



Good Trouble: Making it Good, Avoiding the Trouble



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Will this time be different?

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What needs to change and how?

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Overview

- **Why**
 - Reasons
 - Objectives
- **Manner**
 - Size
 - Scale
- **How**
 - Approach
 - Method
- **When**
 - Where
 - Frequency
- **Bonus Material?**

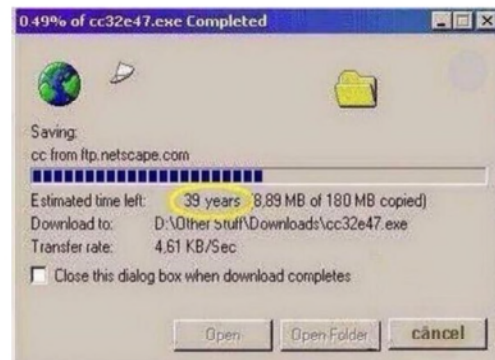
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- **Why.** Here we will discuss why these discussions may need to happen.
 - Reasons why discussing race is important
 - Focus the company on the clear objectives for the conversation
- **Manner.** What size should the conversation be and what should be the scale of the conversation.
 - Are we ready to have a company-wide conversation (indicators)?
 - How can we have a small conversation?
 - If we have a town hall what are some considerations?
- **How.** How can we discuss these tricky issues?
 - What should be the approach?
 - How can we actively listen?
 - What should we avoid?
- **When.** Where should these conversations happen and to what frequency?
 - How do we make them sustainable?
 - How often should they happen?

“The World Wide Web”



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“The World Wide Web”

- Current Events and the Internet
- Controversial Posts Management

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The Why? - Current Events



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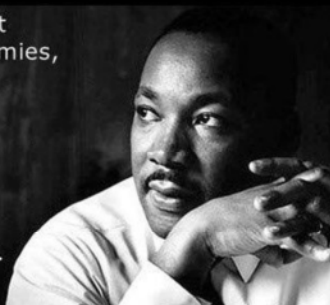
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The Why? - Silence

"In the end,
we will remember not
the words of our enemies,
but the silence
of our friends."

Martin Luther King Jr.



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The Why? - Current Diversity Initiatives



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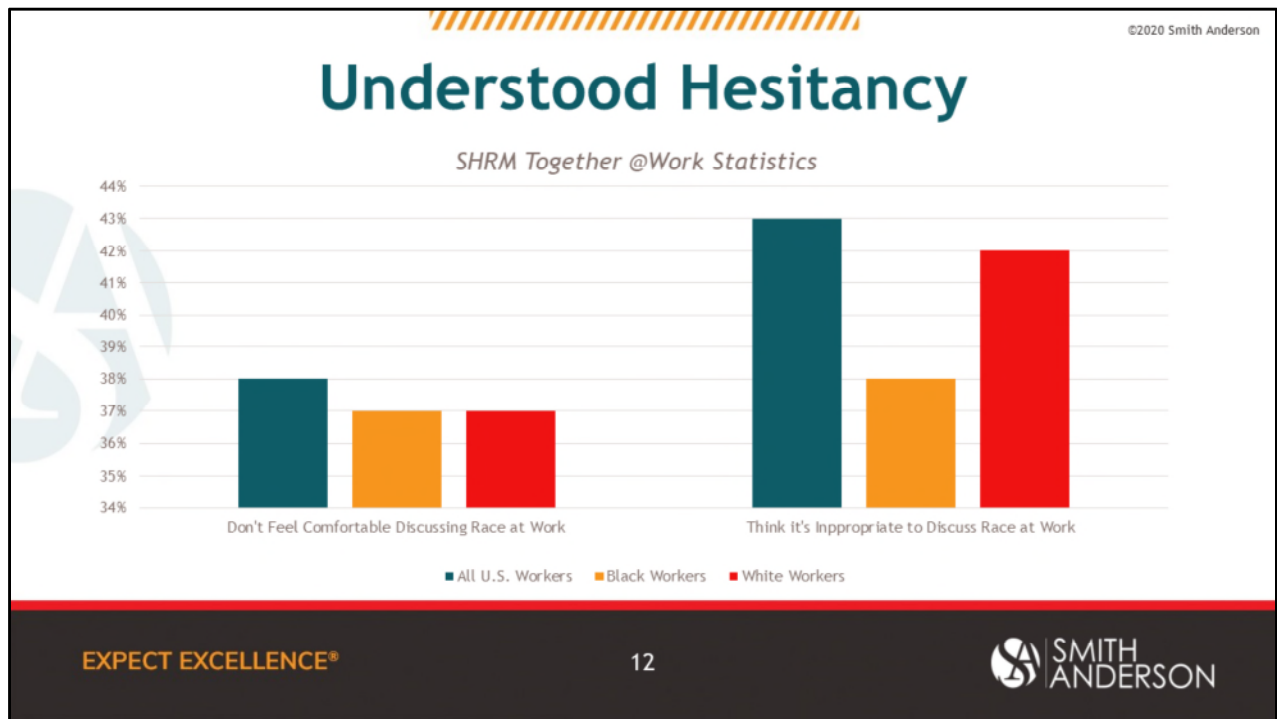
The Why? - Remote Employees



