306 Blending Inside and Outside Approaches to Form One Diverse Team

Victor A. Franklin
General Counsel
Westinghouse Savannah River Company

Laura Grossi-Tyson
Senior Counsel
Independence Blue Cross

Kathleen O'Brien
Partner
Montgomery, McCraken, Walker & Rhoads, LLP

Veta T. Richardson
Executive Director
Minority Corporate Counsel Association

Faculty Biographies

Victor A. Franklin

Victor A. Franklin is general counsel for Westinghouse Savannah River Company LLC (WSRC). Westinghouse and its partners manage and operate the Savannah River Site for the Department of Energy (DOE). There, WSRC oversees a myriad of activities for the DOE including environmental restoration, managing nuclear material, and employing the use of science and technology for nuclear weapons and powering space probes.

Prior to his current position, Mr. Franklin was assistant general counsel in the CBS (then Westinghouse) corporate law department, where he was responsible for all environmental litigation and compliance programs, acquisitions and divestitures, including oversight responsibilities for government contracting and bid proposals. Mr. Franklin joined Westinghouse over 10 years ago and also served as general counsel for the Westinghouse Management Company of Ohio. He is a former senior enforcement attorney with the U.S. Environmental Protection Agency and special assistant to the Department of Justice.

In 1995, Mr. Franklin was appointed by the Secretary of Energy to serve on the advisory board for nuclear safety. He is a member of ACCA and the State of Illinois Bar Association. He is on the board of directors of the Augusta Metro Chamber of Commerce and the Aiken County United Way.

Mr. Franklin holds a BA from Illinois Wesleyan University and a JD from the University of Illinois.

Laura Grossi-Tyson

Laura Grossi-Tyson is senior counsel, labor and employment law, and manager of legal administration at Independence Blue Cross in Philadelphia.

Before joining Blue Cross, she was a senior attorney in labor and employment at Sunoco, Inc. in Philadelphia.

Ms. Grossi-Tyson currently serves as president of ACCA's Delaware Valley Chapter and has been a member of ACCA for 15 years. She also has served as the first vice president, second vice president, treasurer, secretary, and chair of the Law School Liaison Committee of the Chapter. She is a frequent guest lecturer on labor and employment law at Rutgers University School of Law and Peirce Junior College.

Ms. Grossi-Tyson is a *magna cum laude* graduate of the University of Pennsylvania, Wharton School of Business. She received a JD from Temple University.

Kathleen O'Brien

Kathleen O'Brien is a partner in the business department of Montgomery, McCracken, Walker & Rhoads, LLP in Philadelphia. Ms. O'Brien focuses on commercial financing, mergers and acquisitions, and the representation of privately-held businesses. Within the firm, Ms. O'Brien is a member of the Management Committee, the former personnel partner, the former chair of the Hiring Committee, and the former director of the Summer Associate Program.

Ms. O'Brien has been a lecturer at the University of Pennsylvania Law School and for the Pennsylvania Bar Institute on various topics. She is the author of a business law volume for the West Publishing Pennsylvania Practice Series. She was featured in the July 1994 issue of *Working Woman* magazine for her work with women's networks and has been a featured speaker on that topic for, among others, Hewlett Packard and PriceWaterhouseCoopers.

Ms. O'Brien has received the "Advocate for Women's Business" award (1989) from the Philadelphia Chamber of Commerce, the "Women to Watch" award (1994) from the National Association of Women Business Owners, and the 1996 "Fifty Best Women in Business in Pennsylvania" award. She was also recognized in 1997 as a Public Policy Advocate—National Association of Women Business Owners. Ms. O'Brien is past president of The Forum of Executive Women and serves on the advisory board of Corporate Partners of the National Association of Women Business Owners of Greater Philadelphia. She is also the chair of the Board of Child Care Matters and a member of the board of directors of Carelift International.

Ms. O'Brien received a BS from the University of Pennsylvania, an M.Ed. from Boston College, and a JD from the University of Pennsylvania Law School.

