MEASURE TWICE, CUT ONCE

Blueprint for Constructive Diversity, Equity, and Inclusion Initiatives

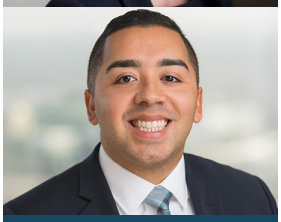
GUIDELINES FOR IMPLEMENTING DIVERSITY, EQUITY, AND INCLUSION INITIATIVES

Most employers and HR professionals have seen workplace misunderstandings or personality conflicts that have escalated into complaints of harassment, discrimination, or retaliation. In our deeply divided political and cultural landscape, it is more likely than ever that external tensions will seep into the workplace, creating new disagreements or exacerbating preexisting conflicts between coworkers. Depending on their planning and execution, diversity, equity, and inclusion (DEI) efforts may either soothe these tensions or further inflame conflicts.

These guidelines summarize key issues employers should consider when implementing DEI initiatives for recruiting, interviewing, hiring, and promoting, as well as planning workplace trainings and managing complaints or conflicts that may arise in conjunction with DEI efforts.

General discrimination principles

- Federal and state laws prohibit employment discrimination based on protected characteristics such as race, sex, gender, gender identity and expression, sexual orientation, pregnancy (including childbirth, breastfeeding, and related medical conditions), age, ancestry, color, religion, creed, disability, marital status, military/veteran status, national origin, and genetic information.
- Discrimination must be avoided in all aspects of employment, including without limitation hiring, termination, promotion, compensation, and workplace policies.
- Discrimination can be an intentional act, but it does not have to be.
- **Intentional discrimination** occurs when an employer or manager targets an employee because of their protected characteristic. This is known as *disparate treatment* discrimination. For example, an employer learns an employee is pregnant and lays her off instead of a less-qualified employee who is not pregnant.[1]
- Yet discrimination can also occur when an employer has a policy or practice that applies to everyone but disproportionately affects members of a protected class without having a valid business need for doing so. This is known as **disparate impact** discrimination.[2] For example, an employer requires a certain level of physical agility for a position, which is not necessary to perform the job. This could exclude many women. Similarly, an employer requirement that employees be "clean shaven" could marginalize BIPOC[3] employees or those who wear beards for religious reasons.



WRITTEN BY:
Jennifer Divine
Naomi Haslitt
Iván Resendiz Gutierrez

[1] *Blackburn v. State*, 186 Wn.2d 250, 258, 375 P.3d 1076 (2016) ("Disparate treatment . . . is the most easily understood type of discrimination. The employer simply treats some people less favorably than others because of their race, color, religion, sex, or national origin.") (internal quotation marks and citations omitted).

[2] *Ricci v. DeStefano*, 557 U.S. 557, 577, 129 S. Ct. 2658 (2009) (defining "disparate impact" as "practices that are not intended to discriminate but in fact have a disproportionately adverse effect on minorities").

[3] Recent usage of the term "BIPOC," shorthand for Black, Indigenous, and People of Color, is intended to acknowledge that not all people of color face equal levels of injustice. According to some, the term is significant in recognizing that Black and Indigenous people may suffer more harm from systemic racial injustice than other groups.

- **Reverse discrimination** claims can also arise. "Reverse discrimination" means the preferential treatment of minorities in a way that adversely affects members of a majority group. Specifically, it denotes unfair treatment to a member of traditionally privileged group, often in an attempt to be fair to the group of people treated unfairly in the past.[4]
- Treating candidates or employees differently is not always unlawful **discrimination**. For example, an employer can distinguish between candidates based on nondiscriminatory criteria that is relevant to the job, such as their education or experience.

Situations where discrimination may arise

The risk of engaging in prohibited discriminatory treatment exists in many aspects of the employment relationship. Some examples include: (1) recruiting; (2) background investigation; (3) hiring; (4) compensation; (5) benefits; (6) perks or employee services; (7) working conditions; (8) dress and appearance; (9) leave management; (10) disciplinary actions; (11) promotions, transfers, or demotions; (12) exercise of legal rights; (13) downsizing, layoffs, or reductions in force; and (14) termination and post-termination actions.

Applicable law and recent guidance from the courts and the EEOC

Title VII of the Civil Rights Act of 1964 makes it unlawful for an employer to discriminate against an individual "because of such individual's race, color, religion, sex, or national origin." 42 U.S.C. § 2000e-2(a). Similarly, Oregon law makes it an unlawful employment practice for an employer to discriminate against an individual

> "because of an individual's race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is 18 years of age or older, or because of the race, color, religion, sex, sexual orientation, national origin, marital status or age of any other person with whom the individual associates, or because of an individual's juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262." ORS 659A.030(1)(a).

Likewise, in Washington, it is an unfair practice for an employer

> "[t]o discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability[.]"

RCW 49.60.180(3).

