



DEI Audit Handbook

A resource manual for legal employers conducting internal assessments of diversity, equity, and inclusion (DEI) in their organizational climate, practices, and policies

UCLI Certification Program



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Introduction

Research indicates that progress on workplace diversity, equity, and inclusion (DEI) requires that organizational leadership perform regular internal DEI audits, evaluations, and reflections. Such assessments will help legal employers:

1. Visualize the current state of DEI within their organizations;
2. Identify what is working and where improvement may be needed;
3. Revisit and refine organizational goals with respect to DEI; and
4. Make critical decisions about the required next steps for reaching those goals.

In this manual, UCLI has provided recommendations for two types of audits:

1. Audits that reveal organizational performance on policies and practices related to DEI; and
2. Audits that reveal employee experiences of organizational climate with regard to DEI.

The three primary principles that govern these recommendations are:

1. **TRANSPARENCY:** Management and leadership should disclose and make accessible information about organizational resources and practices (e.g., mentoring programs, flexible work policies, etc.), as well as criteria for hiring, compensation, and advancement.
2. **ACCOUNTABILITY:** Management and leadership should welcome responsibility for creating a diverse, equitable, and inclusive organization, which includes regularly examining and strengthening organizational policies, practices, and culture.
3. **OBJECTIVITY:** Management and leadership employ only measurable, standardized criteria to make decisions about hiring, performance, compensation, and advancement. Leadership should ensure that all candidates for a particular opportunity are evaluated on the same criteria.

Acknowledgments

The following resources were used to construct this handbook: 2020 UCLI Certification Program Survey; Sample Diversity & Inclusion Policies (UCLI); eCornell Diversity and Inclusion Certificate online course; "Barriers to Advancement: Findings from the 2020 Study of Gender & Racial Bias in Utah's Legal Profession," (Women Lawyers of Utah); Utah Legal Services Diversity, Equity, and Inclusion Survey; "Equity and Empowerment Lens" (Multnomah County Office of Diversity and Equity); "What if I say the wrong thing?: 25 Habits for Culturally Effective People" (Verna Myers); "Why Diversity, Equity, and Inclusion Matter" (Independent Sector); "Diversity and Inclusion Survey Questions to Improve D&I at Work" (Quantum Workplace); "Diversity, Equity, and Inclusion Audit" (University of Missouri System); "Nonprofit Diversity, Equity, and Inclusion 2.0: Assessing Where You are Today and Defining Where You Want to Be" (Nonprofit HR), "2020 ABA Model Diversity Survey."

Becoming UCLI Certified for 2021

The criteria for completing UCLI's 2021 Certification Program are as follows:

1. Updating or maintaining a UCLI Representative from your organization's leadership as the primary UCLI contact;
2. Having your firm/organization participate in a Train the Trainers event focused on inclusion in the legal profession (to take place in the third or fourth quarter of 2021);
3. Having at least two members of senior management, at least one of whom is a man (if applicable), complete at least three hours of diversity, equity, and inclusion (DEI) CLEs or training annually (for employers with 10 or fewer attorneys, having at least one member of senior management complete at least three hours of DEI-related CLEs or training annually);
4. Becoming a UCLI sponsor or hosting/volunteering at a UCLI event;
5. Completing an internal survey/review to assess, and determine how to improve, DEI within your organization.*

*To complete the final criterion for UCLI's 2021 Certification Program, legal employers are required to conduct some form of internal DEI audit in accordance with the best practices enumerated in this guidebook. This audit can and should be tailored to the needs, structure, and other particularities of the organization conducting the audit.

Legal employers may, but are not required to, provide UCLI with the results of their audit. If a legal employer intends to provide UCLI with the results of their audit, and the employer will be conducting an audit that includes information reported by their employees, the legal employer should first obtain the consent of their employees to share any information reported.

To fulfill the internal audit criterion, legal employers must complete a [brief form](#) reflecting on their audit process and takeaways. Legal employers retain full discretion regarding the specific information they would like to share with UCLI in this form.