Veta T. Richardson

Veta T. Richardson is the executive director of the Minority Corporate Counsel Association (MCCA). MCCA's mission is to advocate for expanded hiring, retention, and promotion opportunities for minority counsel in corporate law departments and the law firms that serve them, thereby creating workplaces of inclusion where all employees contribute to their fullest potential. MCCA advances its mission through the collection and dissemination of diversity best practices, industry-leading research, and educational programs.

Ms. Richardson is one of the few bar leaders to have practiced in-house, having been corporate and securities counsel to Sunoco, Inc. for more than 10 years. She is also a former vice president of ACCA.

Ms. Richardson is a graduate of the University of Maryland Law School.

INVESTMENT IN FUTURE PARTNERS

Mentoring Programs: Why Law Firms May Benefit From Implementing Them

By Vicki W. Kramer

Issues currently facing law firms range from perceptions of partnership to diversity to communicating with new generations. One of the most important, however, is the development of better communications and management through mentoring. Mentoring is a powerful tool for promoting retention, development and diversity—three interrelated imperatives for law firms today.

Mentoring has a long history, dating to Homer's "Odyssey" and Mentor, the teacher to whom Odysseus entrusted his son while he was away. Leaders in many fields routinely attribute their success to having had mentors.

The National Association for Law Placement's report "Keeping the Keepers" and its more recent study on lawyers' views of partnership identify mentoring as an important strategy for law firms in the current environment of disaffected associates. Most associates, however, are unlikely to gain mentors without special efforts on the part of law firm management.

Rather than leave such a vital strategy to chance, law firms can learn some lessons from corporations that have developed structured mentoring programs:

Vicki W. Kramer, Ph.D., is principal of her own consulting firm in Philadelphia, specializing in individual and organizational effectiveness. She has assisted many organizations with mentoring, career development and diversity and has provided career counseling to many attorneys. Telephone: (215) 879-8419. E-mail: *Vkramer@worldnet.att.net.*

• Planned mentoring is a relatively low-cost investment in the organization's future;

• Mentoring does not occur for many promising employees if left to occur "naturally" or informally;

• Informal mentoring is not without its problems, such as a tendency for mentors to try to clone mentees or difficulty with terminating relationships;

• Today's high-demand, high-stress workplaces often discourage people from making commitments to mentoring relationships, but make such relationships particularly helpful for both parties;

• Planned mentoring ensures that women and minorities, as well as white males, gain mentors and helps dispel inhibitions about cross-gender and cross-race mentoring.

The situation inside law firms resembles that inside large corporations or accounting firms. Informal mentoring has tended to be for a limited group of "chosen" people who have reminded mentors of themselves at a younger age. Most women and minorities have been excluded, but many white males have been left out also.

In today's firm, additional forces inhibit mentoring, even for those who might have received it in the past. The emphasis on billable hours and business development promotes both mentee reluctance to work on longer-term goals and mentor reluctance to help someone else. Current law firm cultures also seem to encourage self-preservation and individualism, more than nurturing others and investing in the development of future partners.

The short-term "magic bullet" of choice in many big city firms, raising associate compensation, has increased the pressure to work even more hours, while causing some partners to resent associates and to wonder why partners should do anything more for such highly paid individuals.

Yet, high pay does not increase an associate's sense of belonging, help a lateral learn to navigate a new culture, or facilitate what a "Harvard Business Review" article described as the "psychological journey" to partnership. Though associates may learn how to draft documents by working in isolation and receiving marked-up work, and may learn trial practice from formal training, they will best learn how to practice law in its fullest sense and to deal with difficult clients and partners through mentoring.

Mentoring as promoted and practiced in most organizational programs today is not the same as the old-style long-term relationship in which the mentor took the initiative to choose the mentee, protected the mentee over many years and often used power to advance the mentee's career. Mentoring programs today are more about learning than power. They may create less pressure for both parties than traditional relationships often produced, because it is understood that they are for a limited time, that the mentee should have multiple mentors over time and not depend too heavily on one person or perspective, that the mentee is the driver of the relationship by defining his or her goals for mentoring and by actively approaching the mentor, and that the mentor is not responsible for the mentee's career success.

