A **Practical Guide** to Diversity & Inclusion in the Legal Profession

Version 2.0

Intellectual Property Owners' Association

Diversity & Inclusion Committee

September 2020

Overview

- Introduction
- Which Section of the Practical Guide Applies to you?
- Sample D&I Survey for Corporate Legal Departments and Law Firms
- Section 101
- Section 201
- Master Level
  - Hiring & Retention
  - Intersectionality
  - LGBTQIA+
  - Allyship

Introduction

This Practical Guide is designed to be used to understand and improve Diversity & Inclusion (D&I) of legal professionals – especially lawyers – in law firms and corporate legal departments.

This Guide can be used for presentations and trainings to legal teams in law firms or corporate legal departments.

It can also be used for individual education and reference.

This Guide comprises three main sections, which a user can work through to build knowledge and understanding.

- **Section 101** of this Guide is an introductory explanation of D&I.
- **Section 201** of this Practical Guide is where most companies and law firms can dig into D&I statistics, main issues, and suggested solutions.
- Finally, the **Master Level** section of this Practical guide is for companies and law firms who have excellent diversity numbers but are struggling with inclusion and specifically inclusion of specific groups of underrepresented lawyers.

The questionnaires on pages 4 and 5 of this Guide can assist a user in determining which section of the Guide will be most useful to the individual user or a legal team.

This Guide can be used in whole or in part according to the needs of the user.

Links throughout this Guide can be used to jump to various sections and linked content.

Which Section of the Practical Guide Applies to you?

Answer the questions in Section A first:

<u>Section A</u>

1. **I know what Implicit Bias is**
    - **Yes**
    - **No**

2. **I know how Implicit Bias affects D&I**
    - **Yes**
    - **No**

3. **I understand the difference between Diversity and Inclusion**
    - **Yes**
    - **No**

4. **I am NOT a biased person**
    - **Yes**
    - **No**

If you had two or more "No" responses to the above, please review Section 101, otherwise please proceed to Section 201.

Which Section of the Practical Guide Applies to you?

Answer the questions in Section B after you have finished reviewing Section 201:

Section B

1. I know how Implicit Bias affects D&I
- o Yes
- o No

2. I understand the difference between Diversity and Inclusion
- o Yes
- o No

3. Everyone human being is biased
- o Yes
- o No

4. I understand that D&I issues in my company/firm are not entirely attributed to pipeline issues
- o Yes
- o No

If you had 2 or more "No" responses to the above, please review Section 101 and Section 201, otherwise please proceed to the MASTER LEVEL section.

SAMPLE D&I Survey* for Legal Professionals in Law Firms or Corporate Legal Departments

1. I feel like I belong at [company/firm].
   o Yes
   o No

2. I can voice a contrary opinion without fear of negative consequences.
   o Yes
   o No

3. Perspectives like mine are included in decision making.
   o Yes
   o No

4. My company/firm believes that people can greatly improve their talents and abilities.
   o Yes
   o No

5. Tasks/projects that don't have a specific owner are fairly assigned.
   o Yes
   o No

6. I know how I can be promoted at my company/firm.
   o Yes
   o No

7. I am confident that I will be promoted at my company/firm because of my accomplishments.
   o Yes
   o No

8. I am the token diverse individual in my group.
   o Yes
   o No

9. I receive mentoring/sponsoring within my company/firm.
   o Yes
   o No

10. I am treated with respect in my company/firm.
    o Yes
    o No

- If the survey in your law firm / corporate legal department results in 80%+ "Yes" responses from at least ~20% of your legal professionals, then your law firm / corporate legal department can focus on the Master Level section of this Practical Guide.

- If the survey in your law firm / corporate legal department results in 50%-80% "Yes" responses from at least ~20% of your legal professionals, then your law firm / corporate legal department can focus on Section 201 and then the Master Level section of this Practical Guide.

- If the survey in your law firm / corporate legal department results in less than 50% "Yes" responses from at least ~20% of your legal professionals, then your law firm / corporate legal department can focus on Section 101, then Section 201, and then the Master Level section of this Practical Guide.

Section 101

What is diversity?

Diversity is the things that make us different, including race, ethnicity, gender, gender identity, gender expression, sexual orientation, age, social class, physical ability or attributes, religion, and national origin.

Inclusion is the active and ongoing engagement with and empowerment of diverse groups of people. An inclusive environment promotes belonging and gives everyone a seat and a voice at the same table.

Diversity can and often does exist without inclusion, but both are critical.

What do diversity and inclusion look like?

- Diversity can be achieved simply by having diverse employees, even if those employees do not feel included or supported

- Inclusion requires bringing people together and giving everyone a voice in the business—not just in D&I efforts
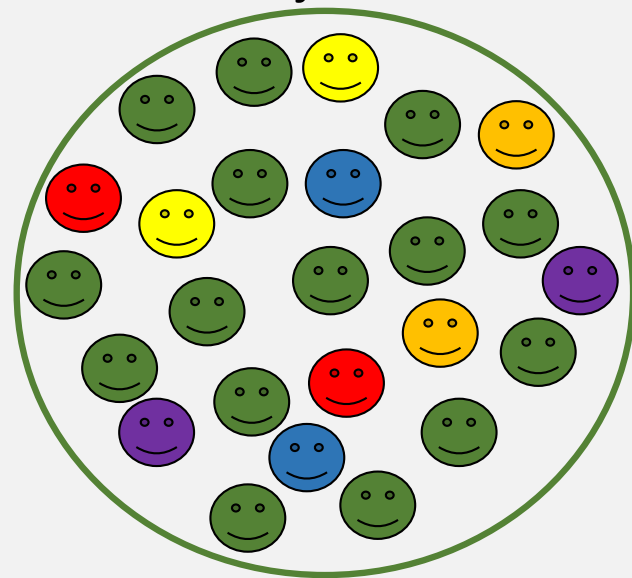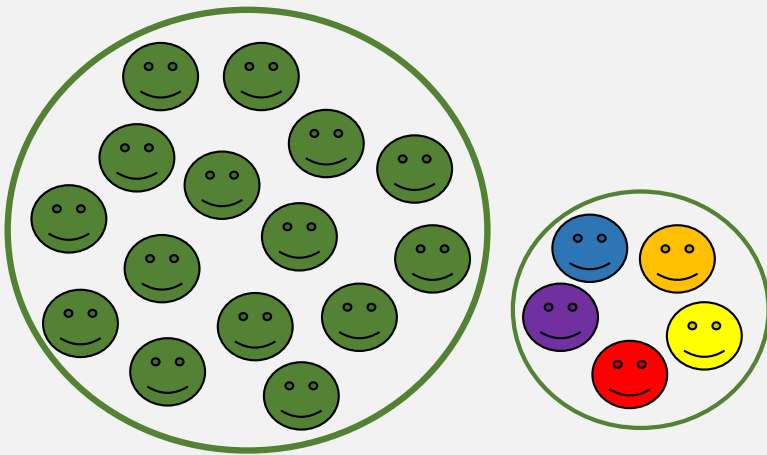
What is implicit bias?

- **Implicit bias** refers to the unconscious attitudes or stereotypes that affect our understanding, actions, and decisions.

- These biases—which can encompass both favorable and unfavorable assessments—manifest involuntarily without an individual's awareness or intentional control. They are a byproduct of how our brains process millions of pieces of information a day. Click for Science

- Implicit biases have a negative impact on workplace diversity when they impact key factors such as hiring, promotion, or compensation.

- A great place to start is with the assessments at **Project Implicit**, https://implicit.harvard.edu/implicit/iatdetails.html

IPO WOMEN IN IP COMMITTEE, PUSH FORWARD SUBCOMMITTEE, IMPLICIT BIAS IN THE LEGAL PROFESSION (2017), https://www.ipo.org/wp-content/uploads/2017/11/Implicit-Bias-White-Paper-2.pdf

Why should an organization care?

Lack of diversity has measurable **economic consequences**, including costs associated with turnover, legal action, lost productivity, and reputational harm.

- The **turnover rate** is much higher for women and minorities—as much as double that of white men, and the cost of turnover for a single high-level employee can be in the hundreds of thousands.
- **Legal action** alleging discriminatory practices against companies costs companies hundreds of millions of dollars a year, every year, when including out-of-court EEOC charges and state and federal court litigation.

Failure to prioritize diversity and inclusion costs an organization money.

Because it is the **right** thing to do!

IPO WOMEN IN IP COMMITTEE, PUSH FORWARD SUBCOMMITTEE, ECONOMICS OF DIVERSITY (2019)

https://www.weforum.org/agenda/2019/04/business-case-for-diversity-in-the-workplace/

Why prioritize diversity?

Diversity increases **sales revenue**—one study found an increase of 9% correlated with an increase in racial diversity and an increase of 3% correlated with an increase in gender diversity.

Diverse companies are more **profitable**— companies in the top quartile for racial and gender diversity are more than 33% and 21%, respectively, more likely to outperform the national median of profitability than companies in the bottom quartile.

Diversity increases **market share**— companies with diverse teams are 70% more likely to report the capture of a new market within the past year and more than 45% more likely to report market growth in the prior year.

IPO Women in IP Committee, Push Forward Subcommittee, Economics of Diversity (2019), https://www.ipo.org/wp-content/uploads/2019/03/FINAL-White-Paper-on-Economics-of-Diversity-1.pdf

How to improve diversity?

There are many strategies to improve diversity, but fundamental to any successful strategy is **training**.

Other strategies include a focus on diversity in recruitment, mentoring, retention, culture, promotion, compensation, and other aspects of employment.

Diversity and inclusion must be an ongoing focus of the organization for there to be real, measurable improvement.

How to get the best results?

Diversity Programs That Get Results

Companies do a better job of increasing diversity when they forgo the control tactics and frame their efforts more positively. The most effective programs spark engagement, increase contact among different groups, or draw on people's strong desire to look good to others.

% CHANGE OVER FIVE YEARS IN REPRESENTATION AMONG MANAGERS

Type of program	White		Black		Hispanic		Asian	
	Men	Women	Men	Women	Men	Women	Men	Women
Voluntary training			+13.3		+9.1		+9.3	+12.6
Self-managed teams	−2.8	+5.6	+3.4	+3.9				+3.6
Cross-training	−1.4	+3.0	+2.7	+3.0	−3.9		+6.5	+4.1
College recruitment: women*	−2.0	+10.2	+7.9	+8.7		+10.0	+18.3	+8.6
College recruitment: minorities**			+7.7	+8.9				
Mentoring				+18.0	+9.1	+23.7	+18.0	+24.0
Diversity task forces	−3.3	+11.6	+8.7	+22.7	+12.0	+16.2	+30.2	+24.2
Diversity managers		+7.5	+17.0	+11.1		+18.2	+10.9	+13.6

*College recruitment targeting women turns recruiting managers into diversity champions, so it also helps boost the numbers for black and Asian-American men.

**College recruitment targeting minorities often focuses on historically black schools, which lifts the numbers of African-American men and women.

NOTE GRAY INDICATES NO STATISTICAL CERTAINTY OF A PROGRAM'S EFFECT.
SOURCE AUTHORS' STUDY OF 829 MIDSIZE AND LARGE U.S. FIRMS. THE ANALYSIS ISOLATED THE EFFECTS OF DIVERSITY PROGRAMS FROM EVERYTHING ELSE GOING ON IN THE COMPANIES AND IN THE ECONOMY.
FROM "WHY DIVERSITY PROGRAMS FAIL," BY FRANK DOBBIN AND ALEXANDRA KALEV, JULY–AUGUST 2016

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DIVERSITY BEST PRACTICES, THE ROI OF DIVERSITY AND INCLUSION, IN D. B. PRACTICES, DIVERSITY PRIMER (2009)

How to get started?

Assess the state of your current diversity and inclusion efforts—what have you done, what is working, what is not working, how can you improve?

Assessment Tool
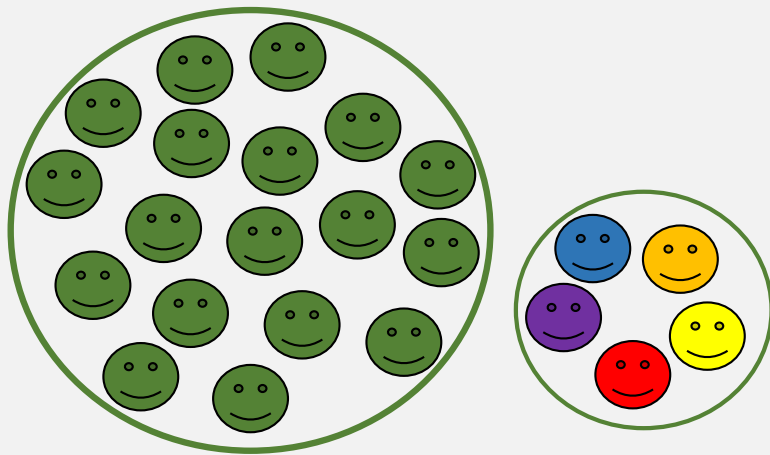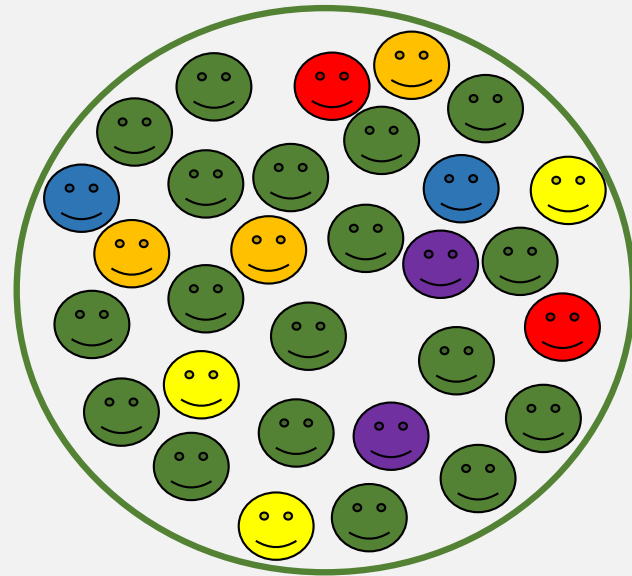
Microsoft Word
Document

How to proceed?

