

# **Diversity in the Courts: A Guide for Assessment and Training**

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March 1995

This Federal Judicial Center publication was undertaken in furtherance of the Center's statutory mission to develop and conduct education programs for judicial branch employees. The views expressed are those of the author and not necessarily those of the Federal Judicial Center.



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## ABOUT THIS GUIDE

Several events led the Federal Judicial Center to prepare this guide to assist courts in planning education and training programs on diversity. One was the Judicial Conference's September 1992 resolution encouraging the courts to sponsor education programs about the presence of bias based on race, ethnicity, gender, age, and disability in the courts and its effects. Even before the Conference resolution, however, the Center's education programs were responding to court personnel's demands for help on how to manage a diverse workplace. That topic had been prominent in the professional management literature at least since the 1987 publication of *Workforce 2000: Work and Workers in the 21st Century*, a report prepared for the Department of Labor.

Advice and reaction from court managers and staff have substantially improved this guide. Court training specialists who had coordinated diversity programs identified specific types of information and materials they would have found useful as they planned their programs. Also, the Center assembled an advisory committee of court personnel who represented a cross section of the court family by type of court (appellate, district, bankruptcy), position (e.g., managers and non-managers), and geographic location. In addition, committee members represented a mix of cultural backgrounds. A few people who are not employed by the courts but have either worked with court personnel or served as content experts were also on the advisory committee.

Center staff members, identified in the Acknowledgments, also contributed their expertise to this guide; section 2 benefited greatly from the data collection chapters in *Studying the Role of Gender in the Federal Courts: A Research Guide*, prepared by the Center's Research Division.

Finally, the Western District of Texas and the Alexandria Bankruptcy Divisional Office for the Eastern District of Virginia pilot tested this guide during local training sessions. Comments and reaction from personnel in those courts were helpful in indicating additional changes to enhance the guide's use as an assessment and planning tool.





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In addition to the advisory committee members, the following people commented on sections of the guide, provided information, facilitated the pilot testing, or otherwise helped with the guide's development: Clerks Michael D. Webb of the U.S. Bankruptcy Court, Southern District of Ohio, and Bob Wiley of the U.S. Bankruptcy Court, Eastern

District of Virginia; Chief Probation Officer H. H. Whitehall of the Western District of Texas; and Myra Howze Shiplett, Assistant Director, Office of Human Resources and Statistics, Administrative Office of the U.S. Courts.

A special thanks is extended to Cynthia Harrison, Molly Treadway Johnson, Michael Miller (student intern), Joy Richardson, Judy Roberts, Angela Stewart, Donna Stienstra, Fran Toler, and Russell Wheeler of the Federal Judicial Center.

# 1 INTRODUCTION

Many units in the appellate, district, and bankruptcy courts have conducted or are planning to launch diversity education and training programs for their employees. The objectives of these programs will vary because of the circumstances and dynamics of each court. The common goal, however, is to create a work environment in which the court draws on employees' unique culture, professional and personal experiences, and skills to try to ensure that all employees have the opportunity to contribute to the mission and objectives of the court.

Several developments have encouraged courts to conduct diversity training. First, since 1966, the Judicial Conference of the United States has endorsed a national policy of equal employment opportunity. In its March 1980 session, the Judicial Conference approved a model affirmative action plan (*Report of the Proceedings of the Judicial Conference of the United States [JCUS Reports]*, March 1980, p. 5) and in its September 1986 session, adopted revisions to the Model Affirmative Action Plan and Discrimination Complaint Procedures (*JCUS Reports*, Sept. 1986, p. 57). Courts are required to adopt the model plan or their own plan, which the circuit council must approve. This initiative laid a solid foundation for current diversity efforts.

Second, *Workforce 2000: Work and Workers in the 21st Century*, a study conducted by the Hudson Institute in 1987, forecast the demographic composition of the work force in 2000 and discussed the implications of this new work force for employers. These findings indicate that the work force will be more heterogeneous by race, ethnicity, gender, age, physical ability, religion, language, and educational background. Managers need to understand how this mix will present both opportunities and challenges to the courts, whose users and work force are becoming increasingly diverse.

Third, the Judicial Conference in its September 1992 session adopted a resolution encouraging all circuits to sponsor education programs for judges, attorneys, support personnel, and all others within the judicial branch to sensitize them to effects of bias based on race, ethnicity, gender, age, and disability (*JCUS Reports*, Sept. 1992, p. 64).

Fourth, in March 1993, the Judicial Conference adopted a resolution encouraging circuit judicial councils to conduct studies of gender bias in their circuits (*JCUS Reports*, March 1993, p. 28). Circuits are in different stages of studying the effects of gender, race, and religion on courtroom interactions and court operations. The need for education and training has become apparent as a result of these studies.

This section describes the purpose of this guide and how it should be used, provides a working definition of diversity, and assesses the benefits of diversity training. Appendix A presents national and court demographic data and their implications for the courts.

## **Purpose of This Guide**

This guide can assist court training specialists and court managers in using locally available resources to coordinate, develop, and implement effective training and education programs for court personnel. This guide addresses a range of challenges posed by diversity training: sensitivity of the subject matter, a plethora of diversity experts who may or may not be qualified to design and facilitate appropriate training, and the proliferation of literature, philosophies, and approaches to diversity training. This guide can help court managers and court training specialists avoid common problems in planning and implementing diversity training programs, and maximize the effectiveness of the programs.

In addition, this guide provides assistance in planning and designing the program, in terms of both process and content; finding and working with diversity experts; building support for and promoting the program; and evaluating the program. An annotated list of relevant articles, books, training materials, and videotapes, and a glossary of terms are also provided.

The specific topics covered by this guide were selected after surveying court units that had conducted diversity training programs. These court units were asked about the kind of materials that would have been most useful when they were planning their programs.

## **How to Use This Guide**

This guide is directed to all court units: those that have already made a firm commitment to plan and implement diversity training, and those that have not yet decided to conduct diversity training programs. Court units that have conducted an initial training program may find this guide useful for planning follow-up training programs and activities. This guide is directed toward planning education programs for non-judicial court personnel, although many of the general program guidelines will also be useful in planning programs for judges.

Keep in mind the following guidelines:

- This guide can help managers and court training specialists determine if they want to develop and conduct diversity training programs. It will answer such questions as: What is work-force diversity? Why is it important to conduct training if our court personnel are not visibly or obviously diverse? How do we determine the

educational needs of our staff in this area? What are the benefits and challenges of developing and conducting diversity training programs? How much and what type of planning is involved?

- Court managers and court training specialists who have decided to plan a training program should use this guide as a primary resource throughout the planning and implementation process—that is, for determining the focus, content, and format of the training program, and for deciding whether to call on outside experts.
- Courts will probably need some outside assistance in designing and administering a needs assessment instrument and in designing a program based on the findings of the needs assessment. Section 4 provides advice on outside experts who may be available to the courts and suggestions on how to secure assistance. Often a private contractor will be the preferred expert, a consultant either in private practice or on a nearby college or university faculty. Consultants vary in their skills and costs. In any event, the more you know about assessing needs and designing a program, the more effective (in terms of results and costs) will be the outside assistance that you retain.
- All books and articles referenced in this guide are listed in the resource list in section 7.
- As used in this guide, the term *clients* refers to defendants and offenders, and the term *court users* refers to litigants, attorneys, and those called to the court, such as witnesses and jurors.
- Specific sections or components of this guide can be used separately, but you should review an entire section before deciding to use a particular exercise, case study, instrument, or portion of a section.

The following is the recommended sequence of steps for program planning:

1. Read the introduction to the guide (section 1).
2. Assess readiness for training (section 2).
3. Organize a diversity education planning committee (section 3).
4. Build management support and review needs assessment methods with the committee (section 2).
5. Find and work with an outside expert (section 4).
6. Decide on the needs assessment method or methods (section 2).
7. Design the training program, including identifying its goals and objectives (section 3 and the resource list in section 7).
8. Promote the program (section 5).
9. Implement the program (sections 3 and 4).

10. Evaluate the program (section 6).

Allow at least three months from planning to implementation. It is a good idea at various points in the process to assess whether to proceed to the next steps. For example, once organized, a diversity education planning committee may suggest that the court training specialist overestimated the unit's readiness for diversity training. Or after completing a formal needs assessment, the committee, the training specialist, and the managers may conclude that they overestimated the unit's need for training. Developing a diversity training program should be a constant process of using available information to decide the best way to meet the basic goal of successful diversity management.

### **What Does It Mean to Manage Diversity?**

Diversity is perhaps one of the most misunderstood concepts in common use. Programs to promote diversity are broader than equal employment opportunity (EEO) programs or affirmative action programs (see chart on page 5). These latter efforts were designed to prohibit discrimination against “protected classes”—a legal term referring generally to discrete groups found to be historic victims of discrimination in all conditions of employment—and to ensure the fair and active recruitment, retention, and promotion of such people as minorities, the disabled, and persons over 40. Although EEO programs can help create a workplace environment that embraces diversity and alleviates employee concerns about discriminatory practices, they are not the same as diversity programs (see “From Affirmative Action to Affirming Diversity,” by R. Roosevelt Thomas, Jr.).

R. Roosevelt Thomas, Jr., an early advocate of diversity initiatives and founder of the Managing Diversity Institute, describes diversity as the “collective *mix* of similarities and differences wherever you might find them.” This mix presents both opportunities and challenges for managers and other staff. On the one hand, each person brings a unique set of values, experiences, skills, talents, work styles, and interests to the court. If their talents are used effectively, employees can contribute to the efficiency of the court. To maximize productivity, courts need a 100% contribution from each person. On the other hand, this mixture of people—who may look different, and may have different professional and personal experiences, values, and priorities—may adversely affect productivity if their unique perspectives and skills are not respected and used.

## Affirmative Action, Valuing Differences, and Managing Diversity Compared

<b>Affirmative Action</b>	<b>Valuing Differences</b>	<b>Managing Diversity</b>
<i>Quantitative:</i> Emphasizes achieving equality of opportunity in the work environment through the changing of organizational demographics. Monitored by statistical reports and analysis.	<i>Qualitative:</i> Emphasizes the appreciation of differences and creating an environment in which everyone feels valued and accepted. Monitored by organizational surveys focused on attitudes and perceptions.	<i>Behavioral:</i> Emphasizes the building of specific skills and creating policies which get the best from every employee. Monitored by progress toward achieving goals and objectives.
<i>Legally driven:</i> Written plans and statistical goals for specific groups are utilized. Reports are mandated by EEO laws and consent decrees.	<i>Ethically driven:</i> Moral and ethical imperatives drive this culture change.	<i>Strategically driven:</i> Behaviors and policies are seen as contributing to organizational goals and objectives, such as profit and productivity, and are tied to rewards and results.
<i>Remedial:</i> Specific target groups benefit as past wrongs are remedied.	<i>Idealistic:</i> Everyone benefits. Everyone feels valued and accepted in an inclusive environment.	<i>Pragmatic:</i> The organization benefits; morale, profit, and productivity increase.
<i>Opens doors in the organization:</i> Affects hiring and promotion decisions.	<i>Opens attitudes, minds, and the culture:</i> Affects attitudes of employees.	<i>Opens the system:</i> Affects managerial practices and policies.
Resistance due to perceived limits to autonomy in decision making and perceived fears of reverse discrimination.	Resistance due to fear of change, discomfort with differences, and desire for return to the “good old days.”	Resistance due to denial of demographic realities, the need for alternative approaches, and/or benefits associated with change; and the difficulty in learning new skills, altering existing systems, and/or finding time to work toward synergistic solutions.

*Source:* Gardenswartz, Lee, and Rowe, Anita. *Managing Diversity: A Complete Desk Reference and Planning Guide*. Homewood, Ill.: Business One Irwin, 1993. Reprinted with permission. This chart is keyed to private-sector organizations but is applicable to public-sector organizations, including courts.

What specifically are “differences?” Employees can differ on many important dimensions, from such permanent characteristics as race and gender to such changeable conditions as skills, educational level, parental status, and income. The important point is that at any particular time, any organization’s employees will present a rich mixture of backgrounds and characteristics, and the differences among employees go well beyond differences that are obvious at first glance.

What does it mean to *manage* diversity? Managing diversity is defined as managing an organization’s culture and systems by drawing on individual differences to try to ensure that each employee is given the opportunity to fully contribute his or her talents and skills to the mission and success of the organization.

What does this definition mean in practical terms? It means that organizations need to periodically reevaluate how they conduct their business in order to create an environment that works for everyone. As the labor force continues to change, managing diversity will become even more important to the courts. (See Appendix A, which shows changes in work-force demographics.)

## **Why Have Diversity Training?**

A well-designed diversity training program can be an important element of managing an organization. The following are some of its potential contributions:

- *Employees become more motivated* if they see the organization making sincere efforts to value their uniqueness and tap into the full range of skills and experiences they bring to the courts.
- *Conflict can be managed more effectively*, which means more time can be spent on accomplishing tasks and achieving goals.
- *Employee morale improves* once people respect one another’s perspectives and understand their differences and similarities.
- *Employees become more loyal to the organization* once they have an opportunity to contribute to the organization and participate in achieving its goals.
- *Work teams become more successful* when team members contribute their unique talents to the team effort.
- *The criterion for success becomes performance* rather than other factors or characteristics that are not directly related to performance.
- *Retention and absenteeism may decline*, which means less time and money are spent on retraining, recruitment, and grievance procedures; employees are more motivated to come to work in an environment that supports their development.



- *Communication becomes more effective* when information sharing is encouraged; communication barriers that are perceived differences or lack of acceptance break down.
- *More problems are resolved* when everyone is more receptive to different ideas and alternative solutions.
- *Managers become more effective* as they become more performance-based in their relationship with, and evaluation of, employees. They also may be more willing to listen to ideas from all employees and to reevaluate basic assumptions in other operations, such as work teams, communication, and decision-making and problem-solving processes.

[List adapted from LaMountain, Dianne, and Abramms, Bob. *The Trainer's Workshop on Cultural Diversity*.]

Education programs are only one of several ways to address diversity concerns in the courts. Diversity initiatives should not be limited to educational efforts. Even the most well-planned diversity program cannot result in real change if enlightened managers and employees return to a work environment that does not support their new behaviors. However, education programs on managing diversity can be structured to help managers assess and change policies and practices, so that the organizational culture promotes diversity efforts.

Managing diversity in the courts is important because the judiciary should serve as a positive example by hiring a work force that reflects the diverse public and clients served, promoting fair employment practices, respecting all employees, and managing effectively the diversity already represented among court personnel.



## 2 ASSESSING READINESS AND NEEDS FOR DIVERSITY TRAINING

This section will assist court managers and training specialists, and any diversity experts with whom they work, in understanding some key assessment methods for diversity training: surveys, interviews, and focus groups.

Part 1 of this section discusses the following:

- how to assess diversity training readiness and build management support;
- reasons for assessing needs for diversity training; and
- three assessment methods (a chart outlining the advantages and disadvantages of each method is presented in Appendix B).

Part 2 introduces the sample survey procedures and includes:

- the Sample Needs Assessment Survey of Diversity-Related Problems; and
- sample interview and focus group guidelines and protocols.

It is essential that needs assessments be open, fair, and honest, and that those planning the training be willing to accept the results. The results may suggest problems that no one had anticipated, or that problems are more serious than anticipated. Conversely, they may suggest that problems are not as extensive as some had thought.

### **Part 1: Assessing Readiness for Diversity Training**

Before conducting the needs assessment and designing the program, court training specialists and managers should assess their court's readiness for diversity training and should seek to build the proper level of management support. Here are several questions to think about before planning an education program:

- **Does the court or court unit have adequate management support for a diversity program?** A successful diversity training program requires a commitment of time, energy, money, and resources, especially from upper-level management. Some mid-level managers and work leaders championing diversity initiatives within their teams or work groups are no substitute for managerial support. Managerial support includes verbal and behavioral commitment, from kicking off training programs or participating in the planning process to giving

financial support and showing a willingness to review and change organizational policies, practices, and procedures.

- **Does the court staff have realistic expectations for diversity training?** Before conducting the needs assessment, managers must be open to where the data might lead them. Be candid with the staff about what they can expect as a result of the needs assessment and the training.
- **Are you willing and ready to develop a training environment that encourages employees to openly discuss diversity issues?** Diversity training is rarely “feel good” training. It requires employees to confront some of their basic values and assumptions. Education programs do not create conflicts, but they may bring conflicts or hostility to the surface. If conflicts cannot surface in the training program, they will probably surface in unhealthy and less constructive ways. Try to focus on the opportunities and challenges presented by a diverse workplace.
- **Are you willing to plan for diversity as a long-term process of change?** No organizational change occurs overnight. Staff may be even more resistant to diversity training during times of downsizing. Plan creative follow-up activities, both formal and informal, to promote diversity goals and initiatives. Education programs are one strategy to promote organizational changes.

### ***Building Management Support***

Upper-level management should be involved in the planning process. They can make valuable contributions and their support is essential. Managers should demonstrate their interest and involvement in the following ways:

- **The diversity training planning process should include senior managers.** At least one unit executive or senior manager should be a member of the diversity education planning committee (see section 3). Senior managers should receive status or progress reports on the needs assessment process and methods, selection of a consultant, and other planning decisions if they do not choose to be directly involved in the diversity training committee. They should have a chance to review the needs assessment instrument used so that they can provide feedback on methods, questions, and so forth. The process must take into account their expectations for the program and must reflect the objectives they believe are important.
- **Managers should want to understand what diversity is and why it can be important for the organization.** Section 7 of this guide includes a description of articles and videos that busy managers will find helpful as introductions to diversity training.

- **Managers should have a legitimate interest in specific benefits from diversity training.** They have a right to ask: Will this help my unit function better? Can we afford the time to do this? Diversity training must be a part of other management efforts to increase productivity, including team building, conflict resolution, quality improvements, coaching, and mentoring.

Above all, it is important that the court's judges and top managers not be surprised by a diversity training effort. If they learn about it from rumors or stray bits of information, they will be understandably suspicious.

### ***Why Assess Needs for Diversity Programs?***

Court managers may sense that there are diversity-related issues in their courts that can be addressed through education programs, such as help in dealing with bias or in using the diversity among court staff to promote productivity and improve working conditions. However, to design a concrete program, court managers need more than a general sense of the situation. For example, management may believe that black deputy clerks feel that their low salary is their most serious problem, but those clerks may in fact believe that the biggest hindrance to their effectiveness is a lack of training opportunities or lack of a forum for participating in decisions that affect their work environment.

If court managers build a training program based on unexamined assumptions, they may address problems that do not exist and may fail to identify problems that do exist. The purpose of assessing needs for training is to gain a fuller and more detailed understanding of a court's needs. Managers can combine information gained from needs assessments with their own experience and perceptions to structure a training program. The following are other important reasons for assessing needs before designing programs:

- It is difficult for court managers to assess the need for diversity training, and to persuade judges and staff of their assessment's validity, without court-specific data. In the absence of these data, how do court managers or court training specialists respond to the comment, "We have no diversity-related issues or problems in our court, so there is no need for training"? The description of an isolated incident or two is usually not sufficient to convince staff and judges that training is needed; often these incidents are viewed as aberrations, which they may be.
- The needs assessment process sends a clear message to all employees that diversity concerns are important. Also, the process actively engages court employees in planning a diversity training program and therefore encourages their support.
- Each court unit has its own culture, which is determined by location, court size, management style of the senior staff, and differing characteristics and

combinations of characteristics among the staff. Given this range of differences, diversity-related issues vary substantially among court units. Court managers cannot assume that diversity-related problems in another court exist in their court.

Finally, needs for diversity training programs can be of different types. For example, an analysis of hiring and promotion data may reveal that persons with certain characteristics are in fact being hired less, promoted less, or fired more than others. On the other hand, an analysis of employees' perceptions may reveal that some employees do not believe that others are being hired, fired, or promoted at different rates. Both types of information—what is occurring and perceptions of what is occurring—are important in assessing the needs for diversity training and in structuring a response to those needs.

### ***Needs Assessment Methods***

Once court managers decide to undertake a systematic diversity education needs assessment, they should consider using a social scientist to conduct the assessment. A social scientist can do the following:

- provide expertise in constructing questions or protocols and in interpreting results;
- help ensure confidentiality and objectivity; and
- help ensure that at least one person can devote adequate time to the process.

Even if court training specialists and court managers do not conduct the needs assessment, they should understand the basics of each step in the process, help identify appropriate topics, and coordinate the logistics. In some cases, the personnel officer or another trained employee outside the court (e.g., an Employee Assistance Program counselor) may be able to facilitate focus groups, or conduct interviews, or do both. (See section 4 regarding financial assistance for hiring a social scientist.)

The various needs assessment methods can be used to collect data from court personnel (in an oral or written format; from an individual or group of employees simultaneously) to identify whether specific diversity-related problems exist, whether court personnel perceive they exist, and how court employees experience or observe these problems in their day-to-day interactions with their peers, supervisors, and the public or clients. The following are factors to consider when choosing a specific method or methods:

- the breadth, depth, and nature of the questions that need to be asked or problems that need to be identified. (Do court managers want to assess problems among court employees only or take a broader approach and assess problems among court employees as well as between court employees and clients or court users? Should questions address issues related to race, ethnicity, and gender alone, or should they cover broader issues and if so, which ones?);

- the size of the staff (e.g., it would be time-consuming and costly to interview each member of a staff of more than fifty people);
- the expertise available, and time and financial constraints (e.g., interviews also require the use of a trained interviewer from outside the court); and
- staff preferences for individual or group input (e.g., questionnaires allow staff to provide input individually and may ensure a greater sense of confidentiality than focus groups do).

## USING EXISTING RECORDS

Before designing questionnaires or interview protocols, courts should learn what they can from existing records. For example, if court managers believe there may be problems in recruiting, hiring, promotion, and dismissals, they might seek relevant information in appropriate personnel records and then compare those data with available data from other court units and with demographic information about the work force in the court's region. Having this information may help in the design of questionnaires or interviews that are used to identify problems as perceived by court employees. After analyzing questionnaire or interview data, court managers can also get supplementary information as necessary from existing records.

Similarly, court policies and procedures (including, but not limited to, the court's EEO plan, its leave policies, and work schedules) can be reviewed in order to provide a description of how the court units think they are managing diversity. Because a policy as stated may differ from what actually happens, questionnaires and interviews, as described in the next section, can then probe how policy is implemented and how it is perceived to be implemented.

The important point is to have a clear purpose when beginning any data collection effort. There is little purpose, for example, in reviewing exit interview reports without identifying how the information may reveal a need that a diversity training program can meet.

## QUESTIONNAIRES

Questionnaires have several advantages over the other needs assessment methods in that data can be collected from almost everyone in the organization relatively inexpensively.

Ensuring the proper wording of the questions is more complicated and technical than it may appear, and expert advice is particularly valuable. An initial decision in questionnaire preparation is whether to use closed-ended questions, which ask respondents to select one answer from a predetermined list, or open-ended questions, which ask respondents to write the answer themselves.

Responses to closed-ended questions are usually collected in frequencies (i.e., a compilation of the number and percentage of respondents selecting each response to a question). Narrative or open-ended responses are generally collected verbatim and then grouped together according to the subjects they address. Although the analysis of large numbers of questionnaires may require special skills and computer programming, many court units are small enough to allow manual tabulation or tabulation by available software packages. If an outside expert is used, he or she should have computer skills and access to computer services appropriate for the level of analysis (see section 4 in this guide).

A survey expert should be aware of the importance of response rates and ways to increase them. However, a few courts may opt to use the questionnaire without the benefit of an expert. A sample questionnaire with explanations of its components is in part 2 of this section. For a more thorough discussion of questionnaires, see Chapter 8 of *Studying the Role of Gender in the Federal Courts: A Research Guide*.

## INTERVIEWS

One-on-one interviewing is an opportunity to explore issues in greater depth than questionnaires provide, since the interviewer can follow up a participant response with additional questions. Because interviews are very time intensive and therefore usually can only be conducted with a small percentage of staff, the findings can be generalized to the entire staff only with special safeguards designed by a survey expert.