Discrimination generally occurs—and employees can state a legal claim—when four things happen: (1) the employee is a member of a protected class; (2) their qualifications or job performance meet legitimate expectations for the role; (3) but they suffer an "adverse employment action," such as being demoted, terminated, passed over for a promotion, or not hired at all; and (4) similarly qualified employees who are not in a protected class are treated better. *Bullen v. Sessions*, 716 F. App'x 582, 583 (9th Cir. 2017) (citation omitted).

To be clear, "Congress enacted title VII in order to improve the economic and social conditions of minorities and women by providing equality of opportunity in the work place." 29 C.F.R. § 1608.1(b). So arguably, when Congress enacted Title VII, it was not concerned about discrimination against white people or other historically preferred groups. However, nothing prevents the plain language of Title VII from being interpreted to extend protection to individuals who may not have been in mind when the law was passed. And reverse discrimination lawsuits seem to be on the increase in the United States.[5]

A recent case from Oregon is illustrative. In *Higuera v. City of Portland*, No. 3:18-CV-1083-SI, 2020 WL 2310912, at *7 (D. Or. May 8, 2020), the plaintiff Higuera identified as a Hispanic male but had light skin. *Higuera*, 2020 WL 2310912, at *1. Higuera alleged that a supervisor told him to "get a tan" and that a manager told him that Higuera was not hired because he was "the wrong color." 2020 WL 2310912, at *4. The zone manager "also testified that while at the City he felt 'intense pressure' to hire people of color and not to make employment decisions based on merit." *Id.* Although the employer ultimately prevailed, it had to file a motion to dismiss, which was denied, and a motion for summary judgment.

---

[4] *See* Black's Law Dictionary (11th ed. 2019); *see also Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 149 Wn.2d 660, 684, 72 P.3d 151 (2003) (defining "reverse discrimination" as "where a less qualified applicant is given advantage over a more qualified applicant").

[5] U.S. Equal Employment Opportunity Commission, *Significant EEOC Race/Color Cases(Covering Private and Federal Sectors)*, https://www.eeoc.gov/initiatives/e-race/significant-eeoc-racecolor-casescovering-private-and-federal-sectors#reverse (the EEOC lists "significant EEOC private and federal sector cases from 2003 to present" illustrating issues involving reverse discrimination).

Diversity and inclusion trainings

In the wake of the tragic death of George Floyd and the outcry that followed, a number of private and public employers issued statements in support of racial justice and against systemic racism. In addition, some organizations have revamped or are in the process of evaluating their policies and diversity training initiatives with an equity lens.

On September 22, 2020, President Trump issued an Executive Order (EO) titled "Executive Order on Combating Race and Sex Stereotyping."[6] "[T]o promote economy and efficiency in Federal contracting, to promote unity in the Federal workforce, and to combat offensive and anti-American race and sex stereotyping and scapegoating," the EO rejects trainings that address concepts such as implicit and unconscious bias, institutional and structural racism, and privileges associated with dominant culture traits. According to the EO, these types of trainings promote "divisiveness in the workplace" and are "contrary to the fundamental premises underpinning our Republic: that all individuals are created equal and should be allowed to an equal opportunity under the law to pursue happiness and prosper based on individual merit."

The EO applies to the federal workforce, Uniformed Service, and federal contractors, and may affect the work of federal grant recipients. While the EO has been criticized, and its continued viability is unclear, especially after the presidential election results, it is currently in effect and implicates all federal contracts entered into after November 21, 2020. Therefore, employers should review the EO and its impact on any upcoming or potential trainings.

Regardless of whether the EO itself survives, given its strident criticism of certain types of diversity trainings, employers may wish to evaluate whether the EO would exclude their trainings, based on the scope of the training or the manner in which the training addresses "divisive concepts."

The EO defines "divisive concepts" as concepts that:

> "(1) one race or sex is inherently superior to another race or sex;
>
> "(2) the United States is fundamentally racist or sexist;
>
> "(3) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
>
> "(4) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex;
>
> "(5) members of one race or sex cannot and should not attempt to treat others without respect to race or sex;
>
> "(6) an individual's moral character is necessarily determined by his or her race or sex;
>
> "(7) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
>
> "(8) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex;
>
> "(9) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race; or
>
> "(10) any other form of race or sex stereotyping or any other form of race or sex scapegoating."[7]

If a training addresses any of the "divisive concepts," employers should be attuned to how the training is received/perceived by all employees and be prepared to respond to questions or complaints that may arise as a result of the training.

In addition, employers should review and retain their diversity training materials, because the U.S. Department of Justice and other federal agencies have been instructed to view DEI training as potential sources of a hostile-work-environment claim.

Despite these precautions, the EO should not stop employers from providing compliant DEI trainings that cover harassment, discrimination, and retaliation. These trainings have been and will continue to be an important and necessary tool for employers to protect the workforce from the harms of harassment, discrimination, and retaliation and to protect employers from liability for such harms.

---

[6] The White House, *Executive Order on Combating Race and Sex Stereotyping*, Sept. 22, 2020, https://www.whitehouse.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/.

[7] The White House, *Executive Order on Combating Race and Sex Stereotyping*, Sept. 22, 2020, https://www.whitehouse.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/.

