



VIEWS & VISIONS

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Fall 2011

Celebrate DIVERSITY

A Snapshot of Our Region's
Opportunities and Challenges



IN THIS ISSUE ...

Celebrate Diversity

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Thomas A. Heywood, Esquire <i>Bowles Rice McDavid Graff & Love LLP</i> Celebrate Diversity: A Snapshot of Our Region's Opportunities and Challenges	3
David C. Hardesty, Jr., Esquire <i>Bowles Rice McDavid Graff & Love LLP</i> Getting the Best Outputs from Diverse Inputs	4
Marie Foster Gnage, Ph.D. <i>West Virginia University at Parkersburg</i> Talking Diversity	6
Tomofumi "Tomo" Suenaga <i>Hino Motors Manufacturing U.S.A., Inc.</i> Right at Home ... 6700 Miles Away from Hino City, Japan	8
Keith Burdette <i>West Virginia Department of Commerce</i> International Businesses Find a Home in West Virginia	10
Patricia S. Kusimo, Ph.D. <i>The Education Alliance</i> Preparing West Virginia Students for Life in Living Color	12
Ron Crouch <i>Kentucky Education and Workforce Development Cabinet</i> The Changing Face of America: Diversity and Longevity	14
Sheryll Cashin, Esquire <i>Georgetown University</i> Developing Cultural Dexterity	16
Pat Clark, Esquire <i>Bowles Rice McDavid Graff & Love LLP</i> Steady Progress on the Road to Full LGBT Equality	18
James P. Clements, Ph.D. <i>West Virginia University</i> Diversity Planning in West Virginia Higher Education	20
Linda Carter Batiste <i>Job Accommodation Network</i> Including People with Disabilities in Diversity Efforts	22
Bishop Ronald William Gainer <i>Diocese of Lexington, Kentucky</i> Reverend Tim Halloran <i>Suncrest Methodist Church</i> Imam Dr. Ehteshamul Haque <i>Islamic Association of West Virginia</i> Rabbi Victor Urecki <i>B'Nai Jacob Synagogue</i> Faith and Diversity	24
Hazo W. Carter, Jr., Ed.D. <i>West Virginia State University</i> A Living Laboratory of Human Relations	26
Timothy C. Wills, Esquire <i>Bowles Rice McDavid Graff & Love LLP</i> Affirmative Action: What Is It and Is It Working?	28
Shari Clarke, Ph.D. <i>Marshall University</i> "Twilight" Provides Insights to Understanding Cultural Differences	30
Darrell W. Williams <i>Williams and Associates, Inc.</i> Recognizing and Managing Cultural Differences	32
Hollee Schwartz Temple, Esquire <i>West Virginia University College of Law</i> Why Good Enough is the New Perfect for Me	34
Michael Lee <i>Louis Stokes Alliance for Minority Participation</i> What are Black, White and Red Together?	36
Heather French Henry <i>The Heather French Foundation for Veterans, Inc.</i> Removing the Obstacles for Disabled Veterans	38
Jennifer McIntosh <i>West Virginia University</i> Chancellor Scholars Program Opens Door of Opportunity	40
Fazal A. Shere, Esquire <i>Bowles Rice McDavid Graff & Love LLP</i> My Adventures as a Minority Lawyer	42

Celebrate Diversity

A Snapshot of Our Region's Opportunities and Challenges

Thomas A. Heywood

Bowles Rice McDavid Graff & Love LLP



FROM OUR MANAGING PARTNER

Tom Heywood is Managing Partner of Bowles Rice and a former chief of staff to the Honorable Gaston Caperton, Governor of the State of West Virginia. He has significant experience in health care, corporate, finance and commercial law, and leads the firm's government relations team.

He was appointed by West Virginia's Governor to the Independent Commission on Judicial Reform in 2009.

Mr. Heywood is active in the community and in various West Virginia business and trade associations. He serves on the boards of many charitable organizations, including Vision Shared, Imagine West Virginia, Discover the Real West Virginia Foundation, Thomas Memorial Hospital, West Virginia University Hospitals, the Clay Center and the Kanawha County Library Foundation.

Mr. Heywood was recognized for his many contributions to the legal profession and the community by being named a Fellow of the American Bar Association and a recipient of the 2010 "Who's Who in West Virginia Business" award.

He has been recognized by the leading peer review organizations including *Best Lawyers in America*, *Chambers USA* and *Super Lawyers*.

History teaches us that great civilizations arise and prosper as they become crossroads of commercial and cultural exchange. Think Ancient Persia, Egypt and China, the Roman Empire, Renaissance Italy, the British Empire, and certainly today the United States. As people from villages, towns, cities, states and countries interact with those with different practices, customs and experiences, they are stimulated to greater growth, success and vitality.

Today, we inhabit a global village. Whether the world is truly or completely flat is subject to debate, but the world is certainly smaller than it was even a century or two ago. Each of us regularly interacts with people who are different from those in our immediate family. If the lessons of history hold true, this means that each of us lives in a time of unbounded opportunity.