Section 201 of this Practical Guide outlines practical strategies for assessing and improving the diversity of your organization.
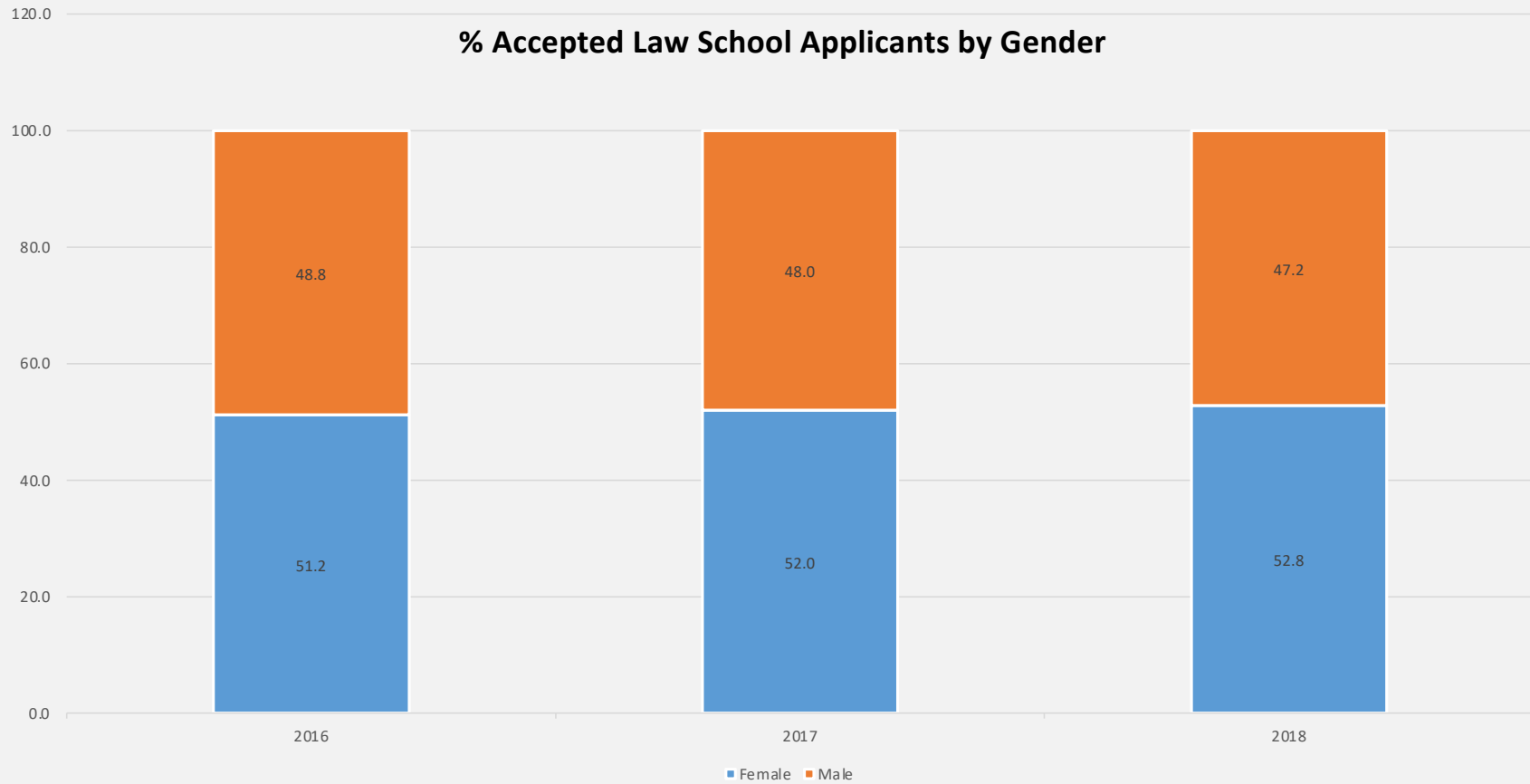
Section 101 Summary

End of Section 101

Proceed to Section 201

Section 201

STATISTICS
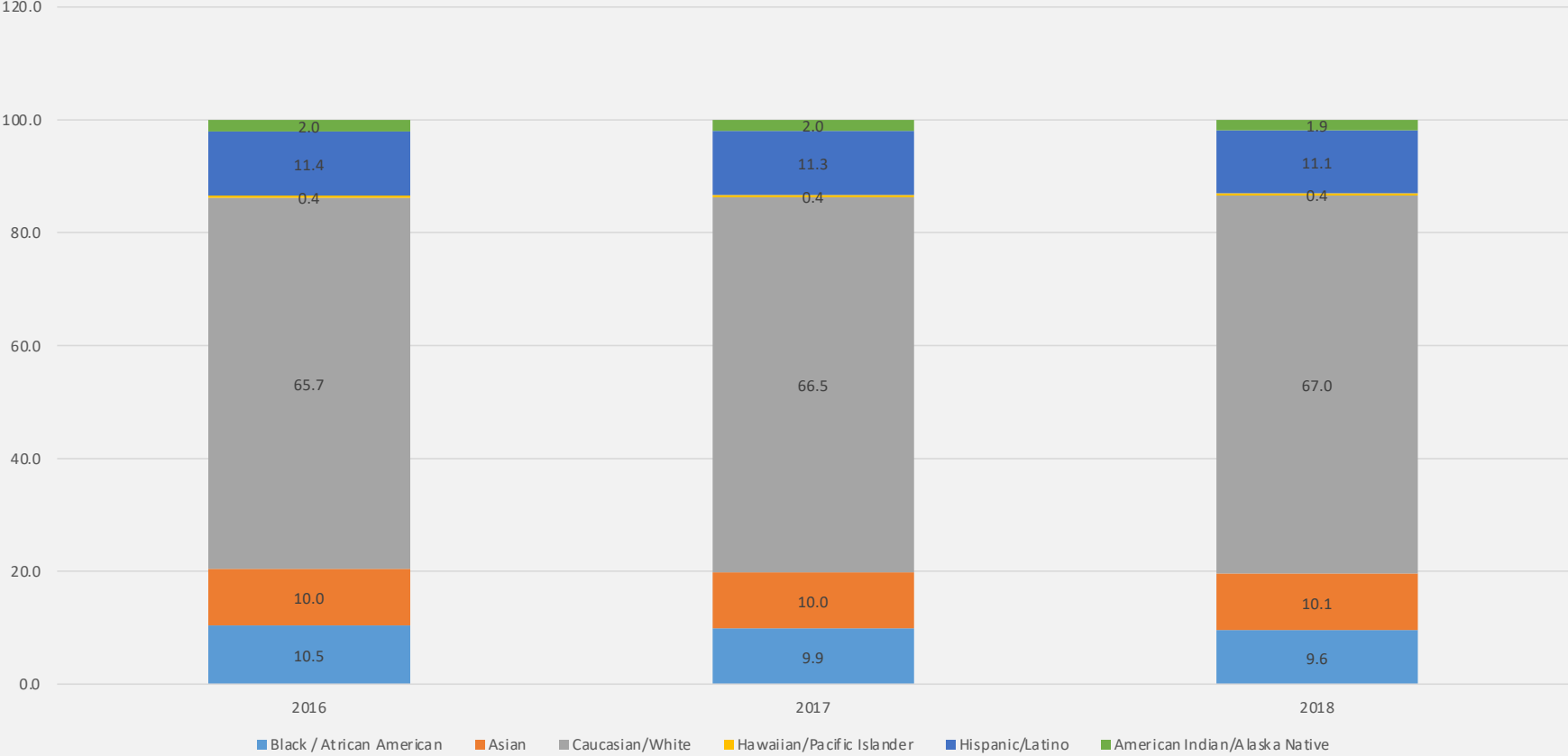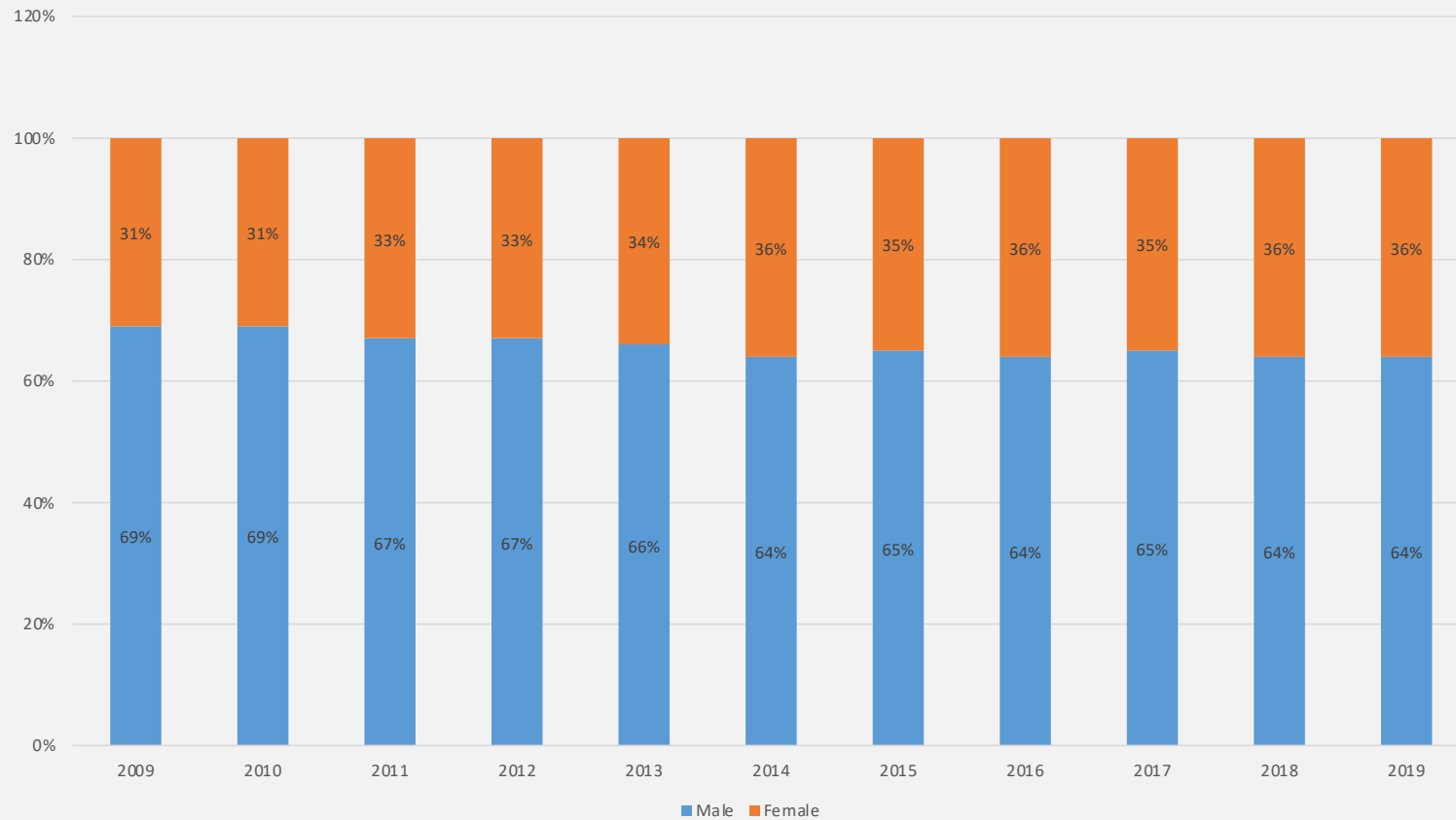
LSAC Demographic Data – Gender

% Accepted Law School Applicants by Gender

Year	Female	Male
2016	51.2	48.8
2017	52.0	48.0
2018	52.8	47.2

■ Female ■ Male

LSAC Demographic Data – Race/Ethnicity

% Accepted Law School Applicants by Race/Ethnicity

	2016	2017	2018
American Indian/Alaska Native	2.0	2.0	1.9
Hispanic/Latino	11.4	11.3	11.1
Hawaiian/Pacific Islander	0.4	0.4	0.4
Caucasian/White	65.7	66.5	67.0
Asian	10.0	10.0	10.1
Black / African American	10.5	9.9	9.6

Legend: Black / African American, Asian, Caucasian/White, Hawaiian/Pacific Islander, Hispanic/Latino, American Indian/Alaska Native
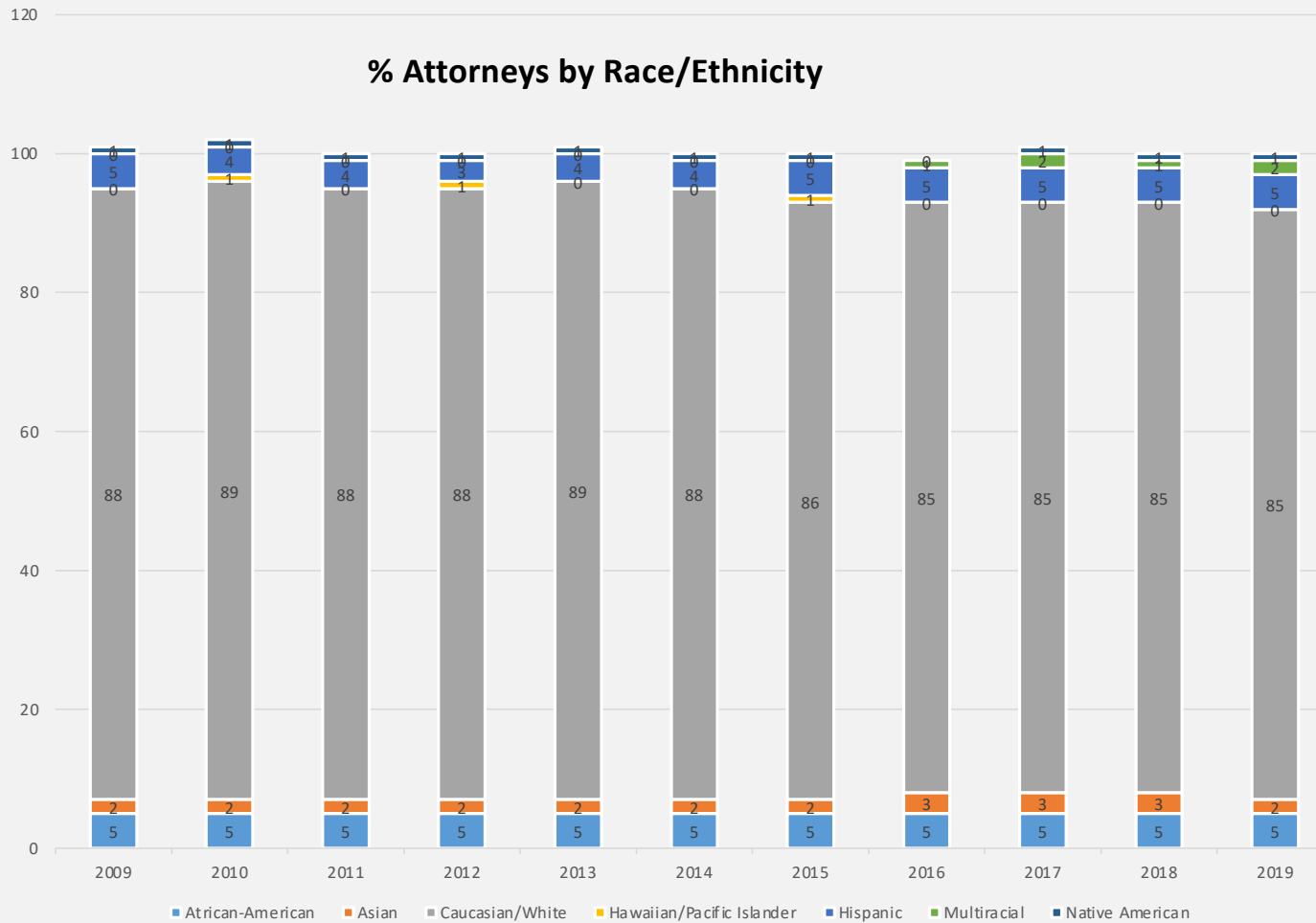
ABA Lawyer Population Data – Gender