The biggest surprise dividend from mentoring is the benefit often reported by the mentor, who not only sharpens such skills as listening and coaching, but also is pushed to think more about his or her own

Mentoring Programs

career. The mentor learns from a perspective otherwise hard to access, and gains a sense of being valued that is often missing in the practice of law today. In fact, associates are not the only disaffected members of law firms. Partners, too, are jumping ship, battling depression and suffering the adverse health effects of prolonged stress.

Many law firms today are adopting mentoring programs as one of their strategies for retaining associates and increasing diversity. In surveying 23 large firms around the country within the last year, I found that 78 percent had some kind of mentoring program. That was the good news. The bad news was that few believed their programs were effective. The few that believed they were effective had gone beyond the others in developing programs with components similar to those that have worked in a wide variety of other workplaces. Experience shows that simply declaring that you have a mentoring program and matching a mentor and mentee do little to ensure that a productive, or any, relationship will occur. (One associate in a large Washington firm is still waiting to meet her mentor some four years after being paired with him when she joined the firm.) Though some pairs will follow through, even they may be unclear about how to proceed. Few mentors are likely to be as honest as the experienced alumnus who volunteered to mentor a Harvard graduate student but acknowledged at their first meeting that he did not really know what a mentor was supposed to do.

Mentoring programs do not require a huge expenditure of time or money, but upfront planning is critical. Law firms that want to have a viable mentoring program should consider the following key elements as they plan:

➤ **Management Support.** Without the vocal and visible support of firm management, mentors and mentees are unlikely to make the necessary commitment. Participants have to see that their time and effort are valued. Partners who take time to mentor must be rewarded. Those who do not mentor must not reap all the rewards, based only on billable hours or origination. One firm that claims to be interested in associates and young partners discouraged one partner who began a mentoring group to help partners improve their marketing, because, he was told, it would not show up as billable hours.

➤ **Clear Expectations.** Participants will be more likely to take part if they have clear expectations of how long their relationships are expected to last, how often they are expected to meet and how success will be measured. They should understand that they can mutually decide to continue beyond the stipulated time period, but they are not required to do so. (The period may be as little as six months for integrating new associates or, more typically, a year or more for developmental purposes.) Participants need to know that there will be a "no-fault out," so that either mentor or mentee can decide not to continue their relationship without damaging their careers. Participants also need to understand what their roles entail—particularly that the mentee has a significant responsibility for the relationship and is expected to be active about seeking the mentor's advice and defining developmental needs, and that the mentor's role is to facilitate development and act as coach and counselor, but not solve the mentee's problems or assure that associates become partners.

➤ **Systematic or Understood Matching Process.** How to match mentor and mentee is one of the most challenging aspects of a mentoring program. Different firms handle it differently. Some allow for choice; others make the decisions by

committee. Whatever process is used should be thought out and explained to participants. No process is foolproof. Successful relationships cannot be guaranteed, even where there is choice. (Look at the American divorce rate.) Often, the most successful mentoring relationships, where the most learning takes place for both parties, are those that would not have occurred without a program, because the two people are so different that they would not naturally have sought each other out. Whether their mentors are similar to them or different, mentees benefit from having mentors outside their supervisory and evaluative relationship, so that they can be honest about weaknesses, concerns and fears. In order to build the trust necessary to ask and answer "dumb" questions, confidentiality is an important ingredient.

➤ **Goals/Objectives for Relationships.** Though participants often have trouble grasping the need to set goals as they start a program, they continually emphasize the importance of goal setting when they evaluate their experiences. Negotiating goals at the start of the relationship gives a focus for the "work" and a way to evaluate it. For the mentee, goals might involve becoming more comfortable in networking, understanding law firm politics, improving negotiation skills and managing time. Though the program exists more to meet the needs of the mentee than those of the mentor, relationships will be more successful when they meet mutual needs. Mentoring should be a win/win relationship. The mentor and mentee should be encouraged to discuss what the mentor wants from the experience. Most successful relationships will expand beyond the initial goals, but these are important starting points.