Interviews can be unstructured, consisting of a series of open-ended questions; structured, involving a set of close-ended questions; or a combination of structured and unstructured. The goals of your needs assessment will determine which categories of employees to interview (e.g., one person from each job category; all managers or supervisors; all men, all women, a mix of men and women; all new employees; all people of color).

The following are other issues to consider:

- Don't form the interview pool from volunteers.
- Use a standardized interview protocol to encourage consistency across interviews (see the sample protocol in part 2 of this section).
- Keep questions simple and phrase them objectively.

For a more thorough discussion of interviews, refer to Chapter 9 of *Studying the Role of Gender in the Federal Courts: A Research Guide*.



## FOCUS GROUPS

In a focus group, an interviewer uses a topical guide or protocol to lead six to ten people in a one-hour to two-hour discussion on a limited number of topics. The goal of focus groups is to encourage participants to tell their “stories” in their own words. Information collected from focus groups is qualitative and anecdotal and should not be used to draw overall conclusions about the incidence of diversity-related problems in the court. The advantages and disadvantages of focus groups are listed in the chart in Appendix B and in Chapter 6 of *Studying the Role of Gender in the Federal Courts: A Research Guide*.

### ***Reporting Needs Assessment Findings***

The needs assessment findings should be provided in a report to senior court managers and, depending on circumstances, to the chief judge or all judges for their approval. The report will also go to the diversity education planning committee (see section 3) and court employees. Court employees will be anxious to learn about the results of the needs assessment, and managers should decide how and when the findings should be shared with court employees.

## **Part 2: Needs Assessment Guidelines and Forms**

The Federal Judicial Center designed the Sample Needs Assessment Survey of Diversity-Related Problems (see page 20) in response to requests from many court managers for questionnaires to help them assess employees’ perceptions of diversity-related problems in their courts. Most courts that undertake a diversity program will want to assess employees’ perceptions of diversity-related problems so that they understand the barriers that employees believe are limiting them from being fully productive and effective. Managers may want to add or delete questions to adapt the survey to their court’s individual needs.

### ***Ensuring Confidentiality***

To receive honest answers and a sufficient number of responses to reach sound conclusions about conditions in the court, the court must ensure confidentiality of responses. If employees fear a manager or someone else will find out how they answered the questionnaire, they may choose not to respond or their answers may not be candid. Various steps taken by training specialists will assure employees that their answers will be kept confidential:

- Send the questionnaire directly to employees, rather than through their supervisors.

- Provide the questionnaire in electronic form, so that employees can complete it on their computers, print it, and send it.
- Keep to a minimum the number of people who will see the completed questionnaires (i.e., only those analyzing the responses), and choose individuals who are trustworthy.
- If possible, arrange for a person outside the court to receive the questionnaires, compile and analyze the responses, and report the results of the analysis to the court without managers or other employees ever seeing the completed questionnaires. If possible, provide a metered, preaddressed envelope with each questionnaire so that employees can return the completed questionnaires directly to the outside expert or consultant.
- If funds are not available to hire someone, seek other types of assistance. For example, a social scientist from a local university may be willing to arrange to have a graduate student compile survey responses for college credit.
- If outside assistance cannot be obtained, select a trustworthy court employee with appropriate skills to analyze the responses. Provide a box in a neutral location where questionnaires can be picked up (i.e., the box should not be maintained in an office).

### ***Response Rate***

A high response rate to a questionnaire is necessary to ensure reliable results that can be generalized beyond the group of people who completed the questionnaire. There are various rules of thumb about how high a response rate is necessary to allow confidence in the results, but generally a 50% rate may be adequate if the individuals who did respond are, based on a statistical analysis, representative of the entire staff and not different (e.g., by job title, gender, race, age, marital status) from those who did not respond.

There are several ways to enhance the response rate:

- Use a well-designed questionnaire with carefully worded questions.
- Ensure confidentiality.
- Follow up with those who have not returned the questionnaire.

To facilitate follow-up, some researchers assign a code number to each questionnaire. Information about the code number associated with each questionnaire should be maintained on a separate list and seen and used only by the person who is administering the questionnaire. The assigned number is recorded in an unobtrusive place on the instrument (e.g., in the bottom right-hand corner of the last page, or in a corner on the opposite side of the last page). After the deadline for submitting completed questionnaires, the person administering the questionnaire should send a follow-up letter

to recipients who have not responded asking them to please do so by a specific date. A third follow-up may not be necessary but should be considered if the response rate is still low.

Another option, especially if the number of employees surveyed is small, is to not use code numbers on the questionnaire and to send a follow-up letter to all recipients. The follow-up letter to all recipients should include a sentence similar to: “If you have already returned your questionnaire, we thank you for your prompt response. If not, we hope you will return it by *(date)*.”

### ***Analysis of Results***

Analyzing the results of questionnaire data, like constructing the questions themselves, can be more complicated than it first appears. It is especially important to be alert for inferences that may appear plausible at first glance but that are called into question by more exacting analysis. Chapters 4 and 11 of *Studying the Role of Gender in the Federal Courts: A Research Guide* provide guidance on how to avoid mistakes in the overall approach to analysis of quantitative data, and particular problems to be avoided.

### ***Cover Letter***

A sample cover letter for the needs assessment survey is provided on page 19. Managers can adapt the cover letter to their needs, but should include the following important elements:

- the survey’s purpose;
- the purpose of the training program;
- why it is important for each person to complete the questionnaire;
- if the questionnaires are coded, a statement that questionnaires are coded merely to facilitate follow-up with nonrespondents and that code numbers will not compromise respondents’ anonymity or confidentiality;
- the name of a person respondents can contact if they have questions; and
- the date the completed questionnaire should be returned.

### ***Optional Personal Data Form***

The survey includes an optional personal data form (see page 30). If it is used, stress that it is completely optional. According to sound equal employment opportunity policy, managers should not force employees to answer questions like these. While the responses to the entire questionnaire should be voluntary, it is especially important that these questions be voluntary because they are clearly intrusive.

The issue of trust is a major consideration in using the optional personal data form. As the note preceding the form explains, the purpose of collecting these data is merely to compare patterns of responses for various groups of employees. For example, someone designing a diversity education program for a particular court unit might find it useful to know that a majority of the male employees with small children find it problematic not to have flexible working hours and locations, just as female employees with small children do.

There are several advantages to using the data form. The responses can help ensure that the training program and learning strategies address specific perceptions and experiences of particular groups. Those designing the training will know the areas of concern for the staff as a whole and for different types of staff; those areas can be structured into the training. If the form is excluded, such data will be unavailable and the training program, as well as subsequent strategies, may be less effective.

The data collected on the form can document the range of diversity characteristics among staff and thus help employees understand that diversity is not restricted to race, ethnicity, gender, and physical ability. If individuals define themselves as diverse on nonvisible dimensions, they may begin to understand how the range of differences affect perceptions, values, and behavior. Employees may feel more confident knowing that a majority of people in their organization feel that they are different or unique and that they share some common or parallel experiences and values. The data collected on the form may help dispel the “we versus them” mentality that exists in some organizations. There are also disadvantages to using the data form. The form may alienate some staff members, especially if there are already tensions in the office. People different from the majority may be highly suspicious of how the data on this form will be used, based in part on prior negative experiences. In other words, the use of the form in certain work environments may create more problems than it solves. Employees may respond dishonestly if they find questions too intrusive, or if they mistrust the promise of confidentiality.

### ***Optional Add-On Survey for Managers***

An optional add-on survey for managers can be attached to the questionnaire (see page 33). This survey seeks data on diversity-related problems that managers are most likely to encounter and experience. It also seeks information about managers’ self-perceptions of their responsibilities, so confidentiality of these responses is important too, especially in small courts. Education programs could be structured to address managers’ perceptions of management-specific issues.

The add-on survey is supplemental to the main questionnaire; therefore, managers should complete either the main questionnaire only or the main questionnaire and the optional add-on survey.

## Sample Cover Letter for a Diversity Needs Assessment Survey

Dear Court Employee:

The court is developing a training program for (*indicate if training is for all court employees or just managers or line staff, and for the entire district or a particular court unit, etc.*) that will recognize the diversity of our work force and help improve opportunities for all of us to contribute to the work of the court. The program will be held on (*date*) at (*time*) in (*location*).

So that we can design a program that will meet the specific needs of (*court unit*), we are asking all employees to complete the attached needs assessment survey. The completed surveys will be sent directly to (*name of recipient*), who will compile and analyze the results and help design the training program with the assistance of a committee of court employees.

It should take forty-five minutes to an hour to complete the questionnaire. Your response is critical; we need to understand the perceptions, experiences, and observations of all staff in order to design activities and exercises for the training program that address staff priorities. Only (*name of recipient*) will see the individual responses. (We have placed a code number on each questionnaire merely to facilitate follow-up with those who do not respond.)

Please return the completed questionnaire by (*date; usually about three weeks from the date questionnaires are distributed*) in the enclosed self-addressed envelope. If you have questions about the questionnaire or about the diversity training program, please see (*contact person in the court; usually the court training specialist*).

Thank you for your cooperation.

Sincerely,

*(name and title of the person  
sending this letter, usually the  
court training specialist)*

Enclosure

## Sample Needs Assessment Survey of Diversity-Related Problems

This first set of questions asks for your perceptions of the nature and magnitude of problems, if any, related to the diversity of your court unit. For the purpose of this survey, diversity is described as differences in characteristics, such as race, ethnicity, age, gender, language, sexual orientation, and physical ability, or combinations of these characteristics.

Please indicate the extent to which you believe each of the following items is a problem in your court unit by checking one response for each item.

	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion
1. Insufficient diversity in the staff overall.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Insufficient diversity in the staff above CPS level 26 (or the JSP-10 level).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Inadequate language skills of employees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Employees' resistance to working with people different from themselves.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Slurs, jokes, or negative comments by staff about people based on such characteristics as race and gender.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Unwanted verbal or physical sexual advances or harassment by employees against other employees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion
7. Unwanted verbal or physical sexual advances or harassment by attorneys, litigants, and other court users against employees.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
8. Employees' poor treatment of court users who are different from themselves.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
9. Inappropriate comments by employees about other employees' physical appearance or clothing.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
10. Inappropriate comments by attorneys, litigants, and other court users about employees' physical appearance or clothing.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
11. Discrimination in hiring, promotions, or other conditions of employment.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
12. Employees' fear of reprisal if problems of bias or discrimination are brought forward.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
13. Difficulty recruiting or retaining employees who are different from the majority.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion
14. Productivity problems due to employees not working together well because of differences in race, gender, ethnicity, etc.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
15. Failure of employees to appreciate individuals for their unique contributions to the organization.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
16. Exclusionary employee cliques based on such characteristics as race, language, and gender.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
17. Barriers in promotion for employees who are different from the majority.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
18. Employees' inadequate or poor skills in communicating with other employees and court users from diverse backgrounds.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
19. My uncertainty about appropriate terminology or labels to use when referring to or talking with individuals from backgrounds different from mine.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
20. Frustrations and irritations for me resulting from cultural differences among staff.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]



	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion
21. Little opportunity for mid-level and lower-level employees to participate in appropriate organizational decision-making or problem-solving processes.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
22. Little opportunity for individuals from diverse backgrounds to participate in appropriate decision-making and problem-solving processes.	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

23. For each of the following dimensions of diversity, please indicate whether or not that dimension: (1) affects your day-to-day interactions with fellow staff, supervisors, court users, or clients, and (2) affects the opportunities (for hiring, promotion, training, etc.) that people in your court unit receive. For each dimension, circle one response in column 1 and one response in column 2.

Dimension	1		2	
	Affects day-to-day interactions?		Affects opportunities people receive?	
a. Race	Yes	No	Yes	No
b. Ethnicity	Yes	No	Yes	No
c. Gender	Yes	No	Yes	No
d. Religious affiliation	Yes	No	Yes	No
e. Sexual orientation	Yes	No	Yes	No
f. Age	Yes	No	Yes	No
g. Disability	Yes	No	Yes	No
h. Language (e.g., accents, regionalisms)	Yes	No	Yes	No
i. Parental status	Yes	No	Yes	No

Dimension	1		2	
	Affects day-to-day interactions?		Affects opportunities people receive?	
j. Marital status	Yes	No	Yes	No
k. Salary level	Yes	No	Yes	No
l. Education	Yes	No	Yes	No

If you circled yes for any dimensions above, please give examples of the kinds of effects you have seen or experienced.

a. Race \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

b. Ethnicity \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. Gender \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

d. Religious affiliation \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

e. Sexual orientation \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

f. Age \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

g. Disability \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

h. Language (e.g., accents, regionalisms) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

i. Parental status \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

j. Marital status \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

k. Salary level \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

l. Education \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

The next set of questions relate to your perceptions of diversity-related policies in your court unit and whether they are practiced. For the purposes of this survey, a *policy* is a written rule. A *practice* is usually not written, but there is an understanding that a particular procedure or set of procedures have been adopted, used, and accepted by your court unit. Please check the one response that best describes whether a policy or practice, or both exist in your court unit for each of the following items.

	1 Policy only	2 Practice only	3 Policy and practice	4 Neither policy nor practice exists
24. Flexible work schedules to accommodate elder-care or child-care needs of the staff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. Flexible work locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. Fair or adequate leave for childbirth.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27. Fair or adequate leave for adoption.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. Equal employment opportunity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29. Managing diversity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30. Staff performance system (to set standards; monitor, evaluate, and encourage good employee performance; and identify areas for development).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31. Managerial performance system (to allow employees to assess performance of supervisors and managers, and to identify areas for development).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32. Dealing with sexual harassment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33. Continuing education or staff development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34. Physical access for people with disabilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35. Are there any other diversity-related problems or concerns you have that were not addressed above? If so, please describe them below.

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These last few questions concern the type of diversity training, if any, you believe is needed in your court unit. Diversity training can enhance your understanding and knowledge about the diversity of the work force and those who are different from you in race, gender, age, ethnicity, sexual orientation, religion, physical ability, educational level, parental or marital status, and so forth. Diversity training also teaches skills for assessing how individual behavior and organizational policies and practices can affect opportunities for staff to contribute to the organization's mission.

36. In what areas do you think diversity training is needed in your court unit? Please check each area in which you think training is important. Please check 1 if you think no training is needed in your court unit.

- a. \_\_\_\_\_ General training in awareness of the changing work force and its implications for the courts, the purpose and relevance of diversity training to the courts, how diversity training differs from equal employment opportunity and affirmative action programs, and what it means to "value or manage differences."
- b. \_\_\_\_\_ Training about the nature and impact of individual values, stereotyping, assumptions.
- c. \_\_\_\_\_ Skills training in communication, conflict management, team building, problem solving, decision making, total quality management, or managing change.
- d. \_\_\_\_\_ Training that explores the impact of staff diversity on alternative work schedules and locations, and job sharing and how these various options affect the work environment.
- e. \_\_\_\_\_ Training on equal employment opportunity policy and related policies as they apply to the judiciary.
- f. \_\_\_\_\_ Training on grievance procedures for court employees.
- g. \_\_\_\_\_ Training on the nature of sexual harassment and gender discrimination.

- h. \_\_\_\_\_ Training on the nature of racial discrimination.
- i. \_\_\_\_\_ Training on how to deal with “backlash” (i.e., resentment of the attention given to diversity issues).
- j. \_\_\_\_\_ Other training (please describe). \_\_\_\_\_  
 \_\_\_\_\_
- k. \_\_\_\_\_ A combination of the above (please specify). \_\_\_\_\_  
 \_\_\_\_\_
- l. \_\_\_\_\_ No training is needed in this court unit.
37. Would you prefer separate training sessions for supervisors and non-supervisory staff, training for all employees simultaneously, or a combination? Please check one. If you check c, please explain the combination you would prefer. If you have no preference or don’t know, please check d.
- a. \_\_\_\_\_ Separate training sessions for supervisors and non-supervisory staff.
- b. \_\_\_\_\_ Combine supervisors and non-supervisors in the same training sessions.
- c. \_\_\_\_\_ Combination of the above (please explain). \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- d. \_\_\_\_\_ Don’t know; no preference.
38. Are you a supervisor or non-supervisory staff member? Please check one.
- a. \_\_\_\_\_ supervisor
- b. \_\_\_\_\_ non-supervisory staff

- 39. Are there any other issues of concern to you that are related to office interactions or policies regarding race, gender, sexual orientation, ethnicity, religion, age, physical ability, and so forth? If so, please describe them below.

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- 40. Are there positive and constructive office interactions and experiences among diverse staff members in your court unit that you would like to describe? If so, please describe them below. Also, please describe the strategies and methods, if any, that have been used to create such a positive work environment. If not, leave this question blank.

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## Sample Optional Personal Data Form

This optional, confidential form will help determine whether the court's problems, if any, primarily affect particular groups of employees, such as non-supervisors or specific minority groups. With this information, those designing the program can determine how best to structure the training and which specific concerns should be addressed through training.

You are not required to complete any of the questions on this form.

The purpose of the questions is to gather information helpful in designing the training program. If you do choose to complete this form, your responses will not be seen by anyone but (*name of recipient*). That person will prepare a summary of the information based on all returned questionnaires, for use in designing the program.

If you choose to answer the following questions, please place a check on the line next to the appropriate response or fill in the requested information.

1. Position title \_\_\_\_\_

2. Court division

a. \_\_\_\_\_ Appellate Clerk's Office

b. \_\_\_\_\_ District Clerk's Office

c. \_\_\_\_\_ Bankruptcy Clerk's Office

d. \_\_\_\_\_ Probation Office or Pretrial Services Office (circle one or both)

e. \_\_\_\_\_ Other (please specify) \_\_\_\_\_

3. Age

a. \_\_\_\_\_ under 21

b. \_\_\_\_\_ 21–29

c. \_\_\_\_\_ 30–39

d. \_\_\_\_\_ 40–50

e. \_\_\_\_\_ over 50



4. Number of years employed by this court

- a. \_\_\_\_\_ under 3
- b. \_\_\_\_\_ 4–8
- c. \_\_\_\_\_ 9–13
- d. \_\_\_\_\_ 14–18
- e. \_\_\_\_\_ 19–23
- f. \_\_\_\_\_ 24–29
- g. \_\_\_\_\_ over 29

5. Race/Ethnicity

- a. \_\_\_\_\_ African American
- b. \_\_\_\_\_ Hispanic/Latino-American
- c. \_\_\_\_\_ Asian/Pacific Islander
- d. \_\_\_\_\_ Native American
- e. \_\_\_\_\_ Caucasian
- f. \_\_\_\_\_ Other (please specify) \_\_\_\_\_

6. Religious affiliation if any

- a. \_\_\_\_\_ Christianity
- b. \_\_\_\_\_ Judaism
- c. \_\_\_\_\_ Islam
- d. \_\_\_\_\_ Other (please specify) \_\_\_\_\_

7. Parental status: Do any persons under the age of 18 live with you in your home? (Please include step-children, foster children, and relatives, as well as biological children.)

- a. \_\_\_\_\_ No (Go to question 8.)
- b. \_\_\_\_\_ Yes

Number of such persons in your home \_\_\_\_\_

Please list their ages \_\_\_\_\_

8. Marital status

- a. \_\_\_\_\_ Single
- b. \_\_\_\_\_ Married
- c. \_\_\_\_\_ Divorced
- d. \_\_\_\_\_ Widowed
- e. \_\_\_\_\_ Have significant other (check only if living with)

9. Gender

- a. \_\_\_\_\_ Male
- b. \_\_\_\_\_ Female

10. Would you describe yourself as having physical or mental disabilities that may affect your work?

- a. \_\_\_\_\_ Yes
- b. \_\_\_\_\_ No

Please return this completed questionnaire in the pre-addressed envelope to (*name and address of recipient*).

## Sample Optional Add-On Survey for Managers

This set of questions for managers is provided to collect data on diversity-related problems that managers are most likely to encounter or experience. For the purposes of this survey, managers are defined as employees who must complete performance appraisals for at least one staff member. Please note that managers should complete either the main questionnaire only, or the main questionnaire and the optional add-on survey.

1. Please indicate the extent to which you believe each of the following items is a problem in your office by checking one response for each item.

	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion
a. Increase in equal employment opportunity complaints about discrimination in hiring, promotions, or other conditions of employment in the last five years.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Increase in employee grievances in the last five years.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Lack of structure or standard organizational procedures for involvement of staff in appropriate decision-making and problem-solving processes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Difficulty motivating a particular group of employees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Difficulty resolving problems with clients, employees, or court users who are different from you.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	1 Not at all a problem	2 A small problem	3 A moderate problem	4 A large problem	5 A grave problem	6 No opinion
f. Lack of a systematic method for tracking employee turnover and reasons for turnover.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Lack of participation by diverse staff in informal work-related activities that lead to professional development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. For each of the following statements, please indicate whether you agree or disagree.

	Agree	Disagree
a. A certified court interpreter should be available to translate for defendants and witnesses who speak no English or for whom English is a second language.	<input type="checkbox"/>	<input type="checkbox"/>
b. Managers should be evaluated, in part, on whether they recruit, hire, train, and develop diverse employees.	<input type="checkbox"/>	<input type="checkbox"/>
c. There is little opportunity or flexibility in this court for staff to choose different ways to be rewarded and recognized (e.g., public vs. private recognition, monetary rewards vs. administrative leave).	<input type="checkbox"/>	<input type="checkbox"/>
d. I lack adequate skills in communicating with employees, clients, and court users from diverse backgrounds.	<input type="checkbox"/>	<input type="checkbox"/>
e. I am uncertain about appropriate terminology or labels to use when referring to or talking with individuals from backgrounds different from mine.	<input type="checkbox"/>	<input type="checkbox"/>
f. There is little opportunity for the diverse members of the staff to participate in training and development opportunities.	<input type="checkbox"/>	<input type="checkbox"/>
g. There is little opportunity for mid-level and lower-level staff to participate in training and development opportunities.	<input type="checkbox"/>	<input type="checkbox"/>

3. Do you have any other comments about diversity-related issues you encounter as a manager? If so, please write them below.

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Please return this completed questionnaire in the pre-addressed envelope to (*name and address of recipient*).

## ***Interviewing Guidelines***

The following are some guidelines to help those who conduct employee interviews as part of the needs assessment.

1. The interviewer begins by introducing himself or herself to the respondent, explaining the purpose of the interview and the training, explaining how the respondent was selected, and reassuring the respondent that all efforts will be made to keep the interview confidential.
2. If the interview will be taped, the interviewer asks the respondent for permission to tape-record the interview and explains why taping is important.
3. The interviewer follows written questions like those in the protocol on the next page, but is flexible enough to follow up with other questions not included in the protocol. The interviewer also takes detailed notes on these spontaneous comments.
4. Once the interview is over, the interviewer thanks the respondent and explains that he or she might be contacted to clarify answers or respond to additional questions.

## Sample Protocol for Structured Interviews for All Staff

The following twelve questions are designed to be illustrative in scope and format. These sample questions are not intended to be used as the sole questions for an interview.

1. Do you feel that some or all of the staff resist working with people different from themselves?

1 Yes

2 No

[If yes, continue to Question 2; if no, skip to Question 3.]

2. Do you feel that this staff resistance is based upon differences in: [*Interviewer should read each characteristic separately and check if a yes or no response.*]

a. Race?

1 Yes

2 No

b. Gender?

1 Yes

2 No

c. Ethnicity?

1 Yes

2 No

d. Educational level?

1 Yes

2 No

e. Rank in organization?

1 Yes

2 No

f. Age?

1 Yes

2 No

g. Sexual orientation?

1 Yes

2 No

h. Other dimensions? (please describe) \_\_\_\_\_

i. Combinations of the above dimensions? (please indicate letters) \_\_\_\_\_

3. In the past year, have you heard a court employee make a slur, joke, or negative comment about people different from himself or herself?

1 Yes

2 No

a. If so, about how often have you heard these comments in the past year?

\_\_\_\_\_ times

b. Do these comments come from only one or two people, or from several?