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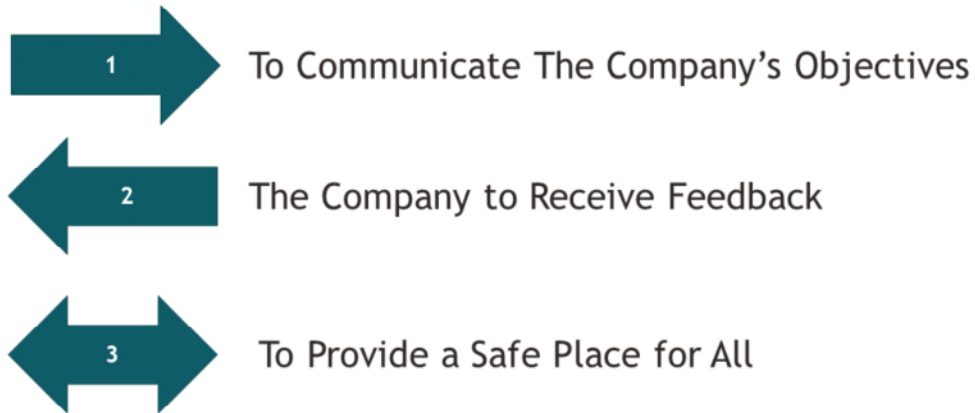
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The Journey to Equity and Inclusion Summer 2020 – SHRM @Work – These statistics were included in an article in SHRM. “The U.S. worker survey was a sample of 1,257 U.S. workers surveyed using the AmeriSpeak Omnibus, a probability-based panel developed by NORC at the University of Chicago that is designed to be representative of the U.S. household population.” The survey was administered June 11 through June 15, 2020, and contained an oversample of Black respondents.”

The Reasons - Company Objectives



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1. **Objective One (Communicate).** To communicate clearly the Company's stance on issues of race and racism.
2. **Objective Two (Receive Feedback).** To receive feedback on what the Company can do to better address issues of race and racism.
3. **Objective Three (Safe Space).** To provide an opportunity for employees to vent about how they are feeling.

The Manner - Company-wide Discussions

- Indicators:
 - Diversity and inclusion goals are clearly articulated and reviewed annually to assess effectiveness towards diversity and inclusion.
 - Employees already feel valued or feel like they don't need to "cover" significant parts of their identity.
 - Formal programs already exist to promote an inclusive environment such as mentoring, professional development opportunities, employee network groups, etc.
 - The Company is vested in finding creative ways to attract top diverse talent and an openness to suggestions from people at all levels in the organization.
 - Flexibility exists to accommodate personal responsibilities outside of the job.

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Source Material: Winters Group - <https://www.wintersgroup.com/resources/bic-addressing-race-racism-workplace/> (Discussing extensive resources on indicators of whether your company is ready to discuss race).

The Manner - For Both Small and Large Group Discussions

When and Where Matters

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The Manner - Small Scale Conversations

- One-on-ones
- Small group conversations
- Affinity groups
- Diversity and inclusion committees

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The Manner - Large Company-wide Conversations

- Company-wide town halls
- Celebrations of culturally relevant holidays or presentations
- Volunteer work involving social justice

The Manner - Town Halls

- What are the objectives and why are we having a company-wide conversation?
 - Objectives and Why
- Have we adequately planned the event?
- Have we conducted a thorough survey of the office climate?
 - Do co-workers trust each other?
 - How many employees have expressed interest?
- Should senior management be there?
- Should it be mandatory or voluntary?

The Manner - Virtual Town Halls

- Breakout Groups
- Provides comfort to employees in their home
- Provide both anonymous and identified opportunities for questions
- Interactive components



The Manner - Who will Attend?

- How many individuals do you want to attend?
- Will everyone be speaking?
- How will they add to the conversation?
- Will company policy be impacted?
- Should the decision makers be invited?

