

CHOOSING THE BOARD: CHARTING THE COURSE WITH COMPETING PRIORITIES

M. June Allard

Assumption College

Worcester State University, Professor Emerita

Heritage Medical Center is a moderately-sized suburban hospital located in a lower- to middle-class community. Comprised of a mixture of white-collar and blue-collar groups, people tend to live in ethnic enclaves where most of them know each other and where few move in or out of their neighborhoods.

HOSPITAL

The quality of care is good, but threatened by sinking staff morale as the hospital struggles with financial and management problems so severe they are reaching the crisis stage. The economy is bad and donations are down; relationships with funding agencies are disrupted; and relationships with regulatory agencies have soured.

Virtually no ethnic diversity is present among the white upper middle-class managerial staff and little is found among the doctors. A fair amount of ethnic diversity exists, however, among the nursing staff and lower level hospital personnel.

BOARD OF TRUSTEES

The hospital is governed by a Board of Trustees comprised of fiscally conservative, well-to-do male industrialists who have known each other for years and who frequently see each other socially at the country club, at a very exclusive yacht club and at community affairs. Board members are expected to contribute their expertise and to donate generously to the hospital fundraising campaigns. Other than the CEO, the hospital staff has little contact with the Board of Trustees whom they view as remote.

There is friction among the Board members who are very concerned about the future of the hospital, but who cannot agree on what course of action to take in the face of its mounting problems. One third of the Board recently resigned, leaving four open Board seats. Recognizing that they must take a far more active role in overseeing hospital management, the remaining eight hired a consultant to aid them in developing a Strategic Plan for the hospital. Major goals of the resulting plan include:

1. Diversification of the Board to better reflect the outside community
2. Improved fiscal reporting and management

3. Improved morale within the hospital
4. Increased communication between the Board and the hospital staff
5. Closer relationships between the hospital and the outside community
6. Closer relationships between the hospital and regulatory and funding agencies
7. Improved relationships within the Board

INSTRUCTIONS: DIVERSIFICATION OF THE BOARD EXERCISE

Goal 1: Diversifying the Board. There are eight nominees for the four vacant Board seats. Read their descriptions and rank-order them from highest to lowest (with one being the highest) in terms of their suitability for joining the Board. Explain why you rank them this way.

WRITING ASSIGNMENT

Regardless of which four nominees are appointed, replacing one-third of the Board members all at once will mean a radical change for this Board. This is a source of concern for the Board members and a serious concern of the hospital CEO who deals frequently with the Board. Develop a plan to ease the transition for the Board itself and for the CEO?

Board Nominees

Layla Amini is a successful 27 year old financial analyst. She is very quiet and very conservative; a traditionalist with a solid reputation. She was nominated by her cousin, a state senator.

Drake Covington II is a very bright 23 year old computer systems analyst. He marches to a different drummer and is considered "far out." He is the nephew of an influential Board member and owes his nomination to his uncle.

Charles Wong is a 37 year old management systems analyst. He lives near the hospital and works out of his home. He is reputed to be a team player and a supportive person. He was nominated by a union representing the hospital staff

Sue Novenski is a 42 year old social worker who works in a battered women's shelter. She works well with groups, is low key and extremely collaborative. She knows no one on the Board; she was nominated by the hospital's Patients Advisory Committee.

Lamar Leroy Woods is a 62 year old dark-skinned retired owner of a profitable manufacturing company. He is very wealthy and has donated large sums of money to the hospital. He is conservative, easy-going, intelligent and comfortable to be with. He was nominated by the hospital CEO.

Katherine Dobbs Courtney is the 55 year old widow of a very wealthy industrialist and former Board member. She has served on numerous community boards. She is an idea person, an individualist and is outspoken. She plays golf with the mayor who nominated her.

Peter Skylar is a 46 year old CEO of an Health Maintenance Organization (HMO) who by nature of his position is very familiar with hospital operations. He is brilliant, a loner, and connected to the state regulatory agency. He is considered to be in the "out-group" by those members of the Board that he knows.

Carmen Diaz is a 33 year old highly respected medical doctor. She is very innovative and a self starter who has already set up a clinic. She has never met anyone on the Board, but does know the hospital CEO. She was nominated by a group of doctors practicing at the hospital.

APPEARANCE AND WEIGHT: DISCRIMINATION IN THE WORKPLACE

M. June Allard

Assumption College

Worcester State University, Professor Emerita

Did you know? Beauty can backfire!