1 One or two people

2 Several people (Interviewer asks for an estimate of the number of people) \_\_\_\_\_

c. What differences are the comments based on? (e.g., gender, age, ethnicity, race)

\_\_\_\_\_

4. In the past year, has a court employee made unwelcome comments to you about your physical appearance?

1 Yes

2 No

5. In the past year, has a court employee made unwelcome sexual advances toward you?

1 Yes

2 No



6. In the past year, has a judge made unwelcome comments to you about your physical appearance?

1 Yes

2 No

7. In the past year, has a judge made unwelcome sexual advances toward you?

1 Yes

2 No

8. In the past year, has an attorney, litigant, or other court user made unwelcome comments to you about your physical appearance?

1 Yes

2 No

9. In the past year, has an attorney, litigant, or other court user made unwelcome sexual advances toward you?

1 Yes

2 No

*[Interviewer says, "Now I'd like to ask a few questions about the personnel policies in your office."]*

10. Does your office have flexible work schedules to accommodate the elder-care or child-care needs of the staff?

1 Yes

2 No

3 Don't know

[If yes, continue to Question 11; if no or don't know, skip to Question 12.]

11. How are these work schedules working out in practice?

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12. Do you think your leave policy for childbirth is fair as written? as practiced?

1 Yes, the policy is fair as written and as practiced.

2 No, the policy is not fair as written or as practiced.

3 The policy is fair as written but not as practiced.

4 The policy is fair as practiced but not as written.

5 Don't know about such a policy.

### ***Focus Group Guidelines***

Focus groups will not be used as often as other methods. Those who elect to use them should keep the following points in mind.

- Focus groups should be held in a neutral, private, quiet, convenient location arranged by the court and moderator.
- If the consultant cannot conduct all the focus groups, he or she should be asked to prepare guidelines for moderators. The moderators should be given written discussion guidelines that describe the purpose of the focus group and how the sessions should be structured.
- The moderator should arrange for audiotaping equipment and extra blank audiotapes.
- The moderator should begin by introducing himself or herself and the note-taking assistant, and explaining “ground rules” (e.g., only one person should speak at a time, and participants should direct their comments to each other as well as to the moderator).
- The moderator should explain the purpose of audiotaping equipment and assure participants that names will not be associated with any comments when tapes are transcribed.
- The moderator should follow the guidelines in Chapter 6 of *Studying the Role of Gender in the Federal Courts: A Research Guide* by Molly Treadway Johnson.

## Sample Focus Group Protocol

Focus group protocols should include six to ten basic questions with follow-up questions ranked in order of priority (e.g., questions that raise issues that will generate the most discussion or are of the greatest interest based on information collected in a survey, during one-on-one interviews, or through less formal methods should be asked first). The following are sample questions.

*(General open question for non-supervisory staff)*

1. Is your office environment generally a positive one for everyone regardless of their positions, physical characteristics, or other differences?

*(Follow-up questions)*

2. In what ways is the environment less positive for certain groups of employees? Are certain groups of employees treated differently? How are they treated differently? (e.g., Are they given similar promotional or training opportunities, or new job assignments? Are they included in informal networking activities?)

*(General open question for court managers)*

3. Do you have any difficulty motivating specific groups of employees, such as female employees, older employees, or Latino employees?

*(Follow-up questions)*

4. In what ways have you had difficulty motivating these groups? What motivation techniques have you used? How have they not worked with specific groups?

*(General open question for court managers)*

5. Do you feel that the employees in your office adequately reflect the diversity in the labor force within your region?

*(Follow-up questions)*

6. How do you usually recruit and hire new staff? Where do you advertise? Who participates in the interviewing process? Who monitors the applicant pool to ensure that members of protected classes are included? What are your monitoring procedures?

### 3 DESIGNING THE PROGRAM

This section will help court managers and training specialists design a program through a specific planning process. The first part of this section is a description of the diversity education planning committee, including its composition, structure, and tasks. The second part describes program pointers and pitfalls for court managers and committees to consider before designing a training program. The next part on program formats will help managers recognize a sound program design, and the final part presents sample curricula outlines for two types of education programs: one program for general staff and a separate program for managers. Following a description of suggested follow-up activities and programs are sample exercises and court-specific case studies.

Courts are ready to implement the guidelines in this section if they

- have made a firm commitment to diversity training;
- are willing to devote time, energy, and resources to the effort; and
- believe in the importance of creating a diversity program.

#### **Planning the Training: Establishing a Diversity Education Planning Committee**

Diversity training, perhaps more than any other education program, should be planned by a group of diverse court employees, rather than by one or two people, for several reasons. First, the input of diverse staff with different experiences, expertise, and positions in the court helps ensure that a broad range of concerns and issues are identified. Second, by participating in the process and learning about the topic, court employees will become educated about diversity issues and committed to dealing with them. Third, the use of the committee structure helps spread the work among five or six individuals, which decreases the amount of time one person must devote to this effort.

Videotapes annotated in section 7 can be used by planning committee members to learn more about diversity. For example, *Dynamics of Diversity*, produced by American Media; *A Winning Balance*, produced by BNA Communications; and *A Tale of "O,"* produced by Goodmeasure, Inc., are three educational videotapes that can be used for this purpose.

The following are common questions about the structure and composition of the diversity education planning committee.

### **1. When should the planning process begin?**

Organize a planning committee at least three months before the training is to be implemented. Committee members and court staff will need this time to educate themselves about the topic, assess needs for training, and build management and staff support.

### **2. How many people should be on the committee?**

This depends, in part, on the size of the staff and whether the court has a full-time court training specialist. The committee should be large enough to include staff members from different job categories, but small enough to be productive—from about four to eight committee members is ideal.

### **3. Who should be on the committee?**

Ask for volunteers, but make it clear that not everyone who wants to be on the committee will be selected. Make the selection criteria clear: The committee should have representation from several major job categories (professional and administrative support staff). It is critical that the committee include a senior-level manager and a mid-level manager. Also consider including a staff person who is skeptical about the program but open-minded. He or she can represent the perspectives of other staff who may be skeptical. The committee should also be diverse; it should represent people of color, women, staff who are married, and staff who are single, staff who have children, and staff who do not have children. The committee should not be limited to people of color or women, or staff may perceive diversity as merely a program for select groups.

### **4. Should there be a chair or facilitator of the committee?**

The committee needs at least one or two persons—chair or co-chairs, facilitator or co-facilitators—to oversee and coordinate the process, to make sure the committee’s tasks are clear and completed on schedule, and to communicate the committee’s progress and direction to the clerk, chief probation officer, or chief pretrial services officer. If two people get the assignment, one of them should be a court training specialist.

### **5. What are the committee’s tasks?**

Whatever committee tasks the committee members identify under the direction of the facilitator or co-facilitators, those tasks must be clear from the beginning. Possible committee tasks include discussing with senior management the planning process for diversity training; deciding the needs assessment methods to use; deciding whether to use outside experts and if so, how to select them; discussing methods of building management and staff support; preparing staff for the training; consulting with the outside expert on program design, implementation, and evaluation; and identifying follow-up strategies. If the committee has more than ten members, facilitators may

organize subcommittees to work on specific tasks and to report to the committee as a whole. Subcommittees might also include a few people not on the committee, but this should be discussed with committee members.

#### **6. Should committee members be involved in the training program?**

Committee members, as appropriate, may serve as small-group facilitators for the diversity exercises, role-plays, or case studies that are used in the training program. They may also help introduce some of the exercises.

#### **7. Should the committee disband after the training program has been implemented and evaluated?**

The committee's work might end with the training program, but the members should be involved in any discussions about next steps. For example, any committees formed for follow-up activities and initiatives should include one or two members of the diversity education planning committee for continuity.

### **General Program Guidelines**

As the diversity education planning committee is educating itself about its job it should also begin envisioning the type of overall program that should be delivered. The following pointers and pitfalls provide some general program guidelines.

### **Diversity Training Pointers**

- If the committee chooses to use outside consultants, select committed, experienced experts (see section 4 on finding and working with outside experts).
- Use structured learning activities that are planned with input from participants, or committee members, or both.
- Focus on the 95% of participants who are willing to learn and are open to the new experiences and ideas that are introduced by the training, rather than the 5% of participants who are fearful, suspicious, or cynical.
- Create an environment in which participants are assured confidentiality.
- Acknowledge the present situation and aim for the future. There is no need to dwell on past injustices or prejudices, although some historical orientation to the development of diversity as a management issue may be necessary.
- Incorporate diversity issues and concerns into other appropriate training programs (see the information on training formats in this section).

- Use every opportunity to incorporate diversity perspectives into all court operations.

### **Diversity Training Pitfalls**

- Avoid programs that are dominated by lecture; present interactive and experiential programs.
- Avoid preachy presentations; focus on self-assessment, reflection, and awareness.
- Do not have sessions that are exclusively conducted by women and people of color. Using two experts from different backgrounds and with different characteristics (obvious and not so obvious) illustrates diversity, but always be sensitive to the diversity of the participants.
- Avoid programs that seek to change attitudes and opinions rather than seek to change behaviors.
- Do not rely on training that focuses only on building awareness and does not emphasize building skills in such areas as communication, conflict resolution, and team building.
- Do not hire content experts who design exercises and case studies without input from committee members or other court employees.
- Do not design a curriculum without conducting a needs assessment.

[Diversity training pointers and pitfalls adapted from Karp, H. B., and Sutton, Nancy. “Where Diversity Training Goes Wrong.” *Training* 7 (July 1993): 30–34; and Zimmerman, Gordon. “One More Time: How Do We Teach Gender Fairness?” *National Association of State Judicial Educators News* 7 (Fall 1992): 1, 10).]

### **Training Formats**

The training format is another consideration for the diversity education planning committee when planning diversity training programs. The training format addresses the following:

- *how the program is implemented* (i.e., as a single-focus program devoted entirely to the topic of diversity, or as a module or topic incorporated into another program);
- *the duration of the program*;
- *the skill level of the participants* (i.e., beginning, intermediate, or advanced level);
- *the type of audience* (i.e., supervisors, non-supervisors, or both); and



- *the class size.*

The best training format for a particular court depends on the needs assessment results, resources available, commitment of management to diversity initiatives, and size of the staff. The following comments about training formats are based on the experiences of diversity training experts and court training specialists who have already planned diversity training programs.

- **How the program is implemented.** Single-focus programs are often necessary, especially as diversity training is introduced to all staff, but such programs are not sufficient. Incorporating diversity issues into other training programs illustrates that diversity initiatives are not an ancillary, isolated effort. Several courts are incorporating diversity initiatives into programs on interviewing skills, recruitment and selection of new employees, orientation of new employees, communication, problem solving, team building, conflict resolution, performance management and review, coaching and development of employees, and motivation of employees.
- **Duration of the program.** Education programs less than four hours in length usually cannot adequately cover the issues and provide time for feedback and discussion. Two-hour or three-hour sessions incorporated into a larger program may be effective if more extensive diversity training (i.e., four to eight hours) has already been conducted, or if a more substantive and longer follow-up program is already on the training calendar. Managers, court training specialists, and training committees can plan specific follow-up programs, activities, and other initiatives so that the diversity training does not begin and end with one program.
- **Level of training.** If diversity training is being conducted for the first time, introductory training is necessary. Follow-up programs should take participants to another level, teach new skills, address specific problems or concerns uncovered in the needs assessment, and provide opportunities for organizational action planning.
- **Type of audience.** Whether supervisors and staff should attend the same training sessions depends on the level of training (i.e., whether it is an initial or follow-up training session), the level of trust among the supervisors and non-supervisors, and the duration of the program. Unless there is a high level of trust between managers and staff, courts should plan separate sessions to allow both groups to identify specific issues in an environment that assures confidentiality. Senior-level managers need to learn about the concerns of all employees in an environment that is conducive to their listening. The aggregate data from the needs assessment will be enlightening to managers and will help the diversity education planning committee decide on ways to structure the training according to audience type.

- **Class size.** Programs that include more than forty participants are not as effective as those that include fewer than forty participants. Participants need sufficient time to discuss issues in small groups, with partners, and with the entire group, and to process exercises and activities.

## Goals of Diversity Training

Once you have assessed your court's readiness for diversity training (see beginning of section 2), have the support of senior managers, have established the diversity education planning committee, and have reviewed the results of the needs assessment, you are ready to think about the program design. There are several general goals for training programs, and there are specific components that should be incorporated into an introductory diversity training program. Understanding the various goals and components will assist the committee in the planning process and help the committee provide feedback to the outside expert working with the court, if any. Most program goals can be summarized as follows:

- **To promote factual awareness.** A program can disseminate basic information about diversity. The program can include background information on the work force in the year 2000, court demographics, and specific demographics of the work force in the area, as well as discussions about how assumptions and stereotypes about different groups are formed.
- **To identify and change particular behaviors.** A program can identify specific strategies for determining what is acceptable and unacceptable behavior and language. For example, a program can focus on skills to enhance communication among people from different cultures, conflict resolution skills, interviewing skills and guidelines, or the use of appropriate labels.
- **To explore personal attitudes and prejudices.** A program can explore deeper issues of personal prejudice and stereotyping. An outside expert is especially valuable in accomplishing this goal; seek an experienced and well-qualified diversity consultant who can manage this training with sensitivity and objectivity.
- **To analyze the organizational culture.** A program can examine the organizational culture; its reward, recognition, and motivational systems; its communication, problem-solving, and decision-making processes; its recruitment, selection, interviewing, coaching, and mentoring processes; and how performance management systems support or undermine success in a diverse work environment.

Training programs that incorporate all of these goals are more effective than those that focus on only one or two goals. It requires flexibility and a mastery of both content

and group dynamics to be able to successfully incorporate all these goals into a training program. Also, adequate time must be allotted if all goals will be included. Depending on the needs of the court, a one-day program and then a two-day follow-up seminar might be necessary.

[For further information, see Payne, Tamara, and Mobley, Michael. "Diversity Training."]

### **Curriculum Components for an Introductory Diversity Training Program for All Staff**

Diversity education programs should address the specific needs of the court identified in the needs assessment. The needs assessment results will determine which areas to emphasize, which topics require more time, and the scope and type of learning activities to use. However, there are some basic components that should be covered in introductory diversity training programs for all courts.

## **Sample Content for a Introductory One-Day Program for All Staff**

The following program can be used for all staff, in either separate programs for supervisors and non-supervisors or one combined program. The following outlines, case studies, and exercises are intended to suggest basic topics to be covered, but they are not prescriptive. Each court's own needs assessment data should be used to identify specific topics for that court's program. The consultant can modify or add exercises or learning activities to meet the objectives. Programs can include the following objectives:

- Define “managing diversity” (both individual and organizational dimensions) and how it relates to, but differs from, equal employment opportunity and affirmative action (refer to chart in section 1).
- Identify the opportunities and challenges presented by diverse court employees and the clients and court users that the court serves.
- Describe how and in what ways diversity affects the operations of the court.
- Describe strategies for recognizing and managing personal prejudice.
- Identify and describe individual and organizational strategies that create an environment in which all employees have the opportunity to contribute to the effectiveness of the court.

## **Content Outline for an Introductory Program for All Staff**

- I. Introduction (Time: 30 minutes)
  - A. State the objective of the Introduction: to establish an atmosphere of trust, identify participants' personal goals for the workshop, and provide an opportunity for participants to assess their current level of diversity awareness.
  - B. Identify participants' anxieties about diversity training and one primary objective participants would like to accomplish in the training session.
  - C. Identify ground rules and ask participants to agree to them: confidentiality, honesty of responses, and respect for opinions and perspectives different from their own.
  - D. Have participants take the Sample Diversity Awareness Quiz (Exercise 1 at the end of this section).
  - E. Review the Sample Diversity Awareness Quiz with participants.
  - F. Suggested activity: Write on a flip chart participants' objectives, which should be addressed and referred to during the session.

- II. Definition of diversity and its dimensions (individual and organizational dimensions) (Time: 60–80 minutes)
  - A. State the objective of Part II: to define diversity, its various dimensions, and the specific ways in which it affects the workplace.
  - B. Ask participants to define diversity and assess their understanding of the concept.
  - C. Discuss R. Roosevelt Thomas’s definition of diversity (see page 4) and the range of dimensions of diversity, and compare them with participants’ definitions and understanding; discuss why people generally tend to focus on race, ethnicity, and gender.
  - D. Identify organizational diversity within the court (e.g., younger employees and older employees; those with higher education and those without it; professional staff and administrative support staff; employees who have court experience and those who do not; supervisors and non-supervisors).
  - E. Identify the differences between diversity, equal employment opportunity, and affirmative action and how these concepts relate to each other (for a comparison of affirmative action, valuing differences, and managing diversity, see chart in section 1).
  - F. Suggested activities: Write on a flip chart participants’ definitions of diversity and the organizational dimensions before giving participants a complete list. Participants can discuss these dimensions in one large group or in small groups. Have participants complete the Diversity Defined exercise (Exercise 2) at the end of this section.
  
- III. Factors that contribute to the changing work force, clients, and the public (Time: 15–20 minutes)
  - A. State the objective of Part III: to provide participants with some background and contextual information about why diversity issues are being addressed now. (This section is to be presented by a unit executive or court training specialist.)
  - B. Discuss the background: changes in the court work force; your court’s EEO plan, the Judicial Conference’s recommendations, and circuit task forces established to study effects of race, ethnicity, age, gender, and disability. Solicit participant responses to specific examples of factors affecting the court’s interest in managing diversity:
    - 1. increasing federalization of crimes; move from “white-collar” to “blue-collar” crimes;

2. increasing diversity of clients, attorneys, and court users (i.e., pro se litigants);
  3. increase in minority and women deputy clerks and U.S. probation officers;
  4. increase in families in which both parents work and an increase in single-parent families and its affect on work and home life; and
  5. new workers on the fast track.
- C. Identify other factors affecting the court's interest in managing diversity.
- D. Explain the purpose of diversity training:
1. to help employees and managers effectively deal with the mixture of backgrounds and characteristics of employees, clients, and court users; and
  2. to enhance productivity.
- IV. Opportunities and challenges presented by diversity (Time: 60 minutes)
- A. State the objective of Part IV: to assist participants in understanding how diversity can increase productivity and how it presents challenges to the court.
- B. Ask participants to identify opportunities and challenges presented by work-force diversity.
- C. Solicit responses to the following questions:
1. How can diversity enhance the operations of the courts? Possible responses are effects on productivity; use of the skills, talents, expertise, experiences, and perspectives of a heterogeneous group of people who serve a heterogeneous population; creative problem solving and decision making if the talents and skills of all employees are used.
  2. What challenges does diversity present to the courts? Possible answers are managing individuals with different cultural backgrounds, expectations, motivations, experiences, educational levels, communication styles, and lifestyles; handling conflicts arising from diversity issues; recruiting creatively and ensuring that selection, promotion, and assignments are not biased or discriminatory; fostering open communication around issues of diversity; creating systems in which all employees have an opportunity to contribute to the organization.
- D. Review the purpose of training: to maximize opportunities and provide skills to address challenges.

- E. Suggested activities: Have participants discuss the following experiences in small groups. If participants include supervisors and non-supervisors, you might want to divide them into supervisor and non-supervisor groups, and have participants report responses to the large group.
- First, ask participants to share an experience in which the obvious or not so obvious differences between themselves and a co-worker, or between two other co-workers, or between themselves and a friend were valuable assets for a project or task. What made the project or task successful?
  - Second, ask participants to share an experience in which the obvious or not so obvious differences between themselves and a co-worker, between two other co-workers, or between themselves and a friend were obstacles for completing a project or task. What made this experience different from the one they presented above?
  - Discuss Case Study 1 or Case Study 2.
- V. Individual and organizational similarities and differences (Time: 45 minutes)
- A. State the objective of Part V: to provide participants with an opportunity to reflect on and identify similarities they have with co-workers, such as common personal goals and workplace goals, while recognizing and respecting differences.
- B. Discuss what all human beings have in common regardless of race, gender, geographic location, place of birth, language, age, education, physical ability, sexual orientation, income, and values: the need for respect and to feel valued, recognized, and rewarded; the need to communicate and have productive work relationships; the need for support; the need to contribute. Explain that the ways in which individuals express these common needs may differ.
- C. Discuss workplace similarities. For example, ask participants if they share a common organizational vision, values, and goals.
- D. Discuss the implications of this mix of commonalities and differences for the ways in which we work together.
1. Ask participants, how does this mix affect office interactions, morale, issues of respect, motivation, and productivity?
  2. Ask participants, how does this mix affect work schedules? (e.g., compressed time, flex time, comp time, job sharing, and locations; balancing organizational and personal values and priorities; balancing home and work life)

3. Ask participants, especially managers, how does this mix affect office operations? (e.g, hiring, promotions, coaching, training, mentoring, performance reviews, motivation, communication mechanisms and styles, and reward and recognition systems)
- E. Suggested activity: Discuss Case Study 3 or Case Study 4, or ask participants to discuss the following two questions in small groups and then report their responses. What are the basic needs, interests, and goals you share with other employees in your court? What are some obstacles to achieving your common goals? (individual and organizational)
- VI. Effects of differences in personal values, experiences, and stereotyping in the workplace (Time: 90 minutes)
- A. State the objective of Part VI: to help participants identify stereotypes as one of the major obstacles to achieving goals, to recognize one another's strengths and capabilities, and to treat one another fairly and respectfully.
  - B. Show *A Winning Balance* or *A Tale of "O"* and discuss the following questions:
    1. What are stereotypes? (see Glossary of Major Terms for a working definition of stereotypes). Conceptualize stereotypes through the iceberg model. The model states that one can only see 20% of the iceberg; the other 80% is underneath the surface. Thus, if we focus only on the 20% of a person we see, we miss 80% of the person.
    2. How are stereotypes formed? Discuss the compact disc model: A compact disc records our life experiences that emanate from parents, teachers, neighbors, friends, media (print and electronic), significant others, school, and religious teachings. Experiences may be negative or positive, or negative and positive (e.g., some people have never had a personal or professional relationship with a Native American, a gay man or woman, or a person with disabilities; therefore, they rely on the experiences of others or the media). Compact disc recordings of these experiences continue to play back in our minds even with the addition of new recordings.
    3. Discuss the effects of stereotyping on the person being stereotyped (to be identified by the participants through suggested activities).
      - a. Stereotyping limits opportunities and expectations; it can result in people anticipating or predicting performance or behavior without real experience.



- b. Stereotyping can result in people ignoring the individual differences and uniqueness we all have and the fact that people grow and change over time.
      - c. The disadvantage of stereotyping is that the person doing the stereotyping cannot learn about what motivates people because he or she is not tuned in to each person's abilities, uniqueness, talents, and skills.
  - C. Explain how to overcome stereotyping.
    1. Get to know people as individuals.
    2. Ask someone from a different culture and background whom you trust, and who trusts you, to help you ask the right questions about your differences and similarities.
    3. Discuss how you can be a change agent by responding to slurs, jokes, or stereotyping.
    4. Ask participants and faculty to identify other strategies and models for overcoming stereotyping.
  - D. Suggested activities:
    - Depending on time and needs, have participants complete the Cross-Cultural Personal Biography (Exercise 3) and discuss it with them. Ask participants to share an experience in which they felt they or a friend or a co-worker was stereotyped, and to describe how they felt and what, if anything, they did about it.
    - Discuss Case Study 9 or Case Study 11.
- VII. Practicing diversity initiatives in the workplace on an individual level (Time: 30 minutes)
- A. State the objective of Part VII: to help participants identify actions to be taken to create and sustain a workplace environment which promotes diversity.
  - B. Ask participants how they can practice positive diversity efforts in their organization.
  - C. Ask participants what skills and information they need to help them promote diversity.
    1. For example, ask participants if they are confused about what are the most appropriate labels to use when identifying a particular group. If they are confused, provide the following guidelines:
      - Ask the people in the group for their preferred term.

- Pay attention to how people refer to themselves or their own group (a feminist organization, the Latino Employee Support Group, or the Association for the Asian Pacific League, for example).
- Remember that all group members will not necessarily have the same preference.
- Realize that just as fashions change, so do the terms used to describe groups.
- Understand that terms used within a group may not be acceptable when used by an outsider. The epithets used in joking banter and teasing may be reserved for members only.

