



DEI Micro-Webinar Series:

Strategic Approaches for Conducting DEIB Reviews

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Seyfarth Shaw LLP

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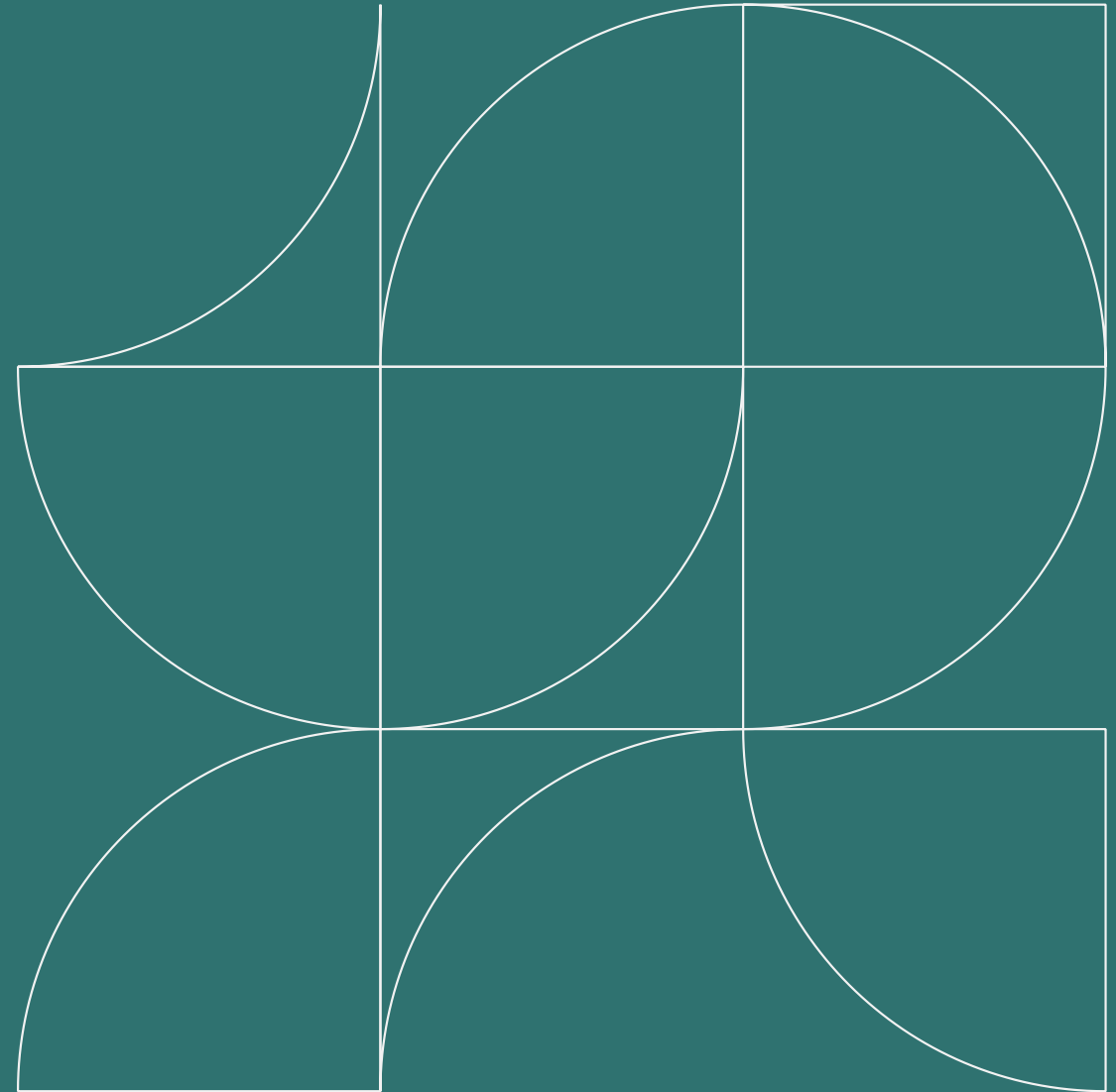


Agenda

- 1 | Introductions and Description of Series
- 2 | The Importance of DEIB Reviews
- 3 | Stages of a DEIB Review Process
- 4 | Practical Advice for Employers
- 5 | Conclusion and Upcoming Sessions

