

## Chapter Eleven

### AFFIRMATIVE ACTION

#### Chapter Objectives

After reading this chapter, you should be able to:

- define Affirmative Action.
- explain the common myths surrounding Affirmative Action.
- rationalize why it is necessary to right the wrongs of the past rather than just ignore them.
- describe ways to implement Affirmative Action initiatives that opens the door for those who have been or are excluded.
- understand how unconscious bias can impact workplace hiring, training and promotion opportunities.
- determine why preferences are not just associated with Affirmative Action.
- comprehend the difference between competition/hiring choices and reverse discrimination.



## AFFIRMATIVE ACTION

Affirmative Action is a set of public policies and initiatives designed to help eliminate past and present discrimination based on race, color, religion, sex, or national origin.<sup>1</sup> Affirmative action seeks to include those who have been formerly excluded and it covers recruitment, hiring, promotion and training policies. Much of what many people know about affirmative action is based on emotions, myths and not the real definition of affirmative action.<sup>2</sup>

Myths, the stories that often guide our lives, can be so deeply ingrained that we seldom consciously think of them. They are unconsciously inherited from our ancestors, our culture, and our society. Unfiltered, unproved, and unexamined, these collective beliefs are accepted without question and many times are used to justify unsound attitudes and practices. The media, in all formats, often presents biased information on Affirmative Action which helps to make this policy one of the most misunderstood of all times.<sup>3</sup> But despite all the controversy, affirmative action would not be in existence if civil rights were a reality for all people of the U.S.

It strikes me as strange that in the U.S. where there has been over hundreds of years of slavery, Willie Lynch values, Jim Crow Laws and stereotypes, laws against migration and equal treatment, that people would think that after only several decades of affirmative action and enforcement of civil rights laws that the U.S. workplace would be an equal playing ground. As historian Roger Wilkins has pointed out, Blacks have a 375-year history on this continent: 245 involving slavery, 100 involving legalized discrimination, and only 30 or more involving anything else.<sup>4</sup> Change takes time and does not happen on its own.

Originally, civil rights programs were enacted to help African Americans become full citizens of the United States (remember slaves were not considered human--just property). The Thirteenth Amendment to the Constitution made slavery illegal; the Fourteenth Amendment guarantees equal protection under the law; the Fifteenth Amendment forbids racial discrimination in access to voting.

The 1866 Civil Rights Act guarantees every citizen "the same right to make and enforce contracts ... as is enjoyed by White citizens ..."<sup>5</sup>

The first time the actual term "affirmative action" was first used was in the 1965 Executive Order 11246 that was issued by President Lyndon Johnson. This executive order required federal contractors to "take affirmative action to ensure that applicants are employed and that employees are treated during employment, without regard to their race, creed (beliefs that are not religious), color, or national origin." and in 1967 President Johnson included women in this order.<sup>6</sup>

Affirmative Action requires measures that are in align with cultural competence. Just "valuing diversity" without regard to action is not enough. Companies have to decide where they will fall on the continuum of competence.

### **Continuum of Competence**

Individuals and organizations can measure their competence on a continuum developed by James Mason (1993). There are five progressive steps in his continuum.

#### **STEP ONE: CULTURAL DESTRUCTIVENESS**

Cultural destructiveness is the first step and is the least effective toward addressing cultural competence. Cultural destructiveness occurs when an organization and its employees are exhibiting attitudes, policies and practices that don't value diversity purposefully.<sup>7</sup>

#### **STEP TWO: INCAPACITY**

After cultural destructiveness there is incapacity. Incapacity occurs when an organization and its employees are not intentionally devaluing diversity but instead has a system that does not promote, respect or reflect the diversity of its organization.<sup>8</sup> This seems easier to fix than cultural destructiveness because it requires fixing the organizational system rather than fixing individuals or organizations with prejudiced disposition.

#### **STEP THREE: BLINDNESS**

The third level in the continuum of competence is blindness. Often times people believe that if I "don't see color" or "don't see difference" then I am not being biased.<sup>9</sup> But, how do you ignore a component of a person that makes them who they are? How do you ignore systems that have not been created equally? Ignoring what is broke won't get it fixed. Ignoring someone who is abusive

does not make them less abusive, just like ignoring race won't make racism go away it just means you are ignoring the problem. Blindness or turning a blind eye to something just perpetuates the status quo whatever that is.

#### STEP FOUR: PROACTIVE

The next level of pre-competence is more about individuals and organizations being more proactive as it relates to cultural competence. They are not reacting to discrimination in the workplace but instead these organizations are recognizing that cultural differences exist and efforts must be made to improve equality in the workplace.<sup>10</sup>

#### STEP FIVE: COMPETENCE

The last stage and most effective stage is competence. This is not just the acceptance and respect of cultural differences but there is an exhibition of attitudes, policies and programs that actively work toward managing a diverse workforce.

