

# The Unintended Consequences of DEI Initiatives (and how to avoid them)

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Miller, Canfield, Paddock and Stone

The good news: Businesses are promoting courageous conversations about the difficult topics of diversity, equity and inclusion.

The bad news: If those conversations—and the DEI initiatives that businesses are investing in—are not properly planned and executed, there is a tremendous risk for failure or unintended consequences.

It's remarkable that the interest in DEI initiatives is so strong as we head into 2022. After all, it wasn't long ago that companies asked themselves about the value of investing in DEI. Then, the question was: *Should we?* The answer was a resounding YES for two simple reasons: 1) there is an undisputed business case for diversity; and 2) diverse teams produce better work. So now the question is not *if*, but *how* to make those investments and changes and weave diversity into the fabric of our organizations.

## Planning a Data-Driven Initiative

One of the essentials of a successful DEI program is to measure everything. Before embarking on a plan, you must know what your current landscape looks like. Certainly, we look at demographics tied to race and gender, but we also look at other demographics: age, LGBTQ+ and disability, for example.

Your demographics are easy to measure, if sometimes painful to look at. We also recommend surveying an organization's staff and leadership to get a sense of whether or not it's a welcoming environment for all and what the staff and leadership would need to feel valued and included at the organization.

Based on the results of data collection, surveys and leadership's vision, we determine what we want to accomplish and what measurable goals we should be striving to meet, then develop a strategic plan to meet them. A note about goals and planning: Don't be afraid to retool them over time if necessary. Executing DEI initiatives is an opportunity to learn about your organization and to evolve. Evolution requires introspection as well as flexibility. What progress looks like to your organization may change, and that's not a failure. In DEI work, the process can be as important as the outcome and allowing for flexibility in the process will improve the outcome.

## Heading Off Complaints

After launching DEI initiatives, it's common for an organization to receive a rash of complaints and criticism from employees. We have found that it's essential to articulate DEI goals and benefits to management and staff alike. Everyone in the organization must understand that diversity and inclusion are core values and that meeting DEI goals will require a sustained effort.

It's also important to address the elephant in the room: Whether people admit it or not, white people may feel excluded from the conversation, or actually *be* excluded at times, to allow people of color and other underrepresented employee populations an appropriate comfort level to share their experiences in an organization. That can create a great deal of pushback because change is uncomfortable and critical conversations can be difficult. To curb this angst, it's important that the organization's overall message is that everyone is in the effort together and everyone in the organization benefits from the effort. Even if certain constituencies are excluded from specific conversations, an organization can still strive to allow everyone to be heard and valued. Information can be shared with all that balances confidentiality and transparency to enlighten everyone and generate positive change.

A central message in successful DEI initiatives is that they benefit everyone within an organization in both tangible and intangible ways. For example, generous parental leave certainly benefits new mothers. But a progressive parental leave policy also benefits new fathers. Some initiatives can provide even broader benefits, even if they were designed originally for women who were starting families, such as flexible schedules and remote work. Many companies adopted remote work policies to retain women, who often left their positions when they became parents. But, as we have all learned during the pandemic, flexible work arrangements appeal to the majority of workers, regardless of gender or familial status.

## Avoiding the False Sense of Progress

Even the most well-intentioned organizations have made the mistake of doing DEI for the sake of DEI, while failing to make meaningful change. And there is a long history of companies that launch DEI initiatives, then feel like they can simply check the "diversity" box and move on while their strategic plans get pushed aside only to sit on a shelf collecting dust.

Making real progress requires not only commitment, but also clear, definable goals and action steps. Goals should be identified with a focus on providing support and opportunity for people of color, women and other underrepresented groups.

## Minimizing Legal Liability

Too often DEI is siloed off from the rest of the organization, which at the very least makes messaging and implementation difficult. But it is even worse if the legal department is not involved from the inception. In-house counsel needs to be brought into the mix from the beginning, not to work as a stop sign or to slow progress, but to help insulate an organization from liability.

## Taking Action

Disrupting bias and creating equity is hard work. It requires aggressive strategic recruiting, the creation of gender- and race-neutral job descriptions, investment in training, a clear and well-articulated path to advancement, and better and more meaningful evaluation and feedback/performance reviews to guard against bias in hiring, training and beyond.

It is well-documented that women and people of color are more closely scrutinized than their white male counterparts, often because people tend to give the benefit of the doubt to those who are similar to themselves. Investing in ongoing training addressing issues like systemic/organizational racism, implicit bias, avoiding microaggressions and engaging in repair work when microaggressions occur, providing guidance—in writing—at every level and making the hiring and evaluation processes transparent will support successful DEI initiatives that are effective and impactful.

***About the author***

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