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Introductions & Description of DEI Micro- Webinar Series

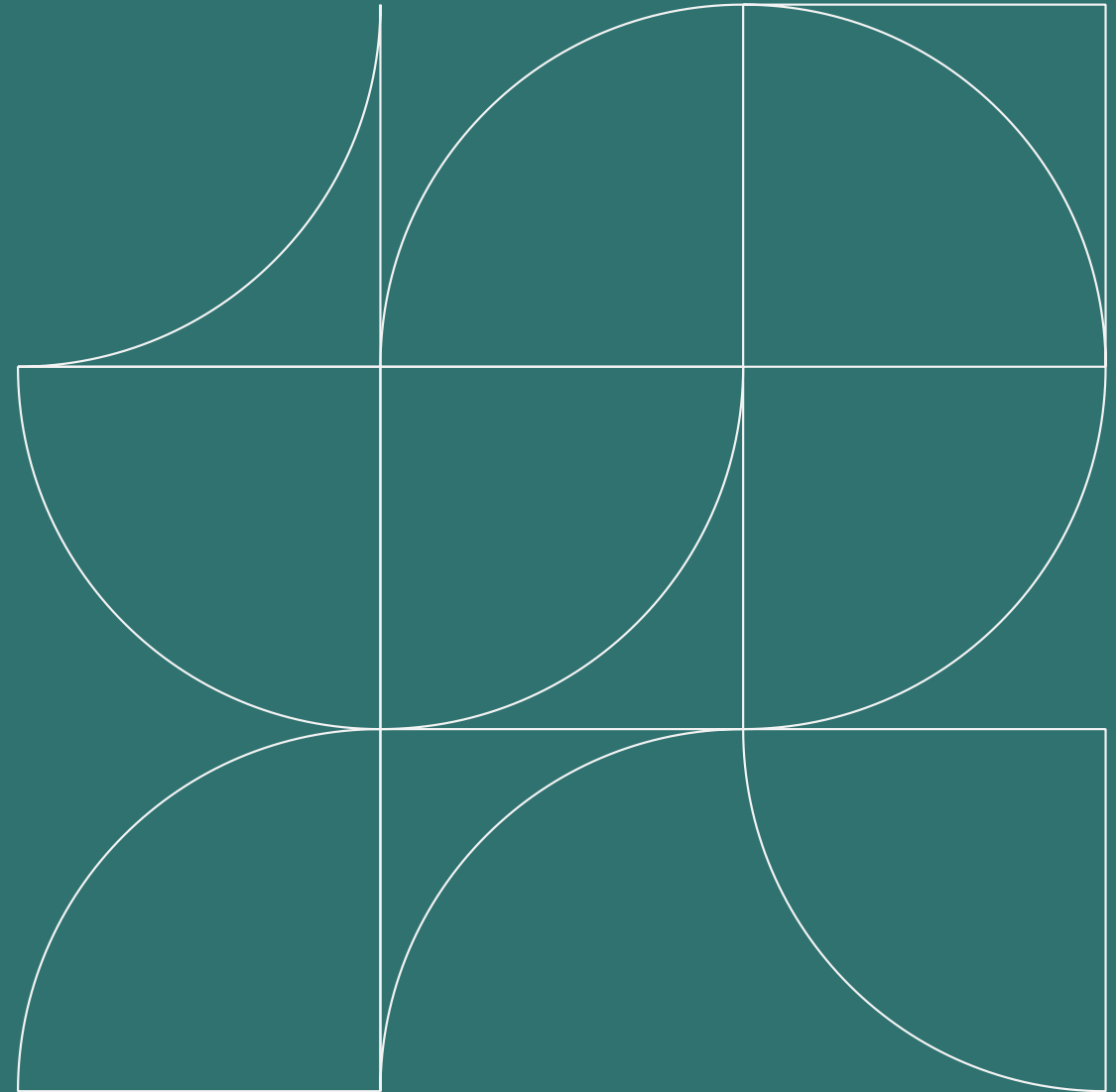


Upcoming Sessions

- *State of DEI (May 15, 2024)*
- **Strategic Approaches for Conducting DEIB Reviews (Today!)**
- An Overview of Common DEI Programs – June 19, 2024
- Exploring and Mitigating Risks in DEIB Initiatives – July 9, 2024
- Exploring Voluntary Affirmative Action and “Manifest Imbalance” Showing – *to be announced*
- Using Artificial Intelligence to Support in DEIB Efforts – *to be announced*
- Leveraging ERGs to Support DEIB Efforts – *to be announced*
- Supporting Faith-Based ERGs – *to be announced*
- Global Self-Identification in support of DEIB – *to be announced*