% Attorneys by Gender

ABA Lawyer Population Data – Race/Ethnicity

% Attorneys by Race/Ethnicity

Legend: ■ African-American ■ Asian ■ Caucasian/White ■ Hawaiian/Pacific Islander ■ Hispanic ■ Multiracial ■ Native American
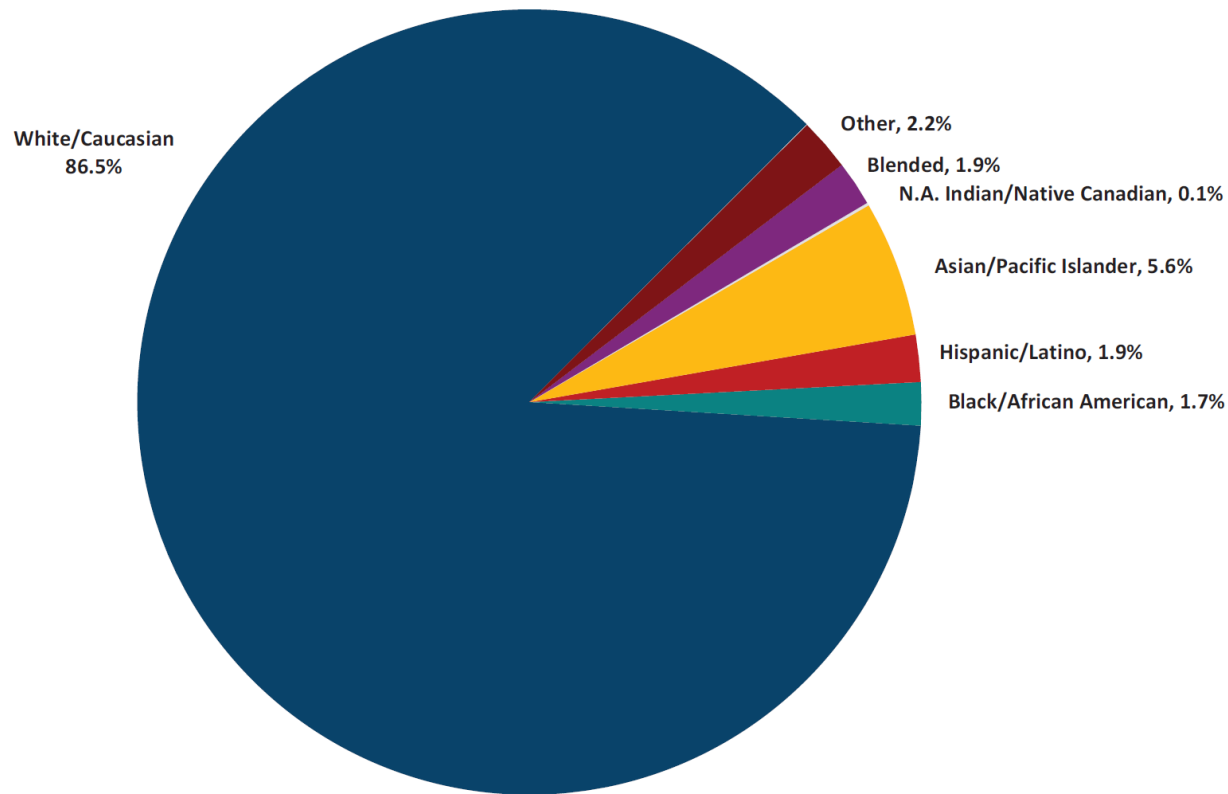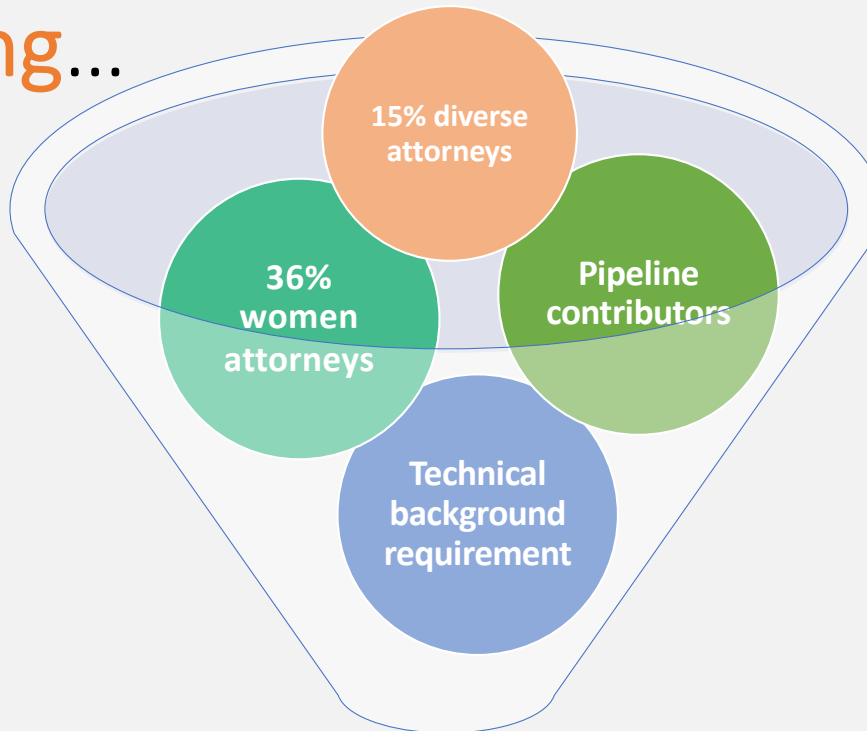
AIPLA Survey Results – Gender
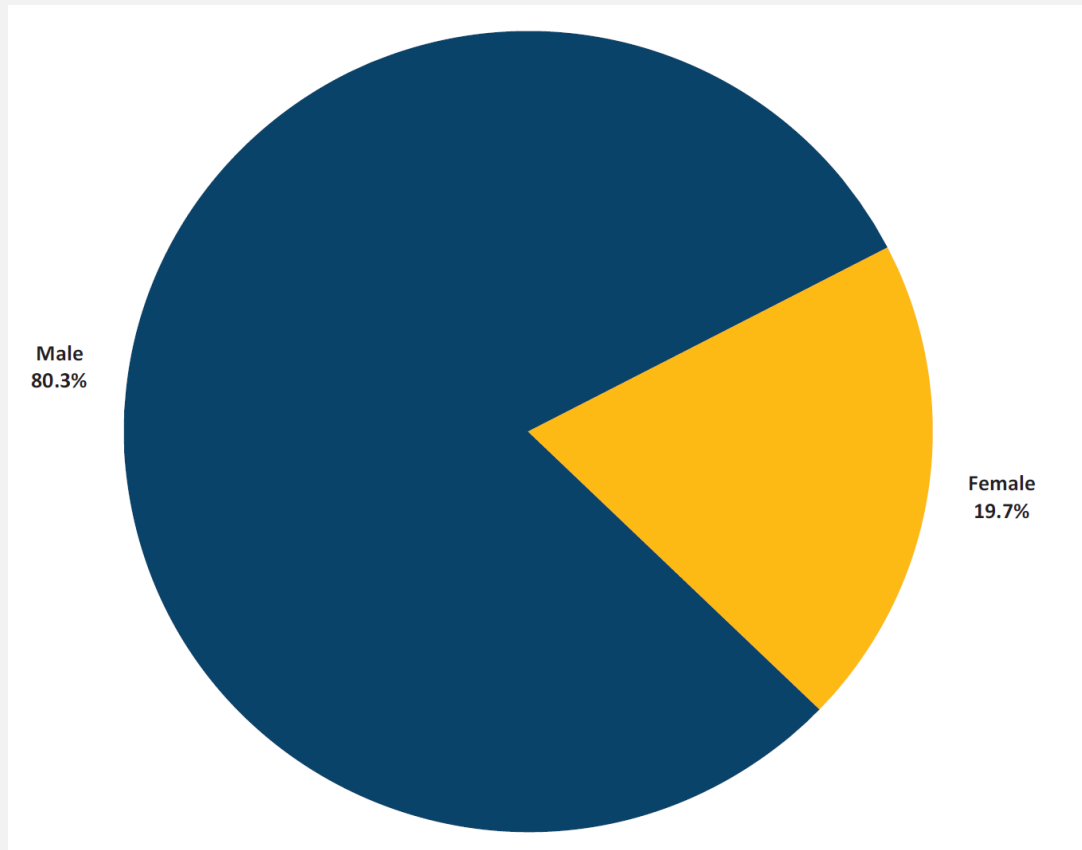
- 2019 AIPLA Economic Survey results
- Most respondents (>90%) were patent attorneys

AIPLA Survey Results – Race/Ethnicity

- 2019 AIPLA Economic Survey results
- Most respondents (>90%) were patent attorneys

CAUSES OF D&I PROBLEMS
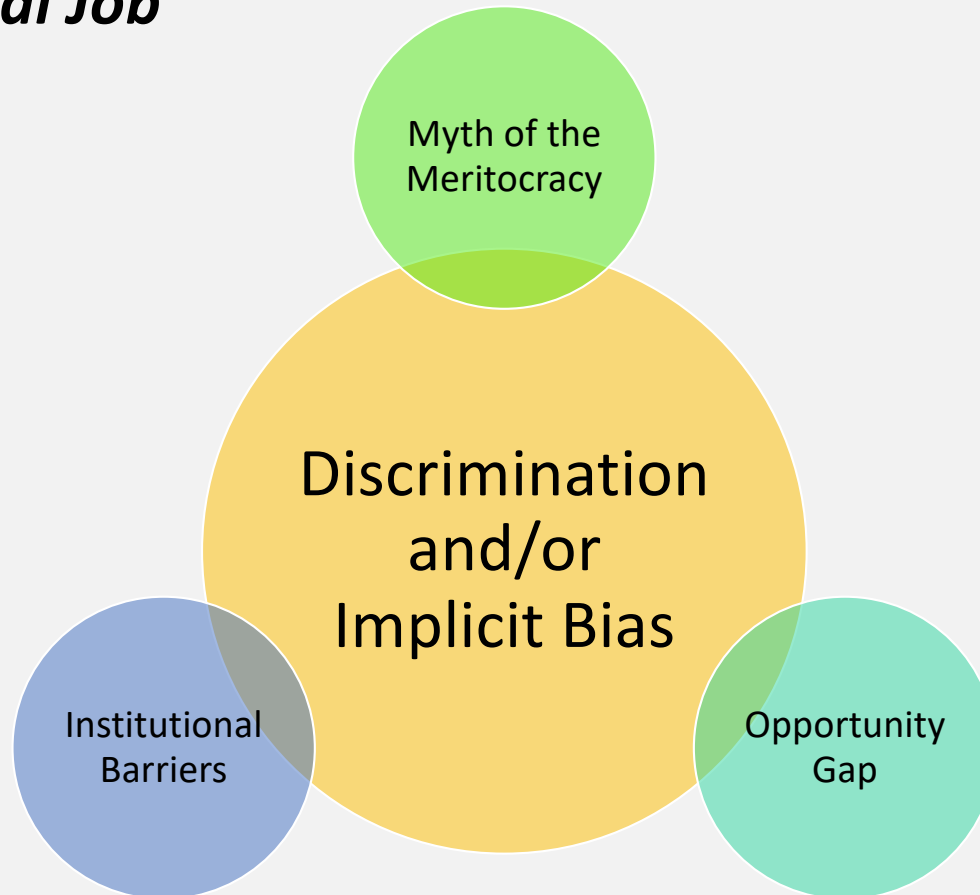
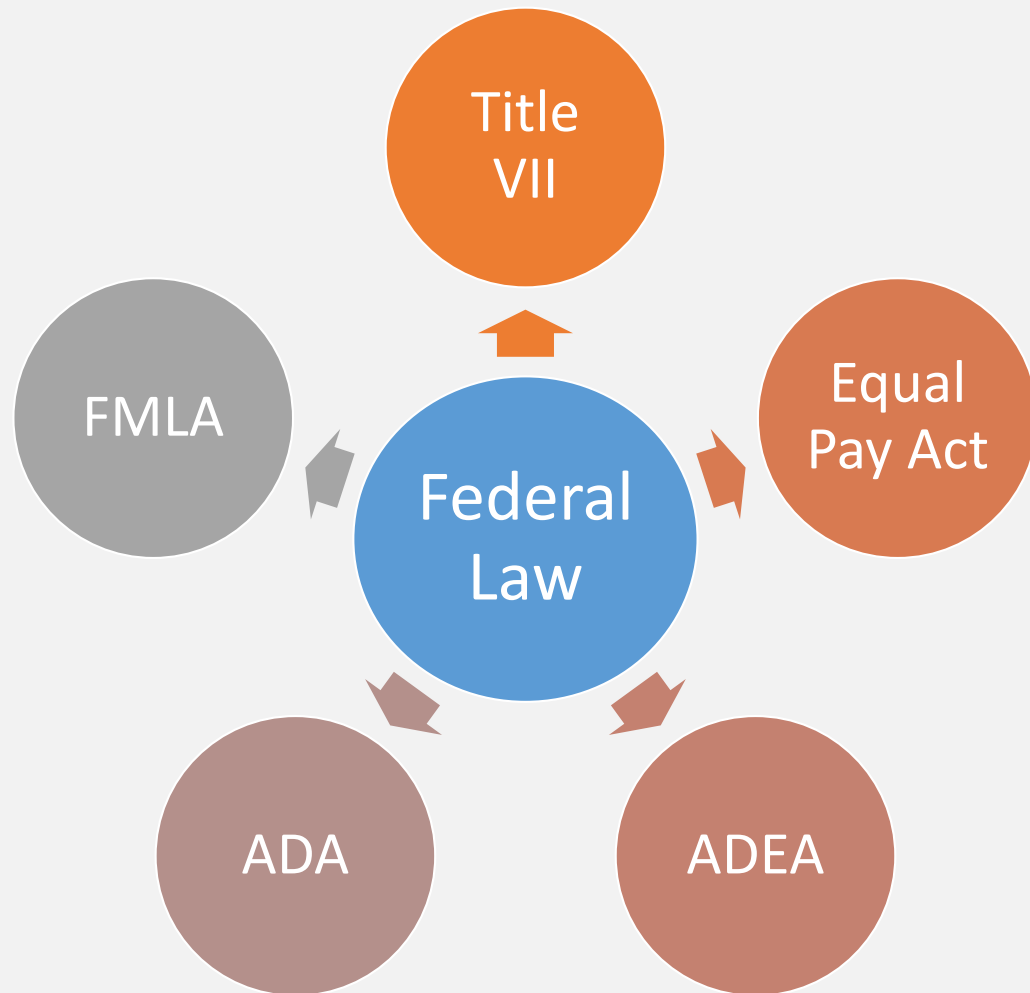# Pipeline Contributors of D&I Problems
Before First Legal Job