How - Approach & Method

1. Acknowledge and validate
2. State your intentions
3. Acknowledge that you don't have all the answers
4. Prepare before you talk
5. Normalize discussing race in the workplace
6. Discuss and refrain from debating
7. Avoid conflating, comparing, or contrasting

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Prepare Before You Talk Resources:

- National Museum of African-American History and Culture - <https://nmaahc.si.edu/learn/talking-about-race>

Normalize Discussing Race in the Workplace:

- Articles by Stephanie Dr. Creary (UPenn) - <https://knowledge.wharton.upenn.edu/article/begin-talking-race-workplace/>
- YouTube Lecture by Dr. Creary - <https://www.youtube.com/watch?v=DNpadtcYh5I>

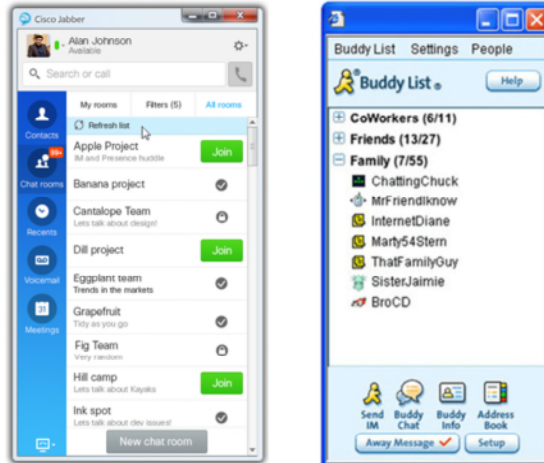
When - Frequency

- Strive to act or have conversation outside of current events
- Set a regular schedule
 - That doesn't cause too much fatigue
 - Find natural places to discuss
 - Consider structuring it around significant cultural events

When the Employer Should Not Start Conversations about Race & Racism

- Interview Process
 - Presumption
 - Handling questions about company diversity initiatives
- Reviews or Evaluations
- Consider workplace power dynamics

“The World Wide Web”



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WWW - Control and Manage Conflict

- Employees will not always use the approved platforms in the most appropriate ways.
- What employees do online carries some legal risk and concerns for the employer.
- Considering the current state of the social climate, employers will want to be in tune to these issues.
- Companies should also rely on their social media policies (tips are included in the notes).

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Social Media Policies. Employers should always have an established social media policy governing social media externally and internally that provides guidelines for appropriate use of social media. Including the following:

(1) Emphasize the NLRA protections. “Nothing in the company’s social media policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. Employees have the right to engage in or refrain from such activities.”

(2) Define which social media platforms are governed by this policy. “Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with [Employer], as well as any other form of electronic communication.”

(3) Explain the employees’ social media posts may be monitored. “Explain to employees that their personal social media accounts, online networking accounts, blogs and other communications may be reviewed.” Subject to any state specific laws prohibiting employer access. More than two dozen states have enacted laws that address employer access to

current and prospective employee's social media accounts, including other nearby states such as: Maryland (Md. Code Ann., Lab. & Empl. § 3-712), Tennessee (T.C.A. §§ 50-1-1001 - 50-1-1003), Virginia (Va. Code Ann. § 40.1-28.7:5), and West Virginia (W. Va. Code § 21-5H-1).

(4) Acknowledge the disciplinary repercussions for bad behavior online. “Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of [Employer] or [Employer's] legitimate business interests may result in disciplinary action up to and including termination.”

(5) Inform employees that discriminatory or inappropriate postings will not be tolerated. “Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.”

(6) Encourage respectful, honest and accurate communication online. “Remind employees that they are more likely to resolve work-related complaints by speaking directly with co-workers or speaking directly with co-workers or by using the employer's existing Open Door Policy.”

WWW - Protections for Employees

- Title VII Anti-Retaliation and State Discrimination Laws
- National Labor Relations Act (NLRA)
- No First Amendment Protections for Private Sector Employees
- State Laws Involving Off-Duty Lawful Actions

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- (1) Title VII Anti-Retaliation/State Discrimination Laws.** Be mindful that employees have a legal right to discuss/report complain about harassment, discrimination, workplace safety violations and other issues and these conversations may not always come up in the ideal manner that the employer wants to discuss difficult topics. The employer should be mindful to remind employees of their options to report race-based (and all other) forms of harassment and discrimination.
- (2) National Labor Relations Act (NLRA).** To the extent that issues of race and race relations are related to wage and working conditions, employee's conversations may be protected under the National Labor Relations Act that gives private-sector employees in both union and nonunion settings the right to discuss wages and working conditions.
- (3) No First Amendment Protections for Private Sector Employees.** Employees often believe that their statements online are protected by the First Amendment, but the First Amendment deals specifically with the federal government and prevents the federal government from interfering with freedom of speech, it does not guarantee it in private settings, including workplaces. Private-sector employees are not shielded from employment consequences under the First Amendment protections.