Affirmative action can assist with cultural competency. However, before implementation of Affirmative Action initiatives occur the myths regarding this program of workplace goals must be addressed.

## MYTHS AND FACTS

In recent years, affirmative action has been debated more intensely than at any other time in its 40+ year history.<sup>11</sup> Yet many people and corporations support affirmative action and what it attempts to accomplish despite any imperfections that its interpretation as a policy may have. Whatever opinion you have or don't have, it is important that you base your view of Affirmative Action on facts not myths or propaganda. Here are some of the most popular myths about affirmative action, along with a brief commentary on each one.

### **Myth 1: Affirmative action mainly benefits Blacks.**

Affirmative Action benefits many groups such as Blacks, Asian-Americans, Latinos, Veterans and Women of all races. Actually, the largest beneficiary of Affirmative action is not Blacks but Caucasian women. Breaking the glass ceiling in many male dominated professions, has been one of the highest priorities of the workplace as it relates to affirmative action initiatives.<sup>12</sup> When people assume that Affirmative Action only affects Blacks, they often provide conscious or unconscious support to

initiatives that seek to shut down affirmative action efforts. "Affirmative action program initiatives have included everything from English as a Second Language Programs, breast cancer screenings for women, mentoring systems for nontraditional jobs, after school programs for magnet schools, and programs that provide incentives of support to Asian-owned businesses ran by veterans.

In short, there are countless initiatives across the country that use race and gender to address the unwarranted obstacles confronted by the beneficiaries of affirmative action."<sup>13</sup>

**Myth 2: A large percentage of White workers will lose out if affirmative action is continued.**

This myth is often based in fear. If the argument utilized against Affirmative Action is fear of loss-how easy is it to produce anger toward a program that seeks to redress the wrongs of workplace inequality. Fear is an emotion and emotions are not always correct. So, let's address the facts. Understanding that amongst racial discrimination Blacks have suffered the longest and continue an upward fight toward equality, so according to the U.S. Commerce Department a few years ago, there were 1.3 million unemployed Black civilians and 112 million employed White civilians. Even if every unemployed Black worker in the United States were to oust a White employee this would only affect 1% of Whites.<sup>14</sup>

If managers tell employees that they were displaced because they had to hire a person of color or hire a woman then this could incite anger--when it is never that simple. First of all, remember anyone that a company hires must be qualified. Affirmative Action does not support the hiring of nonqualified workers. Yet, oftentimes someone will say the woman or person of color weren't the best qualified. But in someone's mind they have a definition of the "best qualified" which could be someone they feel more comfortable with.

But, what is best qualified? It is subjective at best. If someone meets the job description or job advertisement then they are qualified. If a qualified woman or person of color is chosen over a qualified white male, to say that someone of color "had to be hired" is inappropriate unless there is a sense of entitlement. Instead let's just say that competition was in effect and a qualified person was hired. This losing out to someone of color or women is not according to the research the major reasons for job loss among White men. Job loss among Whites and in particular white males has a lot more to do with factory relocations, computerization and automation, downsizing, and outsourcing (sending jobs

overseas).<sup>15</sup> It is unfortunate that some managers attribute job loss to Affirmative Action—using affirmative action as a scapegoat in this manner is a cop out.

### **Myth 3: Reverse discrimination is the result of Affirmative Action.**

Studies of reverse discrimination lawsuits show that there are more gender- related complaints (men saying they were discriminated against because of their gender) than race-related complaints.<sup>16</sup> In a third study (as cited in Reskin, 1998), less than 1% of the reverse discrimination EEOC complaints filed in 1994 were deemed credible.<sup>17</sup> Has this statistic changed much in the last 20 years? Surprisingly "No." These studies suggest that relatively few reverse discrimination court cases and EEOC complaints have legal merit.

The belief that the majority of white males are said to be victims of reverse discrimination is in itself a misuse of the word reverse discrimination. The concept when used in its broadest meaning suggests widespread victimization. Some writers and authors still use the language reverse discrimination and affirmative action interchangeably. In a thoughtful retrospective on affirmative action, Charles Fried, former Solicitor General in the second Reagan administration, uses the concepts of 'affirmative action' or 'preferential treatment' throughout the article and as he makes the argument that there should be time limits on affirmative action at the end of the article, he slips in another phrase: "But if 'all deliberate speed' was fast enough for desegregation, then surely nothing speedier is required for phasing out reverse discrimination."<sup>18</sup> Using these terms interchangeably infers that they are one in the same—when they are not.