➤ **Orientation and Ongoing Monitoring.** Prospective participants should be given good information at the outset so they can decide whether to participate. This implies voluntary participation. It is better not to force highly reluctant people to be mentors

Mentoring Programs

or mentees, because they probably will not follow through. On the other hand, strong encouragement is appropriate, particularly when a program is first launched. Once a program is under way, someone needs to monitor the activity to be sure people are meeting and to deal with any problems that arise.

➤ **Training for Both Mentor and Mentee**. Training is one of the most important ingredients for success. Both parties should attend training that is substantially the same, so they can begin with similar expectations, have a common vocabulary for talking to each other and consider ways to jump-start the relationship and build trust. However, each group needs training separately so trainees can raise concerns about their roles with their peer group. Training typically includes role definition and critical skills such as listening and giving feedback. But it is not so much "how-to" skill training as a facilitated opportunity to antici-

pate the things that promote successful relationships, as well as the barriers that get in the way. It is a time to explore what is meant by confidentiality, how much advice may be too much, what issues arise in cross-gender and cross-race relationships and what to do if the relationship is not going well. If the mentors don't have time for training, the likelihood of their having time to mentor, or the will to do it well, is in question.

➤**Internal Coordinator/Task Force**. Though an external consultant may help in planning a program and providing training, internal people have to "own" the program, champion it and be sure the plan is appropriate for the particular culture of the firm. No two programs are ever exactly alike; they are modified to fit in with the policies and practices of the organization and its particular goals. Some firms may keep mentors and mentees within the same practice area; others may deliberately encourage pairs from different areas to promote a "one firm" mentality, support cross-selling and expose both mentor and mentee to different issues.

➤**Evaluation**. Anything worth doing is worth evaluating. Many firms start with a pilot program, evaluate it, work out the inevitable kinks and then expand. Often, a midcourse evaluation allows for adjustments. Evaluation is made easier if expectations are clear and participants are

asked to comment on whether they met their goals and why or why not. Methods and criteria for evaluation should be decided during the planning stages.

Simply announcing a mentoring program not only results in unsuccessful mentoring, it promotes cynicism. Firms willing to invest in a well-planned and -managed program will find that the minimal cost and time required are a worthwhile investment. Mentoring breeds mentoring: mentors are usually willing to mentor again; mentees are more likely to become mentors. Often mentoring pairs who are obviously different learn more than days of diversity training could ever impart.

A mentoring program alone is not a "magic bullet" any more than increased compensation. It is most effective if integrated into a culture that is working in other ways to demonstrate that it values human beings, relationships and long-term development and lives that balance of devotion to individual work product with commitments inside and outside the firm. But unlike increased compensation, a mentoring program does not carry with it the negative potential to aggravate stress and overwork. It is a constructive response to universally reported desires by associates, which, with some updating, has withstood the test of time.

The Legal   Profession   and   Diversity   --   2000©
By: Jacob   H.   Herring,   Creative   Cultural   Changes,   Inc.

The good news is that law firms and corporate legal departments have been addressing issues of racism, sexism and other forms of discrimination in their respective environments more aggressively and for more than a decade now. Increasing numbers of organizations are beginning to focus attention on how discriminatory behavior waste resources and opens them to legal action and detrimental publicity.

 The bad news is that often this recognition and acknowledgment of racism comes through only after the repeated observation of damaging trends. For example, firms frequently hire some of the brightest and best people of color from the most prestigious law schools, who—at higher rates than their white male peers and despite high salaries and comfortable "perks"—either burn out or leave before they become eligible to make partner. The departures by such talented individuals represent an unfortunate and costly trend. Many of the firms that have experienced such loses have begun to question the role of racism in their partner track derailments.