- (1) The NLRB emphasizes some points regarding the NLRA policies and social

media (<https://www.nlr.gov/about-nlr/rights-we-protect/your-rights/the-nlr-and-social-media>):

- Employer policies should not be so sweeping that they prohibit the kinds of activity protected by federal labor law, such as the discussion of wages or working conditions among employees.
- Companies are also prohibited from maintaining a policy that would reasonably tend to chill employees from exercising their rights under the NLRA.
- To determine whether a rule is lawful, the NLRB will first look at the nature and extent of the rule's potential impact and interference on workers' rights to discuss the terms and conditions of employment. Some rules will be considered lawful without any further review because they do not restrict workers' rights.
- Other rules will be reviewed with individual "scrutiny" or reviewed to determine the extent of potential interference with protected rights.
- For other rules, the Board will look to the legitimate business justification for the rule to determine if it outweighs any potential inference with employer rules.

(1) Be Mindful of State Laws Involving Off-Duty Lawful Activity. North Carolina Lawful Use of Lawful Products (N.C.G.S. § 95-28.2 - https://www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_95/gs_95-28.2.html) prohibits employer to fail or refuse to hire a prospective employee, or otherwise discriminate against any employee with respect to terms and conditions of employment if the prospective employee or the employee engages in or has engaged in the lawful use of lawful products if the activity occurs off the premises of the employer during nonworking hours and does not adversely affect the employee's job performance or the person's ability to properly fulfill the responsibilities of the position in question or the safety of other employees. Other states such as California, Colorado, Louisiana, New York, and North Dakota ban employers from firing or retaliating against employees for any off-duty lawful activity, these states may include components of free speech.

WWW - Enforcement on the Intranet and Company Forums

- Conversations on the intranet and company forums have increased.
- Consider issuing community guidelines including the following:
 - Encourage respect for their fellow employees;
 - Encourage employees to settle or discuss any disputes offline in-person where they can have a face-to-face conversation;
 - Remind employees of the company's anti-discrimination and harassment policies;
 - Encourage inclusion;
 - Discourage conversation that makes people feel excluded;
 - Remind employees that all electronic communication on the company's platforms are monitored and periodically reviewed; and
 - All posts that trigger an employee complaint will be reviewed and any post that violates the community guidelines will be removed immediately.

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WWW - Enforcement on the Intranet and Company Forums

- All posts that trigger an employee complaint will be reviewed and any post that violates the community guidelines will be removed immediately



WWW - Enforcement on the Intranet and Company Forums

- The best advice is to have guidelines before you face your first problem.

WWW - Enforcement Do's and Don'ts Online

Do's

- Fairly Discipline Employees
- Reiterate and Remind
- Encourage Offline Disputes

Don'ts

- Ignore Problems
- Rely on Diverse Employees to Flag Issues for You

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Linked materials for conflict resolution:

- **SBAR Conversation (Institute for Healthcare Improvement)** - <http://www.ihl.org/resources/Pages/Tools/SBARToolkit.aspx>
- **Difficult Conversations (Yale)** - <https://your.yale.edu/policies-procedures/guides/using-desc-make-your-difficult-conversations-more-effective>

Well-intended and well-
executed...

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What needs to change and how?

Recruiting, Hiring and Retention

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Other Resources

World Economic Forum, Diversity, Equity and Inclusion Toolkit 4.0
http://www3.weforum.org/docs/WEF_NES_DEI4.0_Toolkit_2020.pdf

Goals, preferences, plus factors... The legal stuff HR needs to know

- **Preferential treatment** of any individual or group because of race, color, religion, sex or national origin **even when imbalance exists** is **NOT REQUIRED**
- **Discriminatory preference** for any group, minority or majority, is **UNLAWFUL**

BUT

- **Not all** voluntary race/sex conscious actions are **unlawful**

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Title VII

“Nothing...shall be interpreted to require any employer...to grant preferential treatment to any individual or to any group because of the race, color, religion, sex or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race...employed by any employer...in comparison with the total number or percentage of persons of such race...in any...area, in the available work force in ... any area.” 42 USC §2000e-2(j)

U.S. Supreme Court

- The Act does not command that any person be hired simply because he was formerly the subject of discrimination, or because he is a member of a minority group. Discriminatory preference for any group, minority or majority, is precisely and only what Congress proscribed. *Griggs v. Duke Power Co.*, 401 U.S. 424, 430 (1971).
- Congress did not intend to prohibit all race- or sex-conscious actions taken voluntarily by employers. *Steelworkers v. Weber*, 443 U.S. 193 (1979) (literal construction of Title VII is misplaced in light of Congressional intent).
- The Court has imposed a series of limits on such voluntary affirmative action plans to ensure that they are consistent with the intent of Congress and do not undermine the

basic principle of non-discrimination.

Goals, preferences, plus factors*: What's legal? What's not?

**Based on race, ethnicity, gender or other protected characteristic*

Aspirational goals


- ... that do NOT involve preferences, plus factors, quotas, etc. are LEGAL and do NOT have to meet requirements of a voluntary affirmative action plan (AAP)

Preferences, plus factors, etc.