Best practices for designing and implementing effective DEI trainings include:

- Hiring experienced trainers willing to invest the time and energy to tailor their training materials and presentations to the needs of the employer's particular industry and workplace, rather than simply rolling out a generic "one-size-fits-all" training package;
- Reaching out broadly to diverse employee or constituent groups before and after training sessions to get input on issues to be covered, feedback and constructive criticism on the trainings, and suggestions for follow-up actions;
- Taking the time and effort to ensure buy-in at all levels of the organization; and
- Obtaining support and participation from top management and senior leadership to demonstrate that the employer is serious about making progress on its DEI efforts.

Experienced practitioners also recommend that employers:

- Make DEI trainings available and accessible and encourage widespread participation, but avoid mandatory attendance requirements because employees who are not ready to be open to trainings will rarely benefit and may poison the atmosphere for other participants;
- Recognize that diversity trainings by themselves will not resolve deep-rooted societal inequities or magically transform workplace culture;
- Plan repeat trainings to build on concepts introduced in prior sessions and allow participants to build skills necessary to recognize statements or actions that may be rooted in implicit or unconscious bias and to interrupt and correct potentially discriminatory situations; and
- Understand that diversity trainings should not be a one-time response to a particular event, but rather part of an employer's ongoing DEI strategy.

DEI efforts may include periodic trainings in various formats, affinity groups or other support groups, formal or informal mentorship and sponsorship programs, expanding recruitment and pipeline programs, employee recognition, leadership training, employee satisfaction measurements, progress assessment, and manager accountability. The most successful programs work to ensure that DEI efforts are not isolated afterthoughts, but part of a comprehensive organizational strategy, thoughtfully considered in all aspects of employee recruitment, training, talent development, and retention.

Implicit bias and what courts are saying about it

Implicit bias describes an individual's unconscious stereotypes or associations about other people or groups, and how these associations can unintentionally impact perceptions or decisions. The Kirwan Institute at the University of Ohio explains that implicit biases

> "are activated involuntarily and without an individual's awareness or intentional control * * *. The implicit associations we harbor in our subconscious cause us to have feelings and attitudes about other people based on characteristics such as race, ethnicity, age, and appearance."[8]

Implicit biases develop over many years, and are the result of personal experiences as well as popular media and news images.

Individuals do not intentionally or consciously control their implicit biases. In fact, a person's implicit biases may very well be *contrary* to his or her stated beliefs or values. For instance, an individual may strongly believe in equity and reject all notions of discrimination, yet still have implicit biases that impact his or her day-to-day actions and decisions.

Over the last few years, the term "implicit bias" has become part of the employer lexicon. A recent Harvard Business Review article described the implicit bias "problem":

> "Many managers want to be more inclusive. They recognize the value of inclusion and diversity and believe it's the right thing to aspire to. But they don't know how to get there.
>
> "For the most part, managers are not given the right tools to overcome the challenges posed by implicit biases. The workshops companies invest in typically teach them to constantly check their thoughts for bias. But this demands a lot of cognitive energy, so over time, managers go back to their old habits.

[8] Kirwan Institute for the Study of Race and Ethnicity, Ohio State University, http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/.

> "Based on our work at the Stanford Women's Leadership Lab, helping organizations across many industries become more diverse and inclusive, our research shows there are two, small—but more powerful—ways managers can block bias: First, by closely examining and broadening their definitions of success, and second, by asking what each person adds to their teams, what we call their "additive contribution."
>
> "The problem is that, when hiring, evaluating, or promoting employees, we often measure people against our implicit assumptions of what talent looks like—our hidden "template of success." These templates potentially favor one group over others, even if members of each group were equally likely to be successful."[9]

But it is not just scholars who are writing about this topic—courts are addressing it as well. For example, an Oregon district court recently wrote:

> "At the same time, issues of race are coming to the fore in a similar long-overdue manner. The impacts of our shameful racial history, *pervasive implicit bias*, and institutionalized racism are now part of any meaningful discussion on social or institutional responsibility in America today. Norms on both fronts are in flux in dramatic ways, not just within progressive segments of society, but across the nation as whole."
>
> * * *
>
> "I*t is well established that implicit bias affects almost every decision that people make. See, e.g.*, Justin D. Levinson et al., *Judging Implicit Bias: A National Empirical Study of Judicial Stereotypes*, 69 Fla. L. Rev. 63, 79-82 (Jan. 2017). I would be remiss if I failed to acknowledge that *such bias has wide-ranging impacts on institutional processes as a whole*. As important decisions are made, both on the grand scale and within the microcosm of individual situations, *we must be mindful of the ever-present risk of perpetuating longstanding racial injustice*."