For more than ten years I have been working with attorneys in a variety of legal settings -- e.g., prestigious law firms, community law offices, in-house legal departments -- to discover and eliminate racism, sexism and other forms of discrimination in the workplace. Most often, my work consists of presentations and workshops which increase participants' awareness of and self-interest in combating racism in its myriad forms. In this process, as well as in the process of assessing the workplaces' ambiance, as it relates to issues of racism and sexism, I have had the opportunity to talk with many minority and majority attorneys regarding issues of race and gender in their work environments.

Racism, as expressed in most professional settings, is subtle. Few people are running around the halls of this city's or this nation's law firms yelling racial epithets or openly saying that people of color don't belong there. But far too many of the partners, associates and staff members do hold such beliefs which, unacknowledged or denied consciously, often are revealed or communicated subtly or unconsciously, in a variety of ways, to the people of color. For example, people frequently give very different interpretations to the same behavior in the same settings depending on whether the person is white or a person of color. John, white male associate, tends to be quiet in team meetings. Frequently, observers will describe John as pensive, contemplative

and maybe even methodical. Bill, a black associate, who displays very similar conduct in the same context will often be described as uninterested, withholding or uninformed about the subject matter.

In addition to the flawed perceptions about people of color that racism breeds, specific situations that occur with disturbing frequency in law firms, offices or institutions undermine the individuals' chances for advancement and growth. For example, a black female associate writes a brief that the senior partner minimally revises, maintaining 90+% of the associate's hard research and work. Yet, when it comes time to meet with the client, instead of her it is two white male colleagues working on the fringe of the case who are invited to present the brief.

While some benign explanation of this scenario could conceivably be valid, it is more likely that this is evidence of racism and/or sexism. Whether it is to "protect" the bigoted client from knowing who really did the work, or just a gross slight on the part of the senior partner orchestrating the meeting, the black associate experiences this treatment as discriminatory.

Blacks are not the only ones who are objects of such skewed perceptions and discriminatory treatment. Asians and Hispanics are also subject to subtle (and not-so-subtle) forms of bias. However, as a recent study of minority attorneys in New York law firms found, Hispanics and Asians are less likely to report such experiences. I think this is the case for at least three possible reasons—one, many Asians and Hispanics, being of lighter skin color than most blacks, may, in fact, elicit fewer racially based discriminatory responses from whites; two, many Asians and many Hispanics may be less willing to risks the opprobrium that will surely follow if they do openly confront, admittedly ambiguous or racist behavior and, finally, some Asians and some Hispanics are products of cultures which do not support direct confrontations of discriminatory behavior. Direct confrontation of racism has, historically, been a style preferred by African Americans to almost any other.   The same may not be as true for members of other groups.

For example, a Hispanic woman was hired into a large, prestigious law firm. During her first nine months on the job she was given no assignments and was not assigned to work for any particular partner. So, she sat in her office for the entire period, isolated and neglected. When I asked her why she did not leave or confront some one about her treatment, she replied that she did not leave because she was furious at the firm and refused to simply skulk away. She

wanted them to face her and either fire her or begin to treat her better. As for her confronting them, she was convinced that they "knew" what they were doing and that the onus of initiating the confrontation rests with them, not her. So, while her fury compelled her to stay at the firm, it did not direct her to confront those responsible for her treatment. By the way, there never was a satisfactory answer as to why she was ignored for all those months.

 The fact that the discriminatory behavior is subtle and difficult to prove or often to even describe, makes it all the more onerous to deal with because it often leaves the victim (whether black, Asian or Hispanic) questioning his/her own sanity and perceptions. It is often easier for the victim to simply ignore the slight or the off-hand remark. And, the experience is often all the more difficult to deal with because the victim frequently knows or believes that the perpetrator does not mean the remark or the gesture to be racist.