Internal Audit - Policies and Practices

UCLI employs the following definitions to understand the terms diversity, equity, and inclusion (DEI):

1. **DIVERSITY:** A range of identifiers used to differentiate groups and individuals from one another. Commonly recognized identifiers include, but are not limited to: disability status, educational access, gender, language, race/ethnicity, color, religion, sexual orientation, socioeconomic status.
2. **EQUITY:** The fair treatment, access, opportunity, and advancement for all people, while at the same time striving to identify and eliminate barriers that have prevented the full participation of some groups.
3. **INCLUSION:** Intentional actions of ensuring that all members (including those from diverse/different/underrepresented backgrounds) feel valued, acknowledged, given a seat at the table, and empowered to reach their full potential.

I. Recruitment

1. We make real and significant efforts to identify diverse pools for hiring, and we notify internal and external recruiters that fostering a diverse applicant pool is a priority.
2. We post our job openings publicly and widely and coordinate with the Utah Center for Legal Inclusion and affinity groups/agencies in Utah's legal community (Women Lawyers of Utah (WLU), LGBT and Allied Lawyers of Utah (LALU), the Utah Minority Bar Association (UMBA), and the Disability Law Center (DLC)) to disseminate information about job openings.
3. Our job postings include a statement encouraging women, people of color, LGBTQ+ individuals, people with disabilities, and other candidates from underrepresented backgrounds to apply.
4. Our job postings include or refer candidates to our equal employment opportunity policy and our DEI mission/vision.
5. We refer prospective candidates to our firm's/organization's DEI policies and practices in the materials we use to advertise job openings.
6. We critically examine whether job descriptions and/or job structures (i.e., expectations about how people do their jobs) may be unnecessarily "typed" (e.g., male-typed, culturally-typed).
7. The criteria listed on our job postings are measurable and objective.
8. Our job postings include information about compensation and benefits.

II. Hiring

1. We employ only measurable, standardized criteria to make hiring decisions.

2. We ensure that any criteria we use to make hiring decisions is included in our job postings.
3. We ensure that all candidates for a particular opportunity are evaluated on the same criteria.
4. We use standardized interview questions that are the same for all candidates, with the exception of necessary follow-up questions on answers given.
5. We use interview panels and ensure that each panel includes a critical mass of interviewers from historically underrepresented backgrounds.
6. We provide interviewers with training to help mitigate bias and ensure that they are sensitive to and aware of our firm's/organization's goals and values regarding DEI.
7. We have a mechanism for course-correcting should any member of our interview panels begin integrating subjective, inappropriate, or otherwise irrelevant information about candidates into our decision-making process.
8. We do not consider salary history when screening candidates for a position and determining starting salary offers.

III. Retention

A. Equitable Opportunities

1. Employees from underrepresented backgrounds have equal access to clients, quality assignments, committee appointments, marketing efforts, firm events, and other work-related opportunities.
2. We have necessary systems/practices to help ensure the success of employees from underrepresented backgrounds (e.g., mentoring/sponsorship and leadership/professional development programs). These systems are well-functioning and garner high participation.
3. It is the culture of our firm/organizational leadership to build mentoring/sponsoring relationships with employees from underrepresented backgrounds.
4. We provide access to benefits (e.g., health insurance, retirement benefits, flexible work arrangements, etc.) to employees at all levels in our firm/organization.
5. We strive to create an environment that normalizes open conversations regarding access to professional development and other work-related opportunities, be it among employees or between employees and firm/organizational management or leadership.
6. We openly promote, and seek to reduce stigma around, taking advantage of policies designed to advance DEI (e.g., flexible work arrangements, paid parental leave, reasonable accommodations, etc.).
7. We have and actively support employee resource/support groups.

B. Inclusive Climate

1. Our firm's/organization's stated mission/vision explicitly includes a strong commitment to DEI.
2. We clearly communicate to all employees the importance of DEI to our organizational values and success.
3. DEI principles are integrated into our fundamental approach to work; they are not a "tack-on" or something that feels like a burden we have to do.
4. We possess and enforce policies, practices, rules, and regulations established to prevent harassment and discrimination and promote DEI (see [here](#) for examples).
5. We have mechanisms in place to ensure that firm/organizational leadership, management, and employees are held accountable for exhibiting equitable and inclusive behavior.
6. We invest time and resources in organizational systems/practices designed to increase DEI in our firm/organization.
7. We strive to create an environment that normalizes open conversations regarding DEI, be it among employees or between employees and firm/organizational management or leadership.
8. We ensure that DEI principles are included in HR processes (e.g., trainings and performance evaluations).
9. We have a DEI committee that is empowered to make necessary change within our firm/organization. One or more members of our firm/organizational leadership sits on the DEI committee.
10. Our firm/organizational leadership continually seek feedback about how well it and the organization are promoting DEI.
11. Managers/supervisors are expected to be fair and objective, and we have a mechanism of soliciting feedback from employees and ensuring accountability for these expectations.
12. We involve employees influenced by our decisions in the decision-making process.
13. During meetings, we set aside time to stop and ask what perspectives might be missing from the conversation.