Pavel v. Univ. of Oregon, No. 6:16-CV-00819-AA, 2018 WL 1352150, at *4 (D. Or. Mar. 13, 2018), *aff'd*, 774 Fed. App'x. 1022 (9th Cir. 2019), *cert. denied*, 140 S. Ct. 608, 205 L. Ed. 2d 388 (2019) (emphases added); *see also Wilkins v. Brandman Univ.*, No. 3:17-cv-01099-BR, 2019 WL 3558172, at *16 (D. Or. Aug. 5, 2019), appeal dismissed, 19-35703, 2020 WL 773489 (9th Cir. Feb. 4, 2020) ("Plaintiff does not cite to evidence in the record that shows any alleged hidden or implicit bias resulted in an environment of the kind that the Ninth Circuit has concluded constitutes a hostile work environment."); *White v. BNSF Ry. Co.*, 726 F. App'x 603, 604 (9th Cir. 2018) (noting that the plaintiff "never explained how testimony regarding implicit bias would be helpful to the jury in a disparate treatment case requiring evidence of intentional discrimination.").[10]

If courts are paying this much attention to "implicit bias," then it is incumbent on employers to also recognize and address the effect implicit bias has when hiring, evaluating, or promoting employees. But how?

Review hiring, performance review, and promotion processes

- Emphasize objective versus subjective factors.
- Encourage feedback and transparency in evaluations and hiring or promotion decisions.
- Concerns about implicit bias can arise when customer or client reviews are a factor in promotion decisions. Employees may claim that reviews are influenced by implicit bias, rather than an impartial review of performance. Make sure that third-party implicit bias is not unintentionally seeping into evaluations.

Engage in a "self audit" of hiring, assignment, and promotion decisions

- Look back at decisions to determine whether implicit bias about race, age, gender, sexual orientation, or other protected characteristics may be impacting decisions about hiring, assignment, and promotion in the workplace.
- Use that data to help revise protocols and procedures on hiring, assignments, or promotions.

[9] Lori Mackenzie and Shelley J. Correll, *Two Powerful Ways Managers Can Curb Implicit Biases*, Harvard Business Review, Oct. 1, 2018, https://hbr.org/2018/10/two-powerful-ways-managers-can-curb-implicit-biases.

[10] For an extensive discussion of court cases considering the use of expert testimony on implicit bias and the required factual predicate to introduce such evidence, see the Miller Nash Graham & Dunn LLP 2017 Employment Law Seminar article, *Now You See It, Now You Don't: Recognizing and Responding to Implicit Bias*, http://www.millernash.com/files/Event/1dcc0651-cbff-4f95-ae7b-1cd63fa592b7/Presentation/EventAttachment/6ba9f5b4-4ea6-452f-8983-2472974b9aee/ELLR%202017%20-%20Implicit%20Bias.pdf.

Continue to develop and support programs and initiatives in the workplace to enhance diversity and equity

- Examine current performance-management processes to ensure that employees who are female, people of color, or people in other historically underrepresented groups get recognition on matters in which they have a role.
- Encourage employees who are female, people of color, or people in other historically underrepresented groups to seek mentors (those that can provide guidance) as well as sponsors (those that can help to promote), both within and outside the organization.
- Encourage problem-solving to avoid misunderstandings and miscommunications, and to prevent issues from snowballing.
- Employers can work to change the stereotypes about various groups of people by ensuring that there are positive images of diverse people in the workplace.

Tips for avoiding discrimination claims when implementing DEI initiatives

- **Do** collect data on employee demographics to identify trends regarding underrepresented groups. Consider implementing neutral policies and/or training targeted at reversing unfavorable trends. For example, remove candidate names from resumes before reviewing them to avoid any unconscious bias with regard to gender, race, national origin, or any other protected characteristic.
- **Do** encourage continued education on implicit bias and DEI at your workplace.
- **Do** diversify recruitment and outreach efforts to reach underrepresented groups. For example, hold recruiting events for students at historically black colleges and universities (also referred to as HBCUs) or for members of a women's organization.
- **Do** be mindful of the language used in job descriptions, marketing materials, and workplace communications in order to encourage inclusiveness. For example, use gender-neutral words and phrases.
- **Do** recognize that imbalances in the workforce (e.g., racial or gender imbalances) do not necessarily mean that discrimination exists in your workplace. Instead, look at the reasons behind the imbalance. Is there an imbalance because the position requires a certain degree or certification that limits the applicant pool, or is an established policy disproportionately affecting underrepresented groups?
- **Don't** establish numerical or percentage-based hiring/promotion quotas based on sex, race, disability, or other protected classes, but do take steps to ensure that diverse candidates are being considered for positions.
- **Don't** hire, promote, terminate, or demote based on race, age, gender, or any other protected class. These decisions must be based on neutral and objective criteria.

KEY TAKEAWAYS

1. Depending on how they are planned and executed, DEI efforts may help to either resolve tensions or further inflame conflicts in the workplace.
2. DEI trainings have been and will continue to be an important and necessary tool for employers to protect the workforce from the harms of harassment, discrimination, and retaliation and to protect employers from liability.
3. DEI trainings should be customized to the workplace and part of a carefully considered strategy of DEI initiatives.
4. If courts are paying this much attention to "implicit bias," then employers should also recognize and address the effect implicit bias has when hiring, evaluating, or promoting employees.

