-focused conference
- Sued Meta for AI misinformation and subsequently appointed as "AI bias advisor" for the company



Stephen Miller's Legal Pressure

Pre-Election Legal Strategy

- Laid groundwork for anti-DEI policy
- Sued major corporations, small businesses, and educational institutions over DEI

Post-Election Authority & Federal Coordination

- Continuing pressure through the courts
- Leveraging AFL to file complaints and lawsuits that gain traction with federal prosecutors

Headlines are evolving amidst new pressures

Fall 2023 - Summer 2024

Fall 2024 - Spring 2025

Summer 2025 - Fall 2025

Winter 2025 - Ongoing

A new post-affirmative action era affects legal landscape for businesses

Enforcement mandates and socio-political tension further divides corporate America

Organizations navigate individual paths as landscape becomes increasingly precarious

Tensions approach fever pitch as Federal actions escalate; return of corporate activism?



DEI under siege: Why more businesses are being accused of 'reverse discrimination'



NEWS - DIVERSITY, EQUITY AND INCLUSION

'Opportunities not outcomes' | Boeing disbands DEI department to focus on a 'merit-based performance system'

Bloomberg

Wall Street's DEI Retreat Has Officially Begun

Programs once meant for people of color and women are now open to all.



Ford, Coors Light and Other Brands Retreat From a Gay-Rights Index

Bloomberg

JPMorgan, Goldman CEOs Resist Calls to Roll Back DEI Programs

- Shareholder proposals over diversity submitted by two groups
- 'Bring them on,' JPMorgan CEO Jamie Dimon says of activists

WSJ

EXCLUSIVE | MEDIA

Paramount in Talks With FCC Over Diversity Policy Concessions for Merger

The discussions are small step in complex effort to secure federal approval for media company's deal with Skydance

The Guardian

Trump's ICE crackdown faces reckoning as outrage mounts over Alex Patti shooting

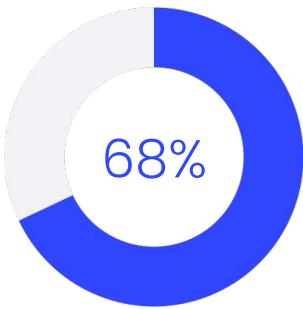
The New York Times

Minnesota's Biggest Companies Call for 'De-escalation' of Tensions

The letter from chief executives at some of the state's most recognizable companies like Target and Cargill stops short of condemning the recent killings by federal immigration agents.

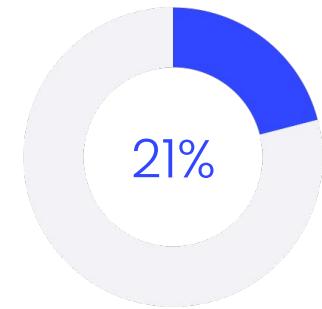
C-Suite leaders are responding to anti-DEI pressures with a mix of caution and resilience

Support for diversity
remains strong



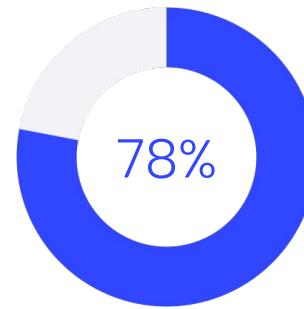
68% of the C-suite say **moving away from DEI would create more legal risk for their organization**, and 64% agree that there is greater risk of litigation alleging discrimination from traditional plaintiffs (eg. marginalized groups).

But the C-Suite is
worried about lawsuits
& enforcement



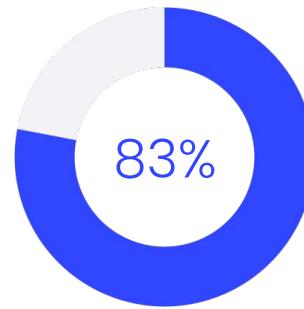
21% of C-suite leaders say they are assessing their investments in DEI programs because of the current environment, including **risk of lawsuits, government enforcement actions, and shareholder proposals**.

Companies are evolving
how they talk about “DEI”



78% of C-suite leaders say **they are “rebranding” their DEI programs** with terms such as employee engagement, workplace culture, fairness, or belonging.

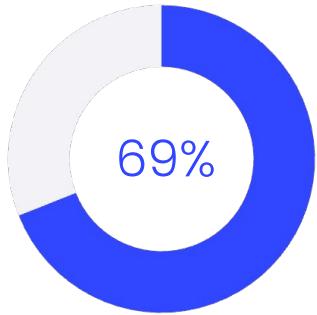
And many desire to
double down, despite
headwinds



83% of C-suite leaders believe **organizations should retain or expand their DEI programs**.

Most American consumers continue to see DEI as part of a company's responsibility

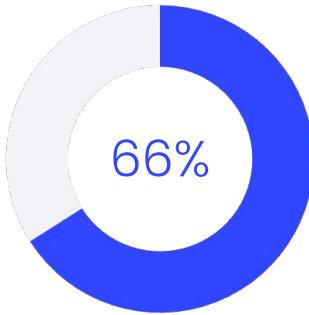
Generally, consumers still support corporate diversity efforts



69% of U.S. adults say it is extremely or somewhat important for businesses to promote DEI. This is a solid majority, even though it's the lowest level since tracking began in 2022.