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The Importance of DEIB Reviews



Students for Fair Admissions and Private Employers

- No **direct** legal implications for private business:
 - The rulings have no immediate impact on the legal standards that govern affirmative action and DEI in private employment.
 - The Fourteenth Amendment does **not** apply to private companies.
 - The different legal frameworks, interpreting cases, and agency guidance, thus seemingly limit the reach of the rulings and insulate private workplaces and their DEI programming.



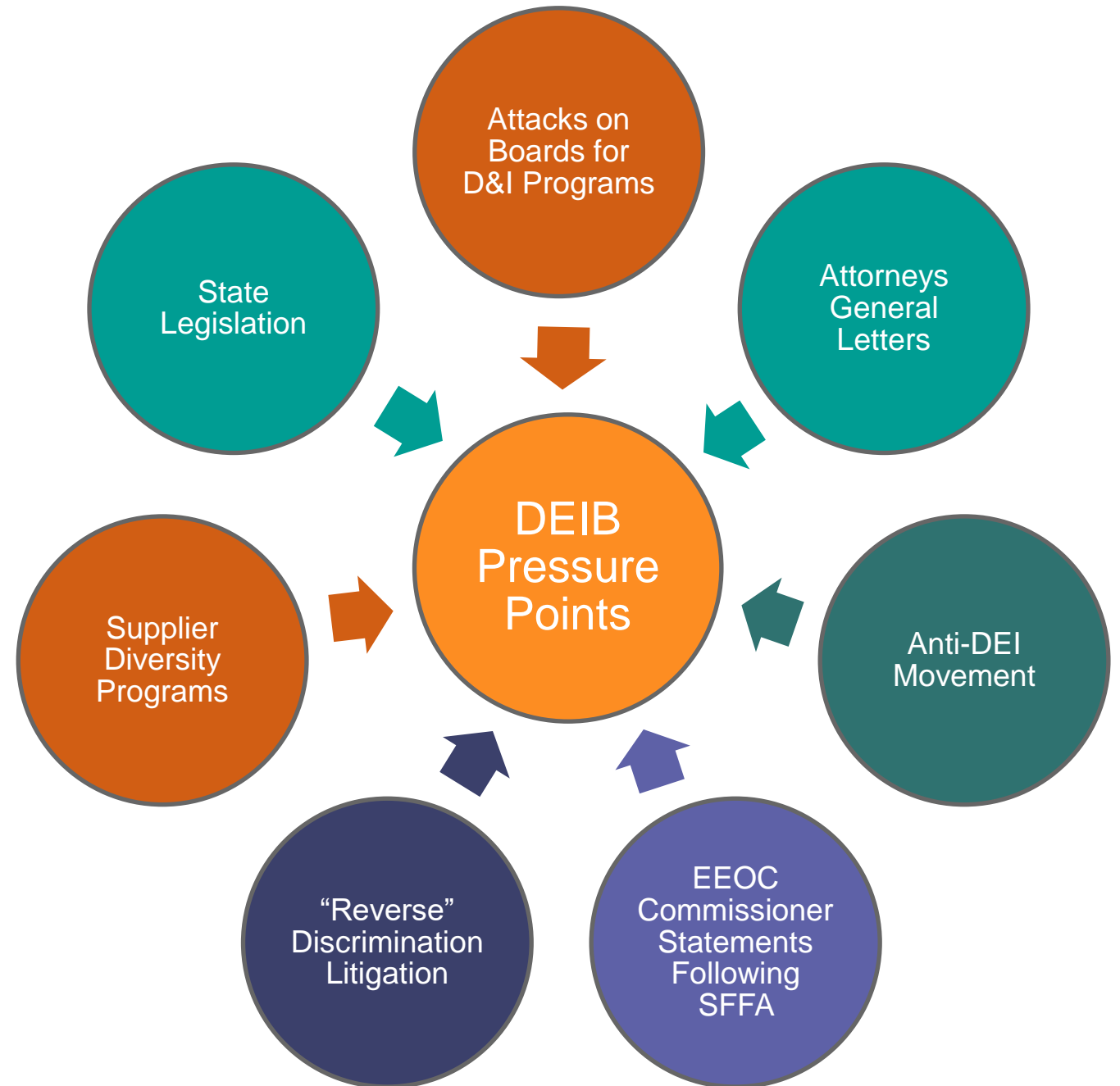


[T]o safeguard the civil rights of all Americans, Congress chose a simple and profound rule. One holding that a recipient of federal funds may never discriminate based on race, color, or national origin—period. If this exposition of Title VI sounds familiar, it should. Just next door, in Title VII, Congress made it “unlawful . . . for an employer . . . to discriminate against any individual . . . because of such individual’s race, color, religion, sex, or national origin.” §2000e–2(a)(1). Appreciating the breadth of this provision, just three years ago this Court read its essentially identical terms the same way.

Gorsuch, J., Concurring



DEIB Landscape



'America Is Under Attack': Inside the Anti-D.E.I. Crusade

Pop Goes the DEI Bubble

Corporate America Tweaks Diversity Initiatives Amid Pushback

Legal pressure and other criticisms have led to a quiet rethinking of the programs

DEI efforts are under siege.

2024 might be do-or-die for corporate diversity efforts. Here's why.