Equity Language Guide

Governor's Interagency Council on Health Disparities
Approved December 6, 2018

Introduction

To assist state agencies with talking about issues related to equity in general and racial equity in particular, the Governor's Interagency Council on Health Disparities (Council) is creating this Equity Language Guide. It provides guidance, standard definitions, and terms to avoid that agencies can use in the creation of reports, forms, and other written materials. This guidance is not comprehensive. It is just a first step and has a limited focus on terms that are routinely used in state government. The Council intends to review the guide annually and to update it to reflect the most current language and definitions and to continue to add further guidance to agencies. We welcome feedback—please send questions, comments, suggestions, edits, and resources to Christy Hoff at Christy.Hoff@sboh.wa.gov.

Glossary of Equity-Related Terms

Term (Sources)	Definition	Examples and Considerations
Bias (1,2,3)	Prejudice or preference toward a group over another group. **Implicit or Unconscious Bias** are associations we hold about groups of people without realizing it that affect our attitudes and actions. **Explicit or Conscious Bias** are biases we know we have and may use purposefully.	The Implicit Association Test is a tool to measure implicit biases related to race/ethnicity, gender, sexual orientation, age, disability, and many other topics.
Culture (1, 12)	A set of values, beliefs, customs, norms, perceptions, and experiences shared by a group of people. An individual may identify with or belong to many different cultural groups.	Examples can include age/generation, country of origin, disability status, education level, employment status/profession, family/household type, gender identity, geographic location, immigration status, income, language, literacy level, military experience, political beliefs, race/ethnicity, religion spirituality, sexual orientation, etc.

Equity Language Guide

Governor's Interagency Council on Health Disparities
Approved December 6, 2018

Term (Sources)	Definition	Examples and Considerations
Cultural Humility (4,5,6, 12)	Approach to respectfully engaging others with cultural identities different from your own and recognizing that no cultural perspective is superior to another. The practice of cultural humility acknowledges systems of oppression and involves critical self-reflection, lifelong learning and growth, a commitment to recognizing and sharing power, and a desire to work toward institutional accountability.	Cultural humility is a preferred term to other related concepts such as **cultural competency**, **cultural awareness**, **cultural sensitively**, **cultural appropriateness**, **cultural responsiveness**, and **cultural safety**.
Discrimination (1)	Unjust treatment of an individual or group based on their actual or perceived membership in a specific group.	Examples of discrimination include: • Ableism: Against people with disabilities • Ageism: Against people based on age • Classism: Against people based on social or economic class • Heterosexism/Cisgenderism: Against people in the LGBTQ+ community • Islamaphobia: Against Muslims • Sexism: Against people based on sex
Diversity (1)	Similarities and differences among a group of people based on cultural factors such as race/ethnicity, gender identity, sexual orientation, disability status, age, educational status, religion, geography and other experiences.	Diversity is a noun meaning to be diverse. The adjective, diverse, should never be used to describe individuals (e.g., she is a diverse candidate). Diversity in the workplace means adequate representation of different cultural groups at every level of an organization.

Equity Language Guide

Governor's Interagency Council on Health Disparities
Approved December 6, 2018

Term (Sources)	Definition	Examples and Considerations
Equity (1)	Fairness and justice, focused on ensuring everyone has the opportunity to meet their full potential. Equity takes into account disadvantage experienced by groups. Equity is distinct from **equality**, which refers to everyone having the same treatment without accounting for differing needs or circumstances. **Inequity** means lack of fairness or justice and describes differences that result from a lack of access to opportunities and resources. Inequities are avoidable and different than **disparities**, which are differences that do not imply unfairness.	Providing an informational brochure to all clients of an agency is an example of **equality**—everyone gets the same information in the same form. Providing the same brochure in multiple languages is a strategy that promotes **equity**, because it takes into account differing language needs. The difference in breast cancer rates between women and men is a **disparity**, because it is not unfair, unjust, or avoidable. However, the higher rates of breast cancer mortality among black women compared to white women is an **inequity**—it is unfair, unjust, and avoidable.
Inclusion (1,7, 14)	An intentional effort and sets of actions to ensure authentic participation, with a true sense of belonging and full access to opportunities.	Inclusion builds on the assets that a diverse workforce provides by creating an environment of involvement and respect that fosters innovation and ideas.
Intersectionality (1,2)	The interaction of cultures and identities held by an individual.	Intersectionality describes how individuals can experience privilege in some areas and disadvantage in other areas. It can also demonstrate how individuals with multiple marginalized identities can experienced compounded oppression. For example, a transgender Asian man can experience racism for being a person of color and oppression because of his gender identity.