There's no easy way to measure the degree of racism in a firm, though I'm convinced, based on verbal reports by associates and partners, that some firms are more conscientious than others on this score. The simplest thing to do is to ask all members of the firm—partners, associates and staff—how they experience the environment of the organization as it relates to race.

This approach has some drawbacks, though, as the people of color who are most successful and therefore most likely to have the greatest credibility may also have the greatest conscious or unconscious motivations to overlook the racism, if it exists. And, in fact, such individuals may actually be treated better than people of color in the same firm who are held in lower esteem. The situation can be even worse in that even those people of color who are highly thought of can lose stature if they confront members of the firm too frequently about their racism. Then those people of color are perceived as the problem, instead of the racism against which they are railing. They get labeled as "one issue partners" or associates, or the firm's radicals or militants.

All of this leads to a kind of conspiracy of silence on the issue of racism. Which, in my view, is the best way I know of to sustain or perpetuate the problem. Whites frequently can not see or experience racism in the firm and some frequently don't want to see that which is obvious. And, the situation is further complicated by the fact that many of the labor attorneys in the firm, in their attempt to safeguard the organization against potential suits, discourage partners and associates from talking about racism in their workplace and/or investigating the possibility of its existence.   People of color, on the other

hand, are often apprehensive about talking about it. After all, one does not get to be a successful attorney by being perceived as overly sensitive and crying foul every time something negative happens to him/her.

New associates usually won't leave over one or two unpleasant encounters with racism. Remember, racially or culturally biased behavior is often difficult to prove or identify, so, its targets face the daunting and uncomfortable question of what they should do when they become its victims. Confronting a partner in a law firm about his or her racist behavior is fraught with pitfalls, since few individuals respond to an accusation of racist behavior on their part with equanimity. The accuser is likely to be labeled thin-skinned or unable to take a joke (if humor was attempted), or difficult to get along with, or not a team player, or -- most damaging of all -- as using race or culture to cover marginal performance. With such ramifications to consider, people of color do not throw around accusations of racism casually. There is little to gain by doing so. The road to becoming a partner in a law firm is rarely paved by protestations of racism.

But when a series of indicators reveal themselves (such as minority associates finding out over several Mondays that fellow white associates have been invited to various partners' houses for dinner or to their clubs to play golf, or in the last round of promotions, no minorities were made partner), it becomes clear that unfair or special treatment is part of the firm's overall environment. The minority associate (or partner, in some cases), convinced that she or he is the victim of subtle, pervasive racism (and/or sexism), without an avenue to combat it such as focussing a verbal spotlight on it, often feels that they are left with few alternatives but to vote with their feet.

In order to address the uncomfortable, taboo questions of racism in the workplace we need to create a language with which to talk about race, gender and all aspects of human diversity. In many ways, we are about workplace diversity in the 90's as we were about sex in the 1930's or before. That is, we don't have a language to talk about cross race or cross cultural interactions (we could also include gender) in ways which don't embarrass or enrage people. Much of what I try to do with organizations is to help them develop some comfort and skill at discussing issues of diversity, especially race.

There is no way, that I'm aware of, that law firms or any other companies can completely and entirely eliminate racism in the way that toxic substances can (in theory) be purged from the office air. But what law firms can do is to raise

awareness about the issues, frequently, keep them in the front of peoples' attention by talking about racism at firm functions—formal and informal—until people grasp through training and education, ways of identifying and eradicating it.

Giving people opportunities to talk about racism, and encouraging them to form networks of "people of difference" where they will learn about people who in some ways are different from themselves, is a good start to eliminating racism in law firms and other legal environments. That isn't to say that I am advocating that partners and associates stop networking and socializing with their respective groups of choice, but I do advocate that they be encouraged to form cross-race, cross-gender, cross-cultural and cross-age/physical ability networks, as well. Without authentic relationships across racial and other lines of differences, we have little hope of ever seeing each other as individuals. We will forever see each other as the larger culture prescribes that we see each other -- i.e., through the lens of racial and cultural stereotypes.