Discrimination

Examples:

- "Women are too sensitive."
- Not promoting racial minorities because of their race.
- Paying a man and a woman differently for doing substantially similar work.
- Not hiring someone who is in a wheelchair for a desk job.

Title VII

Equal Pay Act

Federal Law

FMLA

ADA

ADEA
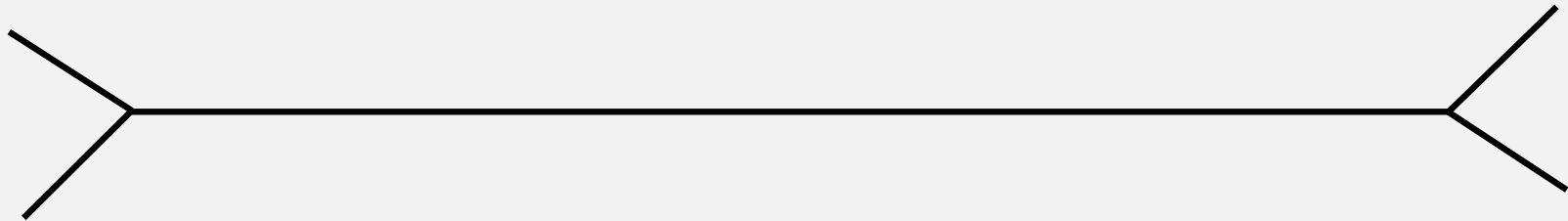
Implicit Bias

Causes us to perceive differences that do not exist.
Our brains perceive lines of different length even when they are the same.
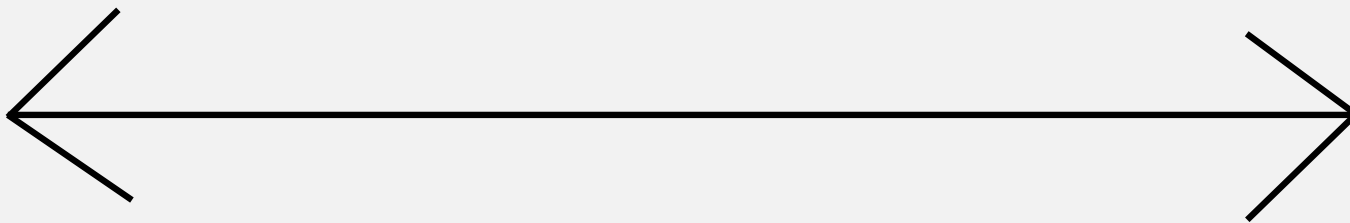
More Info: Toolkit on Implicit Bias

Myth of the Meritocracy

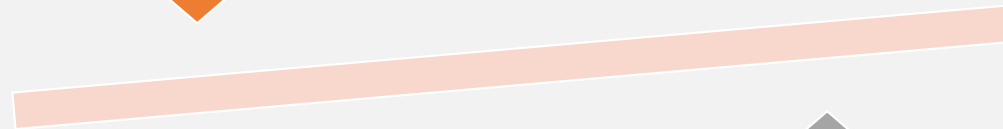In "meritocracy," women and minorities have to work harder and obtain higher performance scores to receive the same compensation as white men.

The more objective a person believes they are, the more bias impacts their decisions.

More Info: Myth of the Meritocracy

Opportunity Gap

Refers to the ways in which race, ethnicity, socioeconomic status, English proficiency, community wealth, familial situations, or other factors contribute to or perpetuate lower educational aspirations, achievement, and attainment for certain groups of students.

More info: [Opportunity Gap](#)

Opportunity Gap =
Inputs

Unequal or inequitable distribution of resources and opportunities
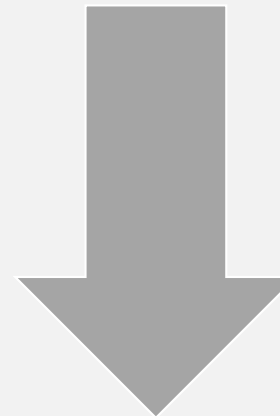
Achievement Gap =
Outputs

Unequal or inequitable distribution of educational results and benefits

Institutional Barriers

Institutional barriers (IBs) are policies, procedures, or situations that systematically disadvantage certain groups of people.

IBs exist in any group situation where there is a clear majority group.

When an initial population is fairly similar (e.g., in male-dominated professions), systems naturally emerge to meet the needs of this population.

IBs often seem natural or "just the way things are around here."
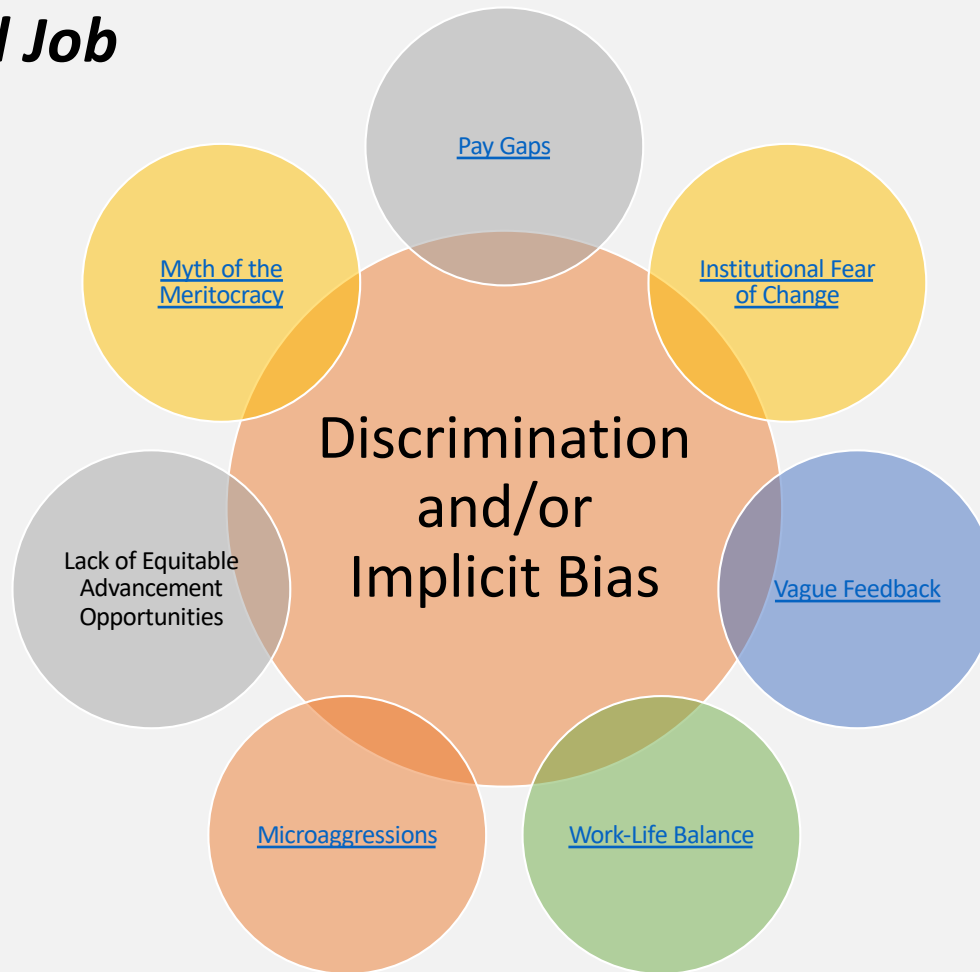
Vague Feedback

Vague feedback can hold people back:

- Stereotypes about capabilities make reviewers less likely to connect contributions to business outcomes or technical expertise.
  - E.g., stereotypes about women's care-giving abilities may cause reviewers to attribute women's accomplishments to teamwork rather than leadership.
- Vague feedback omits actionable content so employees can neither correct or replicate behavior.

Examples:

- "People like working with you."
- "You are too direct."

More Info: Toolkit on Implicit Bias

Work-Life Balance

Inflexible work schedules

Inequitable advancement opportunities

Inequitable assignment of projects
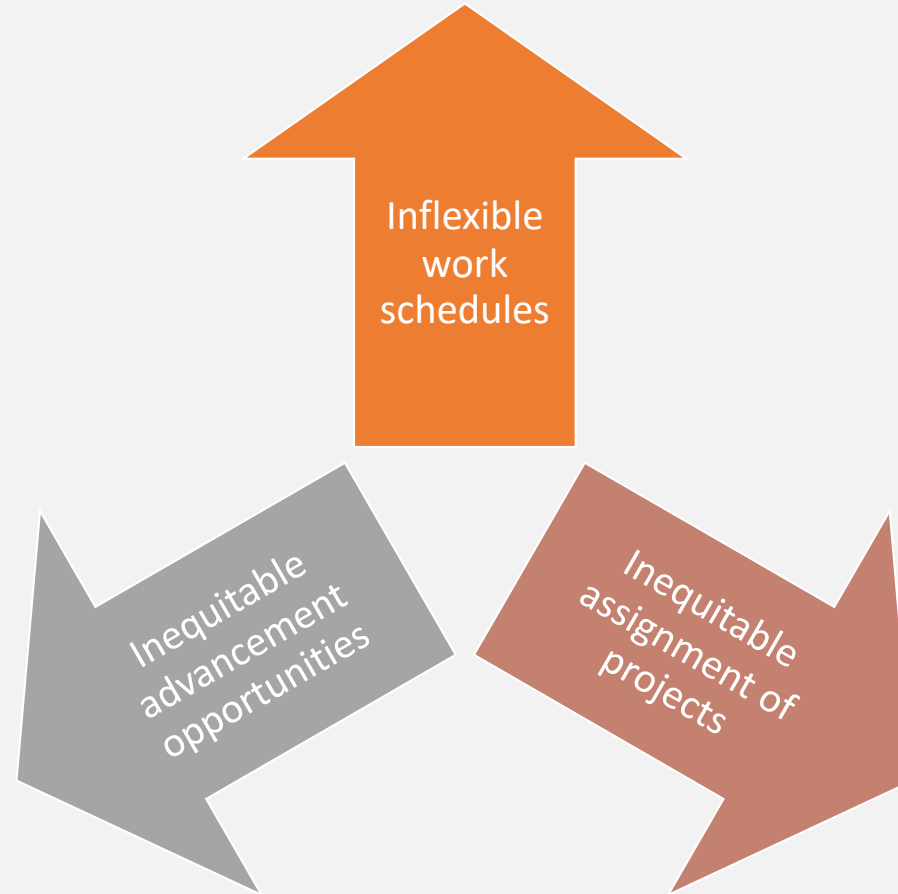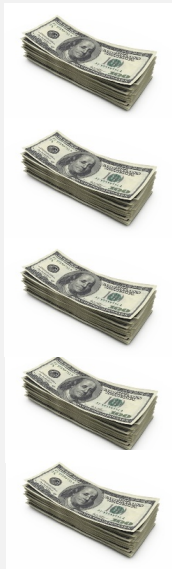
Pay Gaps

$1
White Men
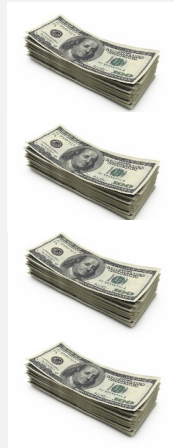
$0.80
White Women
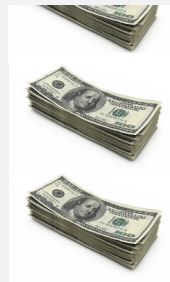
$0.53
Latina Women
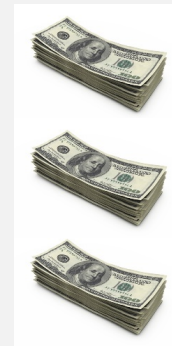
$0.61
Black Women
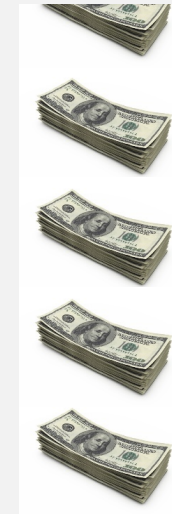
$0.92
Asian Women

Institutional Fear of Change

Microaggressions

- "You're a patent attorney?!"