D. Suggested activity: Discuss Case Study 9, or Case Study 11, or both.

VIII. Practicing diversity initiatives in the workplace on an organizational level (Time: 60 minutes)

- A. State the objective of Part VIII: to help the court identify actions to create and sustain a workplace environment which promotes diversity.
- B. Ask participants, do our policies, procedures, and practices need to change if we are to create an environment in which everyone can contribute? If so, which ones and how do they need to change?
- C. Ask participants, what skills and information are needed to help us identify which policies, procedures, and practices need to change?
- D. Suggested activity: Have participants anonymously complete the form Action Planning for Managing Diversity in the Courts (Exercise 4). All participants should fill in both sections of the form. The court training specialist then compiles the information on actions to be taken organizationally and shares it with unit executives in preparation for additional training (see IV under course for managers) and follow-up activities and initiatives.

## **Sample Content for a Half-Day Program for Managers**

After all staff have participated in an introductory program, a separate program should be offered for managers. The introductory program provides an overview of diversity issues, terminology, and concepts and helps participants understand how diversity affects the work force in concrete and specific ways.

The suggested program outline for managers assumes that they have completed the introductory program. The program for managers helps managers assess ways in which specific court operations and systems support or hinder diversity management. It answers the questions: how can we collect data and information to determine if our organizational culture supports diversity efforts, and how do we begin to develop a diversity plan? The advantage of participating in this type of self-assessment is that when appropriate action is taken, the entire organization and all of its employees benefit.

Exercises appear at the end of this section. Diversity programs should concentrate on specific issues or situations identified through the needs assessment process.

### **Content Outline for a Program for Managers**

- I. Introduction (Time: 30 minutes)
  - A. State the objective of Part I: to review why it is important to effectively deal with diversity in the courts.
  - B. Ask participants to identify their expectations for the training session.
  - C. Engage participants in a discussion of factors contributing to the changing work force and the public it serves. Quickly review the introduction in the content outline in the program for all staff.
  - D. Review the definition of diversity (individual and organizational) (see II in the introductory program outline for all staff).
- II. Determine the specific diversity-related needs or problems that exist in an increasingly diverse work environment (Time: 90 minutes)
  - A. State the objective of Part II: to assist managers in identifying ways to assess operations.
  - B. Assess the court's strengths and weaknesses with respect to diversity initiatives; focus on process (how to assess diversity-related problems) and content (what specific operations should be assessed).

1. Discuss ways to identify perceived issues or problems (e.g., surveys, focus groups, one-on-one interviews, task forces) and which court users should be queried. It is important for managers to collect data, not to operate on assumptions.

Suggested activity: Have participants organize into small groups to think of ways to identify perceived diversity-related problems or issues; give them a few examples.

2. Identify the types of interactions that should be assessed:
  - a. interactions or operations in the office;
  - b. operations in the “field,” especially between U.S. probation and pretrial services officers and their clients; and
  - c. courtroom interactions.
- C. Based on needs assessment results, identify the specific operations or systems that should be reviewed. (There is no need to discuss all ten points that follow; participants may identify other operations or systems.)
  1. Mission, goals, values, and vision statements (e.g., Does your office have them? Does everyone know about them, and are they committed to them? Were they created by all employees or only senior managers? When were they last revised?)
  2. Recruitment, hiring, interviewing, and the selection process (e.g., Are all positions posted? How is hiring monitored for adherence to the EEO plan? Who participates in interviews? What sources are used for recruitment?)

Suggested activity: Discuss Case Study 5, Case Study 6, or Case Study 7.
  3. Orientation of new employees, training, job assignments, and promotions (e.g., Are training opportunities fair for all staff at all levels? How are job assignments determined?)

Suggested activity: Have participants complete and discuss Norms: The Unwritten Rules of This Organization (see Exercise 5).
  4. Staff development  

Suggested activity: Show and discuss the videotape *The Power of Diversity: Creating Success for Business and People—Career Development* (Tape 2 in the series).
  5. Communication mechanisms, including information-sharing, decision-making, and problem-solving processes (e.g., Do processes—both formal

and informal—allow for easy and flexible communication by employees at all levels of the organization?)

6. Performance evaluation and review (e.g., How often is performance evaluated? Is the evaluation based on clear performance criteria or objectives identified by employee and supervisor? Are career expectations and opportunities for growth clearly understood and articulated? Is there an opportunity for supervisors to receive feedback on their performance from their employees?)

Suggested activity: Show and discuss the videotape *The Power of Diversity: Creating Success for Business and People —Performance Appraisal* (Tape 3 in the series).

7. Rewards and recognition systems (e.g., Are they flexible enough to accommodate individuals who prefer private recognition over public recognition? Can employees choose to take annual leave or flexible work schedules for a reward rather than just monetary compensation?)
8. Work schedules and locations (e.g., Are they flexible to accommodate staff needs yet ensure office coverage? Is there any flexibility in work locations for telecommuting?)

Suggested activities: Show and discuss the videotape *The Power of Diversity: Creating Success for Business and People—Balance of Work/Family Issues* (Tape 3 in the series), or discuss Case Study 4.

9. Policies—EEO Plan, maternity and adoption policy, policy against sexual harassment, diversity policy, grievance procedures, conflict resolution policies and procedures (e.g., How are they practiced? Does everyone know about them?)

Suggested activity: Discuss Case Study 10.

10. Other operations and interactions—subtle and overt.

Suggested activity: Have managers identify other interactions they should know about. Show and discuss the videotape *The Power of Diversity: Creating Success for Business and People—Sexual Harassment and Gender Discrimination and Disabilities: Hiring and Promotion* (Tape 1 in the series).

- III. Assessing problems with clients and court users and courtroom-related problems (Time: 60 minutes)
  - A. State the objective of Part III: to help managers identify and assess diversity-related problems between court personnel and clients or court users.
  - B. Discuss and identify diversity-related issues with clients or court users and in the courtroom.
  - C. Suggested activities: Discuss Case Study 8 or Case Study 11.
  
- IV. Methods for addressing diversity-related problems or improving the work environment (Time: 90 minutes)
  - A. State the objective of Part IV: to provide managers with a model plan that can be used to develop diversity (resource: Ann Morrison, *The New Leaders*).
  - B. Discuss methods for identifying and addressing diversity problems in the organization:
    - 1. Strengthen top management's commitment to diversity, provide resources to support diversity initiatives, provide incentives to continue promoting diversity, and so forth.
    - 2. Identify solutions to problems that are consistent with the organization's overall goals.
    - 3. Analyze solutions to problems identified in II.C.
    - 4. Identify ways to sustain interest and commitment and strengthen diversity efforts.
  - C. Suggested activity: Using the top part of Exercise 4 (Actions to be taken organizationally), ask participants to (1) choose a barrier or problem that is a high priority, (2) describe how they would confirm that the barrier chosen was appropriate, (3) identify possible causes for the problem, (4) identify additional barriers, (5) discuss possible actions or approaches to addressing problems, and (6) describe how management can support the actions. Try to make discussion groups as diverse as possible, or make some groups heterogeneous and other groups homogenous and ask participants to report on their responses and the group dynamics that unfolded as they completed the exercise. For example, did the heterogeneous groups come up with more creative causes and solutions? Did the heterogeneous groups encounter more problems in listening to one another?

## **Next Steps: What to Do After an Introductory One-Day Program**

Following an introductory training program for managers and non-managers, the diversity education planning committee can plan follow-up initiatives and activities for all staff. It is critical for the committee to draw upon the needs assessment results and the evaluation forms from the training program, and to talk to senior court managers to identify the next steps. Follow-up programs can be conducted on the following topics:

- the court's EEO plan and grievance procedures, the Family and Medical Leave Act, and other policies;
- gender communication;
- sexual harassment and/or gender fairness;
- cross-cultural communication;
- bias in hiring, the interview process, promotions, work assignments, and training opportunities; and
- employee coaching and mentoring.

Other topics presented in follow-up training activities and initiatives should incorporate diversity sessions into court unit or district-wide meetings or retreats. Diversity issues and perspectives can be incorporated into specific skills training workshops on such topics as

- communication styles and skills;
- decision making;
- problem solving;
- managing employee relations;
- negotiation skills;
- recruitment, selection, and interviewing processes;
- performance reviews;
- team-based management;
- total quality service;
- process improvement;
- effective supervision;
- managing change;
- conflict resolution; and
- ethics in the workplace.

(The Court Education Division has programs on many of these topics. Contact Denise Glover, phone: (202) 273-4122.)

The resource list in section 7 contains specific materials that will assist court units in identifying training resources.

Remember that follow-up activities can be informal gatherings that provide employees with opportunities to understand other cultures. The following are some examples:

- ethnic food fairs or picnics with information on various foods and recipes;
- brown bag discussions of current events (court-related and more general);
- presentations about trips to foreign countries;
- presentations or discussions about different cultures by court employees from those cultures;
- celebrations of the culture and history of various racial and ethnic groups (one day could be set aside every three to four months);
- book discussion or film discussion groups on various subjects related to diversity issues; and
- in-house cultural exhibits or film festivals, or after-work tours of cultural exhibits.

## **Organizational Strategies for Implementing Diversity Initiatives**

To maximize the effectiveness of diversity training as a long-term initiative, the organizational structure and culture of the court may need to change. Any organizational changes should be based on a systematic study or assessment of any problems in the court's operations or processes that may impede diversity efforts.

Some organizations are using a variety of mechanisms to assess diversity-related problems. Some are developing strategic plans that include diversity initiatives. Others are reviewing their mission, values, vision, and goals to ensure that they include diversity components. Still others are reviewing their policies (e.g., their EEO plan and grievance procedures, sexual harassment policy, diversity policy), procedures (written and verbal), and processes (e.g., recruitment, selection, and interviewing; communication and problem-solving processes) to make sure they are understandable, fair, and inclusive.

Regardless of where a court begins its review of its structure and culture, all employees from all levels of the court (e.g., professional and administrative support) should have an opportunity for active input into the process. Whether courts choose to form task forces, advisory or planning committees, or work groups, each group should be diverse in composition and draw on the unique contributions and backgrounds of all members of the court staff. These groups should report directly to the unit executive.



Also, senior court managers will want to include strategies for assessing managers' accountability and commitment to, and support for, diversity efforts.

For additional guidance and ideas, the following authors, whose works are annotated in section 7, are highly recommended: Clay Carr; David Jamieson and Julie O'Mara; Marilyn Loden and Judy Rosener; and especially Ann Morrison.

**Exercise 1**  
**Work Force 2000**  
**Sample Diversity Awareness Quiz**

Review these questions about work-force and court demographics and the answers on the next page. They might surprise you.

1. \_\_\_\_\_ By the year 2000 (a) two out of every six, (b) three out of every six, or (c) four out of every six work-force entrants will be women.
2. \_\_\_\_\_ Of top executives in American companies, (a) 5%, (b) 10%, or (c) 15% are women.
3. \_\_\_\_\_ Of the 20,000 full-time staff members in the federal courts, almost (a) 30%, (b) 50%, or (c) 70% are women.
4. Approximately \_\_\_\_\_% of full-time staff members in the federal courts are people of color.
5. \_\_\_\_\_ By the year 2030, the number of senior citizens will be (a) almost equal to, (b) less than, or (c) more than the number of teens in the United States.
6. \_\_\_\_\_ By 2015, the *second* most practiced religion in the United States will be \_\_\_\_\_.
7. Sexual harassment cost the federal government \$ \_\_\_\_\_ million in turnover from May 1978 to May 1980.
8. Of new entrants to the work force over the next thirteen years, \_\_\_\_\_% will be white men.
9. By the year 2050, the average U.S. resident will trace his or her descendants to which four regions in the world? \_\_\_\_\_
10. \_\_\_\_\_ Of 43 million disabled Americans who are of working age, (a) one-half, (b) one-third, or (c) one-fifth are in the work force.
11. \_\_\_\_\_ Of the African American women who work for the courts, (a) 25%, (b) 15%, or (c) 50% are employed in the clerical category.
12. \_\_\_\_\_ Women own (a) 7%, (b) 15%, or (c) 30% of all U.S. businesses.

**Work Force 2000**  
**Sample Diversity Awareness Quiz**  
**Solutions**

1. c
2. a
3. c
4. 25%
5. a
6. Islam will be the second most practiced religion in the United States; Christianity will be first; Judaism will be third.
7. \$189 million
8. 32%
9. Asia, South America, Latin America, Africa
10. c
11. c
12. b

[Data drawn from Johnston, William B., and Packer, Arnold E. *Workforce 2000: Work and Workers for the 21st Century*. Indianapolis, Ind.: The Hudson Institute, 1987 (Prepared for the U.S. Department of Labor); Office of Equal Employment Opportunity, Administrative Office of the U.S. Courts.]

## **Exercise 2**

### **Diversity Defined**

#### **Time**

- 15 minutes

#### **Objective**

- To develop a group understanding of the term “diversity”

#### **Method**

1. Diversity means different things to different people. This exercise will enable participants to understand what diversity means to us as a group and to build some common language and perceptions about what can be an abstract term.
2. Standing at a flip chart, ask the group, “What are some characteristics of people that come to mind when you hear the term ‘diversity’?”
3. Record the responses on a flip chart. If the group becomes stymied, suggest a term or probe for suggestions. The completed list will most likely include terms covering a variety of characteristics, such as age, physical ability, ethnicity, skills, national origin, and economic status.

#### **Discussion Points**

- Diversity includes many characteristics and need not center exclusively on race or gender.
- We may define ourselves as belonging to several groups.
- Diversity may also include perspectives, ideas, and practices based on one’s unique background and set of experiences. People from similar backgrounds may see things similarly because of a shared set of experiences, but other influences may negate those experiences. It is unlikely that two people will have exactly the same set of experiences from which to draw.
- Rather than thinking of people in a “box” that defines who they are, think of them as being shaped by a set of influences.

[Adapted from Dickerson-Jones, Terri. *50 Activities for Managing Cultural Diversity*. Amherst, Mass.: Human Resources Development Press, 1993.]

### Exercise 3

#### Cross-Cultural Personal Biography

##### Objectives

- To allow participants to identify their experiences with people different from themselves.
- To allow participants to see that many of their experiences are similar to those of others.
- To begin to establish the foundation for participants' understanding of how stereotypes begin.

##### Method

1. Ask participants to complete the Cross-Cultural Personal Biography. Give them brief explanations: "Across the top of the columns are listed periods in or experiences from your life ('significant relationships' is for marriage or living together relationships; 'business/real estate' is for when you have made major purchases of a car, real estate, appliances, and so forth; if you have not been in the military or college, leave those columns blank). Down the left-hand side is a listing of different groups of people." (Explain the term "National": Asian American is someone born and raised in the United States; Asian National is someone born elsewhere who has emigrated to the United States).

"In each square of the page put one of the following symbols: + if you had a positive experience with a member of the group listed in the left-hand column; - if you had a negative experience; +/- if your experience was a mix of positive and negative; or 0 if you had no personal experiences with any members of this group or you cannot remember them.

Give participants ten minutes to complete the form. Watch them—if they finish earlier, continue earlier. If a few people are still working on the form in ten minutes, however, proceed with the exercise, because they can finish it later.
2. Divide participants into groups of three to four and ask them to discuss what they wrote on their forms—what it could tell them and how the forms of others in their group are similar to or different from their own. Allow ten minutes for small-group discussion.
3. In the larger group, ask people what observations they had in their small groups.

[Adapted by Professor Lamar Cyprian Rowe.]

### Exercise 3

### Cross-Cultural Personal Biography

Your cultural group: \_\_\_\_\_

	Family/ Pre-school	K-6	Middle School	High School	College	Military	Work	Significant Relationships	Neighborhood	Social	Religion	Business/ Real Estate
Asian American												
Asian National												
Black American												
Black National												
Disabled												
Hispanic American												
Hispanic National												
Jewish												
Lesbian/Gay												
Native American												
White American												
White National												
Other												
Other												

+ positive experience

- negative experience

+/- mixed experience

0 no experience

## Exercise 4

### Action Planning for Managing Diversity in the Courts

#### Actions to Be Taken Organizationally

Barrier/problem	Recommended action	What we can do to support this action
1.		
2.		
3.		

#### Actions to Be Taken Individually

Barrier/problem	Recommended action	What I can do to support this action
1.		
2.		
3.		

## Exercise 5

### Norms: The Unwritten Rules of This Organization

#### Dress

What is the organizational uniform? How do people dress? Who wears suits? At what level are jackets required? Do women wear pants?

	Men	Women
Senior management		
Middle management		
Supervisors		
First-line staff		
Other		

#### Communicating and Addressing

How are people addressed? (First name, title, etc.) How are people contacted? (Phone call, memo, appointment)

	Men	Women
Senior management		
Middle management		
Supervisors		
First-line staff		
Other		



## Employee Gatherings and Interacting

Who interacts? Who convenes the meeting? Who facilitates it? Who is invited? Who participates? Is promptness valued?

	Format (Time, Place, Length)	Participants (and Their Roles)
Meetings		
Breaks		
Lunch		
After work		

The following are suggestions for using Norms: The Unwritten Rules of This Organization.

### Objective:

- To help potential managers learn the unwritten rules of behavior in the court.

### Intended Audience:

- Mentors, coaches, or supervisors working with potential promotees or new employees so that they can teach them the organization's unwritten rules.

### Processing the Activity:

- One-on-one discussion between mentor or coach and employee or promotee.

### Points for Discussion:

- Whatever is on the worksheet and whatever other norms the mentor or supervisor suggests are important.

### Caveats and Considerations:

- It is possible for a trainer to design and use a seminar format to determine what the norms are so that all mentors or supervisors in a given organization teach and reinforce the same norms.

[Adapted from Gardenswartz, Lee, and Rowe, Anita. *Managing Diversity: A Complete Desk Reference and Planning Guide*. Homewood, Ill.: Business One Irwin, 1993.]

## **Introduction to Case Studies**

These case studies are designed to (1) enhance participants' knowledge of work-related diversity situations and the implications of these situations for productivity, work quality, and morale; (2) give participants practice in thinking through and recognizing the various diversity issues and exploring approaches to handling them in the court; (3) help participants understand the positions of all characters represented in the case studies; and (4) encourage participants' open and honest discussion of court-specific diversity issues.

## ***Design of Case Studies***

These case studies were drafted initially by court employees to reflect a wide range of real issues and situations in the courts. The case studies vary in diversity dimensions and situations; court environment, type, and location; and interactions and job titles or positions of main characters.

## ***Guidelines for Using the Case Studies***

1. Select the case study or case studies that are best suited to your training objectives, course content, and court situation. Specific case studies are suggested in the sample program outlines presented earlier in this section.
2. Review case studies with the diversity education planning committee and others planning the program to determine if you want to use all or some of the suggested discussion questions or add new questions. Determine if court-specific terminology, situations, or nuances in some case studies need further explanation.
3. Discuss possible responses to discussion questions with those planning the program. The point is not simply to have participants agree that prejudicial attitudes and behaviors are bad, but to encourage them to move beyond the conflicts depicted in the case studies in order to deal with them. Although the case studies describe people's biased behavior or lack of knowledge, awareness, or experience in dealing with different groups, the conflicts depicted are rarely totally one-sided. The case studies should encourage an open discussion and exchange of different perspectives on the issues in light of training objectives and program content.
4. During the training program, divide participants into groups of six to ten. Ask each group to select one or more facilitators or reporters to report to the entire group on the responses to the discussion questions. Two groups can be assigned to the same case study and the two groups' answers compared, or each group can discuss a different case study.

5. Reporters or facilitators of small groups should be prepared to discuss the content of the case studies and, if time allows, the dynamics of the group process. The following are some process questions to consider:
  - How did the small group decide who would serve as the facilitator or reporter?
  - Was everyone encouraged to participate in the group discussion? Did the group hear all opinions, including unpopular ones?
  - Did participants hear and listen to the perspectives of the women, racial and ethnic minorities, older or younger participants, support staff as well as professional staff? Were these perspectives valued?
  - Were responses and perspectives on issues clarified or better understood when someone in the group directly identified with a character in the case study?
6. For each case study, assume that the court has adopted the Judicial Conference of the United States Model EEO Plan or one substantially similar to it.

### ***List of Case Studies***

The following case studies are presented in this section:

- Case Study 1: Balancing Religious Obligations and Workplace Needs
- Case Study 2: Managing People with Disabilities
- Case Study 3: Gender Roles
- Case Study 4: Balancing Work and Home Life
- Case Study 5: The Selection Process and Gender Issues
- Case Study 6: Gender and the Job Interview
- Case Study 7: Gender and Race in Promotion Decisions
- Case Study 8: Relations Between Court Employees and Court Users
- Case Study 9: Stereotyping in the Workplace
- Case Study 10: Relations Between Co-workers
- Case Study 11: Evaluating Clients
- Case Study 12: Gay Issues in the Workplace

## Case Study 1

### Balancing Religious Obligations and Workplace Needs

Joe was hired as a deputy clerk in the Mountain View division of the U.S. district court over a year ago. Shortly after he was hired, his supervisor, Felicia, determined he needed to improve his writing skills in order to perform his job adequately. Felicia shared literature and course information with Joe and encouraged him to take an appropriate writing course to enhance his skills. Felicia explained to him, “Joe, it’s really important that you get your writing up to par. Please try to find a course that would be appropriate, and let me see the course description. The court may even be willing to pay part of your tuition.”

It is time for Joe’s six-month performance review; his writing skills have not improved and he still has not taken a course. Felicia asks Joe at the performance interview, “Have you been actively looking outside the office for a good writing course?” Joe responds, “I tried but I couldn’t find one because they’re all located too far from my home. Besides, I bought a home study course with videos and workbooks, and I think my writing is getting better.” Felicia responds, “I wish I could agree with you, but I don’t see much change, and I’m tired of getting all the pressure from my bosses about it.”

At this point, Felicia realizes she must take care of the situation. After a few weeks, she finds what she believes is the perfect course; it is close to Joe’s home and offered right after work. Felicia asks Joe to stop by her office so that she can share this information with him. He looks over the course information and tells her he will not be able to take the course because it is scheduled the same nights as his church meeting. Frustrated, Felicia insists, “Look, Joe, you really have to work something out or think about looking for employment elsewhere.” Joe responds, “Look, Felicia, you have no good reason to make it difficult for me to exercise my religion. I have my rights.” Joe leaves the office angry, goes straight to Delores, Felicia’s manager, and complains that Felicia is insensitive to his religious obligations. Knowing Joe’s writing deficiency, Delores supports Felicia’s position. She thinks that Joe is overly sensitive and rigid about his religious obligations.

As a supervisor with the court for more than twelve years, Felicia feels she has had her share of employees with bad attitudes. Felicia feared that there would be problems with Joe as soon as he told her about his religious background and beliefs. When she asked Joe to be on the birthday committee, he became agitated and replied in a raised voice, “I don’t celebrate birthdays or participate in any other celebrations. And I don’t want anyone to celebrate my birthday either!”

After Joe’s outburst, Felicia thought to herself: “This is great. Now he thinks I’m on his case about his religion, which is going to make it even harder to get his writing improved. Joe always seems to have an excuse for his errors, and he didn’t even move the

literature that I put on his desk.” Felicia feels she has always been able to get positive responses when she has tried to help employees. Joe, however, seems different to her. He does not seem to have a sense of office loyalty, and it appears to her that he is always throwing his religious beliefs around, as if he was the only one with beliefs and obligations.

Joe sees things differently. Every place he has ever worked, he has felt that his supervisors have given him a hard time because of his religious convictions. He told himself that once Felicia found out about his religious faith there would be trouble. Despite what Felicia says, Joe knows he took the initiative to look for the course they wanted him to take. He believes he has worked hard, and he feels his writing skills have improved. He thinks Felicia doesn’t like him because of his religious beliefs and would like to see him leave so that she no longer has to deal with him. Joe thinks, “I feel like an outsider because I do not participate in their office parties. They simply do not understand how important it is for me to follow the dictates of my faith.”