Along with starting to talk about racism, law firms are taking more aggressive steps to discourage it at all levels. Increasing numbers are refusing to pay for partners' memberships in exclusive clubs, for example; especially if the members are relying on those clubs to provide an environment for doing business. And more and more firms are putting together minority concerns committees and minority retention committees while also taking on the task of recognizing which clients and projects are and are not being assigned to minority partners and associates. Also, many law firms are starting mentoring programs for associates and, in general, are tightening-up and making the process of going from associate to partner more rational and objective.

We need to recognize a myth of the dominant culture: a level playing field has not been created by passing laws and doing EEO and affirmative action work. This is sheer denial of the facts.

Despite its history and conservative nature, the legal profession can, should it have the will, still join the vanguard of elite companies and other social institutions in their attempt to make the workplace a truly hospitable place for all Americans. By learning to effectively deal with the challenges presented by subtle racism in the workplace, law firms have the opportunity to better utilize the talents of all segments of the population and to reinforce the moral and political basis of the law itself. And, since workforce diversity tends to be highly correlated with creativity and high quality productivity, law firms may find

that greater diversity may be their best weapon against a cruel business environment which expects all businesses to exact more from less in order to survive and thrive.

©Creative Cultural Changes, Inc., 2000

Relying on cookie-cutter replications of others' actions in diversity practice is risky business!

BY DELYTE D. FROST

DIVERSITY WORST PRACTICES™

FOR COMPANIES EMBARKING ON DIVERSITY INITIATIVES, A *BEST PRACTICES* search is now an accepted starting point. But is this enough? Relying on cookie-cutter replications of others' actions in diversity practice is risky business. Current diversity *best practices* research fails to establish clear standards for success; correlate results with bottom-line outcomes; collect data from all levels of organizations; and measure the impact of different corporate cultures on success.

Rather than depend on the questionable success of others, those charged with the challenging task of developing a corporate diversity program should consider and learn from the painful failures of others. Reviewing *worst practices*™ builds on the concept of learning organizations to consider what has not worked and why. Armed with this insight, new approaches will emerge.

As a beginning list, I offer these *worst practices* for diversity change efforts:

1 **Broadening the focus to include *all individual differences* when the real issues are based on innate group identities such as race, gender, sexual orientation, national identity, age and/or ability.** This general language only serves to insult employees and customers and dissipates the focus of energy on measurable outcomes. If a product were being targeted to a particular market segment, would we call that segment *all interested individuals?* And could we then measure our success in the marketplace?

2 **Using euphemisms such as *ethnic* or *culture* when we mean race… or *lifestyles* when we mean sexual orientations.** An organization's lack of courage to name an issue with direct language signals to employees and customers a lack of comfort in addressing the real issues. This euphemistic language also signals lack of clarity or lack of commitment to the work of diversity. We must first clearly articulate the issues before we can change them.

3 **Believing that continued research on and restating of the business case for diversity will convince the dominant group of white men that diversity is *the right thing to do.*** When dominant group members resist the diversity effort this is a resistance based on emotions—not based on lack of knowledge about the business case. Resistance to diversity efforts by white men is an important dynamic that is necessary for true change. This resistance must be engaged with energy, caring, and thoughtfulness—not deflected by intellectual arguments.

4 **Senior leadership delegating the formation of a diversity philosophy and approach to those in staff positions.** True change in the culture of an organization in the area of diversity requires full leadership involvement. Top leaders must both experience and model the personal and business changes necessary for a diversity process to succeed.

5 **Focusing the change strategies and actions on the subordinate or excluded groups.** Diversity efforts fall short when they target people of color, women, gays and lesbians, the disabled and other excluded groups as the primary focus of change. While designing strategies to include a previously excluded group is important, the primary change strategies for diversity must engage the dominant organizational culture—and those who benefit from the existing practices and policies.

6 **Creating a series of activities that have no strategic link to business success will only give the appearance of true commitment.** Over time, managers and employees will become discouraged that significant time and energy is not resulting in changes in their day-to-day experience. Diversity strategies must become part of the business purpose and vision.