Dentist James Knight fired his married, long-time female assistant, Melissa Nelson for being "too irresistibly attractive" even though she was an excellent employee who neither flirted nor engaged in any inappropriate behavior.

Court ruling: he acted legally.

President Lincoln is said to have turned his homeliness to advantage through humor when he was accused of being two-faced as he replied, "Do you think I would wear this face if I had another one!"

APPEARANCE

Appearance counts. "Beauty in the flesh will continue to rule the world" (Florenz Ziegfeld, Jr., n.d.). It has long been known that beauty carries a sort of "halo effect" that psychologists refer to a "physical attractiveness stereotype." This stereotype credits good-looking people with possessing many other positive qualities, such as being happy, successful, kind, smart, sociable, popular and even honest.

Workplace

Good looks and pleasing body image along with their assumed positive qualities are a plus in most occupations. Businesses such as airlines, fashion stores, restaurants, beauty salons and real estate agencies often seek good-looking employees in the belief that they attract customers and increase sales. For the employee, attractiveness is generally an asset in hiring, performance ratings, securing plum assignments, and promotions (Bell & McLoughlin, 2006, p. 457).

Beauty is said to be in the eye of the beholder, but some elements of beauty are actually fairly universal—elements such as symmetry of features and body, unblemished complexion and hourglass figures in women. Height is an especially important feature of attractiveness, particularly for males (Rhode, 2010). The preference for tallness is found in the workplace for tall status can affect male salaries positively. Research suggests that men in the U.S. who stand 6 feet

over, earn on the average, nearly \$166,000 more over 30 years than men who are 5 feet 5 inches and under and this holds even when age and weight are considered (Judge & Cable, 2004). These findings are especially strong in sales and management positions.

Tall stature is valued internationally. Much public ado has been made of the lack of stature of France's exPresident, Nicolas Sarkozy, and the compensations he makes to mask it (elevator shoes, step-up-boxes behind podiums, standing on tiptoes and short people surrounding him). Speculation is common concerning how tall various other world leaders are—leaders such as Russia's Prime Minister Putin and President Medvedev. In international workplaces the preference for tallness is publically acknowledged.

Global Notes.....Sweden

A female job applicant at the Volvo car company was rejected because she was 3 cm (1.18 inches) short of the company-required height of 163 cm (64.17 inches). With one fourth of the Swedish female workforce falling below this minimum height and only 1 to 2 percent of the males being as short, the Swedish Labour Court found the requirement to be discriminatory and ordered damages paid to the female plaintiff.

China

Applicants for managerial positions in the China National Packing Import and Export Corporation, a large organization operating in 68 countries, are very thoroughly investigated through interviews, testing, and background investigations extending from their school days through their most recent employment. The main employment requirements, however, are university degrees, age under 35 years, and minimum height of 1.70 meters (5 feet 5 inches) for men and 1.60 meters (almost 5 feet 3 inches) for women.

Why is there a height requirement for these managers? The company HR explained that managers reflect the company's image and so they should be tall, fit, and good looking.

Brainine, 2011

The specific impact of physical attractiveness in the workplace is affected by factors such as gender, credentials, position, and ethnicity. In the U.S. for example, the attractiveness of hair color is tied to gender. Blond Caucasian women earn 7 percent more than brunettes. Gray hair on men provides the advantage of being viewed as "experienced" and "distinguished." Gray hair on women on the other hand, can work to great disadvantage in the workplace for they are simply seen as "old" (Kluga, 2012; Rhode, 2010; Spirit, 2011).

Not all elements of pleasing appearance may be universal. For example, researchers in Wales found that nearly three quarters of the people judged to have the most attractive faces had racially-diverse parents (Morris 2010). It is not known if this judgment is universal.

Just as good looks carries a premium, so plainness carries a penalty. Unattractive women and people with visible physical disabilities can experience prejudice and discrimination in social as well as business arenas. Surprisingly, in some circumstances, good looks can also work to one's disadvantage, for while attractive women may have advantages in lower level jobs and in jobs held predominately by women, the reverse is true at higher levels, in professional jobs or those perceived as "masculine" such as mechanical engineer, director of finance and construction supervisor (Bell & McLaughlin, 2006; Headaphol, 2010).

APPEARANCE STANDARDS

Businesses increasingly reject casual dress (Armour, 2005) and colleges such as Morehouse and Savannah State University impose dress codes (Bartlett, 2009). Since the start of the 2005–2006 season, the National Basketball Association (NBA) has imposed an off-the-court dress code on its players (King, Winchester & Sherwyn, 2006). Even the U.S. White House has dress standards for tourists.

