

# DIVERSITY IN PRACTICE



**ALISON AKANT** is the Founder and Director of Content at DiversityEdu. An experienced attorney, learning specialist, and diversity consultant, she determined in 2010 to bring more effective and engaging diversity learning to colleges and universities. She assembled a first-rate team, including pre-eminent scholars and advisors, to develop a suite of cutting-edge online courses based on research and sound pedagogical principles. In 2015, Alison partnered with DiversityEdu's CEO Kate Chovanetz, to further develop DiversityEdu content for academia and plan expansion into the corporate sector. Today, DiversityEdu's learning and management tools are used by colleges, universities, schools and companies across the country.

Prior to establishing DiversityEdu, Alison provided diversity program content and authored briefing papers for law firms. She worked as a K-12 learning and reading specialist and is a former Assistant District Attorney for New York County.

Alison holds a BA from Wellesley College, an M. Ed. from New York University, and a JD from the Columbus School of Law at Catholic University of America.

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## THE CONFIDENT PROPONENT OF 2020: PROVING THE CASE FOR DIVERSITY AND INCLUSION INITIATIVES

The following article is the first in a series on how to deliver on the promise of diversity and inclusion (D & I) initiatives for the professional workplace in the next decade, and why we are better positioned to deliver more provable and implementable initiatives than we were even a few years ago.

In sum, my argument is that, in contrast to the resistance to and failure of D & I initiatives to move the needle to date, the proponent for evidence-based, affordable, and implementable D & I initiatives in 2020 can and should be confident.

Part 1 of this series of columns reviews why making the case for D & I initiatives has been so difficult in the past, even though inequities in access and professional advancement are blatant and enormous; even though the call to action has long been sounded; and even though commitment to D & I has been avowed by hundreds of leading entities in the corporate, legal, and education sectors.

Part 2 revisits the familiar cases for D & I in the workplace and renovates them with analysis and evidence to support them. These are the social justice,

business, talent, and climate cases for D & I. The confident proponent should make whichever case will be most convincing for whomever has the power to green- or red-light a diversity initiative—and keep the other cases in their pocket for back-up.

Part 3 addresses the challenges of affordability and implementation that can prevent a decision-maker from adopting and adequately funding D & I initiatives and make rolling out diversity initiatives seem more risky and onerous than they need to be.

### PART ONE—2010 TO 2020:

#### To move that stubborn needle, teach, don't train

In 2011, I published an article for *The Practical Lawyer* titled, "Diversity and Inclusion in the Legal Profession: The Competencies Approach." In it I suggested replacing diversity *training* with diversity *learning*. By learning I meant the acquisition of research-based, everyday skills for engaging with difference, tied to the learner's roles or functions on the job. I argued that the competencies approach would "move the needle" because it would engage learners, it would inform rather than seem to direct their choices, and it would teach research-based skills relevant not so much to political discourse on big issues, but to what they actually do on the job, every day.

The immediate result of the competencies approach, I suggested, would be a drop in diversity resistance to what was often perceived as forced political correctness and irrelevant, inconvenient, irritating—even insulting—training. The medium-term outcome would be a rise in the ability of law firms, companies and other enterprises to attract, retain, and advance diverse talent. And the long-term outcome would be better services and products for our ever more diverse clients, consumers, and students. It would be the weaving of diversity and inclusion into the fundamental corporate mission and part of the greater social justice movement of our time.

Back in 2011, my competencies approach was innovative. I won't go so far as to say original, since many people, especially HR professionals, had been talking about competencies for some time.

Claims that diversity training didn't work, or could be more divisive than inclusive, were big in 2011. So was the notion that diversity training was antithetical to the notion of a meritocracy, and even free speech.

Nine years later, the competencies approach is working—to some extent. We still, as is so often repeated in my field, have a long way to go. But now we can say that *teaching* people *skills* for engaging more deeply and authentically with diversity, is a more successful approach than top-down, passive, compliance-centered training. There is less noise now about diversity and inclusion as mere political correctness, even though we are in the Trump era of backlash to the entire movement for inclusive culture. Claims that initiatives to grow diversity and inclusion don't "work" are being countered with lots of good evidence that they *do* work. There are now stats, like those detailed in a recent Wall Street Journal article,<sup>1</sup> as well as plenty of scholarly research and business case studies, to describe the positive outcomes of teaching D & I skills.

