



AMERICAN ASSOCIATION FOR ACCESS, EQUITY AND DIVERSITY

**AMERICAN ASSOCIATION FOR ACCESS, EQUITY AND DIVERSITY
URGES THE BIDEN ADMINISTRATION TO IMMEDIATELY RESCIND EXECUTIVE ORDER 13950
COMBATING RACE AND SEX STEREOTYPING**

Organization of equal opportunity and diversity professionals conveys its strong objections about the implications of this Order for Diversity and Inclusion programs

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Washington, DC, November 18, 2020 - The American Association for Access, Equity and Diversity (AAAED), an organization of equal opportunity, diversity and affirmative action professionals, urges President-Elect Joe Biden and Vice President-Elect Kamala Harris to add President Trump's Executive Order on Combating Race and Sex Stereotyping (the Order) to the list of actions targeted for rescission as soon as they have been sworn in. Order 13950, handed down by President Trump on September 22, 2020, purports to "promote economy and efficiency in Federal contracting, to promote unity in the Federal workforce, and to combat offensive and anti-American race and sex stereotyping and scapegoating."¹ AAAED has strong objections to this Order and urges that the new administration take immediate action to rescind it.

Instead of promoting efficiency, AAAED asserts that this Order violates the First Amendment and burdens Federal agencies with the role of a "content review board." "This Order promulgates a particular world view about American history and seeks to enforce such a view in the education and training programs of government agencies, federal contractors and recipients of federal grants," stated AAAED President Richard Anthony Baker, M.P.A., J.D., Ph.D.²

Moreover, this Order's timeline runs the risk of violating the requirements of the Administrative Procedure Act and the Paperwork Reduction Act, which require notice and comment before applicable rules are implemented. "This Order also overburdens the federal agencies, including the Office of Federal Contract Compliance Programs (OFCCP) at the U.S. Department of Labor, which is understaffed and overloaded with the civil rights responsibilities it currently has," added Shirley J. Wilcher, AAAED Executive Director and former Deputy Assistant Secretary for OFCCP. "Under this Order, if someone complains about the content of a diversity training program with which they disagree, OFCCP will have

¹ <https://www.whitehouse.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/>

² See "White House Threatens Discipline for Employees Engaging in 'Divisive' Training, Calls for Political Watchdogs," Government Executive, September 28, 2020, <https://www.govexec.com/workforce/2020/09/white-house-threatens-discipline-employees-engaging-divisive-training-calls-political-watchdogs/168830/>, accessed September 29, 2020.

to force the contractor to submit its curriculum and related materials for approval by the agency,” she added. The OFCCP reportedly has received more than one hundred complaints and inquiries already that it must investigate. Moreover, this agency, which enforces President Johnson’s 1965 Executive Order 11246 on equal opportunity, affirmative action and nondiscrimination, is ill-equipped to oversee matters involving diversity, inclusion and unconscious bias. These new concepts are not included in EO 11246 nor do they address the original EO’s goals.

Lastly, in its earlier press release regarding the Order, the Association contended that the Order, which has been opposed by such disparate groups as the American Council on Education and the U.S. Chamber of Commerce, “will stall the nation’s movement towards diversity and inclusion and will have a chilling effect on such efforts.” In response to the death of George Floyd and the ensuing community responses, corporations, institutions of higher education and nonprofit organizations have taken action to advance their commitment to diversity and inclusion programs. According to AAAED, “this Order contravenes the commendable actions towards progress and racial reconciliation.”

“We are confident that President-Elect Biden and Vice President-Elect Harris share the Association’s belief that the Trump Order will stall, if not reverse, the movement toward equal opportunity and diversity in the workplace, in education and business,” said President Baker. “We call on the new administration to take swift action before any more damage is done to diversity and inclusion programs,” he added.

For a copy of the AAAED News Release and Statement on Order 13950, click here: [AAAED News Release Regarding Trump Executive Order on Diversity](#)

For more information about AAAED, go to: www.aaaed.org .

Founded in 1974 as the American Association for Affirmative Action (AAAA), AAAED is a national not-for-profit association of professionals working in the areas of equal opportunity, compliance and diversity. The longest-serving representative of individuals in the equal opportunity and diversity professions, AAAED has 46 years of leadership providing quality professional training to practitioners and promoting understanding and advocacy of affirmative action and other equal opportunity laws. Nearly one-half of its membership is composed of EEO professionals working for academic institutions.

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