Equity Language Guide

Governor's Interagency Council on Health Disparities
Approved December 6, 2018

Term (Sources)	Definition	Examples and Considerations
LGBTQ+ (12, 13)	An abbreviation for Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning. The + allows space for other diverse sexual orientation, gender identity, and gender expression groups. **Sexual orientation** is an enduring emotional, romantic, sexual, or affectional attraction or non-attraction to other people. People use a variety of labels to describe their sexual orientation. **Gender identity** is one's innermost concept of self as female, male, a blend of both, or neither. **Transgender** describes identities and experiences of people whose gender identity and/or expression differs from conventional expectations based on assigned sex at birth. **Cisgender** refers to a gender identity that matches a person's assigned sex at birth.	While **LGBT** and **LGBTQ** are often used as short-hand umbrella terms meant to capture multiple sexual orientations and gender identities, LGBTQ+ is ideal due to its more inclusive nature. People use many different terms to describe their sexual orientation and gender identity; however, the term homosexual should not be used as it suggests pathology.
Microagression (16)	Brief and commonplace daily verbal or behavioral indignities, whether intentional or unintentional, that are perceived as hostile, derogatory, or negative slights and insults about one's marginalized identity.	Microaggressions can appear as compliments, but the impact is negative. For example, asking a non-white person, "Where are you from?" or "Where are you *really* from?" sends the message that people of color cannot be from the United States and reinforces ideas of difference and marginalization.

Equity Language Guide

Governor's Interagency Council on Health Disparities
Approved December 6, 2018

Term (Sources)	Definition	Examples and Considerations
Oppression (2, 12)	Devaluing, undermining, marginalizing, and disadvantaging people with certain social identities with the intent to benefit the dominant group. Oppression can happen at the individual, institutional, systemic, or structural levels. **–see Figure 1: Levels of Oppression**	**Individual Oppression** refers to beliefs, attitudes, and actions of individuals that perpetuate oppression. **Institutional Oppression** refers to the ways in which institutional policies and practices perpetuate oppression. **Systemic Oppression** refers to how the major systems in our lives—economy, politics, education, criminal justice, health, etc.—perpetuate oppression. **Structural Oppression** refers to how individuals, institutions, and systems reinforce one another in ways that perpetuate oppression.
People of Color or Communities of Color (1,2)	Collective term for referring to non-white racial/ethnic groups.	People of color or communities of color are preferred terms versus **minorities**, which is not recommended because of changing demographics and the ways in which it reinforces ideas of inferiority and marginalization.
People with Disabilities (15)	People with functional limitations that affect one or more major life activities.	Generally, people-first language is preferred as it avoids defining a person in terms of their disability. However, some advocates prefer identity-first language. Asking people about their preference in terminology is a best practice.
Privilege (1)	Unearned advantage, immunity, and social power held by members of a dominant group.	Individuals can be privileged due to one identity that they hold but disadvantaged by another. For example, a white woman with a physical disability has privilege for being white even though she may experience disadvantage because of her sex/gender or disability.

Equity Language Guide

Governor's Interagency Council on Health Disparities
Approved December 6, 2018

Term (Sources)	Definition	Examples and Considerations
Race/Ethnicity (1,2,8)	Socially constructed system of organizing people into groups based on characteristics such as cultural affiliation, physical appearance, language, national heritage, religion, or ancestral geographical base. Race/ethnicity has no genetic basis—no characteristic, trait, or gene distinguishes members of one racial/ethnic group from another. The single term race/ethnicity emphasizes how the words are non-precise and socially constructed.	Racial/ethnic categories are socially constructed, yet they have real impacts on the lives of people. Therefore, the collection of disaggregated data is critical in order to identify inequities in service delivery or outcomes. Currently, data standards use separate questions for race and ethnicity. Therefore using the separate terms may be needed in certain cases to reflect data that is collected using those categories.
Racism (2,7,9,10,11)	Individual, institutional, systemic, and structural ways by which groups are advantaged or disadvantaged based on race/ethnicity. Racism disadvantages people of color at the benefit of people who are white. **–see Figure 1: Levels of Oppression** **Anti-racism** is the work of actively dismantling racism at every level, from the foundations of institutions to the attitudes and beliefs that individuals reinforce.	**Individual Racism** (aka interpersonal racism) refers to the beliefs, attitudes, and actions of individuals that perpetuate racism. **Institutional Racism** refers to the ways in which institutional policies and practices perpetuate racism. **Systemic Racism** refers to how the major systems in our lives—economy, politics, education, criminal justice, health, etc.—perpetuate racism. **Structural Racism** refers to how individuals, institutions, and systems reinforce one another in ways that perpetuate racism.
Stereotype (1)	Characteristics attributed to an individual or group based on generalization, oversimplification, or exaggeration that may result in stigma-tization and discrimination.	Even so-called positive stereotypes (e.g., Asians as "model minorities") can be harmful due to their limiting nature.
White Privilege (1, 2)	Unearned advantages, benefits, and choices that people who are white have, solely because they are white.	Even within racial/ethnic groups, lighter-skinned people can experience more privilege than those with darker skin, also known as **colorism**.