7 **A desire to only see the positive and/or moving to action before the current negative state has been fully understood will generally result in time, money, and energy invested in solving the wrong problem.** Many corporate cultures place such a heavy emphasis upon framing all work in the positive tone that the work needed in diversity efforts to fully describe and understand the current state, which may be blocking the inclusion of employees because of their race, gender, or sexual orientation, is often kept to a surface skim. Leadership fears that the work of the enterprise will *get stuck* in the negative; when in reality, change theory teaches us that bringing the blocking forces fully to light will ignite the energy needed to address the *real* problems.

8 **Failing to see a diversity effort as an understanding that requires knowledge and experience in the content of diversity and systems change theory can lead an organization into frustration and negative backlash.** All organizational change requires extensive knowledge and experience with planned change strategies—adding the issues of diversity to the work calls for additional depth of experience.

9 **Seeing resistance and *push back* on the diversity issues as failure has stalled many diversity efforts that were on the right track.** Unfortunately, no real change takes place in organizations without significant resistance. Resistance is the source of energy for systems change. If there is no resistance, then nothing significant is changing. Diversity strategies must include major attention to engaging and transforming—not reducing—resistance.

10 **Believing that a diversity effort can be implemented without making some employees unhappy—and, worse yet, developing a process and a plan aimed at keeping everyone happy—will surely result in failure.** When did the new accounting system meet with cheers and applause? Did all employees welcome your last change in benefits with enthusiasm? Do companies stop mergers and downsizing because employees are unhappy? Leadership must be committed to diversity strategies because they are necessary for business prosperity; and must then work with employees to change—not work to keep them satisfied with an inequitable system.

11 **Assuming that training changes behavior is a common *worst practice* in diversity.** Awareness training to shift perceptions and unarticulated assumptions is critical to change—and must be a part of an overall strategy that includes specific goals, measurement, behavior skills training and accountability. Awareness training alone will not change behavior.

12 **Leadership being influenced by individual women or people of color who personally fear change and advise the dominant leadership to avoid any controversial issues or approaches is a common *worst practice.*** Open dialogue and debate on issues of race, gender, racism, sexism, homophobia, xenophobia, and other topics on which employees have strong opinions must be a part of any successful diversity effort.

13 **Leadership making decisions for others in the organization who will be expected to implement diversity plans is a grave error.** Management and employees at all levels must be involved in diversity planning. Those who are being asked to change know the most about what will help them change.

14 **Beginning a corporate diversity effort focused on customers and external public relations will lead to false expectations.** Priorities should be initially focused on internal culture and commitment—and once employees trust in the leadership of the corporation, they will lead the work to both customers and the public. Presenting an organization to its public as a leader of diversity before key components of the organization are committed to the change will foster the belief by employees that leadership doesn't *walk the talk*.

If your company has launched or is considering launching a diversity initiative, you know that the course ahead is into uncharted waters. A successful program compels management to question old assumptions, requires individuals to take a hard look at very personal issues, and demands profound change throughout the organization. Creating a workplace that is more humane, more inclusive, and more productive won't happen overnight. Along the way, expect to meet resistance. Listen for impassioned complaints and feel the emotional turmoil of employees locked in old prejudices and misunderstandings.

The challenge of creating an organization without oppression requires much more than consideration of what may have worked for others. It also demands careful thought about what hasn't worked. Only after analyzing the *worst practices* will you have a strategy that responds to and reflects the specific requirements of your organization.

Delyte D. Frost, Ph. D., is an applied behavioral scientist, who specializes in large systems change initiatives. Dr. Frost consults from her company, Cygnus Inc., and is a senior associate at Elsie Y. Cross & Associates, an organizational development firm based in Philadelphia, PA. She is available for comment by sending an email message to cygnusinc@aol.com.

Opinions expressed in this article are solely those of the author and not of the Minority Corporate Counsel Association.