

Executive Summary

In 2020 the Academy issued a statement looking to the future of our organization. The Academy faced the reality that our membership does not reflect the workplaces that we serve, and that we have not made significant progress for change.

To address this, then-President Nielsen established the Special Committee on a Strategic Plan to achieve Diversity, Equity, Inclusion, and Belonging (DEIB) and charged its appointed members with developing a strategic plan for consideration by the Board of Governors.

President Nielsen did not ask us to justify the reason for this work. The need for DEIB is established. The Academy recognizes that “to ... foster the highest standards of integrity, competence, honor, and character” in the arbitration profession, the Academy must be at the forefront in promoting the principles of diversity, equity, inclusion, and belonging within the Academy itself as well as in the larger labor-management and employment dispute resolution community.

Additionally, stakeholders have initiated a cultural revolution that demands organizations within all industries adhere to DEIB principles within their operations, practices, and associations. The NAA is subject to such internal and external forces because the tenets of workplace justice are inextricably linked to our labor and employment arbitration practices and professional relationships.

DEIB practices eliminate organizational “blind spots” and self-reinforcing “echo chambers” by providing a wide spectrum of opinions and data that assist in effectively navigating organizational issues and structurally addressing emerging best professional practices. Thus, diversity and inclusion not only foster institutional professional intelligence, but also cultivate an organizational culture that mirrors and aptly responds to the needs of the communities to be served. Therefore, this strategic plan is designed to position the NAA in transitioning from viewing Diversity, Equity, Inclusion, and Belonging as aspirational to proactively adopting these principles internally as an organization and as measurable practices within the field of labor and employment arbitration.

We summarize here the charge to the Special Committee, our findings, and the recommendations that comprise the DEIB Strategic Plan. This Committee was charged to do the following: first – identify the scope of

underrepresentation of arbitrators of color, women, and other historically underrepresented groups within the profession and within the Academy; second – identify the institutional impediments preventing individuals from underrepresented groups from (a) becoming arbitrators, (b) gaining admission to the Academy, and (c) full participation in the professional and social activities of the profession; and third – identify the actions the Academy can take to remove those barriers.

Scope of underrepresentation

While we were able to measure the lack of diversity of arbitrators of color, of persons from underrepresented communities, and of women (female representation at under 20% and persons of color at about 5% of arbitrators), our efforts moving forward will include more robust measurement of the gap of underrepresentation by race, ethnicity, sexual orientation, disability, and gender identity, and address how to close that gap.

Impediments

The impediments identified by the Committee for entry into the arbitration profession for persons of color and other under-represented groups, include the following:

- The implicit bias of advocates against choosing arbitrators of color, or from other equity seeking groups;
- The lack of mentoring opportunities and other forms of training by NAA members;
- The lack of networking opportunities with advocates and other stakeholders;
- The lack of financial resources / income to be able to transition into the arbitration field;
- The lack of willingness among parties to understand and address their implicit biases; and
- The institutional and systemic structure and operation of organizations and agencies that reinforce implicit biases against entry into the profession, however unintentional.

The report describes the internal and external initiatives to achieve greater diversity and equity representation within the Academy: the Outreach Committee (the Salons), and onboarding efforts that expand the pipeline of individuals interested in pursuing arbitration. The report also describes the history and work of RCI, Inc., an external initiative that is

implementing the principles of the Ray Corollary Initiative (RCI) to help agencies and parties to develop rosters and panels of diverse labor and employment arbitrators.

The report concludes that the Salons, onboarding efforts, and the NAA's support of external initiatives, including those of the RCI, Inc., and others, represent important efforts towards achieving the objectives of greater equity, inclusion, belonging, and diversity within the NAA. This work needs to continue and be expanded.

Recommendations

Our final responsibility was to prepare a comprehensive plan for the Academy to implement. These are our recommendations:

- the education of Academy members on questions of equity, inclusion, belonging, and diversity;
- the Academy should be a leader, promoting the values of DEIB, within the labor and employment relations communities;
- the Academy should gather relevant data in a confidential fashion with an opt-out option to determine accurately the diversity of the NAA to set reasonable diversity goals for admission to the Academy;
- mentorship (with inclusion of those from equity seeking groups) of those considering moving from other practice to arbitration;
- mentorship (with inclusion of those from equity seeking groups) of those newer arbitrators seeking to gain admission into the Academy
- greater inclusion of those from equity seeking groups in the initial orientation into the NAA, on the committees, at meetings, and in activities of the Academy;
- the establishment of an Onboarding Committee for the mentoring of those in the transition from other practice to arbitration; and
- the establishment of a DEIB Coordinating Committee and a DEIB Coordinator, with representation from the Onboarding Committee, the Outreach Committee, assigned to carry out the NAA's mandate for DEIB, reporting to the DEIB Coordinating Committee.