As founder and chief content officer at the online learning company DiversityEdu, I'm proud to say that we have produced some of that skills-based learning and some of those positive outcomes. As of

February 2020, nine years after I published my "Competencies" article in *The Practical Lawyer*, well over 100,000 people will have taken—and responded extraordinarily positively to—our online courses that teach research-based skills for increasing representation and building inclusion. And we have evidence that the competencies approach "works." That is, we've been able to show in a double-blind, mixed methods study that DiversityEdu brings about real changes in our partner learning communities, including behavioral changes like increased willingness to engage with diversity and use accurate, current identity terminology for LGBTQ and people with disabilities. In what I think is the most important finding to date from our study, people who take DiversityEdu are more willing to intervene as an ally on behalf of a target of a microaggression. I want to emphasize the importance of this behavioral finding: to act as an ally, often something that a majority group member can do on behalf of a member of a marginalized group that directly helps them and stops pain and exclusion in the moment, is to move beyond advocacy, strategy, intention, and investment—it's outcome. It's results. It's an instance, every time it happens, of what we're going for: shifting the power to and amplifying the voices of the disempowered and the wrongly silenced.

And yet, the big needle, the one that indicates solid growth of diversity among leadership and decision-makers in law, business, education, and all sectors of American enterprise, is still not moving fast enough to serve the clear needs and stated priorities of the nation. So say many D & I thought leaders and justice advocates, like Lily Zheng<sup>2</sup> and Pamela Newkirk<sup>3</sup>, pointing out what they see as the fallacy of the business case for diversity and the failure of diversity industry.

I have to agree, though, as I will set out in Parts 2 and 3 of this series, I am more hopeful. It's 2020 and people charged with building diversity and inclusion are still trying to move their enterprises beyond good intentions and vague statements about mission and values that started to pop up on websites around 2000. Lawyers, directors of HR, and diversity leaders with Ph.D.s and c-suite titles are still, like

the mythical Sisyphus, pushing a boulder up the hill, only to find it rolling back on nearing the top. I've spoken with diversity officers still trying to get buy-in for initiatives that are plainly needed. These seasoned, educated, and nominally empowered D & I professionals are in fact disempowered by people and factors beyond their control. They are grappling with silos of power and resistant—even quarrelsome—stakeholders.

Many enterprises that *have* rolled out diversity initiatives have had trouble with implementation because they lacked know-how and expert guidance. Diversity office and HR personnel may not, for example, have had the support they need for laying the groundwork prior to roll-out of their initiatives. They may have started up a training program without plans for soliciting and responding to feedback, or for measuring and reporting outcomes.

Sometimes, no one was assigned (or adequately funded) to study and measure the effectiveness of an initiative, or explain how the initiative was effectual—or could have been, if it had been competently implemented as part of a holistic plan and given the time and resources to succeed.

As a result, even directors of diversity who obtained funding and the go-ahead to run initiatives stand a year later on the same soft and shifting ground as do their counterparts who have met with resistance from the get-go: poorly positioned for rolling out

initiatives that we know, if they are good in the first place, well implemented in the second place, and properly evaluated in the third place, would bring their enterprises to the next level of diversity and inclusiveness.

The situation is frustrating for those of us in the field and all who know that concrete steps can and should—from many perspectives—be taken to build equity, innovation, and maximal performance into professional, educational, and human services communities. Indeed, it's beyond frustrating; it's nonsensical, given everything we know about the value of diversity inclusive climate at the office, in school, on campus, and in the start-ups that will drive the economy and serve our increasingly diverse communities in the 2020s.

Where's the sunshine in all this rain? I believe it's in reinvigorating the arguments, or cases, for diversity and inclusion with facts that support them; and in focusing on implementation and measurement of diversity initiatives. The bright days—the era where the power and voices of people of all religions and of color, women, the foreign born, LGBTQ, and all components of diversity, are amplified—will come when we offer enterprises research-based tools they can roll out and assess affordably and smoothly, and then show that they are successful. This, as I will discuss in Parts 2 and 3 in this series, I believe we are poised to do. 🌱

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## Notes

- 1 Holger, Dieter, "The Business Case for More Diversity," *The Wall Street Journal*, October 26, 2019, available at <https://www.wsj.com/articles/the-business-case-for-more-diversity-11572091200>
- 2 Zheng, Lily, "The business case for diversity is a sinking ship," *The Startup*, available at <https://medium.com/swlh/the-business-case-for-diversity-is-a-sinking-ship-d7a42d61f884>
- 3 Newkirk, Pamela, *Diversity Inc. The Failed Promise of a Billion-Dollar Business* (Bold Type Books, 2019). See <https://www.hachettebookgroup.com/titles/pamela-newkirk/diversity-inc/9781568588230/>