DEIB Reviews

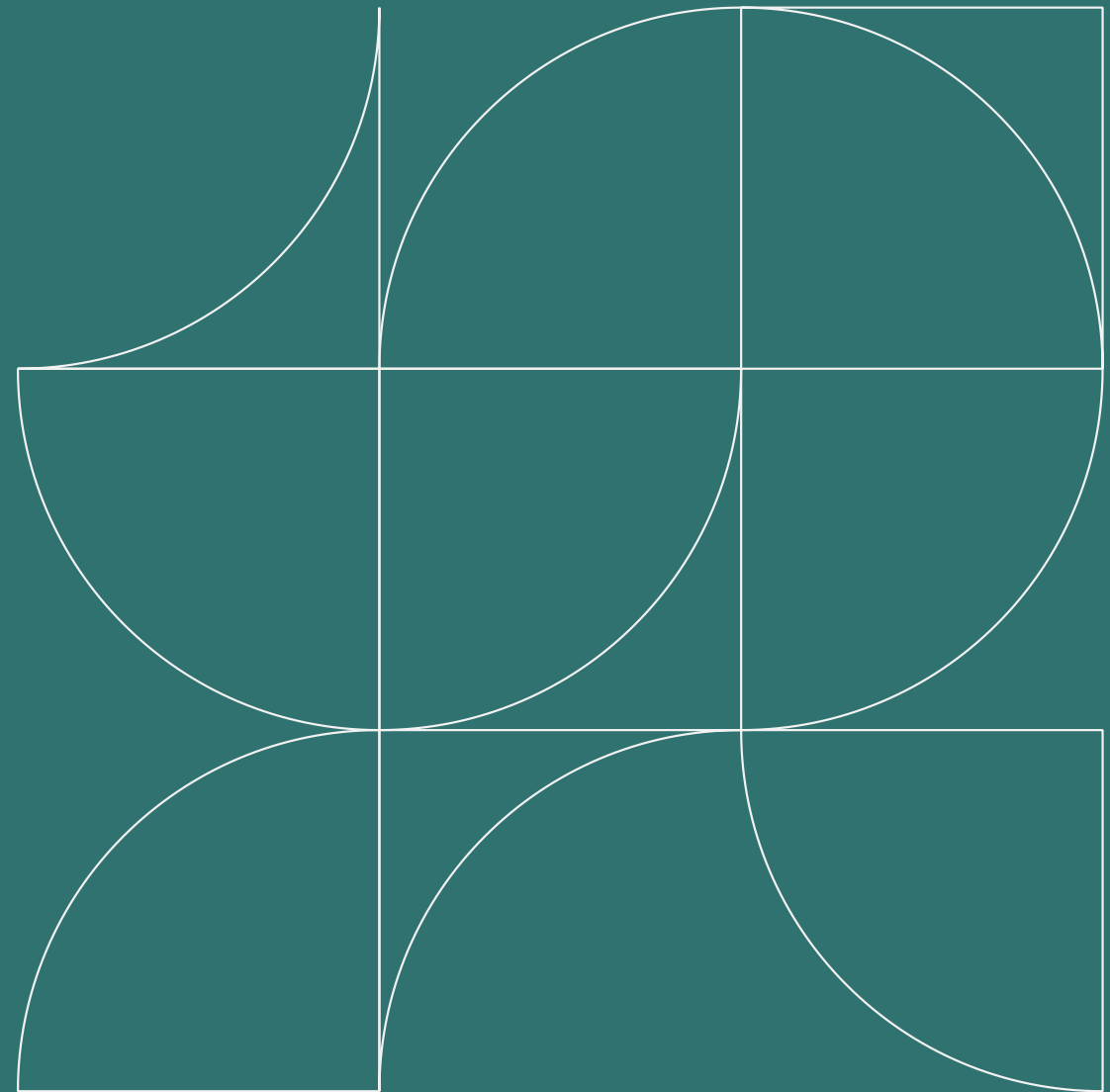


Responding to the Increased Scrutiny

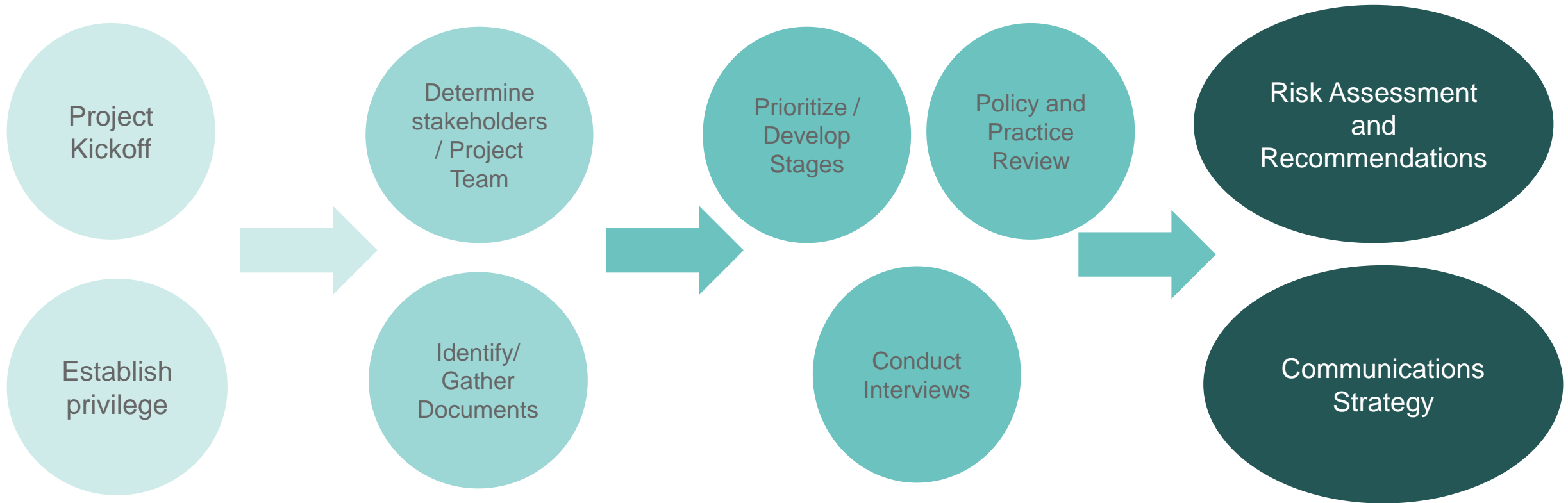
- A privileged DEIB review is one method
- DEIB policies and practices may have become lax with lack of threatened legal enforcement and spotlight
 - Misconceptions about what is “legal”
- Presents a good opportunity to look under the hood and kick the tires of company’s DEIB programming
- Highlights potential vulnerabilities in current litigation environment and allows for discussion to shore those up going forward
- Provides an opportunity to “reset”
 - Update policies
 - Update communications (internal and external)
 - Define stakeholders and their respective roles (e.g., HR, DEIB, legal)—who should have a “seat at the table?”
 - Streamline policies and practices
 - Promotes discussion about risk appetite and strategy

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Stages of a DEIB Review Process