Reverse discrimination only occurs when someone who does not meet the job requirements/job description is hired over someone who does. If the job says we prefer three years of work experience and a person of color is hired who has two years over a white male who has ten--this is not reverse discrimination. Maybe that person with two years had some much needed work qualities than the person with ten. The number of years of work experience was a preference not a requirement. Having the most experience, highest score etc. does not equate to being the best person for the job.

But, if the job ad said requires three years of work experience and they hire a person of color who has two years over a white male that has ten years—this would be reverse discrimination because the person they hired did not meet the basic required qualifications.

## Why Affirmative Action?

There have been various equal protection laws passed to make discrimination illegal. Laws are great but they only work when enforced.

How do you get a workforce that may be accustomed to employees of the same sex, race and work ethics to integrate their workforce with people who are different? These maybe people who they don't know individually but as a group they don't value, trust or just don't associate with.

In addition, think about all of the subliminal messages that have been fed into individual minds regarding stereotypes—this alone can create unconscious bias which results in a homogenous workplace. It is unfortunate that policies have to be written that say "let's level the playing field," let's get rid of the hidden and written policies and beliefs that keep the workforce (especially higher paying careers and management positions) still segregated. But, to let change happen on its own is like telling an alcoholic to just stop drinking—doesn't work in most cases.

### **Commonly held assumptions about Affirmative Action**

#### ***Affirmative Action lower standards***

The only way Affirmative Action can lower standards is when the company doing the hiring does not require the new employees to meet the standards. Why? Because they themselves are trying to take a shortcut. This is not Affirmative Action causing them to do this but the company blaming Affirmative Action and not putting forth the "right" effort. This often happens when companies need to diversify or hire a "token" but are less concerned about hiring the right multicultural person with the appropriate skills for the job, focusing instead on hiring a person of the right color or sex with no regard to qualifications.

This is not what Affirmative Action stands for. Affirmative Action seeks to include classes of people who have historically been excluded. These hiring standards need not be lowered to accomplish this goal. For instance, assume there is a position available and the job required an Associate's Degree, and a score of at least 70 out of 100, lowering the standards would mean hiring someone without an Associate's Degree. However, it would not be lowering the standards by hiring someone with a score of 75 over someone with a score of 90, as they both meet the standard. Most qualified has nothing to do with discrimination—as "most qualified" is a very subjective standard as stated earlier. What is most qualified to me may be different for you. Either you are qualified according to the standards set forth or you are not.

### **Quotas and Affirmative Action go hand in hand**

No, a quota implies a fixed number and sometimes does not indicate qualified in the legal definition. For this reason, quota has a negative connotation. But, Affirmative Action focuses on goals instead of quotas for two reasons: (1) goals imply something to strive for and are based on the needs of the organization and the marketplace we serve, (2) quotas once reached can then be abandoned, whereas goals can often be exceeded and continued.<sup>19</sup>

### **An Affirmative Action Analogy**

At this point, before we get into any further discussion about affirmative action, let me tell you a story I read in a fiction book, *Always*, authored by Timmothy B. McCann. In it he illustrates what affirmative action is really about. This story can explain it better than any definition I can give you. The character in the book is describing his views as he debates a political opponent on issues, he gives the following response when asked about affirmative action:

*I am sure you would agree that historically people of color in this country have been disadvantaged in many ways. Let's look at sports since the World Series just ended. In baseball you have one player from one team facing nine from the opposition on the field. Now, the batter must earn his way on base. If he hits the ball and does not make it to first, he's out. Point-blank, end of discussion. But if by chance there is a tie . . .” And then I paused and looked at my opponent. If there is a tie, Representative Edwards, since it was nine players on the field against one in baseball, the batter is viewed as being disadvantaged and the tie goes to the runner. The affirmative action laws as they are written will not—and I repeat this because this is often overlooked—will not give anything to anyone who has not earned it. But if there is a tie between two applicants in terms of qualifications, what it does give is an opportunity for women and people of color to simply stay in the game.”<sup>20</sup>*

A tie in the case of affirmative action in the workplace means they both met the qualifications. Maybe you still aren't convinced of the worth of affirmative action or that affirmative action is only about leveling the playing field for qualified candidates. So, let me say this—affirmative action does work. It has produced opportunities for jobs, education, and training for tens of thousands of people of color, white women, poor and working class White men along with others who have been excluded or not represented in the workplace. Although not often enforced strongly, affirmative action programs have broken down long-standing barriers based on the persistent and ongoing discrimination that people in our society faces.<sup>21</sup>

## **Other forms of Affirmative Action**

According to author Paul Kivel, head of the organization "White Guys for Affirmative Action", Affirmative Action for White males is an old tradition in American society. Kivel indicates that veteran preferences, alumni preferences, homeowner preferences in the form of home mortgage deductions, student deferments during the Vietnam war, and hundreds of millions of dollars of subsidies for manufacturers, farmers, mining and logging companies, including a \$300 billion bailout of the Savings & Loan industry are all forms of affirmative action for White men.<sup>22</sup> These are preferences—so why aren't they challenged or questioned?