Equity Language Guide

Governor's Interagency Council on Health Disparities
Approved December 6, 2018

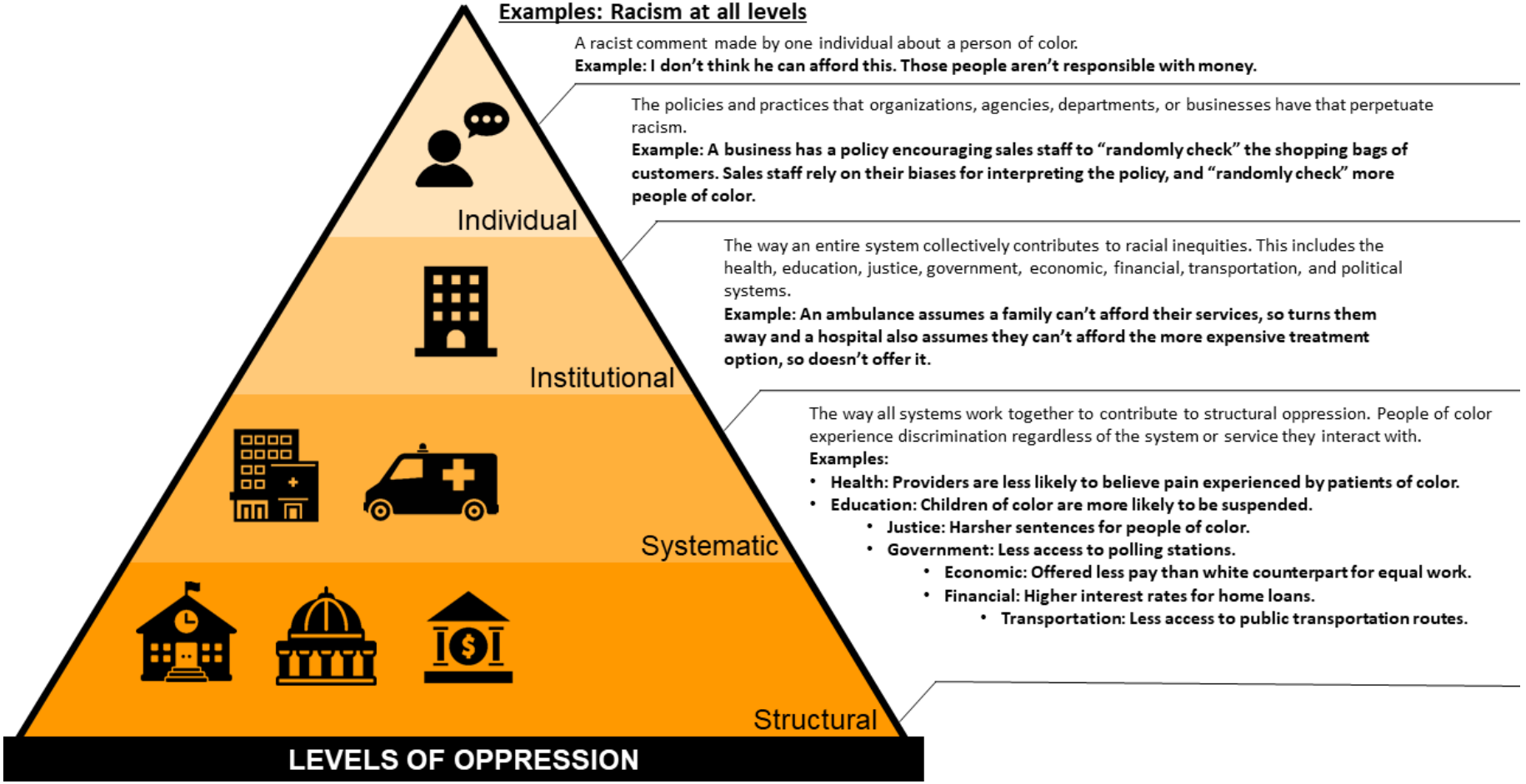


Figure 1: Levels of Oppression

Equity Language Guide

Governor's Interagency Council on Health Disparities
Approved December 6, 2018

Terms to Avoid

The table below includes terms that are offensive and that reinforce the marginalization and devaluing of people and groups as well as options for ideal language. Avoiding these terms can help agencies connect more meaningfully with the communities they serve. The list is not comprehensive—it focuses on terms that are still commonly used today but that many people may not realize are offensive. It does not include many of the terms that are more commonly known to be intentional slurs and insults. In general, people-first language (as opposed to identity-first language) is recommended; however some advocates prefer identity-first language. Asking community members for guidance on terminology is a best practice.

Terms to Avoid	Ideal Language
Aliens, Illegals, Illegal immigrants	Individuals who are undocumented, immigrants
Challenged, Differently-abled, Handicapable, Handicapped, Special needs	People with disabilities
Citizens	If it is not necessary to refer to citizenship status, use people or residents.
Developing nations, Developing world, First world, Third world, Global South	Be specific—name the country (e.g., Somalia) or the geographical region (e.g., East Africa). When trying to communicate the level of monetary resources, use low-, middle-, and high-income countries.
Disparities due to race, Disproportionality by race/ethnicity	Inequities due to racism **– see next section, Improving the Way We Talk About Inequities Due to Racism**
Homosexual	LGBTQ+ people, the LGBTQ+ community
Minorities	People of color, Communities of color
Sexual preference(s)	Sexual orientation
Special interest groups, Special populations, Vulnerable populations	Marginalized communities, Marginalized people
Transgendered, Transsexual	Transgender, Trans