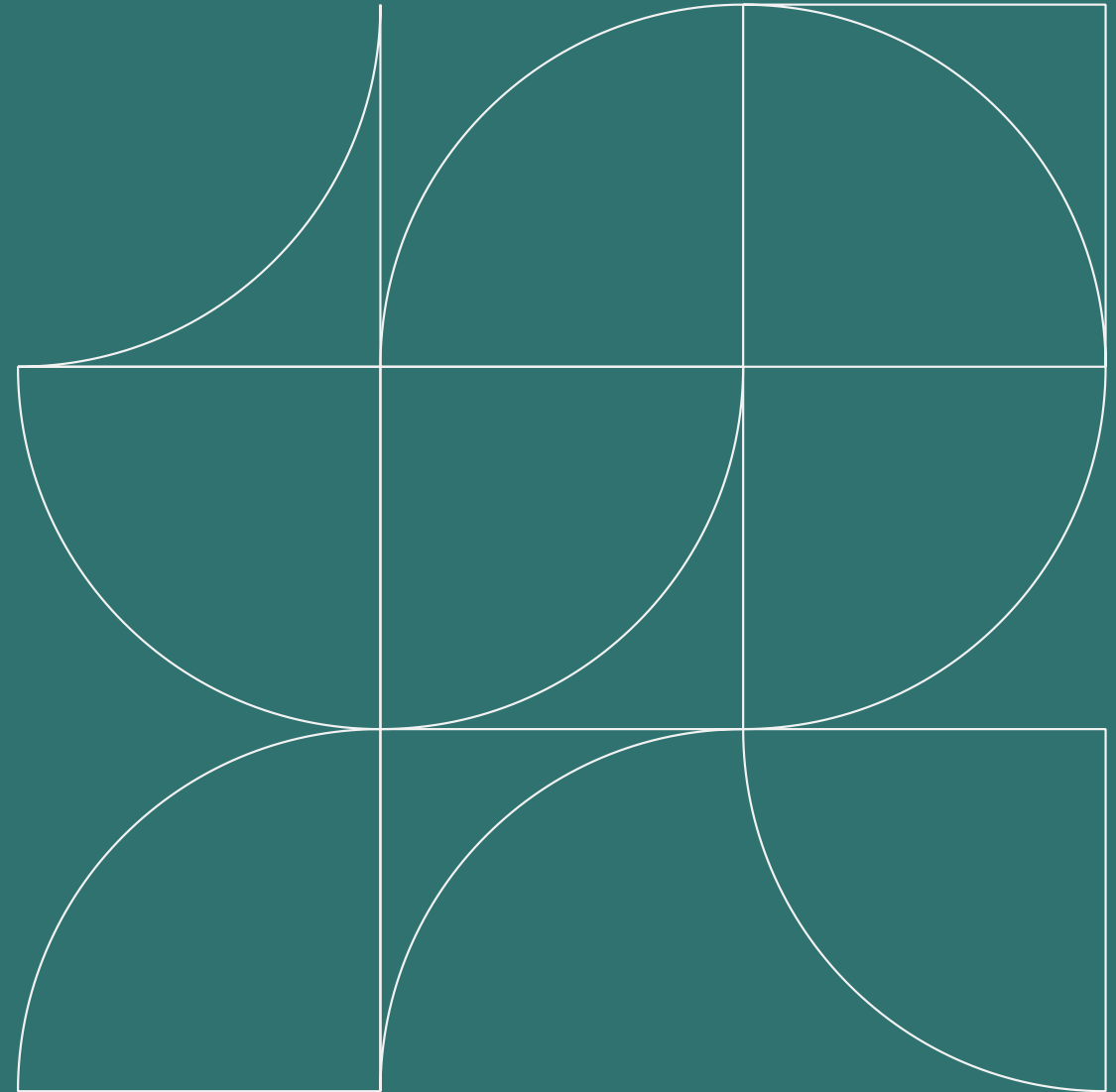


DEIB Review Process



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Practical Advice



Identifying all programs and policies

Potential
Challenges in
DEIB Reviews



Generating buy-In



Potential
Challenges in
DEIB Reviews

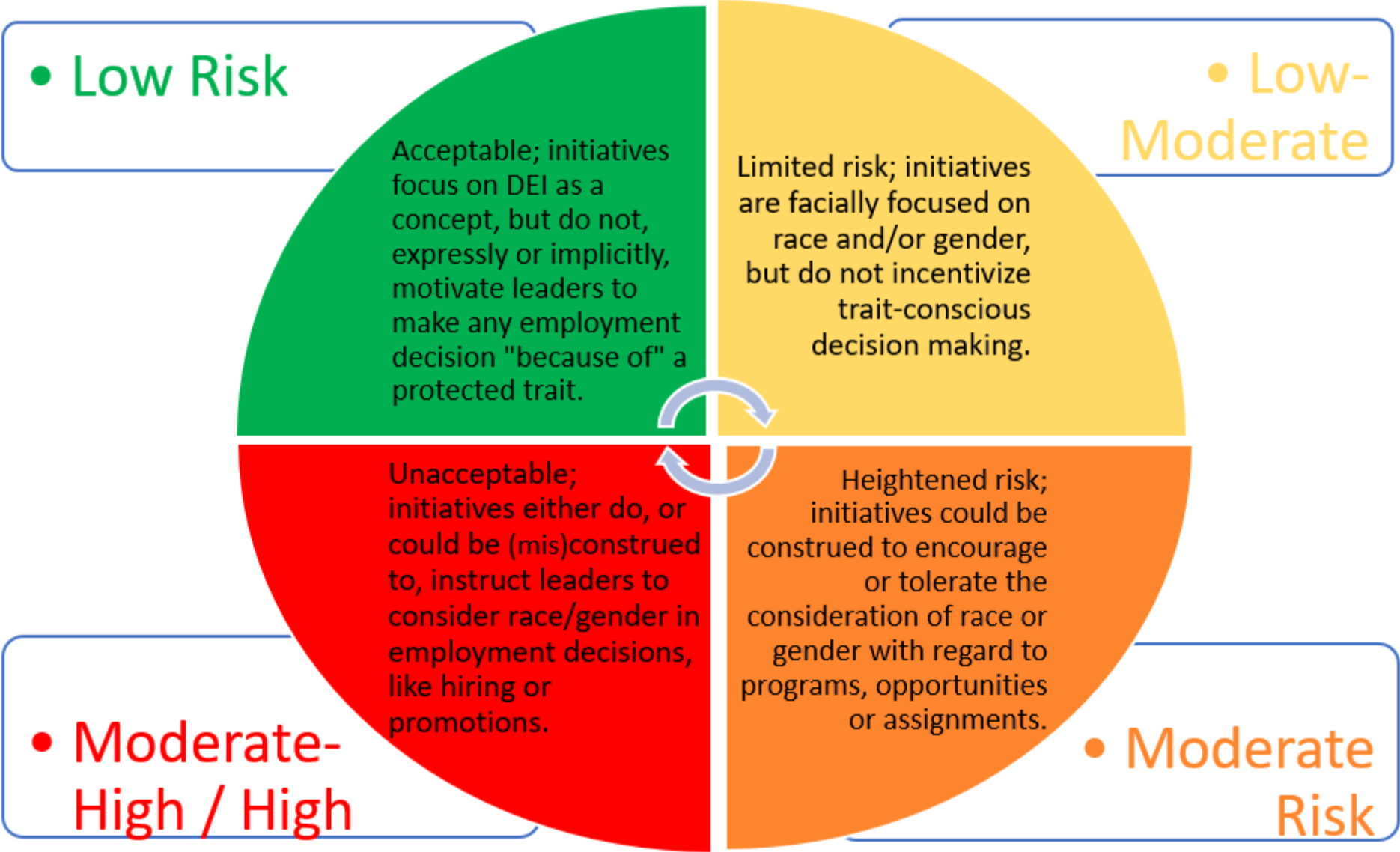
**Potential
Challenges in
DEIB Reviews**

Defining the scope of review



A stage with red curtains and a spotlight illuminating the text "The Results Are In . . .". The scene is set on a stage with red curtains. A spotlight shines from the center, illuminating the text. The background is a gradient from dark to light, suggesting a stage floor and backdrop.

The Results Are In . . .