## **Affirmative Action & Self-fulfilling Prophecies**

The other issue that we must consider is that Affirmative Action is and has been necessary because there are still many elements in the workplace that create opportunities based on bias. People and organizations alike still have myths and stereotypes that they associate with groups of people. They believe these myths and create bias through self-fulfilling prophecies.

Now, let me explain how a self-fulfilling prophecy works. We believe something to be true, so we treat the person this way, then they respond the way we thought they would and then our belief is confirmed. For example, let's assume (only for the sake of this example) that I believe anyone reading this book is stupid since they don't already know this information. So, when I use this text to teach a class, I won't waste my time trying to teach stupid people. Instead, I discuss my travels and other issues that are not related to this text.

Again, remember I am treating the students like they are stupid and can't learn. So then, I give a 30-page essay exam based upon all the collected theories that went into the development of this book. After all, if you were smart you would know this material. How many students would pass the test? That's right, very few. Why wouldn't they pass? Well it wouldn't be because they were stupid it would be because I treated them like they were and did not give them a chance to learn. I biased the process.

But guess what; since they did not pass the test what am I going to think? You guessed it, that they were stupid just as I thought. Mind you, my thinking has nothing to do with truth or knowledge but the fact that I thought something and

acted on it and then got my belief confirmed. Therefore, when you create a self-fulfilling prophecy you create your own reality. Can this be dangerous in the minds of people with power? Yes.

Furthermore, bias is created by unfair systems. You may think that most aspects of today's society are fair. But, what you have to understand is that many systems are still very biased.<sup>23/24</sup> If you have never experienced discrimination or unfair work policies then you really might not understand. But, just common systems, such as college entrance exams are not fair. Would you think it unreasonable if I told you that the SAT/ACT Test is one of these?<sup>25</sup> SAT testing and getting high SAT scores has been an issue coming into this century especially where those students who get the high SAT scores get passed over. They then feel they are being discriminated against.<sup>26</sup> So, many people argue, sue and fight these types of issues that they have so little information about.

What if you knew that the author of the SAT developed this instrument to confirm his suspicions that people of color were intellectually inferior? Therefore, this author developed questions based on this racist premise. Then students of color take these tests and don't do well because the questions are not based on intelligence but are based on privilege and lifestyle. For instance, if they ask a simple question like: dressing is to ranch as flower is to ? Just in my own culture I would think the answer was something that had nothing to do with a flower since dressing (something I eat at Thanksgiving that others call stuffing has nothing to do with the flavor Ranch). Now you may be of a different culture and understand dressing to mean a type of sauce you put on a salad so ranch is a type—this totally changes the answer that you chose. Who gets this right—the one whose culture it reflects? Does this mean I am stupid—no it just means that according to my culture we utilize terminology differently.

According to an article written by *DiversityInc*, students of color generally score higher on the harder questions of the SAT/ACT and poorer on the easier questions.<sup>27</sup> Why? One rationale is because the harder questions are not as easy to bias as is the simple questions. Now when these students don't pass because the test was not created for them to pass, it has confirmed this author's suspicions. So then is this really a test that should determine who gets admitted to college, when it creates a self-fulfilling prophecy based upon the authors' bias?

Now, let's take this a step further—let's say this racist author states to the proper people that he wrote a bogus test. He realizes that what he did was wrong and then wants people to know his intentions. But, the people who now author this test for whatever reason still choose not to change the test. Now how would you feel about the SAT if this were true?

If they changed the test, would you then think they were changing it (making it easier) in favor people of color to lessen the standards or to right a wrong?

Do you think the authors of the SAT would come out and tell you this truth or lead you to believe that the victim (students of color) are the ones at fault?

Would you believe that the students were "too stupid" too pass?

Do you think that if this were true the SAT administrators would come out and say "No, you are wrong, this really was a test based on racist misconceptions and we are now realizing that we were wrong to use this test"?

Can you imagine the lawsuits? So, when something like this happens it is often the victims that get blamed and no one in the general public gets the truth.

Well, let me tell you that all of this is a true story regarding the SAT and its author. The author, Carl Campbell Brigham, based the test on racial superiority. He later recanted the test as bogus and his comments were presented in an article in the *New York Times*.<sup>28</sup> But, still this test is utilized in its created format even though many understand the background of this test. Do you think there are more instances like this that you don't even know about? My point is—are there a lot of instruments in society that create disadvantage and advantage?