IV. Advancement

1. Our firm/organization provides a viable path for all associates or equivalent employees to obtain partner, shareholder, or other equivalent leadership status.
2. Women, people of color, LGBTQ+ individuals, people with disabilities, and individuals from other underrepresented backgrounds are substantively represented in every level and function of our firm/organization.
3. Employees have ample and equitable access to mentorship, sponsorship, and other professional development opportunities.
4. Performance reviews and other feedback systems are regularized and standardized in our firm/organization. They are completed in a manner that is constructive, collaborative, objective, actionable, and fair.

5. Employees are informed about when and how they will receive performance feedback. Criteria for good performance are made clear well in advance of evaluations.
6. We make information about pay, promotions, bonuses and other forms of compensation and advancement publicly accessible and widely available to our employees.
7. We use measurable, objective, and standardized evaluation criteria to make decisions regarding compensation and advancement. Such criteria are made clear and transparent to employees at our firm/organization.
8. Employees who have successfully fostered equity and inclusion are recognized and rewarded. Our firm/organization ties a component of partner/leadership compensation to DEI efforts.

V. Big-Picture Questions (Open-Ended)

1. What is our mission/vision with regard to DEI in our firm/organization?
2. How are we meaningfully recruiting, hiring, including, and advancing employees from underrepresented backgrounds in our firm/organization?
3. Do we regularly collect data regarding DEI demographics, attitudes, policies, practices, and experiences within our firm/organization?
4. What policies or practices have we implemented to actively promote DEI? What were the goals behind creating them, and have those policies and practices actually brought us closer to reaching those goals?
5. Are there policies, practices, or dynamics at our firm/organization that need to be addressed or adjusted to better promote diversity, equity, and inclusion?
6. How are we implementing and enforcing policies and practices instituted to advance diversity, equity, and inclusion in our firm?
7. How are we empowering employees from underrepresented backgrounds to participate in organizational feedback mechanisms and decision-making processes?
8. What are our short- and long-term goals with regard to diversity, equity, and inclusion at our firm/organization?
9. What resources and support do we need to meet our diversity, equity, and inclusion goals, and where can we find them?
10. What are our next steps for advancing diversity, equity, and inclusion in our firm/organization?

Survey - Employee Experiences

I. Overview and Best Practices for Survey Administration

Below, UCLI has included a sample survey that legal employers can use to gather information about the experiences of their employees with regard to diversity, equity, and inclusion (DEI). Please administer this survey with the following best practices in mind:

1. Confidentiality
 - a. Practice confidentiality, and reassure prospective respondents that their responses will be kept confidential.
 - b. Upon administering the survey, make transparent exactly who will be able to view the survey results.
2. Anonymity
 - a. Refrain from collecting respondent names and other identifying information.
 - b. Reassure employees that the survey is anonymous.
 - c. Consider involving a neutral third party (e.g., UCLI) to aggregate and anonymize responses and redact identifying information.
3. Respect for agency, autonomy, and privacy
 - a. Do not require or imply that employees are required to take this survey.
 - b. Reassure employees that participation, non-participation, and the details of any responses included will not impact them.
 - c. Make all questions optional.
 - d. For any and all multiple choice questions, include the option, "Prefer not to specify."
 - e. Think critically about whether any questions may be soliciting sensitive information. Eliminate or rephrase invasive questions.

Additionally, include definitions in the instruction section of your survey. For example:

"Please consider the following definitions of diversity, equity, and inclusion (DEI):

1. DIVERSITY: A range of identifiers used to differentiate groups and individuals from one another. Commonly recognized identifiers include, but are not limited to: disability status, educational access, gender, language, race/ethnicity, color, religion, sexual orientation, socioeconomic status
2. EQUITY: The fair treatment, access, opportunity, and advancement for all people, while at the same time striving to identify and eliminate barriers that have prevented the full participation of some groups.