### **Suggested Discussion Questions**

1. What is the problem here from Felicia’s perspective and from Joe’s perspective? Do they understand each other’s perspective on the problem? If not, what makes you think they don’t understand?
2. What is the best way for Felicia to meet her obligation as a manager to help Joe contribute his best to the court? Should Joe be expected to compromise his convictions to adapt to the workplace? Is Felicia expecting Joe to do that?
3. What could Delores, Felicia’s manager, do to help in this situation?
4. What are some immediate and long-range approaches for management and employees to deal with balancing religious obligations and meeting workplace requirements?

## Case Study 2

### Managing People with Disabilities

Tim supervises a unit of six deputies in the clerk's office. One of the deputies, Sally, lost her left leg to cancer several years ago. Her health since then has been poor, as she also suffers from an arthritis condition. Sally has been cheerful and upbeat through all of her troubles and always tries to do her best. When she is in the office, she is one of Tim's best employees.

The work performed by the deputy clerks involves some filing and lifting. Tim has helped Sally move some of the heavy files. "After all," says Tim, "it's obviously hard for her to do this work, and I'd help anybody in her situation." Tim has also been extremely lenient with Sally's leave. If she needs a couple of hours to go to the doctor, he often just lets her go without requiring a leave slip. "Since Sally is always in leave trouble and no longer qualifies for leave sharing, she tries to work late to make it up. You just ought to be grateful you don't have her problems," Tim tells the other members of the unit when they ask about Sally's hours.

During a week when Sally was absent because of illness, Tim did much of Sally's work. While the other members of the unit were grateful they didn't have to do her work, this was the last straw for Dave, a deputy clerk. Dave thinks that Tim is wrapped around Sally's little finger. On Monday of the next week, Dave confronts Tim at the soda machine and tells him that he is being unfair by favoring Sally. Later that day, Sally, sensing her co-workers' unhappiness with the situation, decides to talk to Tim about it. "I know you think you're being helpful, but it's alienating my co-workers. I'm beginning to feel that I'm not being allowed to do all of the work I'm capable of doing," Sally explains to Tim. In her mind, Tim's presumptions about people with disabilities are causing him to think that she can't handle her job. She is grateful for his concern, but she is angry too.

### Suggested Discussion Questions

1. How should Tim handle both of these confrontations? Is Sally justified? Is Dave justified? Are they both justified? Why or why not?
2. Is Tim really doing the right thing by doing Sally's work? What specific things does he do for her? Are his responses always appropriate? Can you have good intentions and still do the wrong thing? Who defines what is right or wrong in this situation—the employee or the manager?

3. If you as a manager did the same thing for a staff person in a situation like Sally's, would other staff who are not in that situation have a right to complain? Why or why not?
4. What specific resources might Tim use to help him deal with this situation?
5. Would your responses to the above questions be different if Sally were a man? Would your responses be different if Sally were an older employee, rather than an employee with disabilities?

### **Case Study 3**

#### **Gender Roles**

Mary has been a court reporter in the district court for three years. This Monday morning she rushes into the courtroom and hurriedly begins to set up her equipment a few minutes before court begins. Lucius, Mary's co-worker and a courtroom deputy clerk who has been with the court for twenty-five years, watches as Mary races against the clock before the security officer opens court. As Mary fumbles with her equipment, she hurriedly explains to Lucius, "I forgot that I signed up to drop some cookies by the school for my daughter's party, and I got caught in traffic." Lucius responds rather impatiently, "I don't see what dropping off cookies has to do with running an efficient court."

Mary tries to dismiss his comments—she has heard them many times before—as she continues organizing her equipment. Daniel, an African American law clerk from Harvard, overhears the conversation between Mary and Lucius, who are both white. He approaches them to introduce himself. As he is about to return to the judge's chambers Daniel comments, "I have a special appreciation for court reporters who can maintain a family life given the demands of their work." Lucius shakes his head as he says to Daniel and Mary, "All we need are women's libber sympathizers. Pretty soon they'll be pushing for a day-care center for employees instead of worrying about how to make the court run efficiently."

#### **Suggested Discussion Questions**

1. How would you characterize the interactions between Mary and Lucius, and among Daniel, Mary, and Lucius? Should Mary have responded differently to Lucius? Given the fact that he is a co-worker, not a supervisor, what options does she have for dealing with him?
2. Why do you think Daniel came to Mary's defense when Lucius made his comments to her?
3. Discuss Lucius's comment to Daniel and Mary about a day-care center in the court. Is accommodating the child-care needs of court employees at odds with running a court efficiently? Why or why not?
4. Should Lucius's comments to Mary and Daniel be dealt with at all? If so, what role should and could Daniel play, if any? Is this a situation to be resolved by Mary, Daniel, and Lucius, or should a supervisor or the judge be brought in?



5. Describe the differences between attitudes and behaviors as they relate to prejudice in the workplace. How can we effectively deal with prejudicial behavior? What is the role of the supervisor or manager in handling such situations?

## **Case Study 4**

### **Balancing Work and Home Life**

Bill is a courtroom deputy assigned to Judge Monitor. He has been with the clerk's office for seven years and was promoted to the courtroom deputy position two years ago. When Renee, the clerk, interviewed him for this position, she carefully explained the hours for the job. She said, "There are many days when court is in session that you will be required to work beyond the eight-hour day. Do you have any obligations that will prevent you from keeping this kind of schedule?" Bill replied, "No, I should be able to handle this schedule."

Bill is married and has four-year-old twin girls. Bill's wife, Maggie, is employed full-time as an account executive for a local television station. This fall, Maggie has gone back to college to earn an M.B.A. Since Maggie is employed full-time, she must pursue her studies at night and is currently attending classes three nights a week. As a result of Maggie's schedule, Bill is required to pick up his daughters on the nights his wife attends class. He must pick them up by 6 p.m. at the day-care center.

Judge Monitor is an aggressive young bankruptcy judge who firmly believes that court time and bench hours are indicative of a judge's productivity. He rates among the top in case dispositions in the district. Judge Monitor generally holds court in the evening and expects his courtroom deputy to be available when he is on the bench.

Renee has been the bankruptcy clerk for almost four years. Although she has no children, she empathizes with families who must balance work and home responsibilities. Instead of requiring Bill to make other arrangements for picking up his children, Renee chooses to find a relief courtroom deputy to fill in for Bill on the nights he must pick up his daughters. As an incentive, she has offered comp time for the relief courtroom deputy for the hours he or she must work in Bill's place. Other courtroom deputies are told that working late goes with the job.

Other employees have found out about the special arrangements designed for Bill and the relief courtroom deputy and have become resentful because comp time in the office has never been allowed. Although these employees have never asked for comp time in order to meet their children's school schedules and day-care hours, they would greatly benefit from such a schedule and feel it is only fair that comp time be offered to everyone.

### **Suggested Discussion Questions**

1. Should Renee require Bill to meet Judge Monitor's schedule according to the requirements of the duties of the courtroom deputy position? If so, what are the

consequences to Bill if he is forced to meet these requirements? If not, is it fair to the other employees?

2. If a relief courtroom deputy is allowed to earn comp time when filling in for Bill, should the court adopt a policy for the entire office? Should the court adopt a policy just for employees with child-care problems? Why or why not?
3. If such a policy were drafted, what would it look like? Should the policy apply to all employees regardless of position and responsibility in the court? Who should be involved in drafting such a policy? Why?
4. Would your responses to Questions 1–3 be different if Renee were a male clerk? What if Bill were a female courtroom deputy who wanted to go back to school? Why, if at all, would you alter your responses?

## Case Study 5

### The Selection Process and Gender Issues

Janis, the chief deputy district clerk, is interviewing Molly for the position of deputy-in-charge (DIC) of the Slippery Ice divisional office, a one-person office. The division is approximately three hours from the main office and handles district court functions. The position that is to be filled is supervised by the U.S. district court.

The caseload of the division is high for a court of its size. Although there are no resident judges in the division, judges from both the district and bankruptcy courts travel frequently to the division for hearings and trials. During these periods, there is a great deal for the DIC to do. The incumbent, David, is retiring in a month. He has been a model employee. He has extensive knowledge of both district and bankruptcy proceedings and, more important, is extremely reliable. No matter what the weather or state of his health, David is always in his office.

During the interview, Janis discovers that Molly lives on a farm approximately sixty-five miles away from the divisional office and has a family—a husband, a two-year-old daughter, and a one-year-old son. Janis also learns that Molly has been in the work force for eight years and has an excellent attendance record. In the interview, Janis inquires, “Molly, do you anticipate that you will have any problems getting to work on time every day? You live a ways from the courthouse, and I know your kids are small.” Janis further notes that during the winter there are many snow and ice storms and, therefore, she wonders if Molly will be able to drive to the courthouse. Molly quickly replies, “I have a good child-care situation, and I am comfortable and experienced in driving in all kinds of inclement weather.”

The clerk of court has been delegating more and more responsibility to Janis. Janis has worked very hard to gain his trust and wants to do an excellent job. In fact, the clerk told her that he trusted her to select the best possible candidate for the position. Janis is concerned that if she hires the wrong person, the clerk will lose confidence in her judgment and stop delegating to her the more substantive tasks.

Molly has worked in a legal setting for more than eight years and has supervised a number of people. She is very organized and can handle multiple tasks well. She has received praise in every job she has held and is extremely reliable. In fact, during the last eight years, she has taken only five sick days. She felt that the interview did not go very well, since Janis asked several questions that implied that she wasn't sure if Molly would be able to be at work on a daily basis. Molly tells her husband after the interview, “I never would have applied for this job if I felt I couldn't handle it. I really want this job.”

### **Suggested Discussion Questions**

1. Are Janis's fears about Molly warranted? Why or why not? Do you think she should hire Molly in spite of her reservations? Why or why not?
2. What are the diversity issues here for Janis and for Molly? What assumptions, stereotypes, or both does Janis hold? What role, if any, does her position in the court and relationship with the clerk play in Janis's behavior?
3. Does Janis ask any discriminatory questions in the interview? Which one or ones? How would you have handled these questions if you were Molly? If she is not hired, what recourse does Molly have, if any?
4. If the candidate had been a man, do you think the questions about child care, driving, or reliability would have been raised? Why or why not?
5. If you as a supervisor had legitimate concerns about distance to be traveled to and from work, timeliness, and attendance of a potential employee, what questions would you ask in an interview with this person? What other resources can you use to deal with these concerns?

## Case Study 6

### Gender and the Job Interview

Marie appears for her first interview at a U.S. probation office. She is directed to wait in a common reception area. During this time, two male U.S. probation officers appear at the reception area. Marie notices that on two occasions the officers whisper to one another while glancing at her.

Shortly thereafter Marie is ushered in to meet with three supervisory probation officers: Joe, Tom, and Larry. After a brief introduction, Tom casually asks, “What is your nationality?” Marie does not understand what nationality has to do with her qualifications for the position.

Joe then says, “Your resume describes your professional qualifications, but it doesn’t include any information about you personally. Tell us something about yourself.” Marie is bewildered by this type of questioning, but proceeds to speak briefly about her family and background and some of her personal interests. She believes that she has satisfied their curiosity and feels somewhat relieved. She is then barraged by questions from all three officers, including the following:

“Are you married or single?”

“Do you have children? How old are they?”

“Do you go to discos or out dancing?”

“Do you exercise much?”

“How old are you?”

“What do you do in your spare time?”

“What else do you do in your spare time?” (This was asked three consecutive times.)

The officers sense that Marie is quite surprised by their questions. They quickly explain that being a probation officer is a demanding and dangerous job and that officers must often team up to make home visits. Marie still feels as if she is being interviewed by a dating service. Later when she mentions her experience to others who have applied for positions in that probation office, she finds that her experience is not unusual.

### Suggested Discussion Questions

1. Is this U.S. probation office in compliance with the judiciary’s Model Equal Employment Opportunity Plan? Which questions are discriminatory, if any? Why?

2. Do you think the supervisory U.S. probation officers knew about their court's EEO plan? Whose responsibility was it to inform them of the plan? Did you find the officers' explanations for asking such questions to be credible? Why or why not?
3. What are the effects of such practices on this individual court? On the entire federal court system?
4. Should this probation office restructure its interview process and questions? If so, what specifically should it change?
5. What recourse, if any, does Marie have if she is not hired based on her responses? Whose responsibility is it to inform potential employees that the judiciary is exempt from EEO statutes? Is it necessary to provide this information to all candidates? Why or why not?

## Case Study 7

### Gender and Race in Promotion Decisions

A U.S. probation office in a diverse community of 100,000 people has fourteen probation officers, including two male supervisors. In June, one of the supervisors announced his intention to retire in four months. Two senior officers—one white man, Lance, and one black woman, Allyson—are equally qualified to apply for the position.

The chief, Harry, states that following interviews by a search committee in September, he will announce his decision in October. As the weeks pass there is much speculation about who will become the next supervisor. The female officers and support staff are betting on Allyson, as the district has never had a female supervisor.

By the end of September, the interviews are completed, and as expected, the two senior officers are the two finalists for the position. At about this time, Allyson discovers that she is two months pregnant. She and her husband are very excited, as they have wanted a family for many years.

The news of Allyson's pregnancy somehow reaches Harry, and he is less than enthusiastic about it. Harry remarks to his deputy chief, Michael, "Anyone who would become pregnant at this time in her career is not serious about advancement. If I were to hire Allyson, the office would need a full-time supervisor while she is on maternity leave."

Word of Harry's concern reaches Allyson, who becomes very upset. She decides to call the chief to discuss the issue openly. In their meeting, Harry denies that he made any statements suggesting that she is not committed to the job. He does mention, however, that the office needs a full-time supervisor. Allyson advises him, "This pregnancy would not interfere with my job responsibilities in any way."

Harry responds, "I'm leaning toward hiring Lance for this position, Allyson. But I will give you an opportunity to convince me why I should hire you instead."

### Suggested Discussion Questions

1. If you were Allyson, what would you say to convince Harry that you are committed to your job and are prepared to assume a more responsible position?
2. How might the court's EEO plan apply in this situation? In what ways, if any, could the 1993 Family and Medical Leave Act relate to this situation?
3. If you were Harry, what issues would you need to weigh in considering Lance? What issues would you want to weigh in considering Allyson?



4. What communication problems are revealed in this case study? How could these problems have been avoided or diminished?
5. Discuss the selection process for filling middle-level and senior-level positions in your office. Who participates in the interview process? Is the search committee diverse? Who has the responsibility for educating the search committee about the procedures it is to follow and the court's EEO plan, if any?

## Case Study 8

### Relations Between Court Employees and Court Users

Angela has been an intake deputy in the bankruptcy court of a small district for about five months. Although she sometimes feels the work is monotonous and unchallenging, she quickly became very good at her job. After being out of work for a year, she desperately needed this job to support her children and is grateful to the clerk of court, Jim, for hiring her. One of her strengths is the way she deals with court users. She is always helpful, courteous, and patient, regardless of how rude and demanding some attorneys are. She never wants to appear rude. Angela is the only minority employee (she is Latino) in the office and feels under some pressure to be more efficient than the other intake clerks.

One day, a male attorney whom Angela has not seen before strolls up to the intake desk to ask her a question about filing procedures. He is impeccably dressed in an obviously expensive suit. As Angela turns around to assist him, he looks her over from head to toe. “Hi, gorgeous,” he says as he almost hangs over the intake counter. “I was going to ask you a question about these papers, but now you’ve made me lose my train of thought. How long have *you* been working here?” Angela chooses to ignore the question, and in her most professional and detached tone of voice, accented slightly by her native Spanish, she says, “Please continue with your question about the papers.” The attorney responds, “My name is Horace, and I was just trying to be friendly. How long did you say you’ve been working here? I’ve known Jim a long time, but he never told me bankruptcy clerks were hiring pretty ladies like you.”

At this point, Angela, not wanting to appear rude, responds to the question by replying gingerly, “Nice to meet you. I’ve only been working here for five months. How can I help you?” At this point, Horace smiles broadly and asks his question about filing procedures, but not without winking and adding a final remark, “Looks like I’ll be coming in regularly, since I just signed on as a new partner with Mead, Connors, and Redford. I hope to see you again soon, and I hope you will continue to be as friendly as you’ve been these last few minutes—maybe friendlier. See you next time, baby.”

Angela tries to muster a weak smile, but can only think of how she will manage this joker the next time. Maybe he’ll just ignore her. But what if he gets even more familiar with her? She also wonders if the other female intake clerks are approached by male attorneys in the same way. And how well does he really know Jim?

### **Suggested Discussion Questions**

1. What did you find objectionable, if anything, about Horace's behavior? What was his purpose in telling Angela that he has known the clerk of court for many years?
2. Do you think Angela should have been offended by Horace's remarks? Why or why not? Do you think Angela handled the situation appropriately? What would you have done differently?
3. Put yourself in Angela's place. How does the fact that she is a Latino employee complicate the situation and/or her reaction to it? What effect do you think her position, parental status, and economic status would have on her reaction to the situation, now and in the future?
4. What are Angela's choices for handling the situation now that Horace has confronted her? Should Angela take further action? If so, define and explain the action.
5. Would your responses to the above questions change if Angela's and Horace's positions were reversed? (That is, Angela, the attorney, approaches Horace, the new intake clerk.) Why or why not?

## **Case Study 9**

### **Stereotyping in the Workplace**

Ronald is a mid-level court manager in the U.S. court of appeals. He has held this position for about five years, rising from the rank of docketing clerk. A sizable portion of the population in his circuit is Latino and Native American, yet the only members of his staff from these two ethnic groups are in clerical positions. Whenever anyone tells Ronald, “You really need to get more minorities into your office and into management,” he replies, “What are you talking about? Half the people here are women.”

One day, Ronald learns that Josephine, one of the courtroom deputies on his staff, reported her purse stolen from her office. He also hears from a reliable source that a rumor is circulating about the alleged thief. He has heard that Candace, a librarian, confided in one of her colleagues, “I saw the new Indian clerk snooping around Josephine’s desk. I suspect he stole it. You really have to watch them.”

A trusted deputy clerk, Eunice, tells Ronald directly about how this rumor is affecting relationships in the office: “The district and bankruptcy employees in the building are even discussing it. It’s creating bad feelings between the minority and non-minority staff as well as between the professional and support staff. We’ve got to do something to address the underlying problems before they continue to escalate.” Ronald, too, is afraid that the incident is a sign of a larger problem that is affecting productivity and the court’s effectiveness. He tells Eunice, “I tried to hire minorities on the staff and to encourage people to get along, but obviously it’s not working. How do we begin to deal with these problems?”

#### **Suggested Discussion Questions**

1. What are the relationships that you see unraveling in this situation? Describe the kind of court environment that exists based on the incident that occurred. What factors do you think caused this problem to occur?
2. What do you think was Candace’s motivation behind spreading the rumor about the Native American deputy clerk? How should she have handled this information? Would it have made any difference if she had used the term “Native American” rather than “Indian” in describing the alleged thief? Is it significant that Candace does not call the Native American clerk by his name?
3. How would you deal with this situation if you were the clerk rumored to have stolen Josephine’s purse? As the manager of the court, what should Ronald say to that clerk?

4. What are Ronald's options for dealing with this situation immediately and in the long run? What can he do to prevent this problem from occurring in the future? How can he begin to address the larger issues here? To whom can he turn for advice?
5. What are the immediate and long-term consequences of not addressing this problem now?

## Case Study 10

### Relations Between Co-workers

David is forty years old and was employed as a U.S. probation officer in February. He was promoted to supervisor eight months later. He supervises seven officers.

David's chief, Terry, tells him that based on workload statistics, another officer will be assigned to David's team. However, Terry explains that he is having some difficulty deciding whether to assign 24-year-old Charlene, who was hired just four months earlier, or 37-year-old John, who has nearly ten years' experience as an officer with the agency.

Following some deliberation, Terry and David mutually agree that Charlene is the better choice for this assignment, since she has more flexible work habits, and she will find it easier to adapt to the work processes in David's unit. Terry informs David that Charlene will begin working with his team following the Federal Judicial Center's Orientation for New Officers at the Maritime Institute of Technology and Graduate Studies (MITAGS) in Maryland during the first two weeks in January.

On November 20, David receives a letter inviting him to attend the Supervisory Skills Seminar at MITAGS the second week in January. With Terry's approval, David accepts the invitation for training from the FJC. David and Charlene are responsible for making a presentation to the chief judge and district court probation committee as soon as they return from MITAGS.

During David's second day at MITAGS, he sees Charlene in the cafeteria eating lunch by herself and asks to join her. Charlene nods. While eating lunch, they share some of their training experiences. David says, "I'm really looking forward to working with you on the presentation before we go home. Let's spend some time together here at MITAGS to become better acquainted and begin work on our presentation." Charlene indicates her training schedule is very structured and includes evening assignments. David suggests, "I would be more than happy to help you with any of your evening assignments. Just give me a call." He further adds, "You are a very attractive woman, Charlene, so you probably have many options about how you could spend your evenings here, but we really need to get started on our project." Charlene quickly informs David of her wedding scheduled for next June. She offers no eye contact at this point and excuses herself with a cool observation that her next training session is about to begin.

Charlene makes no attempt to contact David during the remaining days at MITAGS. However, each evening David leaves several phone messages for her to let her know he is available and would like to discuss the project with her. Charlene tries to avoid him, but knows she cannot continue to do so. After all, he'll soon be her boss.

### **Suggested Discussion Questions**

1. What are David's intentions? Is he merely interested in the presentation, is he flirting with Charlene, or is it something more?
2. What behaviors, if any, has David engaged in that are inappropriate, unwanted, or nonreciprocal?
3. What effect can David's behavior have on his professional relationship with Charlene? What effect can it have on Charlene's performance?
4. What action, if any, should Charlene take while at MITAGS? What action, if any, should she take when she returns to work?
5. What, if any, is the chief's role in this situation?

## Case Study 11

### Evaluating Clients

Nancy, a U.S. pretrial services officer, blots her face as she enters the building and murmurs under her breath, “Not another scorcher today. This makes two weeks in a row that the temperature has climbed to eighty-five degrees. And it doesn’t help knowing that I’ll probably have another heated discussion with a client about his drug abuse problems.”

Nancy, a 30-year-old white officer who has been in her position for five years, detests these weekly drug tests for Lloyd Smith, a 28-year-old African American defendant. But since this is part of the job, what choice does she have? Lloyd saunters into her office a few minutes late, as usual. He is clean, but untidy. His pants are worn, and his shirt is much too short for his lanky arms. Nancy thinks to herself, “He looks guiltier than sin. I cannot imagine his test will be negative today.” He plops down in one of the chairs in Nancy’s office, trying to prepare himself for Nancy’s weekly grilling. “Have you been using this week, Lloyd?” Lloyd’s eyes do not meet hers as he replies, “No, I’m clean.”

“We’ll see how clean you are. Are you staying away from those folks in your neighborhood you used to hang out with? You know, Lloyd, they aren’t helping you stay clean. You’ve got to stop hanging around those folks.”

Instead of responding directly to her comment, Lloyd snatches the urine container off her desk and says he’ll be back shortly to prove her wrong. After Lloyd leaves her office, Nancy stops in to chat with a co-worker, Jonathan. “How’d it go with Lloyd this time, Nancy?” he asks. She responds, “Well, I gave him the usual spiel about making sure he stays away from those folks he hangs out with. You know, I really doubt if he can kick the habit. I’ve seen it too many times before among his kind.” Jonathan asks hesitantly, “And what kind would that be, Nancy?” Nancy replies matter-of-factly, “*You* know, his kind. They rarely break the cycle.” Jonathan shakes his head, but says nothing more to her.

The next week, Howard, a 35-year-old white offender, comes to Nancy’s office for his weekly urine test. Nancy loves her meetings with Howard. He is so articulate, well dressed, and handsome. She’s just not sure how he got mixed up with drugs. “Someone probably forced it on him,” Nancy thinks to herself. She greets Howard warmly, “Well, Howard. Good to see you this week. How are you?” Howard smiles broadly and enthusiastically and replies, “Just fine, Nancy. Glad to see you, too. Just wish it were under more pleasant circumstances.” Nancy smiles back as she responds, “I know everything will go well for you, Howard. I’ve seen plenty, and I can tell you’re a winner.” “It’s good to know you have so much confidence in me, Nancy. I’ll stop by to chat after I’ve finished my test,” he says.