Equity Language Guide

Governor's Interagency Council on Health Disparities
Approved December 6, 2018

Improving the Way We Talk About Inequities Due to Racism

State agencies routinely collect and report on data disaggregated by race/ethnicity. This is important in order to identify inequities in access to or receipt of state services by different population groups, as well as inequities in outcomes. These kinds of data are essential for identifying where additional resources may need to be invested. In general, state data have consistently pointed to differences in access and outcomes experienced by people of color. Examples include gaps in kindergarten readiness, disproportionality in the criminal justice system, disproportionate exposure to environmental hazards, and health inequities. When documenting these inequities, agencies have historically used language that explicitly states or implies that race/ethnicity is a risk factor. For example, if we say that black women are at higher risk for having a low-birthweight baby, we are implying that there is something innately wrong with being black that puts those women at higher risk. In fact, it is the cumulative effects of racism experienced by black women that put them at higher risk.

The Council's guidance to agencies is to be explicit about racism and other forms of oppression as the underlying causes for the inequities that exist and show up in state data. Such inequities may be due to overt interpersonal racism or institutional racism that results in policies or processes having disparate adverse impacts on people of color. When sharing information on outcomes by race/ethnicity, include context about the underlying reasons, including lack of opportunity, policies that have a disparate impact on people of color, effects of implicit bias on subjective decision making, and toxic stress.

The Council is committed to promoting equity broadly for all historically marginalized groups. The Council also recognizes that racism is ingrained in our history and deeply embedded in our institutions today, leading to the inequities we see across all sectors. Therefore, while the Council seeks to challenge and undue all forms of oppression, it is committed to centering racism as a primary focus.

Sources

1. Race Forward (2015). Race Reporting Guide. Accessed at: https://www.raceforward.org/sites/default/files/Race%20Reporting%20Guide%20by%20Race%20Forward_V1.1.pdf
2. Racial Equity Tools Glossary. Accessed at: http://www.racialequitytools.org/glossary#racism
3. Nelson J and Brooks L (2016). Government Alliance on Race & Equity. Racial Equity Toolkit: An Opportunity Operationalize Equity. Accessed at: https://www.racialequityalliance.org/resources/racial-equity-toolkit-opportunity-operationalize-equity/
4. Hook et al., 2013. Cultural Humility: Measuring Openness to Culturally Diverse clients. Journal of Counseling Psychology. 60(3):353-366.

5. Tervalon and Murray-Garcia, 1998. Cultural Humility Versus Cultural Competence: A Critical Distinction in Defining Physician Training Outcomes in Multicultural Education. Journal of Health Care for the Poor and Underserved. 9(2):117-125.
6. Danso, R (2018). Cultural Competence and Cultural Humility: A Critical Reflection on Key Cultural Diversity Concepts. Journal of Social Work. 18(4):410-430.
7. Voices for Healthy Kids (2017). Health Equity in Public policy: Messaging Guide for Policy Advocates. Accessed at: https://voicesforhealthykids.org/healthequity/
8. California Newsreel. Race—The Power of an Illusion. Online Companion. Accessed at: https://www.pbs.org/race/000_General/000_00-Home.htm
9. National Collaborating Centre for Determinants of Health (2017). Let's Talk: Racism and Health Equity. Accessed at: http://nccdh.ca/resources/entry/lets-talk-racism-and-health-equity
10. Feagin, Joe (2014). Racist America: Roots, Current Realities, and Future Reparations
11. Thomas H and Hirsch A (2016). Sum of Us. A Progressive's Style Guide. Accessed at: https://s3.amazonaws.com/s3.sumofus.org/images/SUMOFUS_PROGRESSIVE-STYLEGUIDE.pdf.
12. LGBTQIA Resource Center. UC Davis. LGBTQIA Resource Center Glossary. Accessed at: https://lgbtqia.ucdavis.edu/educated/glossary.
13. Human Rights Campaign. Glossary of Terms. Accessed at: https://www.hrc.org/resources/glossary-of-terms?utm_source=GS&utm_medium=AD&utm_campaign=BPI-HRC-Grant&utm_content=276004739490&utm_term=gender%20identity&gclid=EAIaIQobChMI54LJmcbg3AIVy2p-Ch0ZtwLrEAAYASAAEgJlRfD_BwE.
14. City of Tacoma, Office of Equity and Human Rights (2015). Handbook for Recruiting, Hiring, & Retention: Applying an Equity Lens to Recruiting, Interviewing, Hiring, & Retaining Employees. Accessed at: https://cms.cityoftacoma.org/OEHR/facilitatingchange/COT_Handbook_for_Recruitment_and_Hiring_October_2015.pdf
15. National Center on Disability and Journalism. Disability Language Style Guide. Accessed at: https://ncdj.org/style-guide/#D
16. Sue, DW et al., (2007). Racial Microaggressions in Everyday Life: Implications for Clinical Practice. American Psychologist 62(4): 271-286.