When you begin to think that life is simple and unbiased and equal, remember that in the history of the U.S., nothing has ever been that simple and has not been in the favor of a lot of people for a long time.

Because of the isms, prejudices, and superiority issues that have prefaced our society since the arrival of the Pilgrims—we should know that systems in society are not going to be as fair as they seem. If you work in an area that is not multicultural, don't accept the excuse that there are no people of color or women who can do the job; don't accept the excuse that they don't test well; when your job makes the effort to change the test, don't be angry thinking that they have lowered the standards--understand that we have a long way to go until we have systems free of bias. There are so many hidden biases that unless you have done a substantial amount of research these biases just would not be obvious to the common person.

But even though hidden bias is not obvious there is one way to tell if a system or company is free of bias or to tell where they are on the competence

continuum: look at the people that make-up your employee and management base.<sup>29</sup>

- Are all or majority of your employees of color in janitorial/housekeeping or low-level staff positions?
- Are all or majority of the women in management positions located in the human resource department?
- Are all or majority of the women in the organization support staff administrative assistants/secretaries—no managers.
- Are all or majority of the teachers or bank workers female and all or majority of the principals or loan officers male?

This is not to say that janitorial, human resource, secretarial positions, etc. are bad jobs, but they are positions that have been traditional areas for certain groups of people. If the diversity of an organization is represented in this manner this may not equate to equal opportunity. The doors are not being opened, at least not to all positions. So how do you open the door?

#### Confronting a Decision

With this model in mind, what are some of the key questions we might bring to framing and addressing questions of diversity?

How does this model have an impact on our decision-making?

How does it address the sub-optimal patterns of thinking described earlier in this note? [See Exhibit 2 for a checklist of questions that reveals when we are falling victim to the reasoning "traps" described earlier, and that suggests alternate responses to the same decision, based on the model above.]

Let's take a look at an example of the different ways we can approach the same issue, depending upon what types of reasoning frameworks we are using. We will take up an example that is frequently raised as a diversity dilemma and pose it in the words we are likely to hear:

If you have two candidates for a job—a member of the majority identity group in your organization (let's say a white man) and a member of a group "under represented" in your organization (let's say a white woman)—and the man is seemingly "more" qualified, whom do you hire?

Some of the responses to this question we are likely to hear or offer ourselves include:

***You always have to hire the "more qualified candidate." If you don't, you are putting the effectiveness, perhaps even the survival, of the organization in jeopardy.***

This confident assertion of "who is best qualified" serves to disguise any number of prior choices and unconscious assumptions. It asserts as unambiguous an evaluation that is often sublimely subjective. It assumes clarity about what constitutes qualification for this job, when that conclusion itself is also often based upon tradition rather than science. And it begs the question of whether decision makers are able to perceive the relative qualifications of the candidates objectively, denying the impacts of stereotyping, historical oppression, and the documented perceptual effects when individuals make judgments about members of a group other than their own.

This argument also illustrates the tendency to analyze and argue only one side of an oversimplified dichotomy. Has the respondent asked him or herself, "in this case, what are the potential positive impacts of hiring the woman, and what are the potential negative impacts of hiring the man?"

***If you don't hire the man, you are trying to right past injustices with current ones. You are trying to counteract discrimination with another form of discrimination, for the only thing working against the man is his gender.***

Aside from continuing to repeat the assumptions about qualification noted above, this argument illustrates concerns about our tendency to oversimplify events into either/or choices and to ignore unstated data. For example, the argument takes as an assumption that in any other situation, the only data considered in making a hiring or promotion decision is this unexplained criteria of "qualification." It ignores the fact that such decisions always involve weighing a number of considerations, such as seniority against targeted experience, depth of expertise against breadth, familiarity with the project against outside experience, and a candidate who brings significant experience in areas that are already represented in the project team against a candidate who brings less experience but in an unrepresented area. Might gender be just another set of criteria in this mix?

This argument also reflects a version of Shelby Steele's "seeing for innocence," way of thinking where somehow "being qualified" is equated with having a right

to a particular job and not getting that job is seen as a form of undeserved punishment. Thus, the male candidate's "innocence" is implied, while the female candidate is therefore "guilty" of obtaining a job unfairly. As noted above, this formulation contains all sorts of blurred distinctions and unconscious assumptions, but nevertheless carries an emotional weight that feeds a divisive "us against them" perspective on this dilemma.