- Excluding one team member and recognizing other team members for a team accomplishment

- "You're too confident."

- "You don't have an accent!"

- "You have a great tan!"

SOLUTIONS TO D&I PROBLEMS

Solutions to the Pipeline D&I Problems

Discrimination and/or Implicit Bias[1] [2]

- **TRAINING**
- **MINDFULNESS**

Myth of the Meritocracy

- **TRAINING**
- **MINDFULNESS**
- **RECRUITING AT AFFINITY SCHOOLS AND VIA AFFINITY GROUPS**

Opportunity Gap

- **TRAINING**
- **MINDFULNESS**
- **RECRUITING AT AFFINITY SCHOOLS AND VIA AFFINITY GROUPS**

Institutional Barriers

- **TRAINING**
- **AWARENESS**
- **RECRUITING AT AFFINITY SCHOOLS AND VIA AFFINITY GROUPS**

Solutions to the Myth of the Meritocracy

An Example:

Problem	• Lack of diversity in support staff of large service-sector company
"Solution"	• Merit-driven compensation system intended to reward all employees equally for high-level performance
Result	• System awarded white men more compensation than women and minorities even where they held the same jobs, in the same units, with the same supervisors, and had the same performance score

Actual Solution	• Understanding that the "meritocracy" is a myth because:
	  • It ignores differences in skill sets and devalues certain skill sets
	  • It allows and encourages bias to be ignored, which increases the effect of bias on decision-making

More Info: Myth of the Meritocracy

Solutions to Opportunity Gaps

TRAINING

RECRUITING AT AFFINITY SCHOOLS AND VIA AFFINITY GROUPS

MINDFULNESS

Solutions to Institutional Barriers

If these systems do not change with the times, they can inhibit the success of new members with different needs.

Identifying institutional barriers is NOT about finding fault or ill intent.

Institutional barriers naturally arise and need to be addressed in almost all majority-minority situations.

Using a problem-solving approach can avoid a defensive reaction, especially when evidence is presented.

TRAINING

MINDFULNESS

RECRUITING AT AFFINITY SCHOOLS AND VIA AFFINITY GROUPS

SOLUTIONS to Discrimination

Don't discriminate!!!

Educate and train yourself and your employees on a regular basis

SOLUTIONS to Implicit Bias

Recognize
• Unconscious Selves at Work
• Who am I?
• Who's like me?
• Confirmation Bias
• Micro-Affirmations
• Micro-Inequities
• Where am I getting my information?

Overcome
• Acknowledge/value differences (perspectives, backgrounds, cultures, experiences, ideologies)
• Encourage connections
• Provide clear & constructive feedback
• Build relationships
• Practice effective communication
• Be mindful

SOLUTIONS to Vague Feedback

Suggestions for Evaluators:

- Outline specific criteria being relied upon to evaluate individuals.
- Articulate specific results or behaviors that would demonstrate mastery of their job.
- Use the same criteria for all employees at the same level.

Suggestions for those being Evaluated:

- Ask for specific examples when given vague feedback. To avoid sounding defensive, offer something along the lines of "I really want to understand your feedback because I value it. Can you please provide some examples?"

More info: Toolkit on Vague Feedback

SOLUTIONS to Pay Gaps

SOLUTIONS to Institutional Fear of Change

Change leadership to include change agents and thought leaders

Educate and train

Set goals and a timeline

Review hiring practices

Review inclusion procedures
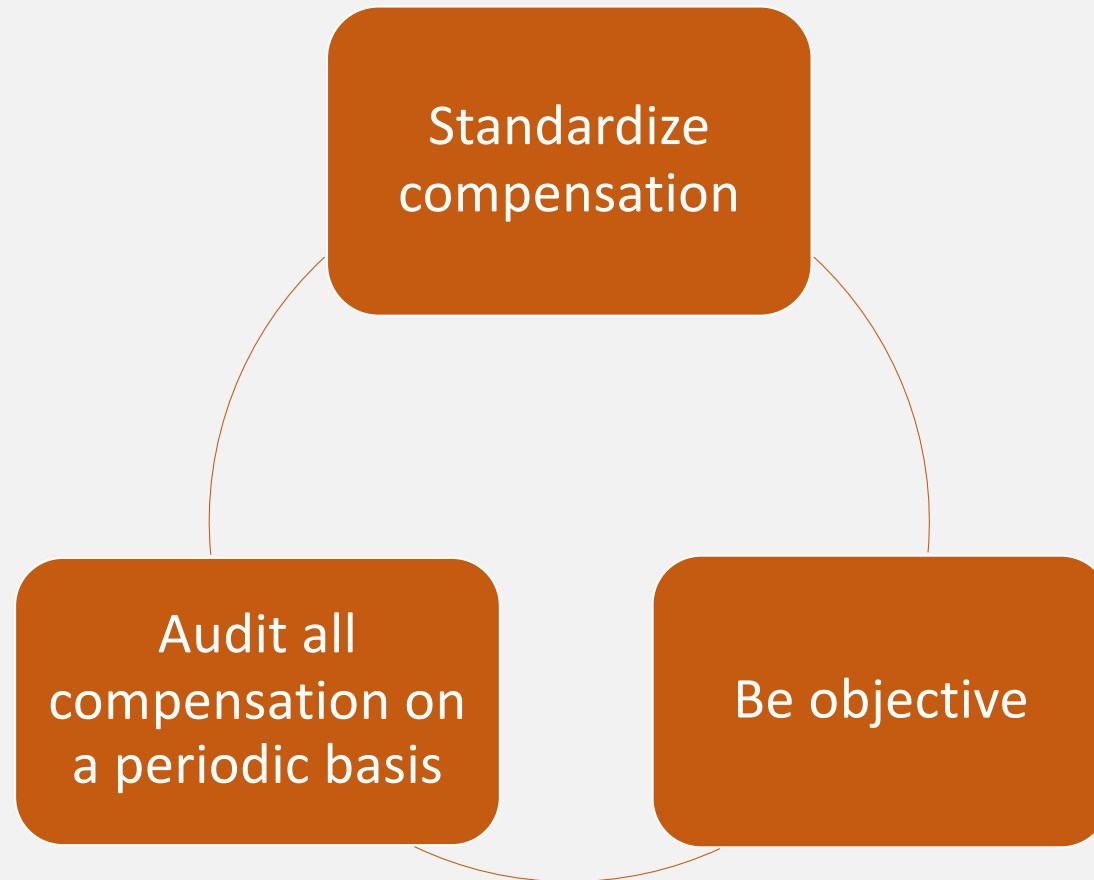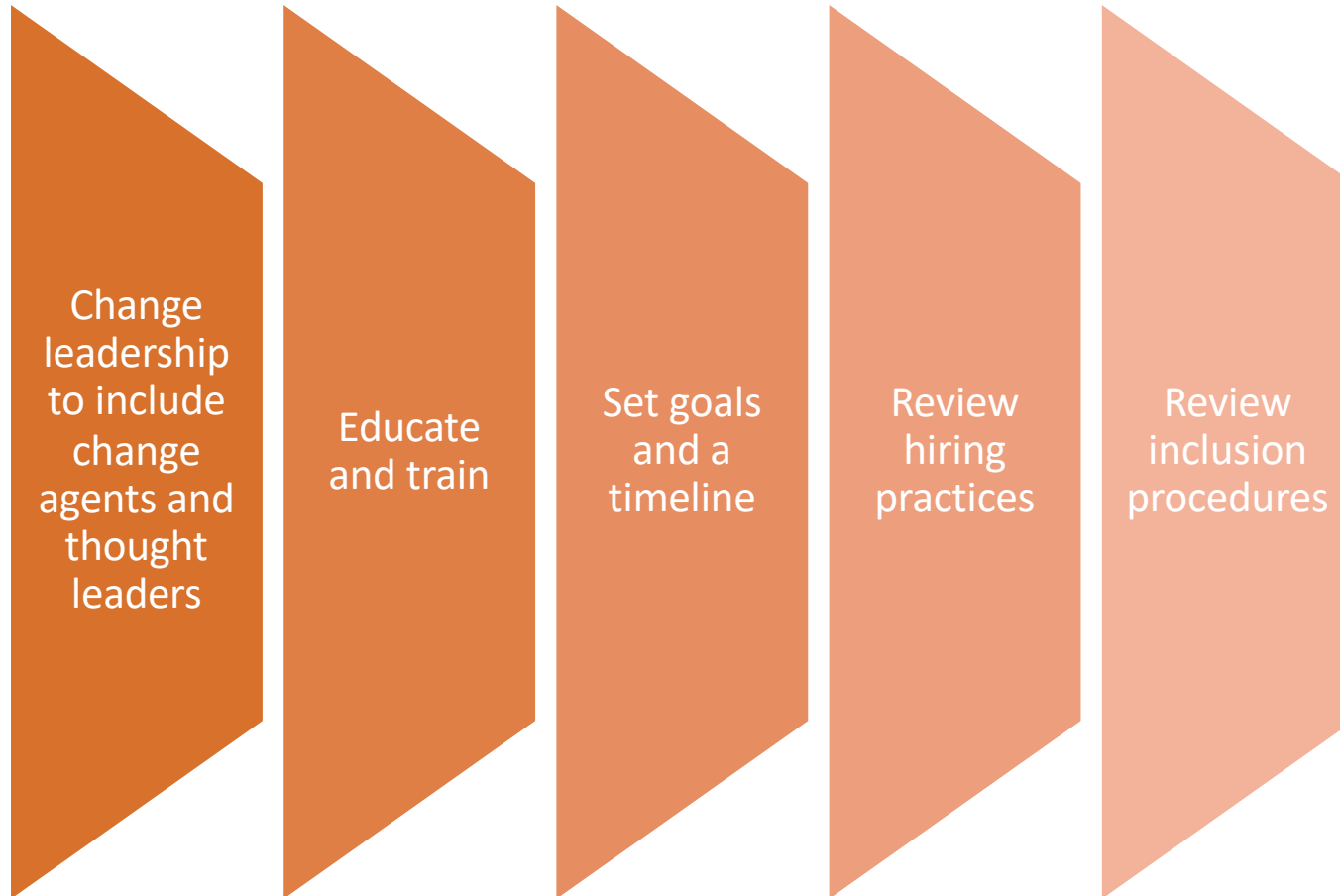
SOLUTIONS to Work-Life Balance

Inflexible work schedules	Formalize alternative work schedule policies
Inequitable assignment of projects	Use clear objective criteria for assigning projects
Penalties for alternative schedules	Use clear objective criteria for advancement

More info: [Toolkit on Work-life Balance](#)

SOLUTIONS to Lack of Equitable Advancement Opportunities

Vague feedback results in difficulty advancing

- "Action oriented" feedback provides actionable course of behavior for employee to improve performance
- Evaluator should systematically tie all feedback to business goals / outcomes and also provide specific examples

Reduce unconscious bias in reviews through defined expectations and goals for each position, use of performance checklists, etc.

- Implicit bias training for all employees involved in performance review
- Beware the myth of the "meritocracy"!

Use technology and data to identify problems and track outcomes

- Patterns of bias in promotion and hiring
- Disparities in compensation and rewards

SOLUTIONS to Microaggressions

Examples of Microaggressions

I'd love to promote you but what about the poor white men?

There's just not enough qualified women and minorities to hire.

Charlotte is too bold.

Solutions

Be Mindful

- Educate and train
- Stop with the underhanded "compliments"
- Take the effort to get to know people rather than base any comments or opinions based on appearances

Section 201 Summary

Vague Feedback

Myth of the Meritocracy

Pay Gaps

Discrimination

&

Implicit Bias [1] [2]

Implement Objective & Clear Equitable Advancement Opportunities

Institutional Fear of Change

Microaggressions

Work-Life Balance
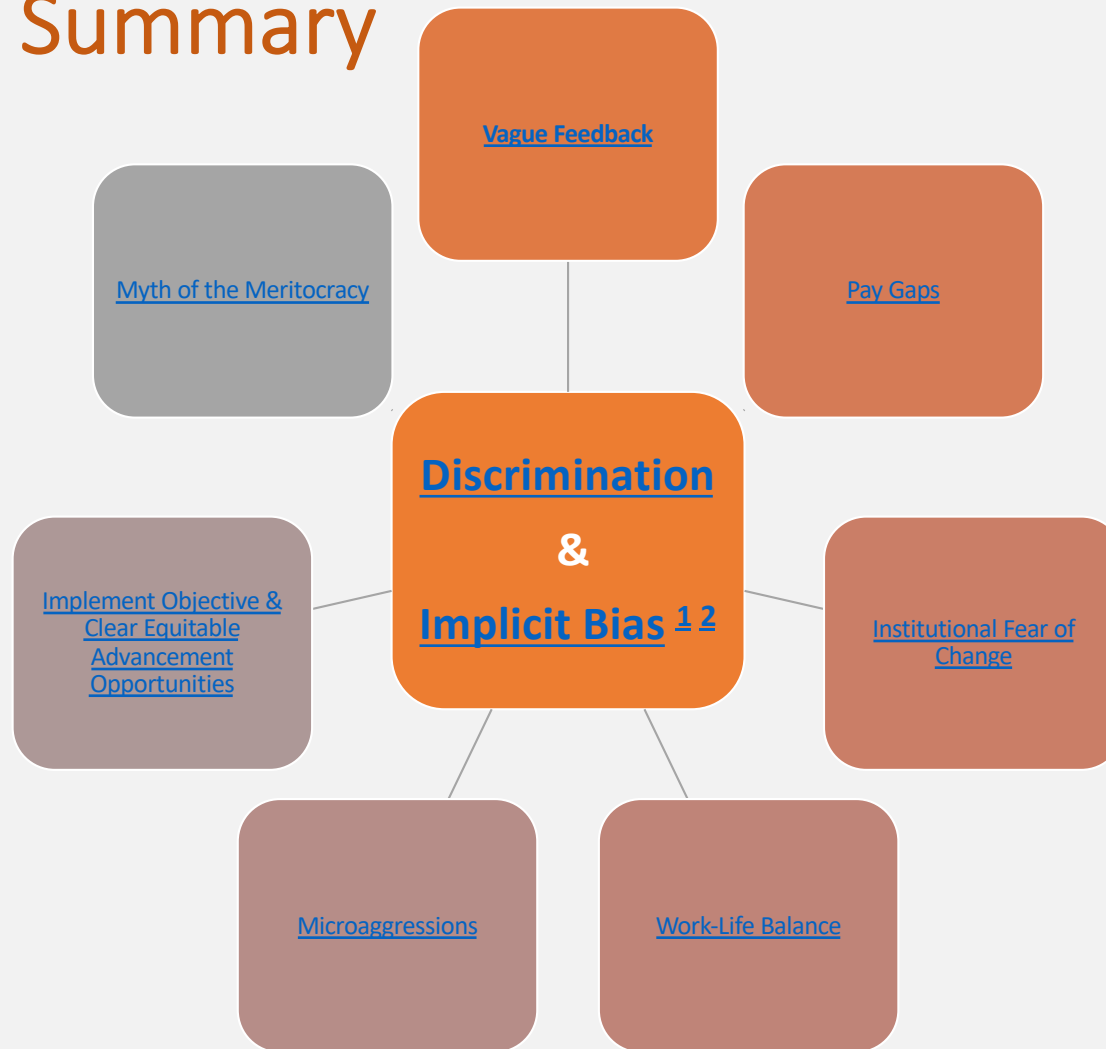
End of Section 201

Proceed to Master Level

Master Level

Advanced Considerations in Addressing Issues of Diversity & Inclusion

HIRING & RETENTION

Improve diversity by improving hiring

and

improve retention by improving inclusion!