- ...likely are ILLEGAL unless there is bona fide voluntary AAP


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Bona fide voluntary AAP (non-government employers)



*Must meet
all 3
requirements*

- 1-Clear statistical disparity exists
- 2-Temporary duration and
- 3-Cannot trammel rights of non-minorities

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Non-government Employer Voluntary Affirmative Action

Steelworkers v. Weber, 443 U.S. 193 (1979) (race)

Johnson v. Transportation Agency, 480 U.S. 616 (1987) (race and sex)

To be lawful, voluntary affirmative action must meet these requirements:

- 1) Factual predicate: Clear statistical disparity (statistically significant) between minority/women representation in surrounding labor market and their representation in the positions at issue. For example, substantial underrepresentation of women in traditionally male jobs is sufficient factual predicate. No admission of prior discrimination by employer is needed.

3 ways to establish the factual predicate:

- actual past discrimination by employer
- statistical disparity that would establish prima facie pattern or practice without regard to whether employer discriminated, or
- manifest imbalance in traditionally segregated job categories

- 2) Plan is temporarily in place only for as long as needed to eliminate a manifest imbalance, not maintain representation once underrepresentation is eliminated **Tip:**

Use “attain” language in plan documents, e.g., “to attain a work force whose composition reflected the proportion of minorities and women in the relevant labor force.”

- 3) Plan cannot trammel rights of non-minorities, such as by resulting in layoff, discharge or absolute bar to advancement

Tip: Race/sex can only be permissible “plus factor” when no minority candidate is insulated from competition with non-minority AND no non-minority is foreclosed from any slot

Voluntary AAP: Do's and Don'ts

Do's	Don'ts
Written, temporary (attain language)	Unwritten, indefinite (maintain language)
Narrowly tailored goals	Goals disproportionate to imbalance
Plus factor in multi-factor subjective "holistic" assessment	M/W* insulated from competition with non-M/W Non-M/W excluded from consideration Strict quota, set asides or automatic "bonus" points
Neutral alternatives considered	Use in layoff or discharge selections Modify outcomes to remedy disparate impact
*Minorities and/or women (MW)	

Minorities and/or women (MW)

Goals, preferences and plus factors: By Stage of Process

Recruiting	Hiring	Promotion	Layoff/Termination
<ul style="list-style-type: none"> Targeted and active outreach to MW to increase representation in pool permitted Bona fide AAP not required Legally defensible as long as resulting applicant pool resembles relevant labor market 	ASPIRATIONAL GOALS—NO PREFERENCE/PLUS FACTOR—NOT SUBJECT TO AAP REQUIREMENTS		
	<ul style="list-style-type: none"> Preference/plus factor for M/W permissible when bona fide AAP exists 	<ul style="list-style-type: none"> Preference/plus factor for M/W requires: <ul style="list-style-type: none"> bona fide AAP and promotion expectation is “diffuse” (i.e. not settled by seniority or like practices) 	<ul style="list-style-type: none"> Preference/plus factor that trammels rights of non-minorities is not permitted

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Recruiting Notes

- Employer generally has latitude in choosing among non-discriminatory recruiting methods. But if hiring claim challenges the recruiting method, then the litmus test will be whether the applicant pool resembles the relevant labor market.
- Where multiple recruiting methods are used and some cause disparate impact, no violation will be found as long together the recruiting methods result in a representative applicant pool.

Identify, attract and hire

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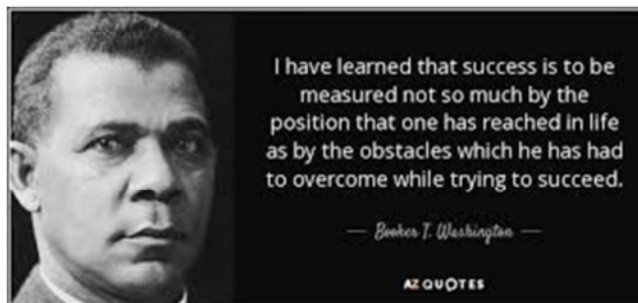
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Recruiting Best practices: Stocking the pond

Before you post

- Align branding and marketing with DEI
- Redefine “best qualified”
 - Understand what really makes a successful asset to the organization



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Branding and Marketing

- Images, employee testimonials and success stories
- Highlight employee resource and affinity groups
- Social justice statement, actions

Redefining Best Qualified Tips

- Does 1 or 2 years more experience in same job, or which school was attended, or GPA, or some other readily achievable skill listed on a resume really make your most successful assets? Or, is it employees who are good collaborators, problem-solvers, embrace change, team first mentality, an internal drive to be the best they can be?
- Consider how colleges go about thinking out of the box for potential and talent.