Once Howard leaves, Jonathan comes over to see if Nancy is ready to go to lunch. He notices that she is humming. “Why are you in such a good mood, Nancy?” he asks. Nancy responds, “Howard was just here. He has so much promise. Now, he, my friend, will kick his habit, such as it is. There’s a big difference between him and Lloyd. One’s a winner, the other—well it goes without saying.” Again, Jonathan just shakes his head, and they leave the office to have lunch together.

### **Suggested Discussion Questions**

1. What is your reaction to Nancy’s behavior toward Lloyd and her comments to her co-worker? Do you see anything wrong in her actions and attitude? What effect, if any, might Nancy’s comments have on Lloyd or offenders who have similar backgrounds? What differences does Nancy perceive between Lloyd and Howard?
2. Does it appear that Nancy is keeping her relationship with Howard on a professional level? Why or why not? Is her interaction with Howard simply a humane response to someone with his background or is it something more?
3. Has Nancy violated any professional ethics in her interactions with Lloyd or Howard? Why or why not? If so, which ones?
4. How would you describe Jonathan’s role and behavior in this study? What, if any, responsibility does he have to help Nancy focus on the consequences of her behavior and attitude? If you were Jonathan, what would you do?
5. What does your office do to encourage or discourage the type of behavior exhibited by Nancy and Jonathan?

## Case Study 12

### Gay Issues in the Workplace

Jerry has been working as a court manager for approximately two years in a U.S. district court. He came from a job in a private firm where the salary and benefits were superb, but the atmosphere was conservative and rigid. He was told he had to behave like the consummate company man: wear dark suits, grow no facial hair, show up at the obligatory company picnics, dinners, and holiday parties with a spouse, and so forth.

Jerry left that stifling environment in search of a job that gave him more flexibility to be himself while using his well-honed managerial skills. He enjoys the court environment and finds his co-workers and colleagues to be hard working and cooperative. He is well respected by the staff for his skills and ability to learn quickly. Moreover, his supervisor, Elise, is a fine manager and a trusted confidant. He has told her that he is gay, and she has kept the confidence. Yet, Jerry feels that the courts are more conservative than he expected. “I’m not sure I can really be myself here, either,” Jerry laments to Elise one day. “We are having our first office picnic at the end of the summer, and the staff are bringing their spouses and children. What am I going to do?”

Elise explains impatiently, “Jerry, you have three choices. You don’t have to bring anyone; after all, everyone knows you’re not married. Or you could bring a female friend. Or you could bring George and introduce him as your friend, which he is.”

“Elise, I left my other job largely to work in a place where I am able to express who I am without fear of getting ridiculed or being disrespected. I don’t want to continue pretending I’m something I’m not. The staff and my co-workers always talk about their family life—what they do as a family, how proud they are of their spouses and children. I’d like to tell them about my life. But what if they don’t respect me as a supervisor once they find out I’m gay? Can I afford to take that risk now?”

“Jerry, I’ll support whatever you want to do. As your supervisor, I understand there is a risk. Let me think about it,” Elise says.

The next day, Sally, who reports to Elise, comes to see her because Sally suspects Jerry is gay. “Come on, Elise,” Sally remarks sarcastically, “A good-looking guy like that who isn’t married and drives to work everyday with some guy?” Sally tells Elise she is worried about contracting AIDS and thinks Elise should put out an announcement about the danger of AIDS and advise employees to be cautious about using the common facilities in the kitchen. “If you won’t do it, Elise, I intend to share my concerns with others. I don’t care what anyone says, AIDS is nothing to fool around with.”

### **Suggested Discussion Questions**

1. Can you empathize with Jerry's situation? Why or why not? What about Elise's situation? If you were Elise, how would you advise Jerry?
2. Do you think Sally's fears and concerns are real? Why or why not? What do you think is her motivation behind questioning Jerry's sexual orientation?
3. How should Elise respond to Sally? What problems does she face? What options does she have, and what are the consequences of these options?
4. What is the role of court employees in this situation? Do employees need to approve of Jerry's sexual orientation in order to have a productive work relationship with him? Would your answers be different if Jerry were a judge? What if Jerry were a deputy clerk? (For probation or pretrial services, would your answers be different if Jerry were a client? )
5. What is the difference between sexual orientation and sexual preference? Why do you think people hold such strong feelings about gays?
6. Is it appropriate for issues of sexual orientation to be addressed in the workplace? If so, how should these issues be addressed?



## 4 FINDING AND WORKING WITH OUTSIDE EXPERTS ON DIVERSITY

This section provides specific suggestions for working with diversity consultants, local academics, or others who can augment court training specialists' current understanding and knowledge about diversity and conduct diversity training programs for the court.

The following topics will be addressed: finding and selecting diversity experts, conducting preliminary interviews and reference checks, conducting the final interviews, and designing the program. This section also summarizes do's and don'ts for working with diversity experts.

### **Finding and Selecting Diversity Experts**

A well-qualified outside expert can usually do a great deal to ensure the quality and effectiveness of a diversity training program. Most court training specialists have procedures for identifying a pool of outside consultants on particular topics, and they should use those procedures to find someone to help them with diversity training.

Experts in the diversity area are most likely to be found in private industry—groups or individuals who specialize in this type of management consulting—and in academic institutions, particularly the faculty in departments of organizational, educational, and social psychology; sociology; organizational development, communication studies, ethnic studies, or gender studies; and anthropology. Be wary of consultants who have attempted to capitalize on the recent interest in diversity training by relabeling generic training courses as “diversity training.”

Court training specialists from other courts that have conducted diversity training programs may be able to recommend experts and comment on their strengths and weaknesses.

### **Conducting Preliminary Interviews and Reference Checks**

**Reviewing General Qualifications.** Look for people who are content experts and experienced facilitators, who have conflict resolution skills, and who can read the audience well and constructively handle complex group dynamics. How do you know if the person is a content expert? Ask the consultant the following questions:

- *What are your credentials in this field?* Experts in the diversity area have academic backgrounds in social, educational, or organizational psychology; organizational development; social work; sociology or anthropology; or cross-cultural or gender communication. They should possess at least a master's degree in a content area and have an extensive training background.
- *Have you published any articles or books on this topic or on related topics?* Authors do not necessarily make good presenters or facilitators, but if someone has published books or articles on this topic, they can provide some idea of the person's knowledge and point of view.
- *What is your approach to diversity training? How do you define diversity? What dimensions of diversity do you cover?* Dimensions should be broad and not focus solely on race, gender, and ethnicity. Find out if the person has designed or facilitated separate diversity programs or sessions, or incorporated modules on diversity into managerial or skill-building courses. Ask the person how he or she sees the relationship between managing diversity and organizational performance or productivity, and the relationship between diversity initiatives and organizational mission, goals, and values. Ask for sample course outlines.
- *Do you provide training for both supervisors and non-supervisors at all levels of knowledge and awareness? Are objectives and content different for each group?* Ask for sample objectives, course outlines, and exercises for each level.
- *How interactive are your training sessions?* Training sessions should be interactive or experiential and include a range of learning strategies, such as exercises, case studies, videotapes, and small-group discussions. (Refer to section 3 of this guide for more detailed guidelines.)
- *How long are your training sessions?* Be skeptical of anyone who claims to be able to conduct an effective diversity training session in less than four hours unless it is an introductory session.
- *What is your ideal number of participants for a training program?* In diversity training, it is desirable to keep the group under forty, if at all possible.
- *How will you determine the specific needs for diversity training in our court?* It is difficult to get into the details of an expert's needs assessment process in a preliminary phone conversation, but you can get an idea of the person's general approach and commitment, then explore it in more detail in the final interview.

**Reviewing Experience in Conflict Management.** Consider asking the expert specific questions about his or her experience in managing or facilitating conflict resolution sessions, or confrontational or emotional participants in diversity or general training situations. Most trainers in this area will be reluctant to let you observe one of their programs, because participants may be less willing to share sensitive information in the

presence of a stranger. Here are a few questions to ask about the expert's conflict management approaches.

- How would you handle or have you handled a situation in which a participant refused to participate in an exercise designed to help him or her confront and deal with personal prejudices or biases?
- Describe a specific situation in which two participants or a group of participants clearly became hostile to one another in a diversity training session. How did you handle it? What was the outcome? (Ask the expert to provide references who can attest to the way in which he or she handled this situation.)
- How do you respond to participants who see no need or use for diversity training?
- Have you ever conducted training sessions on conflict resolution? (Ask for references.)

**Seeking a Diverse and Complementary Team.** If possible, look for a team of two trainers with complementary styles. It is important to have a well-balanced and diverse team. (Consider the implications of a diversity workshop for a diverse group led by two white men.)

**Checking References.** This step should never be omitted. Failure to check references can have devastating results for diversity training programs.

- Make sure that the references are for organizations in which the person has conducted diversity training.
- References from at least one government or nonprofit agency may be more valuable and relevant than references from private industry because the court culture and environment may be more like that of other government agencies.

## Conducting the Final Interviews

After the list of candidates has been narrowed to two, consider having the two candidates visit the court to learn about the dynamics of the court environment and culture, and to give you and the diversity education planning committee an opportunity to talk about the program design. You should ask each outside expert to discuss his or her needs assessment expertise and to bring course objectives, outlines, and exercises of other diversity programs he or she has designed and delivered.

**Needs Assessment Expertise or Experience.** As explained in section 2 of this guide, one cannot design a diversity training program that addresses the needs of staff, the organizational culture, and the court environment without learning firsthand what needs or problems exist. Learn how the candidates determine the type of training that is needed

and the format of the training. Generic diversity training programs are usually unsuccessful if not modified to meet the needs of each court.

The following are questions to ask about needs assessment experience:

1. What kind of information do you collect to determine the appropriate level and type of training needed? How is this information collected?
2. What specific experience or expertise do you have in designing, conducting, and analyzing needs assessment data for diversity training programs? (Refer to section 2 of the guide. Those with experience in this area should be able to provide references of organizations for which they have conducted assessments.)
3. Would you be able or willing to use the sample needs assessment survey provided in the guide to design training sessions or adapt it to include in your own needs assessment process?
4. Are you amenable to involving a training committee or a group of the participants in helping to determine the needs assessment process?
5. How would you actually conduct the needs assessment? If you were conducting interviews or focus groups, how would you gain the trust of employees being interviewed? Would you facilitate all the focus groups if this method is used? If not, who would assist you?
6. What measures do you take to ensure the confidentiality of participants' responses?
7. If you don't use a formal needs assessment method, what informal methods have you used to determine diversity training needs?

## Designing the Training Program

After you have selected an expert (or team of experts) and the planning committee has briefed him or her on the court environment and discussed curriculum materials, the expert should be prepared to submit training objectives and an outline for the training to be delivered to the court. Review with the expert the advice and guidance in sections 1 and 3. Summarized below are several issues to keep in mind.

- **Learning objectives.** The objectives should emanate from the needs assessment results and from discussions the expert had with the diversity education planning committee. The objectives should focus on specific, measurable behaviors rather than attitudes, which are difficult to change in any training program.
- **Learning strategies.** Sessions that rely heavily on lectures are less effective for diversity training than for most other kinds of management training. Participants must be actively engaged in interactive activities, including court-specific training



exercises. In the survey of court training specialists conducted for this guide, trainers indicated that by far the most successful programs were those in which consultants used a variety of activities, such as small-group discussions (pre-assigned so that cliques do not sit together), discussions of videotapes (refer to section 7 of guide for some suggestions) and court-specific role-plays, exercises, and case studies. Ask the expert to share with the planning committee specific exercises and learning activities he or she has used for other diversity training programs. Show the expert the case studies and sample program outlines in section 3 of this guide. The planning committee should work with the expert to use or adapt them for the program.

- **Length of training session.** Court training specialists who have used consultants to conduct programs for court employees suggest that introductory programs of at least six hours to eight hours are more effective than programs of shorter duration. In addition, programs for the general staff can be followed up with a one-day or two-day workshop or retreat for general staff, managers, or both that covers in-depth some of the issues revealed in the needs assessment. Another alternative is to arrange for two half-day sessions for the initial program.
- **Training format.** Discuss with the expert the advantages and disadvantages of providing a single-focus program on diversity as opposed to incorporating a diversity module into a program on an appropriate topic, such as managing change, enhancing communication, or dealing with organizational or individual conflict.
- **Training participants.** Does the expert recommend training senior court managers first? Will supervisors and non-supervisors participate in the same training session for the entire time, or will they be separated for specific activities? The expert should be able to explain the advantages and disadvantages of each approach.
- **Handouts.** Make sure to get handouts of the program agenda, exercises, and other relevant materials at least three weeks before the program. The diversity education planning committee will want to review the materials to make sure that they are consistent with the agreed upon design and that their quality (i.e., content and presentation) is acceptable.

### **Center Assistance for Using a Diversity Expert**

The Center does not have funds to support the use of a diversity expert in every court; however, a limited amount of money is available from the Center to supplement court funds for hiring a local diversity expert. The court training specialist should submit a request for funding using the same procedures that are used for local training requests.

Paperwork should be submitted to Denise Glover, Clerks' Office Programs, Court Education Division at least three months prior to program delivery.

### **Final Do's and Don'ts for Working with Diversity Experts**

The following points summarize some key issues for the diversity education planning committee to discuss with the expert.

- Beware of experts who make sweeping statements about ethnic or racial groups. Those who stereotype groups do damage to a program because they fail to recognize variations in individual behavior. Most of us, after all, are diverse on many different dimensions, not just one or two.
- Make sure training will explain the purpose of diversity training and how it can improve the effectiveness and productivity of the courts. The expert should be able to discuss the integration of diversity initiatives with the court unit's mission, goals, and values. He or she should be able to explain that diversity management can improve the functioning of work teams, total quality initiatives, motivation, decision-making and problem-solving processes, managing change, and so forth.
- Make sure the expert discusses the differences between equal employment opportunity, affirmative action, and managing diversity. Don't forget to explain to program participants that the federal judiciary is not covered by many of the personnel laws that apply to the rest of the government and the private sector.
- Don't try to cover too much material in a short period of time. It is better to plan follow-up sessions, or reduce the number of objectives to be covered in the time you do have.
- Keep program attendance to fewer than forty people.

## 5 PROMOTING THE PROGRAM

Court training specialists should begin promoting the training program before the diversity education planning committee has been established (see section 3). First make sure you have the support of the unit executive; the unit executive should be responsible for keeping the chief judge and others appropriately advised. Then keep the executive abreast of your progress, and make sure he or she has an opportunity to review the process, including the needs assessment survey.

This section covers two topics: what should be included in a proposal for the program to management, and ways to build staff support for the program.

### **Proposal to Management**

The proposal to the unit executive or other manager can be formal or informal, depending on that person's style. The proposal should address the following issues:

- Why it is important for all staff to receive diversity training (e.g., Judicial Conference recommendations and organizational benefits presented in section 1 of this guide).
- How the organization can determine what, if any, diversity-related problems exist and which ones can be addressed through training. Discuss the needs assessment options presented in section 2 of this guide.
- What the court training specialist needs from management in terms of commitment, support, and resources, including time, people, and money. It is a good idea for the unit executive to open the program as a visible show of support. (See the first part of section 2 on assessing readiness for training in this guide.)
- What the training process will entail, how long it will take, and how diversity training will differ from other kinds of training. Discuss the importance of staff involvement and support.
- Whether the training program will use an outside expert, and if so, how the expert will be chosen and how the expert will work closely with the diversity education planning committee.
- What management can expect as a result of the training. Be realistic about the outcome of the training program. Skill building should be a goal, but a one-time

training program will not produce long-term behavioral changes without reinforcement and follow-up. Explain that diversity training is an ongoing process, just as team building, quality initiatives, and other types of training are.

- What follow-up activities and programs could be used to reinforce and continue diversity efforts. (See section 3 of this guide for examples.)

In addition, invite a unit executive from another court who has benefited from diversity training to talk to the unit executive about the training's effectiveness. Share this guide and other relevant articles or videotapes with the unit executive and ask him or her to read at least sections 1–3.

## **Building Staff Support**

Efforts to build staff support should be creative, varied, and steady (although not pushy) and can include any of the following:

- Design and distribute informational fliers on what diversity is and how it can improve the office environment (e.g., sometimes it's useful to ask questions: "Did you know that promoting diversity is different from promoting EEO and affirmative action? Come to the training program and find out how it is different."). Use relevant information in this guide, especially information from section 1.
- Arrange brown bag lunches to show short diversity videotapes as previews of the diversity training program (e.g., *A Tale of 'O'*, *The Dynamics of Diversity*, or *Faces*).
- Distribute or post witty, thoughtful, or funny diversity "quotes" or cartoons as fliers (make sure the quotes or cartoons are indeed funny and not offensive).
- Make sure you keep the staff apprised of the committee's work and progress, and solicit their input, through formal and informal means, as much as possible.
- Involve staff in choosing appropriate case studies for the training or revising or writing a new case study (refer to case studies at the end of section 3 of this guide), or ask them to submit questions they might have about workplace diversity. This strategy might be more effective if you instruct them to submit questions anonymously.
- Once a week, send out a diversity "quiz" question over e-mail, with the permission and support of the unit executive (see Sample Diversity Awareness Quiz at the end of section 3 of this guide).
- Circulate relevant newspaper or journal articles about diversity-related issues.
- Compile and distribute a short list of informative articles or books (refer to section 7 of this guide).

## 6 EVALUATING THE PROGRAM

After the training program is over, court training specialists should evaluate the program's effectiveness. This section reviews approaches to evaluating diversity programs, identifies the major components of evaluations, discusses two types of evaluation forms: individual and group, and provides two sample evaluation forms.

In some ways, evaluating diversity training programs varies little from evaluating other types of training programs. It is critical to know exactly what the diversity training program was intended to accomplish in order to know how to evaluate it. It is important to use the evaluation to assess the program's content and the trainer's effectiveness and also to solicit ideas about follow-up activities or programs.

In other ways, though, diversity program evaluation may differ from other evaluations. Because of the sensitive nature of diversity training and the need to plan follow-up activities, it is important to consider using more than the standard individual written surveys or forms to be completed by participants. Group evaluations can provide additional information to the court.

### **Know What Is Being Evaluated**

Whether the person evaluating the program chooses to use just individual evaluations or both individual and group forms, the evaluator first needs to determine why the unit undertook diversity training: for example, to demonstrate management's interest and commitment to promoting awareness, to respond to a particular problem or set of problems, or to satisfy the chief judge, who wants a proactive program. The evaluation should address these specific purposes. For example, the following questions address program content:

- How well were the program objectives met?
- How well were participants' training expectations met?
- Was ample time allotted for the training program?
- Were the exercises, videotapes, and other learning strategies effective? (If more than one was used, consider asking about each one separately so that participants know which ones they should evaluate.)

The following questions address the effectiveness of the faculty:

- Was the faculty knowledgeable about the content?
- How effective were the facilitation and processing skills of the faculty?
- How well was the presentation structured? (Evaluate clarity, organization, and use of handouts and audiovisual aids.)
- How well were the learning strategies discussed by the faculty?
- Was the session sufficiently interactive to allow for small-group discussions?

To evaluate both the program's content and faculty's effectiveness, ask the following questions:

- What were the program's strengths?
- What were the program's weaknesses?

If, however, you focus on the planning process for the program and want to identify its strengths and weaknesses, ask participants the following questions:

- Were you provided adequate opportunity to participate in the planning process?
- What role, if any, would you like to see management play in subsequent diversity efforts?
- Were training needs adequately identified?
- Was enough information provided about the content and purpose of the program?
- What information about diversity, if any, would have been helpful for you to have prior to the training?
- Did the outside expert seem to know enough about the operation of the court to provide an appropriate context for the program?
- Were you apprehensive about the training program before it began? If so, do you have any suggestions about how the diversity education planning committee or the outside expert could have minimized your apprehension?
- Do you have any suggestions for enhancing the planning process for the program?

## **Individual Evaluation Form**

Once you have identified the areas you want to evaluate, you can design the individual evaluation form. If possible, try to use a scale for responses that ranges from excellent to poor, or very effective to not effective at all, which participants can use to respond thoughtfully but quickly. It will be necessary to include a few open-ended questions, but keep them to a minimum. In a question about suggestions for follow-up activities, for

example, ask respondents to rank several choices listed on the form, and then provide an opportunity to “write in” one or two additional choices. (See the sample form that appears at the end of this section.)

Try to keep the form for the entire program to no more than four pages. You will receive a higher response rate with fewer, well-designed questions. Also, a shorter questionnaire will facilitate compiling the responses, which must be done in a timely fashion.

## **Group Evaluation Form**

The purpose of a group evaluation is to collect more in-depth information on the effectiveness of the program by providing an opportunity for a small group of participants to discuss the program with one another. Unlike the individual evaluation form, the group form should include primarily open-ended questions, which provide groups with an opportunity to openly discuss different perspectives and summarize them in a group response. The synergy of the group is much like that of focus groups. Since the opinions of this small group of individuals do not reflect those of all the participants, group evaluations should always be conducted in addition to individual evaluations.

The procedure for planning the group evaluation process includes several steps:

1. Develop five or six open-ended questions (see sample form at the end of this section).
2. Tell workshop participants at the beginning of the session or at a break that five to ten people will be needed (depending on the total number of participants) to stay thirty to forty-five minutes after the program ends to participate in a group evaluation. Each group should include no more than eight participants.
3. Emphasize that this process is an opportunity for participants to play an active role in evaluating the effectiveness of the training and in enhancing the quality of subsequent diversity training.
4. Assure volunteers that none of the planning committee members or others who played a part in planning, designing, or facilitating the program will be involved in the group evaluation discussions. Tell them that there is no need to sign their names to the form. (If possible, provide a separate room for them to do the evaluation.)
5. Write out the instructions to the group and ask the group members to read them. Answer any questions they have.
6. Ask the group to select a facilitator to keep the discussion moving. Someone else should record the responses and return the completed form to the court training specialist.

## **Follow-Up Evaluation**

Diversity programs, like most training programs, cannot promise immediate results, and even if they do produce immediate results, the results may not last. Thus, consider undertaking a follow-up evaluation three or six months after the program. There are several follow-up evaluation options. The court training specialist might administer the needs assessment form to a selected sample of employees to see if employees' perceptions of problems have changed. Or the court training specialist might administer a brief form to supervisors to learn if they have observed any differences in their employees' behavior since the training program.

Such follow-up evaluations can be helpful, but don't expect too much from them. On the one hand, just because an evaluation form cannot measure specific behavioral changes attributed to a training program does not mean that the program had no impact. On the other hand, changes that may have occurred over a six-month period cannot automatically be assumed to have been caused by the training program.



## Sample Individual Evaluation Form for a Diversity Program

Program title: \_\_\_\_\_

Faculty: \_\_\_\_\_

Location: \_\_\_\_\_

Date: \_\_\_\_\_

**Instructions:** This form provides you with an opportunity to evaluate the diversity program in which you participated today. The information you offer is anonymous and will be used only to enhance the quality of diversity programs and plan follow-up activities. Thank you for your assistance. Please use the scale below to rate the program on each of the dimensions listed. Circle only one number for each dimension.

	1	2	3	4	5
	Poor	Fair	Good	Very good	Excellent

- |  |   |   |   |   |   |
|--|---|---|---|---|---|
| 1. Clarity of program objectives   | 1 | 2 | 3 | 4 | 5 |
| 2. Effectiveness of program in meeting objectives  | 1 | 2 | 3 | 4 | 5 |
| 3. Effectiveness of program in helping you understand diversity in the workplace                               | 1 | 2 | 3 | 4 | 5 |
| 4. Content knowledge of faculty  | 1 | 2 | 3 | 4 | 5 |
| 5. Clarity of faculty presentations (e.g., how well organized, how clearly delivered)                          | 1 | 2 | 3 | 4 | 5 |
| 6. Faculty's effectiveness in presenting material (e.g., use of visual aids, encouragement of open discussion) | 1 | 2 | 3 | 4 | 5 |
| 7. Helpfulness of training materials and handouts  | 1 | 2 | 3 | 4 | 5 |

8. Opportunities for discussion and interactive activities	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
9. Effectiveness of the following learning activities:					
a. Diversity quiz or ice breaker	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
b. Videotape	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
c. Case studies	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
d. Small-group discussions	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
e. Action planning	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
f. Other activities, if used	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
10. Time allotted for program	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
11. Safety of environment for open and honest discussion of diversity concerns	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
12. Opportunities for all staff to participate in planning the program	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

For the following questions, please write your responses in the space following the question.