Organizations set appearance standards for their employees not only to project a particular corporate image, but also to create a favorable working environment and to limit distractions. Such standards generally take the form of requirements such as uniforms or of restrictions on dress, grooming, personal hygiene, hair styles, beards, mustaches, tattoos, make-up, face piercing, tongue metals, jewelry, extremely bare midriffs, plunging necklines, very mini, mini skirts, and weight. Penalties for violation of these standards are frequently serious and can even result in termination. Noncompliant or penalized employees in return increasingly file lawsuits. Consider these examples of standards and their consequences:

- **Capital Title of Texas** terminated an escrow office and branch manager who refused to dye her gray hair when the office moved to a more posh location (Italie, 2012).
- **Harrah's Operating Company, Inc.** fired a long-term employee who refused to comply with a new policy requiring female employees to wear facial make-up (Bartow, 2006).
- **L'Oreal** terminated an employee who refused to fire a sales associate who was not good looking enough (Ofgang, 2003).
- **Harvard** was charged by a librarian with refusing to promote her because she didn't fit the librarian image. She felt that she appeared as a pretty girl in sexy clothing (NBC News, 2005).
- **Costco Wholesale Corporation** was sued by an employee, a member of the Church of Body Modification, who defied company policy prohibiting facial jewelry (except earrings) by refusing to remove eyebrow rings. The employee sued on the grounds of religious discrimination (Introlaw.com, n.d.).

APPEARANCE LAW

How legal are workplace appearance standards? They *are* legal under most circumstances, but there are certain important exceptions for protected characteristics.



Points of Law

Generally, under federal law, employers *can* discriminate on the basis of appearance *except*:

- a. for characteristics such as sex and age that are protected under anti-discrimination laws,
- b. when appearance standards conflict with religious beliefs, or
- c. when the standards negatively affect women or racial/ethnic minorities.

The exception to this is when a **BFOQ (bona fide occupational qualification)** exists.

Courts occasionally do recognize that sex and age and other protected characteristics can be relevant to some jobs. Under BFOQs, employers can sometimes legally discriminate in terms of certain protected characteristics (never for race or color) if the characteristics are “reasonably necessary” for that particular business. Southwest Airlines for example, is allowed to limit its hiring to females as ticket agents and flight attendants in order to project its “love in the air” image and Hooters is permitted to continue hiring only females as “Hooter girls” (Corbett, n.d., p. 10, 11, 16).

Although federal law may not prohibit appearance policies, employers are cautioned that a) attorneys often claim that appearance codes are actually religious discrimination or that they lead to race or sex stereotyping or discrimination, b) states and localities may have laws barring appearance-based hiring and c) union contracts may prohibit or regulate dress codes. There is no single model for dress code or appearance policy. Employers creating or reviewing existing policies are advised to avoid any policies resulting in “yes” answers to any of the following policy questions and to consult an attorney.

Appearance Policy Questions To Consider	
Gender	Does this policy create a burden for one gender, but not the other?
Age	Does this policy create a burden for workers older than forty?
Disabilities	Does this policy prevent workers with any covered disability from complying with it?
Race and National Origin	Does this policy infringe on a cultural aspect of a specific race or national?

WEIGHT

Weight counts. It is a feature of attractiveness, but one for which the cultural ideal varies over time and across cultures. But it counts. The visibility of excess weight, like other aspects of physical appearance, lends itself to stereotyping and discrimination. Even though Americans are getting heavier, there are severe social sanctions against being *too* heavy. Research suggests that biases even exist against people who merely associate with overweight people (Hebl & Mannix, 2003).

Overweight people are negatively stereotyped such as being lazy, undesirable, stupid, slow, undisciplined, out of shape, depressed, uneducated, sloppy, greedy, glutinous and having little energy. They can find themselves ridiculed and the butt of jokes. They encounter discrimination in daily life, education, health care, employment, and in many other areas including renting apartments and joining fitness clubs. They face problems of fit in public places such as restaurants, theaters, waiting rooms, transportation terminals, airplanes, buses and trains, auditoriums, airline bathrooms, narrow bathroom stalls, etc. Seats and seat belts that are too small and seats attached to other seats or tables (e.g., picnic tables) and restaurant booths present problems. Appropriate workplace clothing can be difficult to find and costly. Being excessively overweight is likely to lead to higher medical expenses (one ambulance company nearly doubles its fees for obese patients), difficulty in obtaining health insurance and life insurance premiums that are several times higher than those of thinner people (Darlin, 2006).