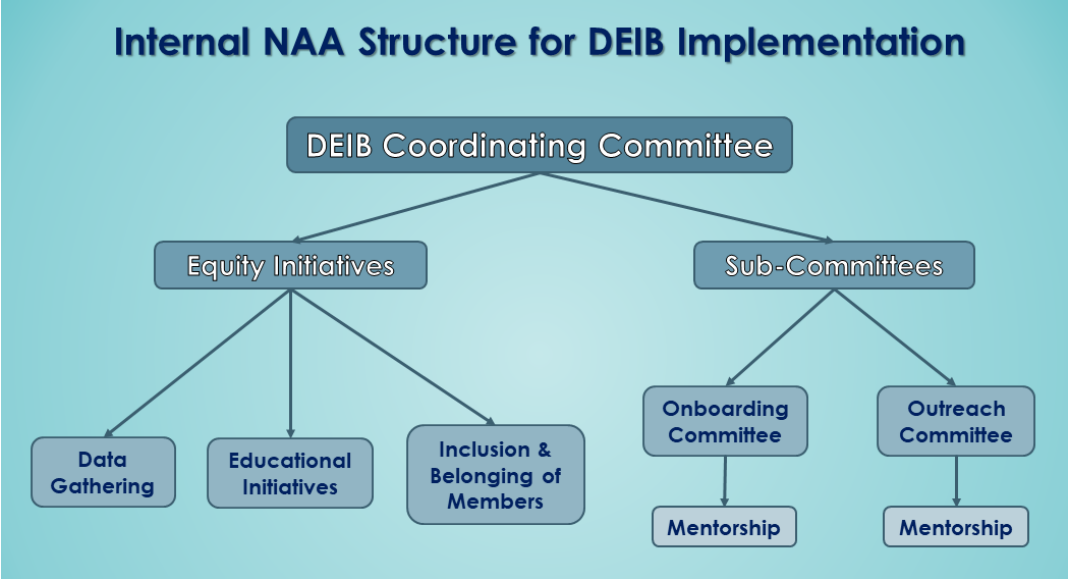


Fig. 1: A proposed internal structure to coordinate DEIB efforts.

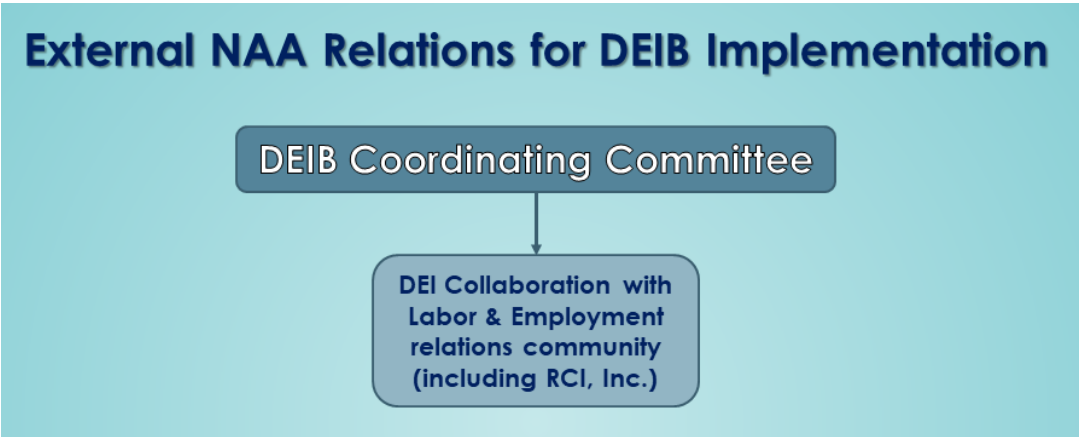


Fig. 2: A proposed structure to allow for collaboration with external entities on DEIB initiatives.

This report is the culmination of two years of work by this Committee. The Committee would like to acknowledge and thank Academy members who provided feedback. All comments were considered in the writing of this final report. All Academy members will have experiences and insights that will inform and enhance our growth on this path forward.

With these efforts we live up to our promise and our potential.