Implementing DEIB Review Results

Risk Tolerance



Program Changes



New Processes

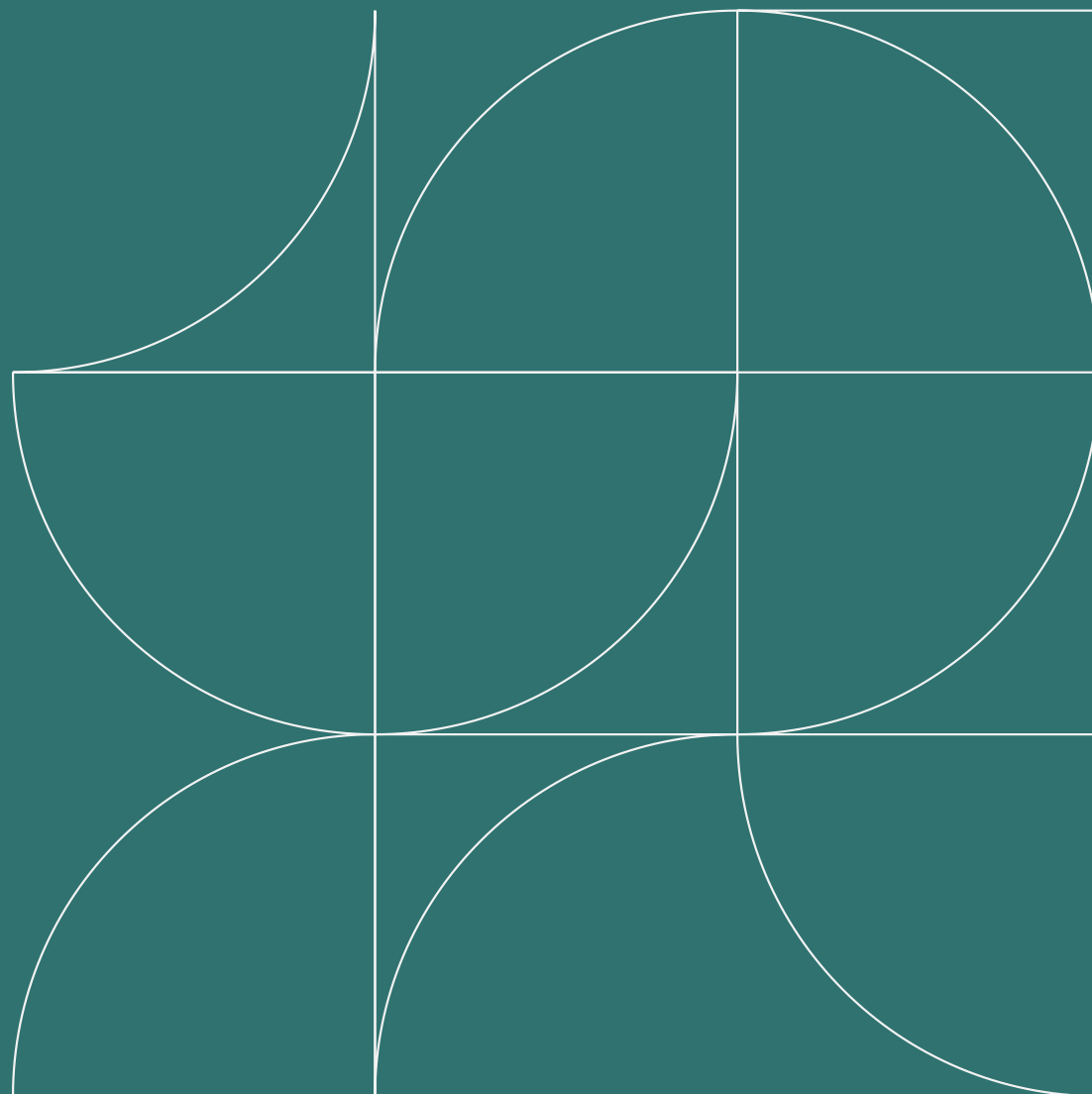


Communicating Results



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Conclusion and Upcoming Sessions



Concluding Thoughts

- Now is a good time to consider a DEIB Review
- DEIB Reviews Can
 - Help assess legal risk in the current environment
 - Catalogue the organization's DEIB programming
 - Provide benchmarking data
 - Demonstrate commitment to DEIB values

Join Us for Our Upcoming Series:

An Overview of Common DEI Programs on June 19, 2024

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2. **Date Viewed:** June 6, 2024
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State-specific CLE credit information can be found in the form.

**thank
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