1st generation college

Worked way through school, w/ children, single parent even better

Questions Worth Asking

What thing you have done are you most proud of and why?

What was most challenging thing you faced and what did you do to overcome it?

What did you learn from that experience? What would you do differently next time

and why?

Where do you want to be in 5 years and how do you plan to get there?

What are you looking for in a job?

A year from now, why would I be glad we hired you?

Recruiting Best Practices: Stocking the pond

Numbers matter

- Set a “qualified” applicant % goal for MW
 - Apply to headhunters and staffing agencies too

Examples in practice

- Rooney rule (must consider 1 Black for NFL head coaching position)
- Mansfield rule (law firms must consider 30 percent women and attorneys of color)

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- Goals should be set at time of posting and based on minority/female representation in the relevant labor market
- Consider removing names from resumes/screening profiles. M. Bertrand, S. Mullainathan, **Are Emily and Greg More Employable Than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination** [American Economic Review vol. 94, no. 4, September 2004](#) (pp. 991-1013)

Abstract

We study race in the labor market by sending fictitious resumes to help-wanted ads in Boston and Chicago newspapers. To manipulate perceived race, resumes are randomly assigned African-American- or White-sounding names. White names receive 50 percent more callbacks for interviews. Callbacks are also more responsive to resume quality for White names than for African-American ones. The racial gap is uniform across occupation, industry, and employer size. We also find little evidence that employers are inferring social class from the names. Differential treatment by race still appears to still be prominent in the U. S. labor market.

Rooney Rule

In May 2020, the NFL announced that it will expand the Rooney Rule to require additional

interviews of minority candidates. The league will require clubs to interview at least two external minority candidates for head coaching openings. The NFL continues to search for ways to fix the Rooney Rule after another hiring cycle where minority candidates were significantly bypassed, including just three of the past 20 head coaching openings going to minorities.

Mansfield Rule

Inspired by Rooney rule, named after Arabella Mansfield, the first woman admitted to the bar in the United States, it measures whether law firms affirmatively consider at least 30 percent women, lawyers of color, LGBTQ+ lawyers, and lawyers with disabilities for leadership and governance roles, equity partner promotions, formal client pitch opportunities, and senior lateral positions.

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Recruiting Best Practices: Targeted and active outreach yields diverse applicant pools

HBCUs	Non-HBCUs	Minority Job Fairs
Diverse Professional Associations	Community Organizations	Military

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HBCUs

As of January 2020, 107 HBCUs with more than 228,000 students enrolled.
<https://www2.ed.gov/about/offices/list/ocr/docs/hq9511.html>

Listed by state: <https://hbculifestyle.com/list-of-hbcu-schools/>

In North Carolina (state with most undergraduates enrolled in HBCU):

[Elizabeth City State University](#) Elizabeth City

[Fayetteville State University](#) Fayetteville

North Carolina A&T State Greensboro

North Carolina Central University Durham

Winston-Salem State Winston-Salem

[Barber-Scotia College](#) Concord

[Bennett College](#) Greensboro

[Johnson C. Smith University](#) Charlotte

Livingstone College Salisbury

St. Augustine's College Raleigh

Shaw University Raleigh

Latinx

- Association of Latino Professionals in Finance and Accounting (ALPFA)ALPFA Charlotte <https://www.alpfa.org/page/charlotte> (job board); student chapters
- Hispanic Association of Colleges and Universities <https://www.hacu.net/hacu/default.asp>

Diverse professional associations (e.g., National Black MBA Association, ALPFA)

Community: Black churches and radio stations, community centers in urban areas

Can referral bonuses for successful minority or women candidates be larger than referral bonuses for other successful candidates?

Probably yes, but such disparities can lead to public criticism and perhaps tied to positions with underrepresentation

Recruiting Best Practices: Targeted active outreach tips

HBCUs

- Recruit from 1 for every non-HBCU recruited from
- Set a minimum number of call-backs from each school
- Build relationships with career development offices
- Black sororities/fraternities are rich source of service-minded people

Non-HBCUs

- At each, connect with the diverse student organization for referrals, mixers, etc.

Minority job fairs

- Attend 1 for every non-minority job fair attended

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Non-HBCU Diverse Student Organizations

- Google is your friend
- Examples:
 - Minority Student Caucus (UNC Gillings School of Global Public Health)
<https://sph.unc.edu/students/minority-student-caucus/>
 - Minority Business Student Alliance (UNC Kenan-Flagler Business School)
<https://heellife.unc.edu/organization/minority-business-student-alliance>
 - Women and Minority Engineering Programs (NCSU) internship programs
<https://www.engr.ncsu.edu/wmep/mep/> <https://www.engr.ncsu.edu/wmep/>
 - National Society Minorities in Hospitality (ECU)
<https://business.ecu.edu/studentorgs/>

Minority Internship Programs: Are they legal?