3. INCLUSION: Intentional actions of ensuring that all members (including those from diverse/different/underrepresented backgrounds) feel valued, acknowledged, given a seat at the table, and empowered to reach their full potential."

Finally, for applicable questions, UCLI recommends that employers use an opinion scale (ex. "Strongly Disagree," "Disagree," "Neither Agree Nor Disagree," "Agree," "Strongly Agree") with at least one of the following additional options: "Not Applicable," "Unsure," "Prefer Not to Say."

II. Sample Survey Questions

A. Organizational Overview

1. My firm/organization is committed to diversity, equity, and inclusion (DEI).
2. I have a clear understanding of my firm/organization's DEI mission.
3. I believe DEI is important to the work that we do here at this firm/organization.
4. My colleagues fundamentally believe in the value of DEI.
5. My firm/organization has policies, practices, and systems in place to advance workplace DEI (see [here](#) for examples).
6. I have seen, or received training on, my firm/organization's policies, practices, and systems in place to advance DEI.
7. I feel comfortable taking advantage of policies, practices, and systems designed to promote DEI (e.g., flexible work arrangements, parental leave, mentoring programs) without fear of stigma or other penalties.
8. This firm/organization's policies, practices, and systems are effective in promoting DEI across our workplace.

B. DEI Climate

1. I feel like I belong at this firm/organization.
2. I feel included, valued, and respected within this firm/organization.
3. The people I work with treat me and each other fairly, equitably, and with dignity and respect.
4. People of all backgrounds and identities are included, valued, and respected here.
5. Diverse, divergent, and/or non-normative opinions, ideas, and perspectives are expressed, respected, and valued here.

6. During team meetings, all members are encouraged to speak up and share thoughts and ideas.
7. We have healthy disagreements and debate in my work group.
8. Disagreements are handled in a manner that is collaborative, constructive, and respectful.
9. I feel comfortable engaging in conversations about DEI with my colleagues.
10. Conversations about DEI are handled in a manner that is collaborative, constructive, and respectful.
11. I have experienced negative incidents related to DEI in my firm/organization.
12. I have considered leaving my firm/organization because of negative incidents pertaining to DEI.
13. I can bring my whole self to work.
14. I can display photographs of my family or my personal life without worrying about inviting negative perceptions.
15. I can mention my family responsibilities without being perceived as a less valuable contributor.
16. I can speak up in my work group and not worry that others will attribute something I say to my identity group.
17. I can trust that I won't be talked over or interrupted during a meeting.
18. I can challenge the status quo and be perceived positively for doing so.
19. I can choose not to participate in "housekeeping" efforts external to my official job responsibilities.
20. If I saw something wrong at work, I would feel comfortable reporting it.
21. If I make a mistake at work, it is not unfairly held against me.
22. I feel comfortable discussing matters of compensation, evaluation, advancement, and other opportunities openly with my colleagues.
23. I am invited to provide feedback or otherwise participate in making decisions that will influence me and my colleagues.
24. I am satisfied with the DEI climate of my firm/organization.

C. Discrimination and Harassment

1. Racist, sexist, ableist, homophobic, transphobic, and other offensive/inappropriate jokes, comments, and conduct are not tolerated at this firm/organization.
2. I am aware of harassment or discriminatory incidents that have occurred or are occurring at this firm/organization.
3. I have been subject to harassment or discriminatory incidents at this firm/organization.
4. I know where and how to report any concerns about harassment and discrimination at work.

5. I feel that I can report any concerns about harassment and discrimination at my work without being penalized, stigmatized, or treated differently as a result.
6. I believe that this firm/organization will take appropriate action in response to any incidents of harassment and discrimination.