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It has been said that the magnitude of bias against fat people is far greater than that for age or race or any other characteristic. Obesity bias weighs first against job seekers:

A stellar career path, a solid résumé and a call from a headhunter may be the ticket to a better job. But if you're overweight, there's a good chance you won't be selected as a finalist for an executive position.

(Voros, 2009)

Even when employment is gained, it is harder for overweight people to gain promotions and to secure choice assignments. More often they are assigned to low visibility jobs, get paid less, may be charged more for employee insurance coverage and are sometimes fired because of their weight (Darlin, 2006; Goldberg, 2003; NOW Foundation, n.d.). Bias also exists for those who do make it to the management level. Obese executives tend to be seen as possessing less ability, less leadership, less stamina and less effectiveness on the job (Kwoh, 2013).

WEIGHT STANDARDS

Employer weight standards are particularly contentious as they are often based on false notions about the control of weight and stereotypes about overweight individuals. Consider these examples of the standards and their effects on workplace experience:

- **Agency Rent-a-Car Systems** fired an office manager because of his obesity in spite of his excellent employment record and excellent evaluations (CSWD, 2012).
- **Hooters** told a 132 pound, 25 year old woman to lose weight or lose her job and placed her on a 30 day weight probation (Fafan, 2012).
- **North Dakota State Personnel Board** fired a truck weight inspector for the Highway Patrol because he was too fat (CSWD, 2012).
- **Korn/Ferry**, an international executive search firm, reports the case of a very qualified 300-pound manager who was refused a job interview at a telecommunications company because he wouldn't fit in (Voros, n.d.).
- **Salve Regina College** expelled a student for not losing weight (CSWD, 2012).
- **Jazzercise** (a company with 5,300 franchises in 38 countries) turned down a 240-pound job applicant because applicants must have more muscle and less fat and appear thinner than the public (Corbett, n.d., p. 8).
- **Maryland State Transit Authority** refused to hire bus drivers for being over the height/weight limits (CSWD, 2012).

IS FAT ALBERT OVERWEIGHT OR OBESE?

Weight Categories

How heavy is "overweight"? "Obese"? "Morbidly obese"? Excess weight, like ideal weight, is defined both by culture and by the field of medicine.

Cultural Standards: The message is: Fat is bad; thin is in. Cultural standards of weight are transmitted by media and advertising. They affect the public perception of obesity and ideal body size and they influence the products and services that consumers purchase. American culture creates a paradox. It creates the ideal of slim beauty and condemns excess weight on one hand and on the other, encourages junk food diets and super-sized food portions.

Medical Standards: Medicine created its own standards, in the form of the BMI (**Body Mass Index**), to evaluate weight in adult men and women. To approximate your BMI, divide your weight in pounds by the square of your height in inches and multiply the answer by 703. For an updated, more precise measurement, use the web calculator which bases your BMI upon your weight and height, and takes your gender and age into account (Halls.MD, 2011). Individuals fall into one of five categories, based on their BMI values:

Diagnosis	Body Mass Index
Underweight	18.4 or less
Normal	18.5–24.9
Overweight	25.0–29.9
Obese	30.0–39.9
Morbidly Obese	40.0 and over (Facing serious health problems)

The BMI does have limitations as it may over-estimate body fat in those with muscular builds and under-estimate body fat in older persons and those who have lost muscle mass. The relationship between the Body Mass Index and fat depends on one’s sex, race, and age. For children and teens, calculation of the BMI is the same as for adults, but interpretation of the resulting body mass value differs.

Global Notes..... World Wide

Between 1980 and 2010, obesity doubled in every region of the world. Today half a billion people (12 percent of the world’s population) are obese.

Boekma, 2012

The U.S. is the fattest country in the developed world with almost 70 percent of the adults either overweight or obese (ABC news, 2012). Some 32% of U.S. children and 25% of their dogs and cats are overweight. Mexico follows the U.S. with 24% adult obesity, the U.K. with 23% and Slovakia with 22.4% (the last said to be due to an overweight gypsy population (Huffington Post, 2012).

Weight Law

Only a few places such as Michigan, the District of Columbia, Madison, Wisconsin and San Francisco and Santa Cruz, California provide legal protection again weight discrimination (Bell & McLaughlin, 2007; Fryer & Kirby, 2005).