It depends...

- Probably **illegal** to limit eligibility to minorities or women
- Probably **okay** to define eligibility as “underrepresented groups” including but not limited to X, Y, and Z

Tip:

- Pitch all internship programs to HBCUs, diverse student groups and other diverse referral sources

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- Getty Foundation sued for limiting internship to minority groups (<https://bbs.boingboing.net/t/white-woman-wants-minority-internship-sues-getty-foundation/77631>)
- modifies eligibility requirement. <https://www.nbclosangeles.com/news/local/woman-sues-getty-foundation-claims-she-was-denied-internship-because-shes-white/2004332/>
- http://www.getty.edu/foundation/initiatives/current/mui/mui_students.html (lasted visited Oct. 1, 2020)

Getty Marrow Undergraduate Internships: Students

Eligibility

Students must:

Be of a group underrepresented in museums and visual arts organizations, including, **but not limited to**, individuals of African American, Asian, Latino/Hispanic, Native American, or Pacific Islander descent;...(emphasis added)

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Military: Top 10 Reasons to Hire a Vet (other than 43% active duty military are diverse)



Leadership Experience	Strong Personal Integrity	Ability to Work as a Team Member and Team Leader	Performance Under Pressure
Possession of Valid Security Clearance	Strong Work Ethic	Specialized Advanced Training and Technical Skills	Flexibility and Adaptability
	Discipline	Attention to Detail	

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Source: U.S. Colonel (Ret.) Kirk G. Warner, author of *Zone of Action: A JAG's Journey Inside Operations Cobra II and Iraqi Freedom*, and Smith Anderson partner

Military hiring links:

- NC4ME: <https://nc4me.org/> see employers tab
- Military ONESource <https://www.militaryonesource.mil/military-life-cycle/separation-transition/military-separation-retirement/transition-assistance-programs-and-resources>
- Soldier For Life – Transition Assistance Program: <https://www.sfl-tap.army.mil/>
- Military Transition Assistance Program: <https://www.military.com/military-transition/transition-assistance-program-overview.html>
- USDOL Veterans Transition Assistance Program: <https://www.dol.gov/agencies/vets/programs/tap>
- Bradley-Morris, Inc. <https://www.bradley-morris.com/2020/04/02/bradley-morris-recruitmilitary-appointed-by-u-s-army-human-resources-command-and-army-transition-assistance-program-as-contracted-provider-of-employment-transition-services-to-soldiers-veterans/>

Also see:


<https://www.foxbusiness.com/features/ten-reasons-to-hire-a-veteran>

<https://www.military.com/hiring-veterans/resources/10-reasons-to-hire-vets.html>
<https://blog.careeronestop.org/top-10-reasons-to-hire-a-veteran/>
<https://talentculture.com/10-reasons-why-you-should-hire-a-veteran/>
<https://www.businessinsider.com/reasons-companies-should-hire-military-veterans-2016-11>
<https://communities.usaa.com/t5/Going-Civilian/10-Reasons-Why-Hiring-Military-Veterans-is-Great-for-Your/ba-p/214526>
<https://www.pewresearch.org/fact-tank/2019/09/10/the-changing-profile-of-the-u-s-military/>
<https://www.cfr.org/backgrounders/demographics-us-military>


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Targeted and active outreach drives more diverse applicant pools

From this:



To this:



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Tips

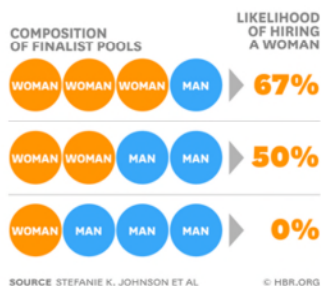
Consider removing names from resumes/screening profiles. M. Bertrand, S. Mullainathan, **Are Emily and Greg More Employable Than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination** [American Economic Review vol. 94, no. 4, September 2004](#) (pp. 991-1013):

We study race in the labor market by sending fictitious resumes to help-wanted ads in Boston and Chicago newspapers. To manipulate perceived race, resumes are randomly assigned African-American- or White-sounding names. White names receive 50 percent more callbacks for interviews. Callbacks are also more responsive to resume quality for White names than for African-American ones. The racial gap is uniform across occupation, industry, and employer size. We also find little evidence that employers are inferring social class from the names. Differential treatment by race still appears to still be prominent in the U. S. labor market.

Interviews and Selection: Finalist Pool Best Practices

The Relationship Between Finalist Pools and Actual Hiring Decisions

According to one study of 598 finalists for university teaching positions.



“The odds of hiring a minority were 193.72 times greater if there were at least two minority candidates in the finalist pool (controlling for the number of other minority and white finalists).”