Solutions to D&I Problems Affecting HIRING
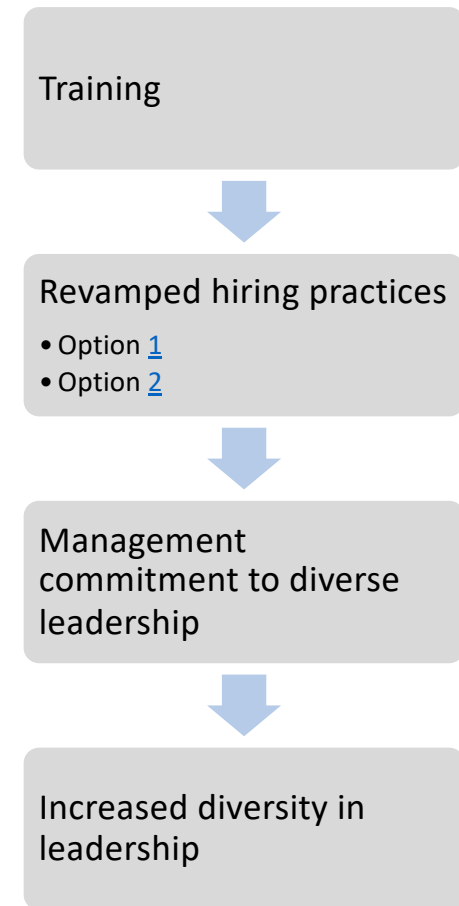
Implicit Bias / Myth of the Meritocracy

Rigid / Subjective / Archaic Hiring Practices

Leadership Lacks Diversity

Institutional Fear of Change

Training

Revamped hiring practices
- Option 1
- Option 2

Management commitment to diverse leadership

Increased diversity in leadership

SOLUTIONS to Rigid / Subjective / Archaic Hiring Practices
Diversity Hiring – Option 1*

Train all interviewers on Biases/Discrimination	**Adopt Diversity Lab's Mansfield Rule**	**Adopt Subjective Hiring Practices**	**When making final selections – be mindful**
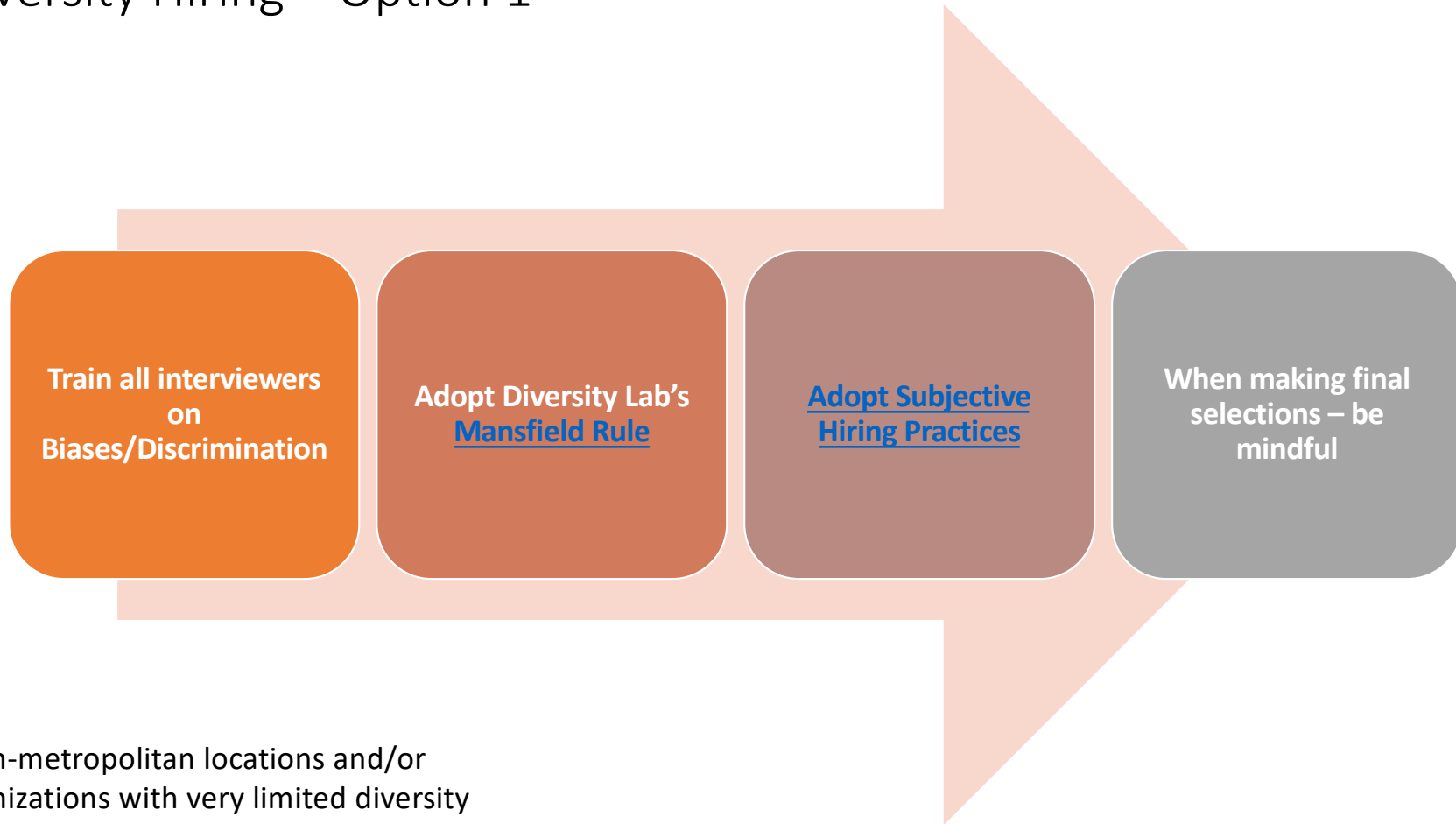
* non-metropolitan locations and/or organizations with very limited diversity

SOLUTIONS to Rigid / Subjective / Archaic Hiring Practices
Adopt Subjective Hiring Practices

Insist on having a diverse pool of candidates

- Prepare job posting to carefully to attract diverse candidates
- Expand recruiting network if necessary
- Make this diverse pool requirement known to outside recruiter or internal HR partner
- Ideally, interview more than one diverse candidate for each open position

Each hiring manager/interviewer should participate in implicit bias training

Consider using AI or blinding the names of the applicants to screen resumes and short-list candidates

Include underrepresented minorities in the interview team

Conduct structured interviews

SOLUTIONS to Rigid / Subjective / Archaic Hiring Practices
Diversity Hiring – Option 2*

Train all interviewers on Biases/Discrimination

Remove all identifying information – e.g., gender, race, ethnicity

Conduct the first phone interview using voice modulation – so you can't determine what gender

Adopt Diversity Lab's Mansfield Rule

Conduct Structured In-Person Interviews

When making final selections – be objective, mindful, and bias-aware
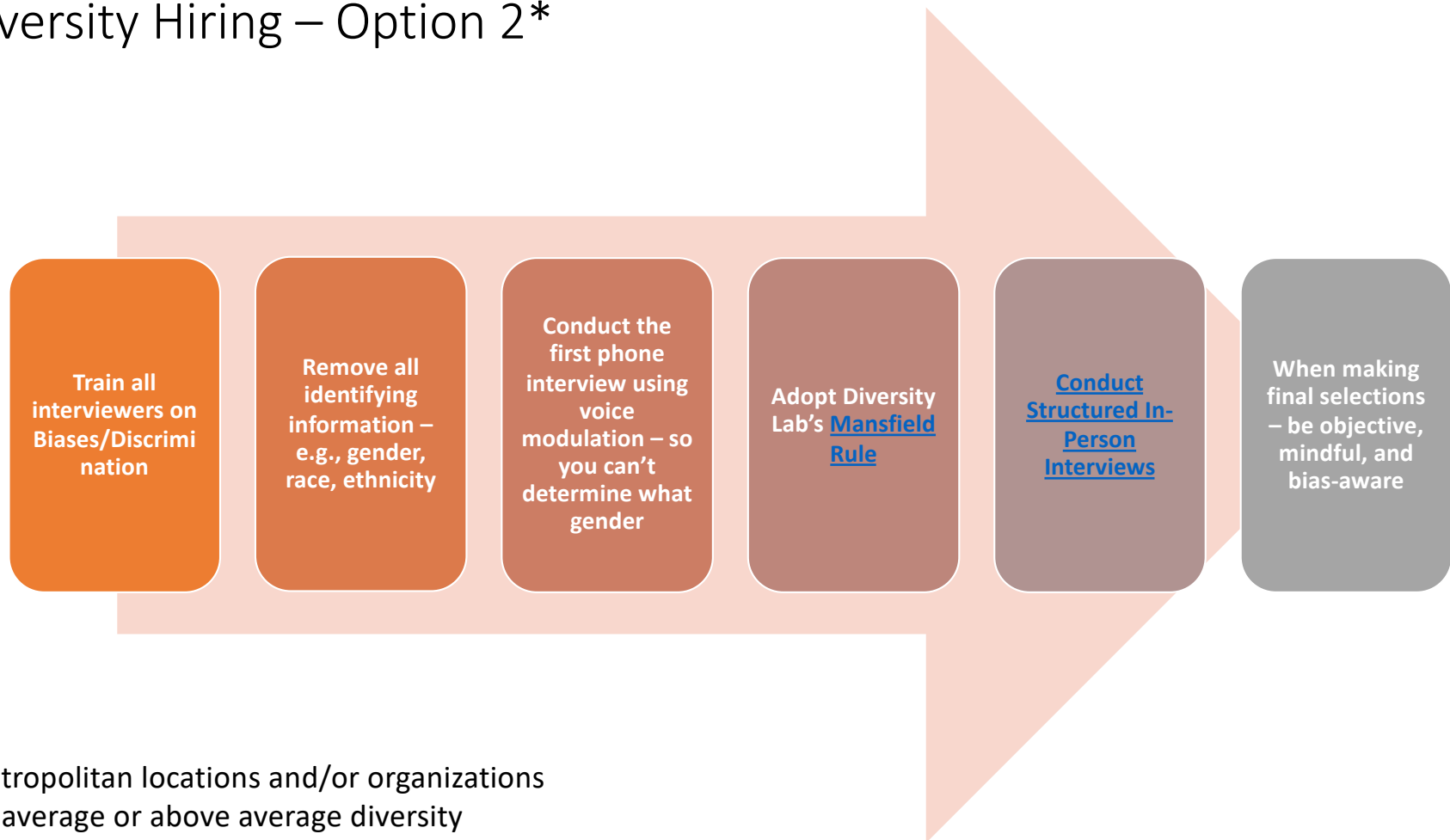
* metropolitan locations and/or organizations with average or above average diversity

SOLUTIONS to Rigid / Subjective / Archaic Hiring Practices
Conduct Structured In-Person Interviews

Structured interviews minimize bias by allowing interviewers to focus on work competencies rather than on what they have in common with the person being interviewed.