E. Access to Opportunities

1. I trust this firm/organization to treat all employees fairly and equitably.
2. Employees receive equal pay for equal work.
3. All people have equal opportunity to succeed in this firm/organization.
4. This firm/organization provides a viable path for all associates or equivalent employees to obtain partner, shareholder, or other equivalent leadership status.
5. I and all of my co-workers, including individuals from underrepresented backgrounds, receive equitable opportunities (e.g. access to clients, quality assignments, committee appointments, marketing efforts, firm events).
6. I and all of my co-workers, including individuals from underrepresented backgrounds, receive ample and equitable access to mentoring, sponsoring, and other leadership/professional development opportunities.
7. I regularly receive performance reviews and other feedback. The feedback and performance reviews I receive are constructive, collaborative, objective, actionable, and fair.
8. I am informed about when and how I will receive performance feedback.
9. Criteria for good performance are made clear well in advance of evaluations.
10. Information about pay, promotions, bonuses and other forms of compensation and advancement are publicly accessible and widely available.
11. Decisions about compensation and advancement are made in a way that is fair and objective.
12. Employees who have successfully fostered equity and inclusion are recognized and rewarded. Our firm/organization ties a component of partner/leadership compensation to DEI efforts.

F. Direct Management/Supervision

1. My manager(s)/supervisor(s) effectively promote(s) a sense of belonging.
2. People here are managed as if they can always improve their talents and abilities.
3. My manager(s)/supervisor(s) is/are careful not to engage in preferential treatment of some group members over others.

4. My managers/supervisors consistently demonstrate a deep respect and appreciation for others.
5. My manager(s)/supervisor(s) demonstrate a commitment to DEI.
6. My manager(s)/supervisor(s) use(s) their influence to reduce potential or existing inequities or deficits in inclusion.
7. My manager(s)/supervisor(s) handle DEI matters appropriately.
8. My manager(s)/supervisor(s) encourage(s) people with different ideas and opinions to speak up.
9. I am comfortable expressing my perspectives, even if they may be different from those of my manager(s)/supervisor(s).
10. I feel comfortable engaging in conversations about DEI with my manager(s)/supervisor(s).
11. I feel comfortable discussing matters of compensation, evaluation, advancement, and other work-related opportunities openly with my manager(s)/supervisor(s).
12. I feel comfortable speaking up about problems/issues in the workplace with my immediate manager.
13. I have sufficient opportunities to provide feedback regarding my manager(s)/supervisor(s) without fear of judgment or reprisal.

G. Firm/Organizational Leadership

1. I see strong support from my firm's/organization's leadership for DEI.
2. The leadership of my firm/organization shows that DEI is important through their actions.
3. Individuals from underrepresented backgrounds are represented in the top level of leadership at our firm/organization.
4. Firm/organizational leadership is prepared to effectively manage a diverse pool of employees.
5. Firm/organizational leadership actively build mentoring/sponsoring relationships with employees, including employees from underrepresented backgrounds.
6. Firm/organizational leadership use their influence to reduce potential or existing inequities or deficits in inclusion.
7. Firm/organizational leadership continually seek feedback about how well they and the organization are promoting DEI.
8. Firm/organizational leadership demonstrate a willingness to grow and improve with respect to organizational DEI matters.
9. I have sufficient opportunities to provide feedback regarding my firm/organizational leadership without fear of judgment or reprisal.

H. Open-Ended

1. Which of our firm's/organization's DEI-related policies, practices, or systems do you find most helpful? Least helpful?
2. How can our firm/organization improve your work experience with regard to DEI?
3. What additional feedback do you have concerning DEI in this firm/organization?
4. If there is anything else you would like to share, please do so here.

Post-Assessment Reflection

To be considered as having completed the internal audit criterion of UCLI's 2021 Certification Program, a representative from the organization's leadership must complete a brief [post-assessment reflection form](#).

The questions on this form are as follows:

1. Firm name
2. Representative completing this form
3. Representative's email
4. Describe your internal audit process.
5. What have you learned through this auditing process? Was there anything that particularly stuck with you or surprised you from the audit results?
6. What organizational strengths did you identify from the results of this audit?
7. What areas for growth and/or organizational goals did you identify from the results of this audit?
8. List any concrete measures your organization is planning to take in response to the results of this audit.
9. Do you have any feedback for UCLI? How can we help you meet your organization's diversity, equity, and inclusion goals?
10. If there is anything else you would like to share, please do so here.

Contact Us

The UCLI team would love to connect with you! To contact us with questions, thoughts, or feedback, or to arrange a partner project between UCLI and your organization, email ucli@utahcli.org.