TAKEAWAY:

Set interview pool AND finalist goals > 1

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S. Johnson, D. Hekman, E. Chan, **If There's Only One Woman in Your Candidate Pool, There's Statistically No Chance She'll Be Hired**, Harvard Business Review, April 26, 2016

Interviews and Selection: Best Practices

Staffing

- Career fairs staffed with at least one minority and one woman company representative
- Resumes screened by minority and women staff with written screening protocol
- Diverse multi-interviewer panel and decision-makers

Interviews and ratings

- Structured interview questions (remember redefining best qualified)
- Avoid undefined “fit” characterization, it can be a code word for sameness

Technology

- Technology, algorithms have biases too - conduct due diligence and annually audit impact

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Technology

Recent studies have shown that technologies have biases too and can actually deepen inequities. Technology sector lacks diversity and that has led to blind spots in technology design, especially with machine learning algorithms, and adverse impact. World Economic Forum, Diversity, Equity and Inclusion Toolkit 4.0
http://www3.weforum.org/docs/WEF_NES_DEI4.0_Toolkit_2020.pdf

Two questions to ask vendors:

- Details on the due diligence on whether the product has biased outcomes by race, ethnicity and gender
- Diversity of the team(s) that designed/created the product and what bias mitigation training they received

Audit Annually to Catch Bias in Artificial Intelligence

<https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/artificial-intelligence-diversity.aspx>

...And then retain

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Retention Keys and questions to ask

It's a culture issue

- Feel valued and safe?
- Comfortable being authentic self—dress, hair, talk?
- Paid equally?
- Demonstrable career development and promotions?

Role models, success stories and allies, advocates and mentors in management?

People managers

- Educated on expectations and how to support DEI?
- Held accountable for their behaviors and progress toward goals?

and you likely need more than 1 ...

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Retention Tips

People managers

- People managers have the power to make employees feel valued and safe and create an environment and opportunities success
- Managers focus on what is being measured and incentivized positively or negatively
- Regular check-ins with each employee to see what they need, ask about how they are doing, understand employee aspirations and trouble shoot issues
- Performance evaluation feedback from colleagues based on frequency of interaction (not just supervisor/manager)

Role models

- The higher the position, the more benefit to be gained in filling with a diverse candidate, especially an internal diverse candidate

Feeling valued and safe

- Executive Order on discontinuing federal agency training on racial sensitivity that discussed topics such as white privilege and critical race theory (legal institutions inherently racist and race is social construct) on the grounds that it is divisive and anti-American

- Most attorneys currently advising clients to not ditch training over concerns of division
- Microaggression training is a big must-have together with workplace conversations that may be best path forward
- Unconscious bias training alone may not be effective or even constructive. F. Gino, **What Facebook's Anti-Bias Training Program Gets Right**, Harvard Business Review, August 24, 2015 <https://hbr.org/2015/08/what-facebooks-anti-bias-training-program-gets-right>:
 “In fact, just raising *awareness* of unconscious biases is not sufficient to end them in organizations.... To effectively combat them, training programs also need to help people *accept* that biases affect them, stress their *concern* about the consequences, and assure people are willing to learn *to replace* those tendencies with ones that more closely match their values (e.g., not having prejudice).”

“Never, ever be afraid to make some noise, and get in
good trouble, necessary trouble”

Rep. John Lewis
1940-2020

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Lift Every Voice and Sing

By James Weldon Johnson

Lift every voice and sing
Till earth and heaven ring,
Ring with the harmonies of Liberty;
Let our rejoicing rise
High as the listening skies,
Let it resound loud as the rolling sea.
Sing a song full of the faith that the dark past has taught us,
Sing a song full of the hope that the present has brought us,
Facing the rising sun of our new day begun
Let us march on till victory is won.

Stony the road we trod,
Bitter the chastening rod,
Felt in the days when hope unborn had died;
Yet with a steady beat,
Have not our weary feet
Come to the place for which our fathers sighed?

We have come over a way that with tears has been watered,
We have come, treading our path through the blood of the slaughtered,
Out from the gloomy past,
Till now we stand at last
Where the white gleam of our bright star is cast.
God of our weary years,
God of our silent tears,
Thou who has brought us thus far on the way;
Thou who has by Thy might Led us into the light,
Keep us forever in the path, we pray.
Lest our feet stray from the places, our God, where we met Thee,
Lest, our hearts drunk with the wine of the world, we forget Thee;
Shadowed beneath Thy hand,
May we forever stand.
True to our God,
True to our native land.

<https://www.youtube.com/watch?v=D93maBSPQcM>



Good Trouble: Making it Good, Avoiding the Trouble



Kimberly J. Korando

Taylor M. Dewberry

October 13, 2020

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