Finally this argument (reminiscent of pareto optimality) blurs individual perspectives, experience and accountability with group perspectives, experience and accountability. It asserts that accumulated injustices toward and by groups in the past are being paid for with an individual injustice in the present, ignoring the fact that discrimination was and is always an individual and a group experience. We can address discrimination effectively only if we address it at both levels. This realization does not necessarily suggest that either candidate should be hired in this case; it merely suggests that the fact that both individuals and groups are affected by any actions taken is unavoidable.

***If you hire the man, you are passing up the opportunity to begin to make a change in the demographic mix of the department/organization—a change that will be necessary in order to attract and best support other women and minority members in the firm.***

This argument, like the first one we examined, illustrates the tendency to analyze and argue only one side of an oversimplified dichotomy...only it is a different side. It ignores the importance of trying to make a decision that will result in a successful hire, regardless of gender, not only for the firm's benefit but also for the benefit of the other women and minorities in the firm now and to come.

Additionally this argument, and the dilemma itself, beg the question of why we are concerned with "representation" in the first place. There are legal arguments, moral arguments and "business" arguments that may underlie this concern [See Managerial Effectiveness and Diversity: Organizational Choices, HBS No. 395-020, for a discussion of these arguments, or "motivations."] However, if organizational decision makers do not adequately think through this question, their judgments risk superficiality, cynicism and self-contradiction -- or at least accusations of the same.

***If you hire the man, you will demonstrate that the organization is not really interested in "diversity."***

Once again, this argument raises only one side of an oversimplified dichotomy; it ignores other data about the company's policies and actions around diversity. The more sophisticated argument might be that "if you hire the man, the organization will appear to not really be interested in 'diversity.'" This argument suggests something about the kind of consistency and trust the organization needs to build in order to be free to make difficult decisions as it sees fit.

***If you hire the woman, you are not doing her any service for she will experience negative reinforcement around her performance.***

This argument illustrates our readiness to interpret evidence about an employee's performance in ways that support prior conclusions, what researcher Gilovich refers to as our "talent for ad hoc explanation." This tendency can result in self-fulfilling prophecies.

***If you hire the "less qualified candidate," you are not doing other women any service for you are reinforcing the perception that their successes may be based on identity rather than merit.***

The problem with this argument is that it ignores the fact that this perception can be caused by decisions to hire a woman or "minority" candidate, regardless of their qualifications. It also embodies an unstated and unexamined assumption that other hiring decisions are always based purely on objective qualifications, that this is the desired state of affairs, and that we can and do know what these objective qualifications are. "Merit" in this statement is an instance of using terminology to defend your position.

However, this argument does surface the importance of thinking through and communicating decision criteria clearly. Differing perceptions ought to be respected, considered and addressed, but they ought not be a source of tyranny for they always cut both ways.

The point of these observations is not to suggest that any or all of these responses are necessarily wrong, but rather to suggest that each of them is incomplete. The original dilemma, as posed, asks for an either/or choice, when the real take-away from such a decision is the learning, the relationship and the process created by communicating about it. Ultimately there will be times when the hiring decision will go one way and times when it will go the other, for good reasons, but the test of the decision-making process is whether all parties can keep talking and working together afterward toward shared goals of which diversity should be one of them.

## Implementing Affirmative Action

Even organizations with the best intentions may not accurately implement affirmative action without a plan. In an affirmative plan, there should be an assessment of the workplace, recruitment goals, and training opportunities that are free of bias. This ensures that those groups formerly excluded will have an open door through which to enter. This often requires different tactics to reach diverse groups.

See the sample affirmative action plan below:

**Table 1: SAMPLE AFFIRMATIVE ACTION PLAN (for disabled veterans)\***

\*taken from with permission from: [http://www.jobs.bpa.gov/How\\_To\\_Apply/disabledaction.cfm](http://www.jobs.bpa.gov/How_To_Apply/disabledaction.cfm)

### INTRODUCTION

In accordance with Title 5, of the Code of Federal Regulations, Part 720, subpart C – Disabled Veterans Affirmative Action Program (DVAAP), Bonneville Power Administration is required to develop an annual DVAAP Action Plan.

### COMPONENTS OF THE PLAN

1. Statement of agency policy regarding the employment and advancement of disabled veterans
2. The name and title of the official assigned overall responsibility for the development and implementation of the plan
3. An assessment of the current status of disabled veteran employment within the agency (with emphasis on those veterans who are 30 percent or more disabled). (*Note: see attachment 1 "FY04 Veteran's Employment Status Report" for details*).
4. A description of recruitment methods which will be used to seek out disabled veteran applicants, including special steps to be taken to recruit veterans who are 30 percent or more disabled
5. FY Goals:
  - Continue to build partnerships. We will continue to pursue partnerships within BPA, with other organizations, and in the local community to support Disabled Veterans programs and the hiring of veterans in the Federal Service. We will seek new ways to communicate employment information, and to provide resources to support Veterans in BPA's workforce.