Structured interviews use standardize questions

- Ask the same questions to all of the candidates
- Questions should focus on skills and competencies required for the job
- Interviewers should rate their response each question immediately after the interview to neutralize biases
- Compare candidate responses horizontally (compare answers to questions one, then answers to question two, and so on)

Solutions to D&I Problems Affecting RETENTION

Training

↓

Implement Objective, Clear & Consistent Evaluation Metrics

↓

Resource Groups

↓

Management commitment to diverse leadership

↓

Increased diversity in leadership

Vague / Subjective Evaluation Metrics

Failure in Inclusion

Leadership Lacks Diversity

Institutional Fear of Change

retention
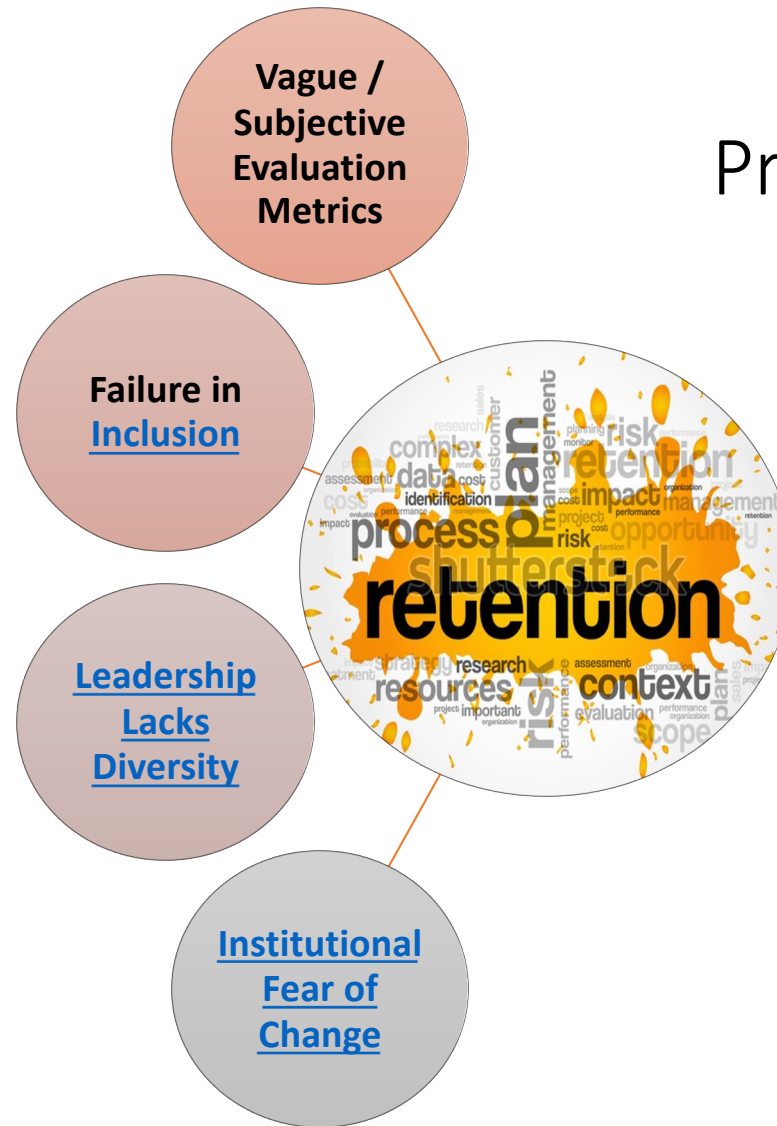
SOLUTIONS to Leadership Lacks Diversity

- Once a candidate is hired – let them show their "true self" at work
- Support participation in Employee Resource Groups
- Promote participation in diversity conferences and events
- Provide internal and/or external mentoring
- Track promotion rates of underrepresented minorities

SOLUTIONS to Vague / Subjective Evaluation Metrics

"Action oriented" feedback provides actionable course of behavior for employee to improve performance

Evaluator should systematically tie all feedback to business goals / outcomes and also provide specific examples

Reduce unconscious bias in reviews through defined expectations and goals for each position, use of performance checklists, etc.

Implicit bias training for all employees involved in performance review

Use technology and data to identify problems and track outcomes

Patterns of bias in promotion and hiring

Disparities in compensation and rewards

SOLUTIONS to Failure in Inclusion

Need to understand who your employees are

- If you do not know how an employee feels or what they want – employee is more vulnerable to leave
- Diverse employees often hide important parts of themselves for fear of negative consequences – "Identity Cover"

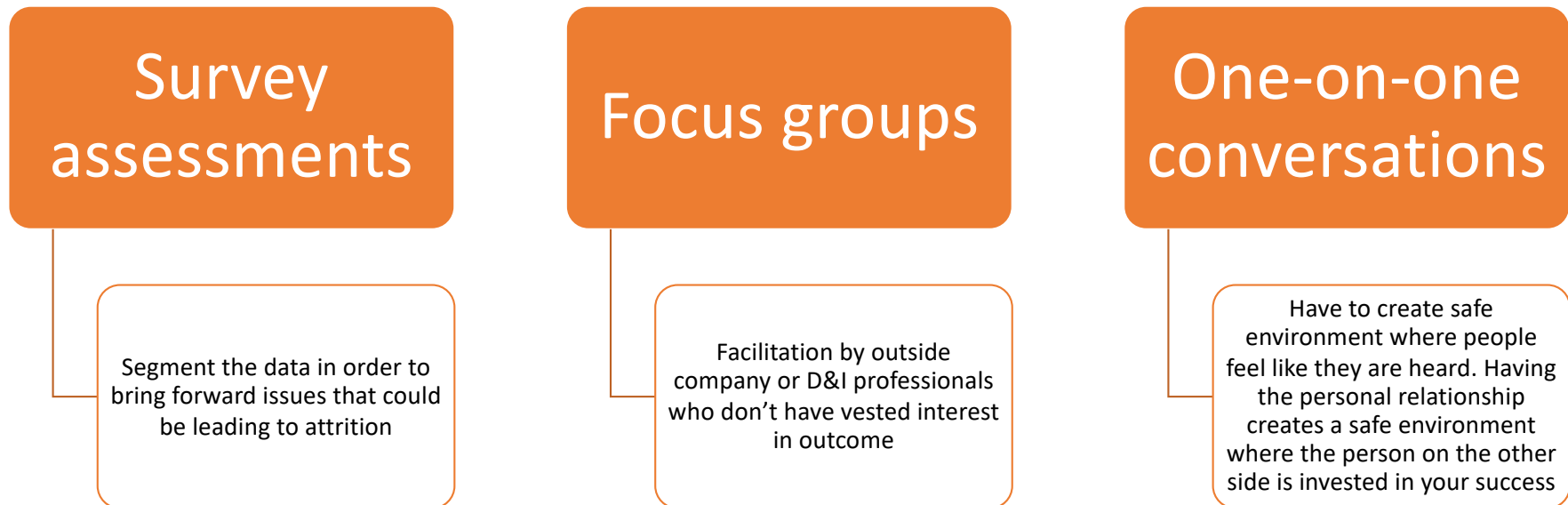**Create environment where diversity of thought is encouraged**

Must be responsive to issues raised

To Retain Employees, Focus on Inclusion – Not Just Diversity, Karen Brown, Harvard Business Review (Dec. 4, 2018).

SOLUTIONS to Failure in Inclusion
Understanding Who Your Employees Are

Survey assessments

Segment the data in order to bring forward issues that could be leading to attrition

Focus groups

Facilitation by outside company or D&I professionals who don't have vested interest in outcome

One-on-one conversations

Have to create safe environment where people feel like they are heard. Having the personal relationship creates a safe environment where the person on the other side is invested in your success

To Retain Employees, Focus on Inclusion – Not Just Diversity, Karen Brown, Harvard Business Review (Dec. 4, 2018).

SOLUTIONS to Failure in Inclusion

Encourage Diversity of Thought

Implementing no interruption rules, allowing anonymous communication, and purposefully including diverse individuals in the discussion	• Call out interrupters and allow speaker to finish
Create environment where a person feels comfortable raising their hand or speaking up	• Encourage and reward participation from quieter employees
Management techniques to encourage open communication and garner input from all, despite differences in interaction styles	• "Round Robin" technique → not just fastest or loudest, but solicit feedback from every person in room or meeting

SOLUTIONS to Failure in Inclusion

Employee Trajectory

Managers must take an active role in employee trajectory
To ensure development of diverse employees, ensure that such employees aren't underutilized, sitting on sideline
Have a roadmap to connect people with opportunities
Frequent day-to-day conversations

SOLUTIONS to Failure in Inclusion

Make the "Only" Experience Rare

Take steps to reduce the instances where there is only one diverse employee in the room

- Increase of pressure and isolation
- When there is only one diverse employee, that employee is more likely to think about and leave organization

SOLUTIONS to Failure in Inclusion

Employee Resource Groups

Provide opportunity for employees to be heard, valued, and engaged

Groups can enhance cultural awareness, develop leadership skills and network with colleagues across business units at all levels, including senior leadership.

Provide opportunities to attend specialized training around leadership, mentoring, career development, etc.

SOLUTIONS to Failure in Inclusion
Diversity Consideration in Promotion and Leadership

Require diverse slate of candidates to be considered for promotions and leadership positions

Mansfield Rule measures whether law firms have affirmatively considered women, LGBTQ+, and minority lawyers and lawyers with disabilities—at least 30% of the candidate pool—for promotions, senior level hiring, client-facing opportunities and significant leadership roles in the firm

https://www.diversitylab.com/pilot-projects/mansfield-rule-3-0/

SOLUTIONS to Failure in Inclusion

Invest in Leadership Development

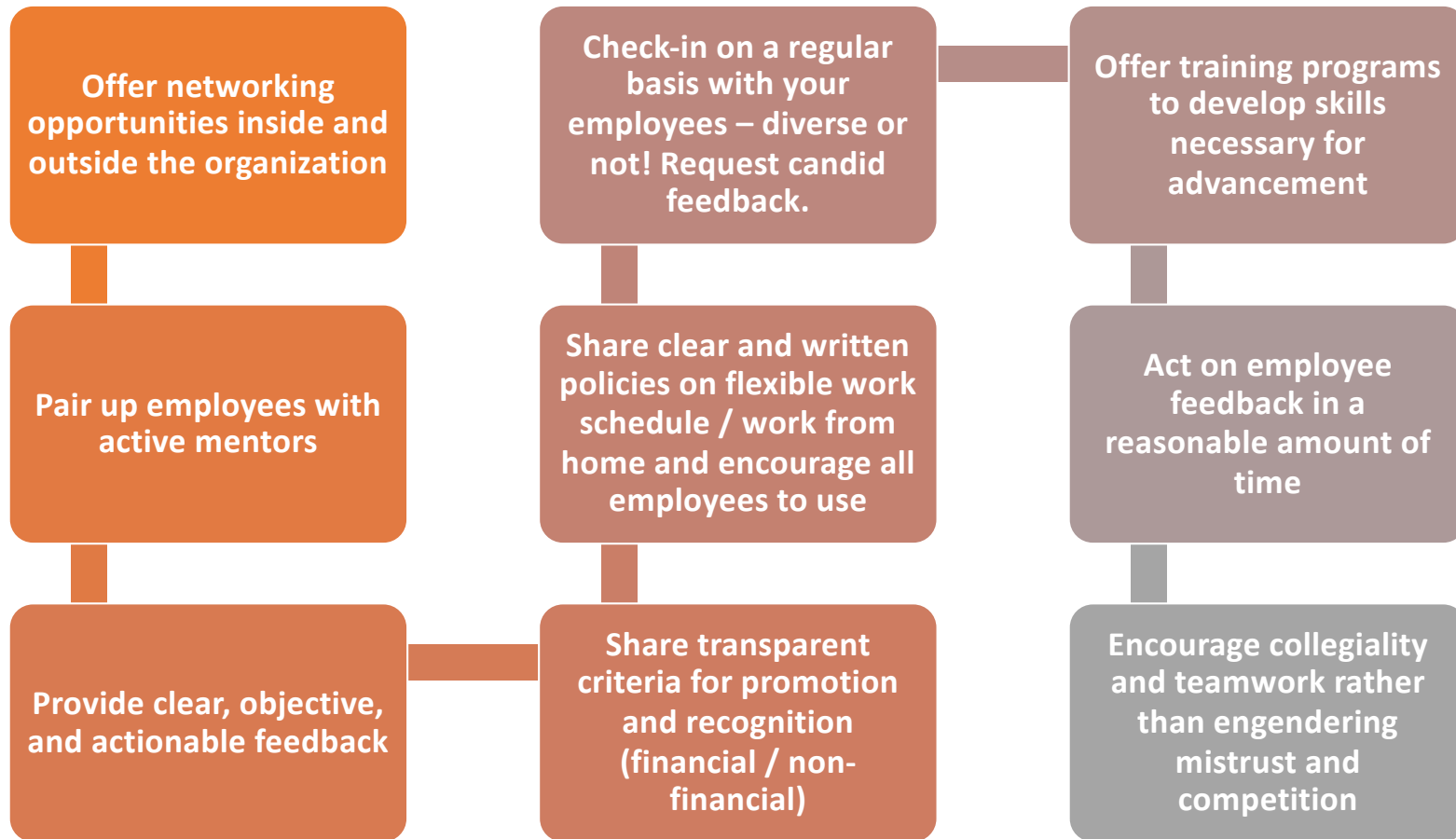Use of formal and informal professional development tools

- E.g., mentoring, coaching, and education opportunities.

Organizational resources for career planning (creating and managing career objectives)

Regularly evaluate internal talent to ensure that diverse employees are in the leadership development pipeline and not sidelined

SOLUTIONS to Failure in Inclusion

Improving Inclusion will Lead to Improved Retention – Summary

Offer networking opportunities inside and outside the organization

Check-in on a regular basis with your employees – diverse or not! Request candid feedback.

Offer training programs to develop skills necessary for advancement

Pair up employees with active mentors

Share clear and written policies on flexible work schedule / work from home and encourage all employees to use

Act on employee feedback in a reasonable amount of time

Provide clear, objective, and actionable feedback

Share transparent criteria for promotion and recognition (financial / non-financial)

Encourage collegiality and teamwork rather than engendering mistrust and competition
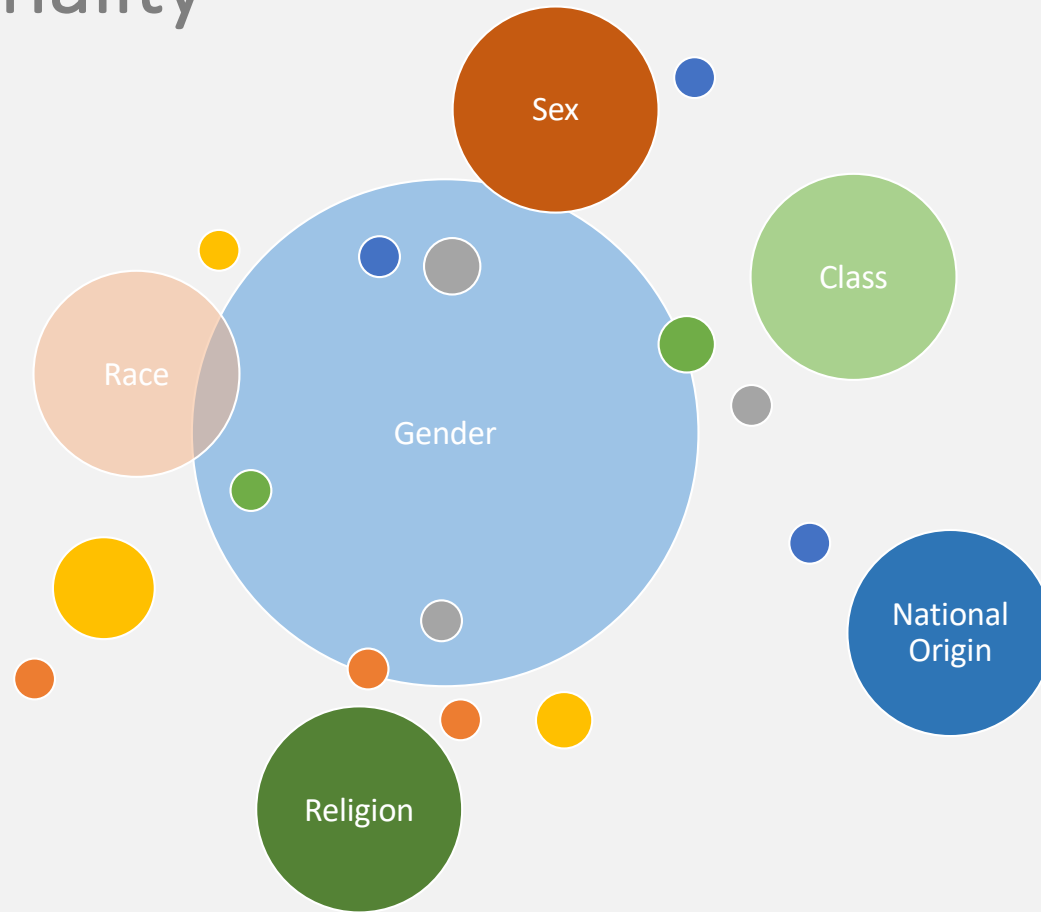
INTERSECTIONALITY

Intersectionality

According to the Oxford English Dictionary, Intersectionality is defined as the interconnected nature of social categorizations such as **race**, **class**, and **gender**, regarded as creating overlapping and interdependent systems of discrimination or disadvantage; a theoretical approach based on such a premise.