13. What were the program's strengths?

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14. What were the program's weaknesses?

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15. If a follow-up diversity program is offered, what specific topics or issues would you like to see covered that were not covered at all or not covered well in this training program?

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16. Please rank the following follow-up activities in order of importance on a scale of 1 to 6, with 1 being least desirable, and 6 being most desirable. Write your number rank in the blank next to the activity. **Do not** use the same number twice.

- \_\_\_\_\_ a. Diversity training for managers or supervisors.
- \_\_\_\_\_ b. Training sessions on personnel policies, including but not limited to the court's EEO plan, the Family and Medical Leave Act, and the court's sexual harassment policy.
- \_\_\_\_\_ c. Staff participation in writing diversity policy and/or incorporating diversity initiatives into the district's or court's mission, values, or goal statements.
- \_\_\_\_\_ d. Formulation of a diversity task force or committee to develop and design follow-up activities, including educational and cultural learning activities.
- \_\_\_\_\_ e. Diversity issues incorporated into other training programs, such as programs on leadership, communication, and managing change.
- \_\_\_\_\_ f. Other activities (please identify.) \_\_\_\_\_

*Please circle your overall rating for this program.*

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Of no value	Of little value	Valuable	Very valuable	Extremely valuable

## Sample Group Evaluation Form for a Diversity Program

**Instructions:** Please select a facilitator. Then read the open-ended questions below, discuss them among yourselves, and select a recorder to summarize the group's responses to each question on this form. The group is not expected to reach a consensus on each question. Describe the individual responses for each question if responses vary. If there is consensus, please indicate that there was group consensus on that question. Use extra sheets if necessary. The facilitator should return the completed form to the court training specialist. Thank you.

1. What program components or modules did you find useful? Why were they useful? How will you use them?

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2. What program components or modules were not particularly useful? Why?

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3. Do you think there should be follow-up training on diversity? If so, what ideas or issues were not covered in this program that you would like incorporated into a possible follow-up diversity program?

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4. Would you recommend using the same faculty in a follow-up diversity training program? Why or why not?

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5. What exercises or learning activities worked best for you? Why? Which ones did not work well? Why?

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6. What further comments or suggestions do you have for enhancing the quality of the program?

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*Please circle the group's overall rating for this program.*

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Of no value	Of little value	Valuable	Very valuable	Extremely valuable

## 7 ANNOTATED LIST OF DIVERSITY RESOURCES

This final section of the guide lists sources for diversity education and training as well as general materials useful for understanding work-force demographics, diversity concepts, terminology, and philosophy, and the organizational implications of diversity efforts. The sources are arranged under the following headings:

- articles;
- books and reports;
- education and training resources;
- newsletters and booklets;
- videotapes; and
- other resources.

Starred items are highly recommended.

### Articles

\*Carr, Clay. "Diversity and Performance: A Shotgun Marriage?" *Performance Improvement Quarterly* 6, no. 4 (1993): 115–26.

This article suggests that diversity management may not work well in all organizations, especially in traditionally structured hierarchical ones. The author discusses various definitions of diversity, the conflict that is inherent in diversity, and the conditions under which this conflict can benefit the organization.

\*Delatte, Ann Perkins, and Baytos, Larry. "Guidelines for Successful Diversity Training." *Training* 30 (January 1993): 55–60.

This article provides eight key guidelines for successful diversity training: distinguish between education and training; position training as part of an overall strategy; do not start training prematurely; conduct a thorough needs assessment; include diverse input into the design process to increase relevance; test the program; use a mix of internal and external resources to enhance efficiency and credibility; and incorporate diversity education and training into the core curriculum so that it becomes a way of life in the organization.

Geber, Beverly. "Managing Diversity." *Training* 27 (July 1990): 23–30.

Companies should examine their hiring, management, and training procedures to ensure that employees achieve their full career potential regardless of ethnic and cultural backgrounds, and through awareness training should encourage managers to examine their management styles for similar barriers. A company that has a policy of valuing and managing diversity will be able to attract and retain quality workers from a changing labor pool. The steps firms can take to manage the culturally diverse work force of the twenty-first century include surveying employees directly to identify their complaints and needs; examining corporate culture and history to identify underlying values; and making changes in corporate structure and policies to meet the needs of employees.

Goldstein, Jeffrey, and Leopold, Marjorie. "Corporate Culture vs. Ethnic Culture." *Personnel Journal* 69 (November 1990): 83–92.

Because of work-force diversity, conflicts arise between employees' ethnic culture and corporate culture, but managers can take steps to manage diversity. This article emphasizes that managers should conduct open discussions about employees' differences, become aware of diversity, adhere to equal employment opportunity policies, explain the corporation's unwritten rules about corporate culture, and encourage employees to talk to co-workers about corporate culture.

Gordon, Jack. "Rethinking Diversity." *Training* 29 (January 1992): 23–30.

This article reviews and assesses the criticisms of corporate diversity training programs (e.g., potential for wide cultural gaps between various ethnic groups, and the tendency for trainers to be sermonistic).

Hill, Alvin C., Jr., and Scott, James. "Ten Strategies for Managers in a Multicultural Work Force." *HR Focus* 69 (August 1992): 6.

This article advises managers to implement programs to heighten awareness of cultural differences, foster appreciation of these differences, and identify the commonalties among various groups. Managers should develop their communication skills, verbalize their concerns and confusion, make efforts to understand the needs and concerns of the different groups, discourage stereotyping of any group in the workplace, and involve all employees in the decision-making processes and in organizational activities.



\*Jackson, Bailey W., and Holvino, Evangelina. "Developing Multicultural Organizations." *Journal of Religion and the Applied Behavioral Sciences* 9 (Fall 1988): 14–19.

For an organization to be truly multicultural, it must include members of diverse cultures and social groups as full participants, especially in decisions that shape the future of the organization.

Johnson, Randall. "Diversity Training: Integral Steps for Bridging Race, Language, Gender Gaps." *Training Directors Forum* 8 (April 1992): 1–3.

This article analyzes three approaches to dealing with work-force diversity: (1) implementing "awareness training" to help employees become more sensitive to, and less biased against, others; (2) treating diversity as an organizational and management concern, with efforts focusing on what aids or obstructs diversity management; and (3) systematically reviewing company policies and practices to see how they can incorporate diverse needs and preferences.

Kennedy, Jim, and Everest, Anna. "Put Diversity in Context." *Personnel Journal* 70 (September 1991): 50–54.

Of new employees hired in the 1990s, 85% are expected to be women and minorities. A company's success may therefore depend on its ability to adjust to the requirements of a multicultural work force. An appreciation of the dynamics of intercultural communication provides a basis for evaluating employees from diverse backgrounds. Personnel managers can use the model of high- and low-context cultures developed by anthropologist Edward T. Hall as a means for improving interaction among diverse employees. The model can also be applied in understanding the communication gap between men and women.

Mandell, Barbara, and Kohler-Gray, Susan. "Management Development That Values Diversity." *Personnel* 67 (March 1990): 41–47.

The authors offer a four-phase management development program organizations can use to eliminate bias and stereotyping, and add diversity to the workplace. The phases are (1) assess the organization's commitment to diversity and the career growth of all employees; (2) analyze carefully the organization's current training and development programs designed to eliminate all forms of stereotyping and bias; (3) offer organization-wide workshops on valuing diversity, individual career growth, and life within the organization; and (4) evaluate managerial training and its impact on the organization.

\*Mobley, Michael, and Payne, Tamara. "Backlash: The Challenge to Diversity Training." *Training & Development* 46 (December 1992): 45–52.

Discusses the current backlash some organizations have felt as a result of poorly planned diversity training. Factors that contribute to this backlash include the use of incompetent trainers, the reaction of some white men who "are tired of being made to feel guilty in every discussion of diversity," and the inability of some organizations to develop a training curriculum that meets employees' diversity training needs. Once organizations recognize the causes of backlash, they can work to avoid them. Organizations that gain support for diversity training from top management, "affirm the value of each person's experience and viewpoint."

Thacker, Rebecca. "Preventing Sexual Harassment in the Workplace." *Training and Development* 46 (February 1992): 51–53.

Employees who have been sexually harassed but don't complain to management send the message that such behavior is acceptable. Strategies to assist supervisors in training employees on ways to register sexual harassment complaints include assessing why people are reluctant to report harassment, understanding the socialization associated with such reluctance, and defining behavior that constitutes sexual harassment and ways employees can respond to such behavior.

\*Thomas, R. Roosevelt, Jr. "From Affirmative Action to Affirming Diversity." *Harvard Business Review* 90 (March/April 1990): 107–17.

The author discusses the difference between affirmative action and managing diversity and suggests ten guidelines for learning to manage diversity: clarify your motivation, clarify your vision, expand your focus, conduct a diversity audit of your organization, modify your assumptions, modify your systems, modify your models, help your people pioneer, apply the special consideration test, and continue affirmative action.

Work-Force Diversity Issue. *Training and Development* 4 (April 1993).

This issue of *Training and Development* focuses on many dimensions of work-force diversity. Seven feature articles address the need for American workers to embrace the concept of valuing cultural diversity in the workplace. The articles' topics range from introducing work-force diversity issues to explaining how organizations benefit from diversity. The issue addresses the attitudes people may have about people who are different from themselves and the language that should be used to show mutual respect for one another. Articles about the progress of women and minorities in U.S. firms and sexual orientation issues in the workplace are also included.

## Books and Reports

Coates, Joseph F., Jarrat, Jennifer, and Mahaffie, John B. *FutureWork: Seven Critical Forces Reshaping Work and the Work Force in North America*. San Francisco: Jossey-Bass, 1990.

The authors use extensive quantitative data to analyze seven major changes taking place in the American workplace, from the increase in heterogeneity to the integration of work life with home life.

Dooley, Jeanne, Karp, Naomi, and Wood, Erica. *Opening the Courthouse Door: An ADA Access Guide for State Courts*. Washington, D.C.: American Bar Association, 1992.

Although the Americans with Disabilities Act (ADA) does not technically apply to the federal courts, this informative guide provides advice on extending fairness to the disabled. Specifically, the guide presents ideas for getting people into the courthouse, assisting people through the court and court processes, ensuring full participation in court processes, making courtroom hearings and trials accessible, and including people with disabilities in juries. Especially useful is a chapter entitled "Understanding the Range of Disabilities," which defines the different types of disabilities outlined in the ADA.

Jackson, Susan E., and Associates. *Diversity in the Workplace: Human Resource Initiatives*. New York: Guilford Press, 1992.

This book presents essays and case studies on workplace diversity issues. It uses case studies from Xerox, Pacific Bell, and the federal work force to address organizations' need to create a diverse work force; promote personal growth and team development; and create strategic initiatives to manage workplace diversity. The book concludes with three essays on managing workplace diversity.

\*Jamieson, David, and O'Mara, Julie. *Managing Work Force 2000: Gaining the Diversity Advantage*. San Francisco: Jossey-Bass, 1991.

This book outlines a management model based on greater responsiveness to diverse individual needs and talents. The authors forecast the makeup of America's work force in the year 2000 and suggest possible implications for organizations. The final chapter describes sixty-five organizations that specialize in issues of diversity in the workplace.

\*Johnson, Molly Treadway. *Studying the Role of Gender in the Federal Courts: A Research Guide*. Washington, D.C.: Federal Judicial Center, 1995. (Available from the FJC Information Services Office.)

Almost half of the federal courts have formed task forces to study how gender or attitudes about gender affect the work of the circuits. This guide was designed to help circuits or courts form gender task forces, select issues to study, and carry out various research methods. Appendices provide descriptions of state court task force studies as well as sample research instruments (e.g., survey questions and interview protocols).

\*Johnston, William B., and Packer, Arnold E. *Workforce 2000: Work and Workers for the 21st Century*. Indianapolis, Ind.: The Hudson Institute, 1987 (Prepared for the U.S. Department of Labor).

This report presents original research on the future of the American economy and workplace. Many diversity initiatives were built on this report. Major trends are documented and analyzed.

\*Loden, Marilyn, and Rosener, Judy B. *Workforce America!: Managing Employee Diversity as a Vital Resource*. Homewood, Ill.: Business One Irwin, 1991.

This book presents a discussion of how organizations can respond to a diverse work force in a constructive, rather than a reactive, manner. It emphasizes the need for sensitivity to the styles, needs, and values of diverse individuals, and suggests specific strategies for building more productive relationships in the workplace.

\*Morrison, Ann M. *The New Leaders: Guidelines on Leadership Diversity in America*. San Francisco: Jossey-Bass, 1992.

The author uses empirical research to analyze the nature and extent of differential treatment based on ethnicity and gender, and to identify three key factors (challenge, recognition, and support) essential for sustained leadership development. This source addresses practices for promoting and sustaining diversity, such as education, enforcement, and exposure. It also provides a step-by-step, chapter-by-chapter process for developing a coherent diversity plan that can be tailored to the specific needs of any organization.

Powell, Gary N. *Women and Men in Management*. Newbury Park, Cal.: Sage, 1988.

The author explores the changing norms about women's roles, particularly in management. The book addresses a wide range of topics, from female–male relationships at work to gender stereotyping. Noteworthy chapters are “Promoting Equal Opportunity” and “Looking Ahead.”

Thiederman, Sondra. *Profiting in America's Multicultural Marketplace: How to Do Business Across Cultural Lines*. New York: Lexington, 1991.

This book offers information and techniques for bridging the cultural barriers increasingly present in government, nonprofit, and business workplaces. It includes such chapters as "Interviewing and Assessing the Culturally Different Worker," "Guidelines to Understanding the Nonnative English Speaker," and "The Importance of Learning About Values."

\*Thomas, R. Roosevelt, Jr. *Beyond Race and Gender: Unleashing the Power of Your Total Workforce by Managing Diversity*. New York: American Management Association, 1991.

The author emphasizes the limits of traditional approaches to dealing with diversity issues and stresses the importance of an organization's assessing and modifying its cultural roots with a "culture audit." A culture audit is a tool used to gain information regarding the cultural makeup of the organization and the interactions and operations affected by the composition of the staff. This book presents extensive case studies and a sample culture audit.

## **Education and Training Resources**

\*Allender, Julie Ann. "Men and Women Working Together: Beyond Gender Stereotypes." In *Twenty Active Training Programs*, edited by Mel Silverman. San Diego: Pfeiffer & Co., 1992.

This seven-hour training program is designed for a mixed group of men and women of approximately equal numbers. The purpose is to decrease gender-role tension, increase awareness of pressures from stereotypes and past teachings, and help individuals develop more flexible role models. The program allows participants to evaluate gender-role stereotypes, examine gender-defined roles in the workplace, learn about the concept of androgyny, expand their repertoire of gender cooperation skills, and learn how men and women can be productive partners. It includes a program outline and learning activities and forms as well as a bibliography of books, videotapes, and other resources related to gender issues.

\*Anderson, Marie. "Appreciating Diversity: A Window of Opportunity." In *Twenty Active Training Programs*, edited by Mel Silverman. San Diego: Pfeiffer & Co., 1992.

This training program introduces participants to the various ways in which they can build effective interaction and communication in diverse groups. It provides an

outline of a six-hour training program on examining differences and planning for change. It includes structured learning activities, such as small-group discussions, simulations, presentations, guided teaching, games, and writing assignments. It can be modified to meet the specific training needs of individual courts.

Cooper, Kenneth, C. "Confronting Sexual Harassment in the Workplace." *Trainer's Workshop* 3 (September/October 1989): 1–64.

The American Management Association describes an effective sexual harassment training module with four topics for discussion: (1) the psychological background of harassment; (2) legal and behavioral definitions of sexual harassment; (3) management concerns; and (4) case studies to tie the other training sessions together. The training module has tear-out pages that serve as overheads for outlining key points discussed in the training program.

Dickerson-Jones, Terri. *50 Activities for Managing Cultural Diversity*. Amherst, Mass.: Human Resource Development Press, 1993.

This resource includes and explains fifty activities and handouts to help managers explore the effects of differences among employees. Reproducible activities are classified according to the training objectives they are designed to meet: managing diversity, valuing uniqueness, prejudice awareness, prejudice reduction, and affirmative action.

Gardenswartz, Lee, and Rowe, Anita. *Managing Diversity: A Complete Desk Reference and Planning Guide*. Homewood, Ill.: Business One Irwin, 1993.

This is a comprehensive resource of information on how to conduct a diversity audit; create an organizational culture that embraces diversity; maximize the potential of meetings to work for everyone; conduct performance evaluations in a diverse organization; and hire, train, and promote a diverse work force. It includes worksheets, activities, charts, and forms to use in implementing the ideas presented.

Goodman, Neal R. "Cross-Cultural Effectiveness: Obtaining Success in the Global Arena." In *Twenty Active Training Programs*, edited by Mel Silverman. San Diego: Pfeiffer & Co., 1992.

This seven-hour training program is designed to enhance the effectiveness of all people whose work brings them into contact with people from other countries or cultures. The goal of the program is to increase participants' awareness of hidden cultural assumptions, expand their repertoire of culturally appropriate behaviors, and help them understand how cultural factors affect job performance. A program outline and learning activities, and a bibliography of books, videotapes, and other resources relating to cultural awareness are included.

\*LaMountain, Dianne, and Abramms, Bob. *The Trainer's Workshop on Cultural Diversity*. Amherst, Mass.: Human Resource Development Press, 1993.

This resource of training aids and tools provides practical and useful information on work-force diversity training. It includes a definition of diversity, a description of the origins of diversity, a discussion of the kinds of programs organizations need, and explanations of what diversity consultants do and how to work with them.

Linkemer, Bobbi, Beebe, Carolyn, and Matthes, Karen. "Managing Under ADA." *Trainer's Workshop 7* ( May/June 1993): 1-48.

This American Management Association training module is designed to assist managers in complying with the Americans with Disabilities Act (ADA). The module covers four topics: what is the ADA, its impact on the workplace, its impact on recruitment procedures, and how to manage employees with disabilities. Each topic is designed to be presented during separate sixty- to ninety-minute training sessions. This module helps supervisors in the federal courts learn about the intricacies of the ADA and its implications for the physical work environment and employee training. Tear-out pages serve as overheads for outlining key points discussed in the training program.

Myers, Selma. "Basics of Intercultural Communication." *Info-Line* (September 1990): 1-5.

This article discusses the major stumbling blocks to communication among people from diverse cultural backgrounds and ways for people to become more sensitive to cultural differences. It identifies four factors that influence intercultural communication: language, place, thought processing, and nonverbal behavior. The article discusses these factors and their effects and provides communication models and training techniques for helping to create a successful multicultural environment. An extensive list of references and a checklist for diagnosing intercultural problems are included.

Myers, Selma, and Lambert, Jonamay. *Beyond Awareness: Skills for Managing a Culturally Diverse Work Force*. Solano Beach, Cal.: Intercultural Development, 1992.

This manual provides sample agendas, case studies, inventories, handouts, materials for transparencies, and adaptable exercises dealing with cultural changes, intercultural communication, employee development, and conflict.

\*Parker, Barbara J., ed. "Managing a Diverse Workforce." *Trainer's Workshop 7* (November/December 1993): 1–48.

This highly interactive, one-day training module teaches managers and supervisors to "identify how work-force diversity affects the operations of their departments and organizations, use a structured methodology for resolving workplace problems stemming from diversity, and create a work environment in which all employees fully contribute their talents and skills to the success of the organization." The module includes five sessions with objectives, lecture, discussion questions, visuals, and learning activities covering diversity in the workplace. Visuals are included that can be used as overhead transparencies or flip charts, and work papers, a diversity audit, and sample employee diversity survey are provided.

Payne, Tamara, and Mobley, Michael. "Valuing and Managing Diversity." *Info-Line* (May 1993): 1–15.

This training resource provides a historical perspective on the topic, ways to gain organizational commitment, sample diversity training modules, training do's and don'ts, methods of delivery, possible pitfalls, and references and resources.

Talley, B. D., and Waller, M. L. "Sexual Harassment: What Trainers Need to Know." *Info-Line* (February 1992): 1–15.

This issue outlines sexual harassment policies and practices and recommends steps that an organization can take to make the work force more aware of sexual harassment as well as ways to prevent it. This issue discusses the EEOC guidelines regarding sexual harassment, gives statistics indicating the occurrence of sexual harassment, and outlines some landmark court cases dealing with harassment. It provides guidelines for organizations that have not yet formulated a written policy regarding sexual harassment, and offers suggestions for trainers who may be asked to present the subject matter. A list of books and articles and a checklist for handling sexual harassment complaints are included.

Weiss, Donald H. "Managing a Diverse Workforce: How to Deal with Value Conflicts." *Trainer's Workshop 2* (December 1987): 1–64.

This resource identifies potential value conflicts in a diverse work force and ways to prevent the crises they can produce. It indirectly discusses broader issues: civil rights, labor–management relations, and employee motivation. A training module is provided which consists of five sessions that cover the following topics: (1) value conflict—a critical issue of diversity; (2) negative consequences of pluralism; (3) the importance of individual diversity; (4) how to prevent open conflicts of value; and (5) the positive consequences of diversity. Tear-out pages serve as overheads.



## Newsletters and Booklets

American Association of Retired Persons. *America's Changing Workforce: Statistics in Brief*. Washington, D.C. AARP, 1992. (Available free from AARP-EEO 167, 601 E St., N.W., Washington, DC 20049. Ask for publication D12633.)

This booklet provides information about the changing work force, particularly workers age 45 and older. Included are such topics as the composition of the work force of today and tomorrow by age and sex, labor force participation rates, industrial and occupational employment, and general characteristics of workers age 45 and older.

Coberly, Sally. *An Employer's Guide to Older Worker Employment and Transition Programs*. (Available from Washington Business Group on Health, 777 N. Capitol St., N.E., Suite 800, Washington, DC 20002; phone: (202) 408-9320.)

This guide describes how employers can work with community organizations to recruit and train older workers, and outlines innovative ways employers can use older workers, including part-time options, retiree job banks, and phased and partial retirement.

Mickens, Ed, ed. *Working it Out*. New York City: Ed Mickens, 1992. (Annual subscription is \$60. For subscription information and a free sample issue, contact Ed Mickens, Editor, P.O. Box 2079, New York, NY 10108; phone: (212) 769-2384.)

This quarterly newsletter is intended as a central source for organizations interested in examining their policies toward gay and lesbian employees in the workplace. Contents include case studies and successful models for change.

\*Patterson, Leo, ed. *Managing Diversity: A Monthly Source of Information, Ideas, and Tips for People Managing a Diverse Workforce*. Jamestown, N.Y., 1991. (Available from Jamestown Area Labor Management Committee, Inc., P.O. Box 819, Jamestown, NY 14702-0819; phone: (716) 655-3654.)

This concise newsletter is useful to all managers and others interested in diversity issues and resources.

Sussman, Harris. *Questions and Answers About Diversity*. Cambridge, Mass.: Diversity University, 1991. (Available at volume discounts from Harris Sussman; call 1-800-827-1783.)

This is a twenty-page compilation of *Managing Diversity* newsletter's regularly featured column "*Diversity Questions and Answers*." It provides practical, thought-

provoking responses to a wide range of diversity-related questions asked by managers struggling with important workplace issues.

## Videotapes

**(The videos listed here are available on loan only to federal court employees from the FJC Media Library unless otherwise noted. Please use the Media Library Loan Request Form at the end of this section to request a videotape.)**

Advantage Media, Inc. *Sexual Harassment: The Other Point of View*. 1985. 37 minutes (FJC Media Catalog No. 1634-V/85).

Simulates a training session for supervisors. Helps supervisors understand their role in handling sexual harassment issues in the workplace. Vignettes describe physical harassment, verbal harassment, graphic harassment—the display of offensive pictures, calendars, or posters—and hazing—harassment that occurs when a woman enters a traditionally male-dominated job. Includes a training manual.