- Continue to maintain the “Applicant Supply File” for 30% or more disabled Veterans and refer applications for consideration on open vacancies as appropriate.
- We will also be distributing appropriate vacancies to the following military Transitional Assistance Program (TAP) contacts.

6. A description of how the agency will provide or improve internal advancement opportunities for disabled veterans:

- Career Services Workshops and training for: “Understanding the Application Process”, “Resume Writing”, “and Development of KSA's”, and “How to prepare for an interview.”
- BPA encourages all employees, including disabled veterans, to complete an individual development plan with their manager, which is used to identify training needs necessary to be successful in their current position, and in possible future advancement opportunities.
- Individual Career counseling and application coaching.
- Attend workshops focusing on: Career Transition, Active Retirement, or Entrepreneurship in addition to receiving one-on-one career counseling.

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In addition to having a plan, there are additional efforts that are required if an organization wants to have a diverse workforce. This effort starts first with recruiting.

### **Recruitment (Opening the door for all applicants)**

Using word of mouth to spread information about employment opportunities while it may be cheap to the organization is not recommended in securing equal opportunity. Why? People will talk to who they know and if the organization using word of mouth is not diverse then assuming that birds of a feather flock together then what may result is a homogeneous workforce--not diversity. Advertising is the more likely vehicle that should be utilized to inform the public of a job opening or opportunity because it can spread across communities. But, even advertising through traditional channels like the Internet and large-scale job boards may not target everyone in the community.<sup>30</sup>

To attract a diverse grouping of recruits you must do more. Advertise in ethnic/culture specific publications or organizations whose readership/members represent diverse groups or whose readership/members attracts a multicultural

population. Diversity Recruitment advertising also serves two purposes: it attracts a diverse pool of applicants and it sends a message that the organization cares about diversity.<sup>31</sup>

### **Additional Suggestions & Tips**

1. Create internship and co-op opportunities for members of diverse groups. Recruit from schools that have diverse student bodies such as women colleges and HBCUs (historically black colleges and universities) and Native American Colleges).
2. Emphasize competency-based credentials rather than past experience because some groups have not had the access to comply with the experience requirements.<sup>32</sup>
3. Require qualifications that are necessary and not just historical, such as stating that you need to lift 40 pounds when that really is not a requirement—it is just what has been mandated historically.<sup>33</sup>
4. Review your own beliefs and attitudes about the positions that you are filling and the populations that you are targeting so that your own bias is not found in the job description or interviewing process.
5. Nurture relationships with groups and organizations that accommodate the needs of people of color, women, various religious groups and the disabled.
6. Interview utilizing a group made up of diverse individuals (have a hiring committee) if possible so that there are a range of opinions in the interview process even if you have to bring in outsiders from an ethnic or female specific community organization.
7. Make sure your company has a workplace climate that is welcoming to all people regardless of background. If not, then those you work so hard to hire won't stay if they find a non-supportive environment.

8. Make sure employees and managers alike have gone through diversity training so they are aware of the benefits as well as challenges of managing a diverse workforce.
9. Make sure everyone has equal access to training opportunities and that the same training materials and standards are being distributed to all employees.

After reading the above, you may be wondering: Despite what has been said this sounds like preferential treatment and it seems unfair in some cases?

### **What about preferences?**

Preferences to those formerly excluded: people of color, women, veterans, etc. is sometimes a part of providing inclusion to an opportunity that was formerly closed. Colleges give preferences (other than racial) to all kinds of students—children of alumni, veterans, athletes, musicians, etc., so race/ethnicity preferences are just one more consideration in the effort to craft a diverse, well-rounded workforce and in the case of schools a well-rounded class. So, what's the problem—legally, morally, politically, or otherwise when it comes especially to preferences?

It seems that when it comes to anything but racial preferences there isn't a problem. Where is the outcry against legacy preferences? Many private schools have a huge affirmative action program for the daughters and sons (and other relatives) of their alumni known as "legacy preference."<sup>34</sup> Even though it has been argued that this type of preference builds institutional loyalty for many private schools (not just colleges but even private high schools) does this make it okay?

If you were part of a group who were never permitted to attend in the past then this disadvantage continues as these people will never be in a position to receive the alumni/legacy preference. The problem with this is that you can read about individuals speaking out against affirmative action (as was such the situation with The University of Michigan case in 2003) when they felt it benefitted students/people of color but very rarely do you hear groups or individuals argue against legacy preference. It would seem that the complaint (no matter who it is from) should be against all preferences—not just the ones that deal with race. What do you think?