Race

Class

Gender
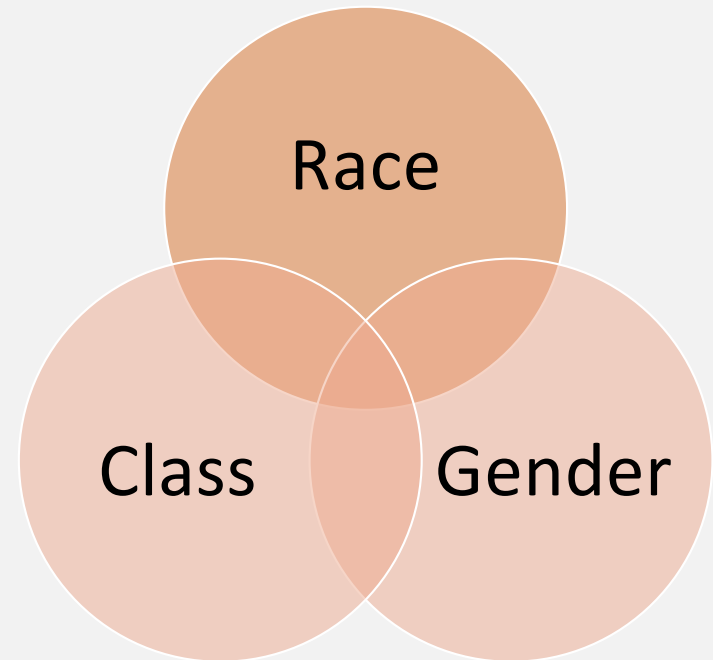
The Oxford English Dictionary

Intersectionality

Intersectionality

"Because the intersectional experience is greater than the sum of racism and sexism, any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated."

Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex:*
A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics

Intersectionality: Solerutions

Work to understand how employees experience discrimination

- For example, a black woman does not just experience discrimination against black people and women separately—she experiences discrimination **as a black woman**
- Based on stereotypes—e.g., **angry black women**

Solutions come back to inclusion

Think about how D&I programs service all employees—e.g., resource groups, training

LGBTQIA+

LGBTQIA

Lesbian | A woman who is emotionally, romantically or sexually attracted to other women. **Sexual orientation |** An inherent or immutable enduring emotional, romantic or sexual attraction to other people.

Gay | A person who is emotionally, romantically or sexually attracted to members of the same gender.

Bisexual | A person emotionally, romantically or sexually attracted to more than one sex, gender or gender identity though not necessarily simultaneously, in the same way or to the same degree. **Cisgender |** A term used to describe a person whose gender identity aligns with those typically associated with the sex assigned to them at birth.

Transgender | An umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.

Queer | A term people often use to express fluid identities and orientations. Often used interchangeably with "LGBTQ."
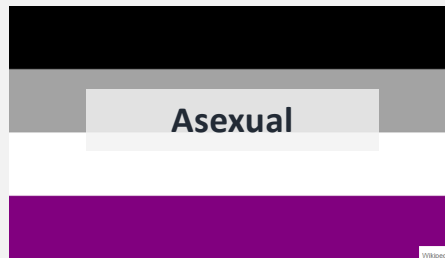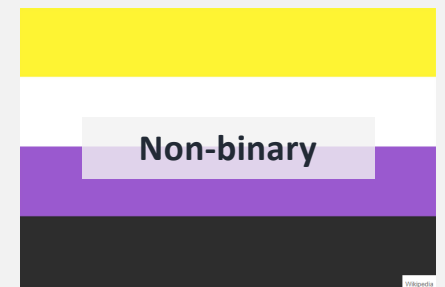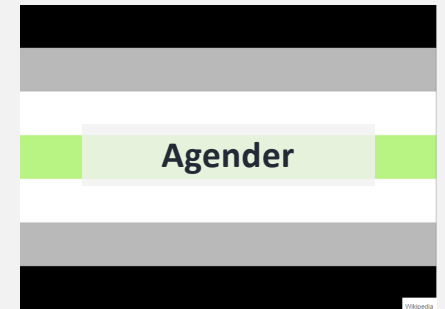
Intersex | An umbrella term used to describe a wide range of natural bodily variations. In some cases, these traits are visible at birth, and in others, they are not apparent until puberty. Some chromosomal variations of this type may not be physically apparent at all.

Asexual | The lack of a sexual attraction or desire for other people.
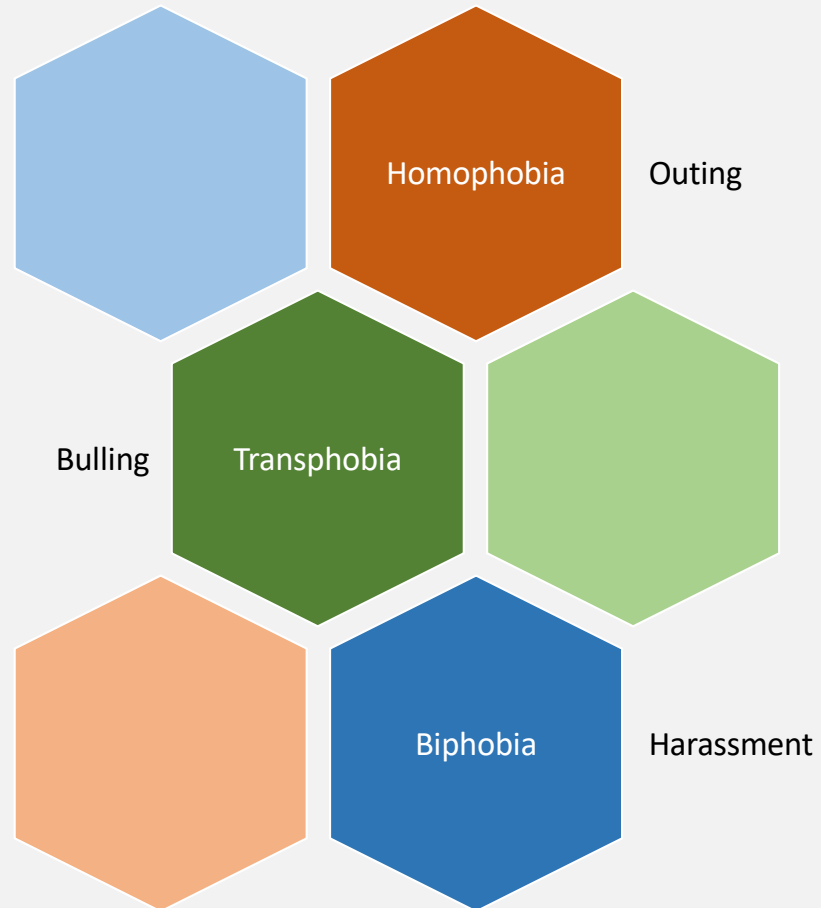
Human Rights Campaign

LGBTQIA: Condensed Glossary

- **Ally |** A person who is not LGBTQ but shows support for LGBTQ people and promotes equality in a variety of ways.

- **Cisgender |** A term used to describe a person whose gender identity aligns with those typically associated with the sex assigned to them at birth.

- **Gender dysphoria |** Clinically significant distress caused when a person's assigned birth gender is not the same as the one with which they identify.

- **Gender expression |** External appearance of one's gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

- **Gender identity |** One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

- **Gender non-conforming |** A broad term referring to people who do not behave in a way that conforms to the traditional expectations of their gender, or whose gender expression does not fit neatly into a category.

- **Gender transition |** The process by which some people strive to more closely align their internal knowledge of gender with its outward appearance. Includes social and physical transitions.

- **Sexual orientation |** An inherent or immutable enduring emotional, romantic or sexual attraction to other people.

Human Rights Campaign

LGBTQIA: Flags

Rainbow

Transgender

Pansexual

Intersex

Bisexual

Asexual

Agender

Non-binary

Philadelphia
People of Color
Inclusive

LGBTQIA: Solutions

- **Training**, training, training
- Adoption of universal pronoun identification for employees
- Management **commitment** to learning and improving inclusion of LGBTQIA personnel
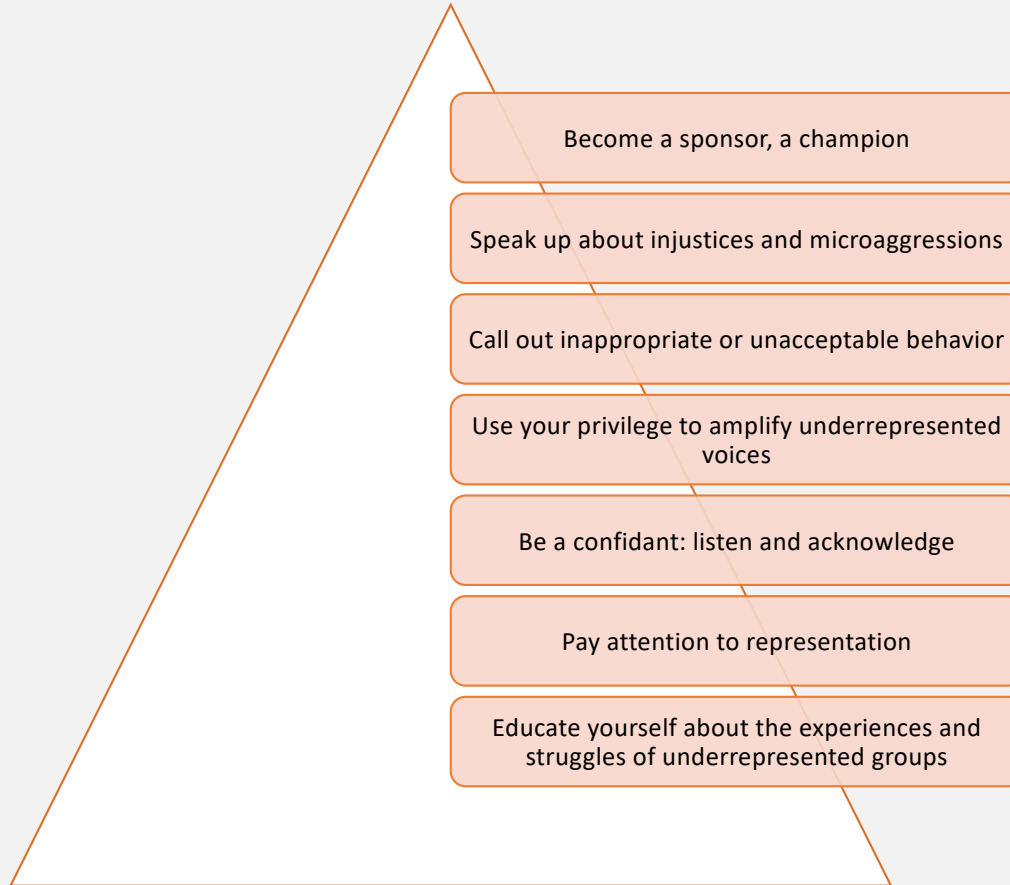- Resource groups
- Promotion of **allyship**

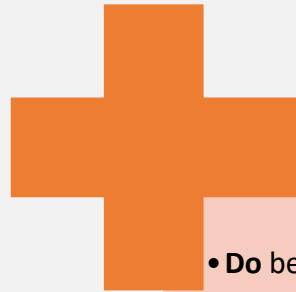# Allyship

What is allyship?

The practice of emphasizing social justice, inclusion, and human rights by members of a privileged group to advance the interests of a marginalized group

To be an **ally**, you must take on the struggle as your own, even if you do not fully understand what it feels like to be oppressed for race, ethnicity, gender, sexuality, ability, class, religion, etc.

Allyship requires Action

Become a sponsor, a champion

Speak up about injustices and microaggressions

Call out inappropriate or unacceptable behavior

Use your privilege to amplify underrepresented voices

Be a confidant: listen and acknowledge

Pay attention to representation

Educate yourself about the experiences and struggles of underrepresented groups

The Dos and Don'ts of Allyship

- **Do** be open to listening
- **Do** be aware of your implicit biases
- **Do** your research to learn more about the history of the struggle in which you are participating
- **Do** the inner work to figure out a way to acknowledge how you participate in oppressive systems
- **Do** the outer work and figure out how to change the oppressive systems
- **Do** use your privilege to amplify (digitally and in-person) historically suppressed voices
- **Do** learn how to listen and accept criticism with grace, even if it's uncomfortable
- **Do** the work every day to learn how to be a better ally

- Do <u>not</u> expect to be taught or shown. Take it upon yourself to use the tools around you to learn and answer your questions
- Do <u>not</u> participate for the gold medal in the "Oppression Olympics" (you don't need to compare how your struggle is "just as bad as" a marginalized person's)
- Do <u>not</u> behave as though you know best
- Do <u>not</u> take credit for the labor of those who are marginalized and did the work before you stepped into the picture
- Do <u>not</u> assume that every member of an underinvested community feels oppressed

https://guidetoallyship.com/

The End

Acknowledgements