OBESIFY AND DISABILITY Except for New Jersey, where obesity is defined as a disability, courts traditionally considered weight to be under the control of the individual and therefore, **not** a disability unless it results from an underlying medical condition that in itself is a disability (Puhl & Brownell, 2012).



Points of Law

When obesity *is not* a disability, there is no federal legal protection against discrimination.

Under ADA law, when obesity *is an impairment*, morbidly obese employees are allowed to request reasonable accommodation from their employers which may include (but is not limited to) making facilities readily accessible, restructuring jobs, modifying work schedules, and reassignment to a vacant position.

Recent legal cases have resulted in more and more rulings that severe obesity *is* a disability.

EEOC With the passage in 2008 of the ADA Amendments Act (ADAAA), interpretation of the ADA law began to change. Increasingly, EEOC takes the position that obesity itself, without any underlying condition, qualifies as a disability and some district courts now declare that disabled obese workers do not need to prove they have an underlying condition. The General Counsel for the EEOC states that the ADA protects all disabled workers from workplace discrimination *including* those with severe obesity and further points out that stereotypes, myths, and biases about obesity should not be the basis of employment decisions (Law Office of Marc Mezibov, 2013). This position has not been tested in a federal appellate court, yet.

MEDICARE Medicare will pay for some counseling for people with morbid obesity: weekly sessions for month one and sessions every other week for months two through six. Those losing 6.6 pounds or more by the end of the sixth month can get six more monthly sessions. Others must wait six months before Medicare will cover another weight-loss attempt (Barry, 2012).

Best Practices

The Los Angeles Police Department relaxed its limitations on fat (22 percent for men and 30 percent for women) to attract new recruits. New recruits came, but so did their fat. The Department now has a full time dietician working with everyone.

The Consigli Construction Company of Milford, Massachusetts, designed a wellness program to fit its competitive company culture. It includes gym memberships, in-house weight competitions, nutritious snacks, and group exercises. Employees completing blood pressure and cholesterol testing can win up to \$400 in reduced insurance premiums.

Weight Ties to Wages, Gender, Race and Age

Excess weight is more than just a health and legal issue. It's also a personal and social one related to body image, sexism, discrimination, and self esteem (Schwartzapfel, n.d.). In the workplace it relates to wages with an interrelated set of factors that both blurs and compounds its effects. Weight and wages are related to each other and both are tied to gender, race, age and social class. Since excess weight occurs more often in certain racial and ethnic populations, more often in women

than in men, and more often in elders than in the young weight discrimination is closely related to discrimination of these protected characteristics (Goldberg, 2003, p. 97). Among the relationships:

Weight and Wages

- Overweight workers, will earn up to \$100,000 less during their careers than their thinner counterparts (Baum, 2004).

Weight, Gender, and Wages

- Overweight women are paid less than thinner women (Puhl & Brownell, 2012).
- Overweight men are penalized \$1,000 per year per pound (Voros, 2009).
- Female baby boomers annually earn \$313 less for every one-point increase in BMI (Zagorsky, n.d.).
- Male baby boomers annually earn \$161.30 less for every one-point increase in BMI (Zagorsky, n.d.).

Weight, Gender, Race, and Wages

- White women who are mildly obese (20% over standard weight) are penalized more in wages than are black men who are 100 percent over standard weight (Maranto & Stenoien, 2004).
- Decreasing BMI by 10 points is related to a \$12,720 in earnings for white males. For white women this figure is slightly less (Zagorsky, n.d.).

Weight, Gender, Social Class, and Wages

- Overweight women make \$6,700 a year less than their non-obese peers and have higher rates of poverty (NOW Foundation, n.d.).

CONCLUSION

Standards of physical beauty vary little over time within cultures and to some extent across cultures (Bell & McLoughlin, 2006). Symmetrical, proportioned facial features, height and weight are important universal elements in standards of beauty. Within the constraints of cultural values, physical attractiveness is generally rewarded and unattractiveness, penalized. Rewards and penalties are personal, social, and economic in nature.

Society's view of ideal and acceptable weight is the most variable of all appearance factors and carries the most severe consequences for those who greatly exceed its prevailing norms. Stereotyping and discrimination are particularly severe for individuals exceeding cultural standards of weight.

Discussion Questions

1. What are the pros and cons of an airline implementing a policy that larger customers need to buy a second seat?
2. What can organizations do to counteract the high costs of employees who are obese?
3. Should television networks and stations set appearance and weight standards for news reporters, newscasters, weather forecasters, and so on? Why or why not? Should these standards be different for male and females?