## Concluding Thoughts

Affirmative action programs are just one method to right the wrongs of the past. It allows those doors that were formerly closed to now be open. Will this method rectify all past discrimination—of course not. The problem is just not that simple. But, it is a program that sets goals, recognizes that some in America have had advantages over others and recognizes that laws alone won't change mindsets or biased systems. Most Fortune 500 companies support Affirmative Action initiatives. Many managers will be responsible for implementation of the program objectives—therefore it makes sense to know what it is, what it does and who it really benefits. If we can get past scarcity thinking (believing that if someone gains someone else loses) and know that there is enough for all—then maybe we can get closer to a workplace that is inviting to the qualified who want to participate.

### End of Chapter Questions

1. What is Affirmative Action?
2. Who has been Affirmative Action's largest beneficiary? Why do think this group over others has benefitted more by affirmative action?
3. What does quotas have to do with Affirmative Action?
4. What is the difference between competition and reverse discrimination?
5. What are two myths and corresponding facts that address commonly held beliefs about affirmative action?
6. What is the worst stage in the continuum of competence, why? What is the best stage, why?
7. Explain how the baseball analogy presented in the chapter by Timmothy McCann relates to affirmative action.
8. Why does Affirmative Action expand recruiting and training techniques? What are some of these recruiting techniques?

9. Why do you think Fortune 500 companies support and implement Affirmative Action policies?

### Internet Exercise

In this exercise, you will be required to take the project implicit association test. Project Implicit is a non-profit organization and international collaborative network of researchers investigating implicit social cognition - thoughts and feelings outside of conscious awareness and control. Project Implicit is the product of a team of scientists whose research produced new ways of understanding attitudes, stereotypes and other hidden biases that influence perception, judgment, and action.

Project Implicit translates that academic research into practical applications for addressing diversity, improving decision-making, and increasing the likelihood that practices are aligned with personal and organizational values.

Project Implicit was founded in 1998 by three scientists - Tony Greenwald (University of Washington), Mahzarin Banaji (Harvard University), and Brian Nosek (University of Virginia).

Go to <https://implicit.harvard.edu/implicit/selectatest.html> or go to google and type: project implicit select a test. Now take the race, age and any sex implicit test by clicking on the test. Print or copy and paste your results.

Now share your test results. Explain how having unknown biases can perpetuate discrimination in the workplace and why this is an argument in support of affirmative action.

### End of Chapter Exercise

#### *Creating an Affirmative Action Plan*

Using Table 1: Sample Affirmative Action Plan create an affirmative action for the following objective: To hire more women of all races for your engineering firm that is currently 97% males. Include the following in your plan:

- Four specific goals
- Recruitment plan using tips from the chapter
- Plan for providing internal advancement opportunities
- Plan for creating an inclusive work environment

## Informal Exercise

In this exercise, you will be required to take a critical look at your organization's current diversity and inclusion efforts. The exercise is designed to help you identify areas for improvement and develop a plan for creating a more inclusive work environment. The exercise is divided into four sections: 1. Assessment of Current State, 2. Identification of Key Challenges, 3. Development of Action Plan, and 4. Implementation and Monitoring.

Project Impact focuses on academic research that addresses the challenges of creating a more inclusive work environment. The project is designed to help you identify areas for improvement and develop a plan for creating a more inclusive work environment. The project is divided into four sections: 1. Assessment of Current State, 2. Identification of Key Challenges, 3. Development of Action Plan, and 4. Implementation and Monitoring.

Project Impact was founded in 1995 by three scientists - Tony Greenwald, (University of Virginia), Michael D. Smith (University of Virginia), and Brian W. Houtz (University of Virginia).

Go to <http://www.projectimpact.org> and read the information about the project. The project is designed to help you identify areas for improvement and develop a plan for creating a more inclusive work environment. The project is divided into four sections: 1. Assessment of Current State, 2. Identification of Key Challenges, 3. Development of Action Plan, and 4. Implementation and Monitoring.

Now share your findings with your colleagues. Discuss the challenges you identified and the actions you plan to take. The project is designed to help you identify areas for improvement and develop a plan for creating a more inclusive work environment. The project is divided into four sections: 1. Assessment of Current State, 2. Identification of Key Challenges, 3. Development of Action Plan, and 4. Implementation and Monitoring.

## End of Chapter Exercise

Creating an Inclusive Work Environment: A Case Study. This exercise is designed to help you identify areas for improvement and develop a plan for creating a more inclusive work environment. The exercise is divided into four sections: 1. Assessment of Current State, 2. Identification of Key Challenges, 3. Development of Action Plan, and 4. Implementation and Monitoring.