Gallup (2025)

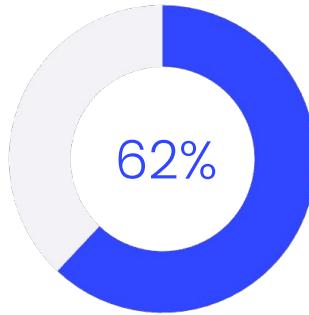
The majority of consumers remain emotionally aligned with DEI



66% of consumers responded that they **"love" the idea of DEI**, though many don't always express it openly.

Kantar (2025)

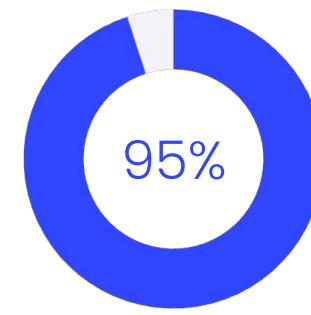
Younger consumers support companies who remain committed



62% of Gen Z say they **won't support a company that lacks a clear commitment to social and environmental causes**. 57% of Millennials say the same.

Kantar (2025)

And expectations for corporate responsibility beyond DEI remain high



Nearly all Americans say companies should support local communities (95%), provide quality healthcare to employees (96%), operate sustainably (91%), offer mental health support (91%) **and work to improve the world more broadly** (90%).

Gallup (2025)

Most orgs have fallen into three basic categories

The Resistance

Those who doubled down, made official statements in support of diversity and inclusion.



Small Tweaks

A gray area, for those who make small tweaks to either avoid liability, protect brand reputation, or take advantage of the opportunity to reimagine.



Rollbacks

Those who lean into anti-DEI wave and have announced complete rollbacks or department eliminations.



Biggest category by far...

Small Tweaks

A gray area, for those who make small tweaks to either avoid liability, protect brand reputation, or take advantage of the opportunity to reimagine

Typical attributes:

- Distributed customer base,
- Limited to Moderate federal government exposure,
- Focused on building a strong talent pipeline, and/or
- An existing history of refining processes and policies.

This is **the trickiest of the positions from a communications standpoint**. If you're in this category, your communications should evolve to meet the moment, including:

1. Removing legal liability,
2. Retaining the spirit of original commitments,
3. Avoiding the scrutiny of political voices and activists, and
4. Embracing accountability for any publicly reported tweaks made with optimism and confidence

Where mission meets risk: Mapping your moves



From polarizing to pragmatic: Language that works in this climate

POLARIZING

PRAGMATIC

Equity

→ **Opportunity**

DEI

→ **Economic empowerment, talent strategy, community investment**

Belonging

→ **Inclusion, well-being**

Racial Justice

→ **Fairness, access, mobility**

Minority, historically marginalized

→ **Under-represented**

CASE STUDY: ADOBE

Used language about historically black colleges and universities from 2021 to 2024

According to a [report](#) by The New York Times

Deleted in 2025

We take actions to improve the hiring, retention and promotion of a more diverse workforce. In fiscal 2023, we invested in partnerships and events to engage candidates across underrepresented communities. ~~We have continued to develop and invest in our partnerships with Historically Black Colleges and Universities and Hispanic-Serving Institutions.~~

Added in 2025

We take action to improve the hiring, retention and promotion of a more diverse workforce **that reflects Adobe's global footprint.** We invest in partnerships and events to grow our pipeline and engage candidates across underrepresented communities.



CASE STUDY: DOW CHEMICAL

Used the same language about employee resource groups from 2021 to 2024

According to a [report](#) by The New York Times

Deleted in 2025

Dow's ERGS ~~are organized around historically underrepresented groups including women, people of color, LGBTQ+ individuals~~

Added in 2025

Dow's 10 ERGs represent a workforce rich in diversity of thought, perspectives and backgrounds



CASE STUDY: UBER

Evolved their DEI commitments language over the years

According to a [report](#) by The New York Times

2021

In July 2020,
we publicly
committed to
becoming an
anti-racist
company

2022

In July 2020,
we announced 14
commitments to
becoming a more
anti-racist
company

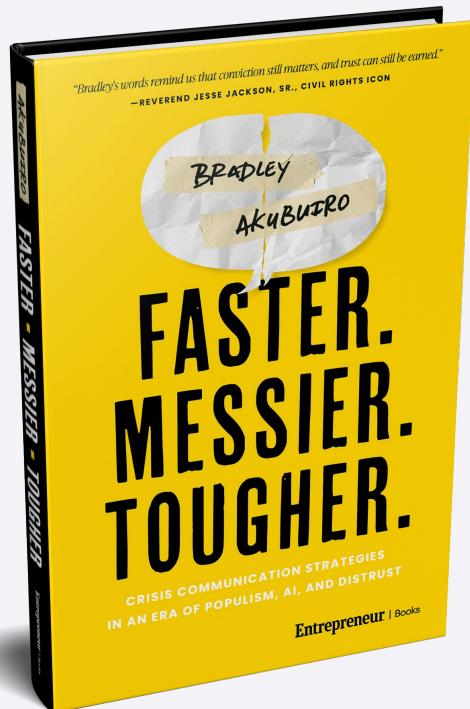
2023

In July 2020,
we announced
commitments to
becoming a more
anti-racist
company

2024-2025

In 2024 Uber **dropped the reference to this announcement**, but retained a section titled “Diversity and Inclusion” – and in 2025 Uber **removed the “Diversity and Inclusion” section entirely**.

Thank you



Discussion