American Media, Inc. *Closing the Gap: Gender Communication Skills*. 1994. 20 minutes (FJC Media Catalog No. 2536-V/94).

Explores traditional differences in the ways in which men and women communicate and presents six communication styles. The narrators warn trainers not to overgeneralize “male” and “female” communication styles and to focus on providing skills to enhance communication between men and women. Includes training materials.

American Media, Inc. *The Dynamics of Diversity*. 1994. 49 minutes (FJC Media Catalog No. 2537-V/94.)

Provides a solid definition and explanation of managing diversity. Serves as a useful introduction to the subject of diversity for court training specialists, diversity education planning committees and task forces, and court managers who need a cogent, clear, and thoughtful explanation of diversity and its implications for the workplace.

BNA Communications, Inc. *A Winning Balance*. 1993. 34 minutes (FJC Media Catalog No. 2615-V/93).

Introduces Work Force 2000 and promotes the importance of appreciating and understanding differences in the workplace. Interactive exercises and vignettes illustrate a range of workplace behaviors and encourage discussion. Includes comprehensive participant’s and trainer’s guides.

Barr Films. *Making the ADA Work for You*. 1992. 22 minutes (FJC Media Catalog No. 2095-V/92).

Uses vignettes and narration to explain the essential components of the Americans with Disabilities Act (ADA). These components include interviewing and essential functions, marginal functions, court user and employee reactions, effective supervision, reasonable accommodation, and undue hardships. Although the courts are not required to comply with the ADA, the videotape emphasizes that one intent of the ADA is to encourage employers to look at a person's abilities, not disabilities, when hiring and supervising employees. Includes a trainer's guide.

CRM Films. *Managing Diversity*. 1990. 22 minutes (FJC Media Catalog No. 2096-V/90).

Shows a fictional organization's efforts to effectively manage a diverse work force. Deals with two major challenges facing managers in the organization: negative stereotypes employees hold toward one another, and the resulting behavior associated with those stereotypes. Equips managers with specific skills to recognize these concerns and address them constructively. Includes a leader's guide.

Copeland and Griggs Productions. *Valuing Diversity*. 1987–90. Videotape series, 7 tapes, 28–60 minutes each. (Available from the FJC's Court Education Division, Clerk's Office Programs Branch; phone: (202) 273-4122.)

Includes the following seven titles:

- Tape 1: *Managing Differences* (50 minutes)
- Tape 2: *Diversity at Work* (28 minutes)
- Tape 3: *Communicating Across Cultures* (50 minutes)
- Tape 4: *You Make the Difference* (30 minutes)
- Tape 5: *Supervising Differences* (30 minutes)
- Tape 6: *Champions of Diversity* (30 minutes)
- Tape 7: *Profiles in Change* (60 minutes)

Workplace scenarios and interviews with senior executives and diversity managers at major corporations and workplace scenarios illustrate diversity situations relating to age, race/ethnicity, gender, language, and physical handicaps. Tape 6 is one of the few tapes to include some insights into issues of sexual orientation in the workplace. Tapes 1, 3, and 4 may be more valuable for their relevance to the courts. Includes a trainer's guide.

Crisp, Inc. *Working Together: Managing Cultural Diversity*. 1990. 25 minutes (FJC Media Catalog No. 1631-V/90).

Emphasizes three essential elements to help employees learn to work more effectively: (1) accept the differences of others, (2) manage communication, and (3) manage the future. Focuses on the need for employees to embrace, learn from, and profit from change. Includes a leader's guide and five copies of a participant's guide.

Enterprise Media, Inc. *The Power of Diversity: Creating Success for Business and People*. 1993. Videotape series, 4 tapes, 20 minutes each (FJC Media Catalog No. 2538-V/93).

Includes the following eight titles :

- Tape 1: *Sexual Harassment and Gender Discrimination*  
*Disabilities: Hiring and Promotion*
- Tape 2: *Career Development: Minority Issues*  
*Career Development: Reverse Discrimination and Ageism*
- Tape 3: *Performance Appraisal*  
*Balance of Work/Family Issues*
- Tape 4: *Sexual Orientation*  
*Career Mobility: Language*

Uses eight vignettes to portray the challenges confronted by many employees in the workplace. Presents diversity issues within a management and employee relations context to allow for multiple discussion perspectives. Includes a set of twenty-four participant's workbooks and a leader's guide.

Enterprise Media, Inc. *The Sexual Harassment Quiz*. 1992. 59 minutes (FJC Media Catalog No. 2087-V/92).

Uses a talk show format to candidly and effectively address sexual harassment. Allows viewers to judge scenarios, answer questions, and analyze their responses. Generates open discussion and illustrates many misconceptions about sexual harassment at work. Includes a brief written description of the video and a quiz.

Goodmeasure, Inc. *A Tale of "O."* 1993. 45 minutes (FJC Media Catalog No. 2439-V/79).

Provides an introductory but thorough overview of diversity issues for individuals who have little knowledge of the concept. Rather than using labels for people who are different, the video presents a series of animated "X's" and "O's": the "X's" represent

majority groups and the “O’s” represent minority groups. Appropriate for work environments where tension and communication problems exist because of differences. The tape includes both 18-minute and 27-minute versions; however, the 18-minute version may be more appropriate for training purposes than the 27-minute version. Includes a 174-page instructor’s and user’s guide.

\*MTI Film & Video. *Breaking the Attitude Barrier: Learning to Value People with Disabilities*. 1991. 34 minutes (FJC Media Catalog No. 1842-V/91).

Provides tools and information to help employees understand, appreciate, and value people with disabilities. The video dispels myths about people with disabilities and explores employees’ reactions, fears, and discomforts in working with people with disabilities. Highlights one organization’s efforts at sensitizing its work force to these issues. Includes a trainer’s guide and is closed captioned for the hearing impaired.

MTI Film & Video. *Prejudice: Dividing the Dream*. 1993. 25 minutes. (Available from Coronet/MTI Film & Video, 420 Academy Dr., Northbrook, IL 60062; phone: 1-800-621-2131. Purchase price: \$450, rental price: \$75.)

Narration and interviews are used to examine prejudice based on race, ethnicity, and religion. Encourages employees to “realize that eliminating prejudice begins by stopping blame.” Excellent film footage of ethnically diverse young people attending a youth summer camp, the effects of prejudice on young African Americans, and a Holocaust survivor’s story. Includes a concise but useful discussion guide.

PBS. *A Class Divided*. 1992. 60 minutes. (Available from the FJC Court Education Division, Clerk’s Office Programs Branch; phone: (202) 273-4122.)

Documents discrimination based on eye color with both a third grade, all-white, all-Christian class in a small Iowa town and adult employees of the Iowa state prison system attending a day-long human relations workshop. The first segment of the video, originally filmed in 1970, is supplemented by a discussion of the exercise by the now adult third-grade class participants. In the second segment of the video, which was produced in 1991, prison employee participants discuss their reactions to discriminatory attitudes, treatment, and behavior based on their experience in the exercise. Persuasively demonstrates the debilitating effects of any kind of discrimination on individuals and society. Includes a useful study guide that outlines key concepts, discussion topics, suggested activities, and a bibliography.

Pacific Resource Development Group. *Sexual Harassment: Shades of Gray*. 1990. Videotape series, 5 tapes, 10–15 minutes each (FJC Media Catalog No. 2084-V/90).

Includes the following five titles:

Tape 1: *What Are We Doing Here?* (15 minutes)

Tape 2: *What Is Sexual Harassment?* (10 minutes)

Tape 3: *Costs of Sexual Harassment* (10 minutes)

Tape 4: *What Does the Law Say?* (11 minutes)

Tape 5: *What Should I Do?* (11 minutes)

Provides a brief history of sexual harassment, gives the behavioral and legal definitions of sexual harassment, spells out the costs associated with sexual harassment in the workplace, explains the legal background and the Equal Employment Opportunity Commission's guidelines on sexual harassment, and offers tips to both supervisors and employees on how to prevent sexual harassment in the workplace. Includes a resource manual, a training manual, a leader's guide, and twenty-five copies of a participant's workbook. (For a more interactive format on this topic, see *The Sexual Harassment Quiz*.)

Salenger Films. *Sexual Harassment: Walking the Corporate Fine Line*. 1987. 30 minutes (FJC Media Catalog No. 1183-V).

Stresses the need for a strict and explicit organizational policy regarding sexual harassment. Traces the legal history of sexual harassment and describes the essential elements of an effective organizational sexual harassment policy, including an effective procedure for handling complaints, a fair investigative procedure, and appropriate disciplinary action. Includes a thirty-page program workbook and a user's guide.

## **Other Resources**

### ***Bibliography***

*Female Management Style*. New York: Catalyst, 1990.

This annotated bibliography includes twenty-five articles, research reports, and books about women managers, and covers such topics as differences between male and female management styles, the extent to which women exemplify the traits of corporate leaders, and the way female managers are perceived.

## **Games**

*The Diversity Game.* Quality Educational Development Inc., 1994. (For more information, contact Quality Educational Development Inc., 41 Central Park West, New York, NY 10023; phone: (212) 724-3335.)

This board game is designed to raise awareness of diversity issues in a nonthreatening way. Topics covered include demographics, legislation, society issues, and management issues.

*Diversophy: Understanding the Human Race.* George Simons International, 1992. (For more information, contact George Simons International, 335 Golf Club Dr., Santa Cruz, CA 95060; phone: (408) 426-9608.)

A board game in which players roll dice and move around a game board, trying to avoid four diversity traps: ethnocentrism, stereotypes, bias, and assimilation.





## Media Library Loan Request Form

Photocopy for use. Please print or type.

Date: \_\_\_\_\_

Programs requested:

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## GLOSSARY OF MAJOR TERMS

**Affirmative action**—Refers generally to an approach to personnel management by which an organization takes positive steps to recruit, hire, train, and promote qualified individuals who are members of groups that have been subjected to arbitrary discrimination.

In the federal government context, affirmative action refers to an executive branch policy requiring federal executive branch contracting agencies and departments, and agencies that administer programs that receive federal financial assistance to take positive efforts to recruit, hire, train, and promote qualified employees of previously excluded groups (Executive Order No. 11246, 1965).

Within the judicial branch, affirmative action may refer to the 1979 resolution of the Judicial Conference of the United States, which stated in part, “the Committee on Court Administration is directed to prepare a model affirmative action plan, for adoption by each federal court, with regard to the selection and promotion of employees . . . .” (*JCUS Reports*, September 1979, p. 58). The model plan was approved by the Judicial Conference at its March 1980 session (*JCUS Reports*, March 1980, p. 5). Its name was subsequently changed to Model Equal Employment Opportunity Plan (*JCUS Reports*, Sept. 1986, pp. 57–58).

**Diversity**—The collective *mix* of similarities and differences in the workplace. Differences include, but are not limited to, gender, race, ethnicity, age, disability, marital status, parental status, sexual orientation, educational level, geographic location, language, skills, experience, values, personality, lifestyle, religion, and income. (See section 1 of this guide.)

**Equal employment opportunity (EEO)**—Refers generally to organizational policies or efforts to prohibit discrimination in personnel matters based on any arbitrary distinctions.

More specifically, EEO refers to federal statutes and implementing regulations that prohibit public and private agencies and organizations from engaging in discrimination in hiring, promotion, firing, job assignments, and training based on race, color, religion, sex, national origin, physical handicap, or age. EEO also protects employees from reprisal discrimination. Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, the Pregnancy Disability Amendment of Title VII (1978), and the Civil Rights Act of 1991 apply to most of the federal government and to the private sector, but only in very limited areas to the judicial branch.

Within the judicial branch specifically, EEO may refer to the Judicial Conference requirement that each federal court adopt an EEO plan, which may be the model plan promulgated by the Judicial Conference or a modified version which must be approved by the circuit council. (See “Affirmative action” above.)

**Managing diversity**—Managing an organization’s culture and systems, by drawing on employees’ differences, to try to ensure that each employee is given the opportunity to fully contribute his or her talents and skills to the mission and success of the organization. (See section 1 of this guide.)

**Needs assessment**—In a training context, the process undertaken by organizations to collect data (quantitative and qualitative) to help identify specific technical or educational skill deficiencies and other concerns about job-related behaviors that can be addressed through training programs. (See section 2 of this guide.)

**Organizational culture**—Written and unwritten rules for the ways an organization conducts its business and manages its employees. (See section 3 of this guide.)

**Prejudice**—An adverse opinion or judgment about a situation or an individual formed without an adequate examination of the facts or knowledge of the situation or individual.

**Protocols**—Standard written procedures and instructions for asking questions in one-on-one interviews or focus groups as part of a needs assessment. (See section 2 of this guide.)

**Stereotypes**—An oversimplified, preconceived belief or opinion about a group of people.

## APPENDIX A NATIONAL AND COURT-SPECIFIC DEMOGRAPHIC DATA

This appendix describes the predicted changes in work force demographics as stated in the U.S. Department of Labor's 1994 report and highlights some federal court demographics for court personnel. Courts are also encouraged to use court libraries to discover and document the demographic data (by gender, race, age, disability) for their circuits or regions.

The purpose of analyzing the data presented in Tables 1 and 2 is to provide an overall picture of specific areas in which the courts have a representation of minorities that is equal to, less than, or greater than minorities' participation in the labor force and to identify the occupational categories in which the majority of the court labor force is concentrated. The diversity education planning committee may want to use the data as part of the needs assessment process; however, the needs assessment consists of much more than simple numerical comparisons of the work forces in the court and in the community.

Table 2 shows that there is a higher percentage of men than women in professional job categories (from all racial groups), even though women constitute nearly 70% of the total court work force. Table 2 can be used to calculate the percentages of various groups in different job categories. To calculate the percentage of white women who are employed in the top two professional categories, for example, follow this formula:

1. Add the numbers of women in Rows 1 and 2 in the top two professional categories ( $1,038 + 1,651 = 2,689$ ).
2. Divide this total (2,689) by the total number of white women in the court work force (Row 7— 12,051) and calculate the percentage ( $2,689 \div 12,051 = 0.223 \times 100 = 22.3\%$ ).

When this same calculation is performed for white men, who make up 25.6% of the total court work force (Row 7), almost 61% of this group is concentrated in the first two professional categories:

$$(1,984 + 1,754 = 3,738 \div 6,143 = 0.608 \times 100 = 60.8\%).$$

Using the formula given above, further analysis of Tables 1 and 2 shows the following:

- *Black men* represent 3% of the total court work force, but they represent 5.3% of the labor force. Black men's representation in all occupational categories except

the professional/general category is lower than their representation in the work force.

- *Black women* constitute 9.8% of the court work force, as compared with 5.4% of the labor force; 50% of black women in the court work force are employed in the office/clerical occupational category. After Hispanic women, black women make up the largest percentage of people in the office/clerical category. Of black women, 15% are employed in the first two professional categories.
- *Hispanic men* represent 2.6% of the court work force and 4.8% of the labor force. Their representation is somewhat similar to that of black men in that about 50% of this group is employed in the professional/general category.
- Over 50% of *Hispanic women*, who represent 5.7% of the court work force (as compared with 4.6% of the labor force), are concentrated in clerical and secretarial categories. About 19% are employed in the first two professional categories.
- *Asian and Native American men* together constitute almost 1% of the court labor force. About 35% of Asian men are employed in the professional categories, and over 50% of the Native American men (17) are employed in the professional/general category.
- *Asian and Native American women* together make up 2% of the court work force. Almost 22% of the Asian American women in the court work force are concentrated in the first two professional categories, and 50% are employed in the legal/secretarial and office/clerical categories. Over 50% of the Native American women in the court work force are employed in the legal/secretarial and office/clerical categories (36), and about 15% of all Native American women who work for the courts are employed in the first two professional categories (11).

No information was available on the specific salary levels or grades of women and people of color in the court work force as compared with their salary levels in the labor force. However, court specific positions by occupational categories are presented after Table 2.

**Table 1. Labor Force Participation, 1992 and Projected to 2005**

	<b>1992</b>	<b>2005</b>
<b>Participation by gender</b>		
Men	54.5%	52.3%
Women	45.5%	47.7%
<b>Participation by race and gender</b>		
White men (non-Hispanic)	42.5%	38%
White women (non-Hispanic)	35.3%	34.9%
Black men (non-Hispanic)	5.3%	5.4%
Black women (non-Hispanic)	5.4%	5.6%
Hispanic men	4.8%	6.4%
Hispanic women	3.2%	4.6%
Asian and other men <sup>a</sup>	1.8%	2.5%
Asian and other women	1.6% <sup>a</sup>	2.6%

*Source:* Bureau of Labor Statistics, U.S. Department of Labor, *The American Work Force: 1992–2005* (Bulletin 2452). Washington, D.C.: Superintendent of Documents, April 1994, p. 34.

a. These groups include Asian and Pacific Islanders, and Native Americans and Alaska Natives.

**Table 2. Minorities and Women in the Court Work Force by Occupational Category, 1993**

Category	White		Black		Hispanic		Asian		Native American		Disabled	Total
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female		
1 Professional/ General	47.4% (1,984)	24.8% (1,038)	7.1% (298)	6.4% (269)	7.5% (316)	4.8% (201)	0.9% (37)	0.7% (30)	0.2% (10)	0.2% (7)	0.9% (39)	100% (4,190)
2 Professional/ Legal	46.5% (1,754)	43.7% (1,651)	1.75% (64)	2.3% (86)	1.7% (65)	1.4% (54)	1.0% (38)	1.6% (59)	0.0% (1)	0.1% (4)	0.8% (29)	100% (3,776)
3 Professional/ Administrative	25.2% 1,364	53.9% (2,918)	2.0% (110)	10% (543)	1.3% (71)	4.8% (261)	0.8% (43)	1.6% (84)	0.1% (4)	0.4% (20)	1.7% (93)	100% (5,418)
4 Technical	35.9% (475)	41.8% (554)	2.4% (32)	6.5% (86)	3.7% (49)	5.4% (72)	1.9% (25)	1.9% (25)	0.1% (1)	0.4% (5)	1.3% (17)	100% (1,324)
5 Legal/ Secretarial	0.4% (10)	82.3% (1,913)	0.2% (4)	8.2% (190)	0.0% (1)	6.0% (140)	0.0% (1)	2.5% (58)	0.0% (0)	0.3% (7)	1.2% (29)	100% (2,324)
6 Office/ Clerical	8.0% (556)	57.4% (3,977)	3.1% (218)	17.0% (1,177)	1.7% (115)	9.2% (635)	1.1% (73)	2.2% (149)	0.0% (1)	0.4% (29)	1.5% (106)	100% (6,930)
7 Totals	25.6% (6,143)	50.3% (12,051)	3.0% (726)	9.8% (2,351)	2.6% (617)	5.7% (1,363)	0.9% (217)	1.7% (405)	0.07% (17)	0.3% (72)	1.3% (313)	100% (23,962)

See next page for an explanation of the categories.

Source: EEO and Special Projects Office, Administrative Office of the U.S. Courts.



## Specific Court Positions by Occupational Categories

### CIRCUIT COURTS

Judicial Officer

Active Judge

Professional (General)

Circuit Executive

Assistant Circuit Executive

C.J.A. Investigator

Librarian & Assistant

Systems Manager

Professional (Legal)

Federal Public Defender

Assistant Defender

Research Assistant

Staff Attorney

Judge's Law Clerk

Pro Se Law Clerk

Professional (Administrative)

Clerk of Court

Deputy Clerk (JSP-9 and above)

Administrative Assistant to Chief Judge

Administrative Assistant to Circuit Executive

Systems Administrator

Bankruptcy Administrator

Technical

Automation

Legal Secretarial

Judge's Secretary

Defender's Secretary

Staff Attorney's Secretary

Court Secretary

Circuit Executive's Secretary

### DISTRICT COURTS

Judicial Officer

Active Judge

Magistrate Judge (Full-time)

Magistrate Judge (Part-time)

Professional (General)

District Court Executive

Chief Probation/Pretrial Officer

Probation/Pretrial Officer

Probation/Pretrial Trainee & Assistant

Librarian & Assistant

Systems Manager

Professional (Legal)

Judge's Law Clerk

District Research Assistant

Magistrate Judge's Legal Assistant

Professional (Administrative)

Clerk of Court

Deputy Clerk (JSP-9 and above)

Administrative Assistant to Chief Judge

Systems Administrator

Technical

Court Reporter

Bailiff

Automation

Legal Secretarial

Judge's Secretary

Magistrate Judge's Secretary

Clerk's Secretary

Clerk's Secretary  
Circuit Librarian's Secretary

Probation/Pretrial Chief's Secretary  
District Court Executive's Secretary

Office/Clerical  
Deputy Clerk (JSP-2 through 8)  
Library Aide  
F.P.D. Clerical  
Messenger  
Court Crier

Office/Clerical  
Deputy Clerk (JSP-2 through 8)  
Magistrate Judge's Clerical Assistant  
Probation/Pretrial Clerical  
Library Aide  
Messenger  
Court Crier

#### BANKRUPTCY COURTS

Judicial Officers  
Active Judges

Professional (Legal)  
Law Clerk

Professional (Administrative)  
Clerk of Court  
Deputy Clerk (JSP-9 and above)  
Systems Administrator

Legal Secretarial  
Judge's Secretary  
Clerk's Secretary

Office/Clerical  
Deputy Clerk (JSP-2 through 8)

(Rev. September 1993)  
EEO and Special Projects Office,  
Administrative Office of the U.S. Courts

## APPENDIX B COMPARISON OF NEEDS ASSESSMENT METHODS

Method	Advantages	Disadvantages
Questionnaires	Data can be obtained on a number of issues from a large number of people at a lower cost than the cost of other methods.	They do not allow for probing or full exploration of the complexities of an issue.
	Data can be collected anonymously, so responses may be more candid.	There is no opportunity to follow up on individual responses to clarify them or to probe more deeply.
	Respondents have time to provide thoughtful responses to questions.	Questions must be written with expertise and care because they are the only data collection method.
	They require minimal staff and facilities to administer.	Some employees, especially those from cultures other than the American culture, may not respond to a written form that requires no human contact.
Interviews	They provide an opportunity for two-way communication; the interviewer can ask follow-up questions.	The interviewer must be skilled and objective, and be perceived as completely trustworthy; court personnel may not be appropriate interviewers; the race, gender, job title, or court position of the interviewer may also affect the trust of employees.
	They allow for the collection of specific anecdotal information, to illustrate problems.	Data collected from interviews can be generalized only if a random sample of employees are interviewed.
	It is easier to ensure the confidentiality of responses than it is with focus groups.	It is the least time-efficient and most costly method of needs assessment for large numbers of people.

<b>Method</b>	<b>Advantages</b>	<b>Disadvantages</b>
Focus groups	<p>They produce richer data through in-depth discussions.</p> <p>They provide an opportunity for interaction and communication among participants; an idea presented by one person may encourage another person to share experiences.</p> <p>They can be used to identify topics for inclusion in questionnaires.</p> <p>Participants do not need to be adept at written communication.</p> <p>Participants are not restricted to choosing from a standardized set of responses, such as those found in an interview or questionnaire.</p> <p>They require a less complex interview format than face-to-face interviews do: fewer topics are covered, and questions can be more open-ended.</p>	<p>They provide only a sample of views and perspectives that cannot be generalized to the entire staff; therefore, this method should be used with other methods.</p> <p>There is greater risk that confidentiality may be jeopardized in a group setting; fear of repercussions in the workplace may be greater with this method.</p> <p>They require an objective, skilled facilitator to solicit responses to broad topics and to keep the discussion focused.</p> <p>Participants are less likely to be candid if they do not trust the moderator or other participants (gender, race, job title, or court position of moderator may be factors to consider in the selection of the moderator).</p> <p>Analysis of data is complex.</p> <p>It takes time to coordinate the sessions with the schedules of employees who will participate.</p>

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Adapted from Gardenswartz, Lee, and Rowe, Anita. *Managing Diversity: A Complete Desk Reference and Planning Guide*. Homewood, Ill.: Business One Irwin, 1993, p. 265.