In this issue of *Views & Visions* we explore the many dimensions of diversity. While we may tend to think of diversity as an issue involving the racial, gender or ethnic mix of a given population, a moment's reflection suggests that diversity is a much broader and more powerful concept.

Think about successful teams of which you have been a member. I'll bet that the team you are thinking of had people with different talents, temperaments and convictions. A high school football team with eleven good quarterbacks on the offense, or all defensive players, would be an utter failure. An ensemble of talented musicians who all play the violin could not perform even the simplest orchestral work. Clearly, having people of different talents, abilities, experiences and perspectives is key to the success of any team or organization.

We each can tell our own stories of encountering and experiencing diversity. I recall well the quarter I spent abroad my junior year in college, studying in France and traveling across Europe. I spent time with a French family, played on a French basketball team, and had the chance to immerse myself in a completely different culture. I never learned as much about my own culture – language, customs, assumptions, strengths and weaknesses – as during those several months in France. That is part of the power of stepping outside of the familiar, and seeing new and different ways to think and act.

As each of us considers the challenges and opportunities facing our communities and organizations, it is important to consider how to harness the power of diversity. I hope that the articles that follow will help you in this regard. They have done this for me, and I want to thank each of our authors for taking the time to share their thoughts and observations. Happy reading! ♡



Getting the Best Outputs from Diverse Inputs

David C. Hardesty, Jr., Of Counsel
Bowles Rice McDavid Graff & Love LLP

David C. Hardesty, Jr. was president of West Virginia University from 1995 to 2007. He is now president emeritus and professor of law at West Virginia University. Prior to joining West Virginia University, he was a Bowles Rice partner from 1973 to 1995. He is now Of Counsel to the firm.

Mr. Hardesty served as West Virginia Tax Commissioner from 1977 to 1980. He is a founding director of the Blanchette Rockefeller Neurosciences Institute in Morgantown, West Virginia, and maintains numerous professional and business affiliations.

He holds degrees from West Virginia University, Oxford University (where he was a Rhodes Scholar) and Harvard Law School.

There is widespread awareness of the clear advantages to any organization of diversity and inclusiveness.

The concept of diversity involves broad based participation in decision making by everyone in the organization, respecting each individual's unique perspective, and learning to value the diversity dimensions such as race, ethnicity, socio-economic status, age and physical abilities. Diversity also includes the individual learning and leadership styles of persons with whom we work. Some of us are highly analytical in our approach to problem solving and want data and factual support before acting. Others of us are willing to take a risk, act on a hunch and try a new approach when the result cannot be predicted with certainty. Many of those we think of as the natural born leaders among us value emotional intelligence and interpersonal skills above all else. And, there are those who love to dream and imagine a future for the organization. It is now commonly understood that organizations are likely to advance toward their ultimate goals faster if they embrace, practice and foster diversity within their ranks.

Our firm seeks to attract lawyers and staff that are diverse, in every way, and tries to further diversity in the organizations of which we are a part. This issue of *Views & Visions* evidences our efforts. Typically, Bowles Rice meetings are full of rich discussions, in part because of our diversity. We value diverse inputs.

But there is another reason why our discussions are richer than most: many Bowles Rice lawyers have been trained in the best practices to get the most out of group discussions and other types of meetings.

During the 1990s, influenced by the "Total Quality Management" (TQM) movement, Bowles Rice

asked Professor Jack Byrd, Carl Hadsell and others from the Center for Entrepreneurial Studies and Development (CESD) at the College of Engineering and Mineral Resources at West Virginia University (WVU) to teach our attorneys and management team a host of facilitation skills – skills related to how leaders can get the best out of meetings of teams, clients and any other firm-related groups. Recently, we asked Professor Byrd to reprise his top 10 tips for a facilitated meeting, which he taught us at the time. Here they are:

- 1 We will build on one person's thought before we move to another person's thoughts.
- 2 We will explore before we criticize.
- 3 When we do criticize, we will offer an alternative.
- 4 We will wait to be recognized by the facilitator before we speak.
- 5 We will focus on the concept before we become involved in the details
- 6 We will listen first and then respond to what was said.
- 7 We will keep our perspective on our "reason for being," not on our narrow interests.
- 8 We will respect each other as persons.
- 9 We will protect what others say and not repeat their comments outside of the meeting.
- 10 We will view a meeting as being successful when we have truly learned from others and developed insights as a group that we could never have developed as individuals.

Howard Seufer, a Bowles Rice partner, recalls those sessions vividly:

"The first class of 12 facilitators received four full days of training from CESD. They graduated in February of 1994. A second class of nine facilitators completed the training in 1994, and a third class was trained in 1999."

Howard has used those skills ever since. His work with the West Virginia school boards brings him in contact with educators on a frequent basis, and his skill as a group discussion facilitator helps him to find answers to problems and strategies for success every day in his practice. Those of us who have watched Howard lead client and community related problem solving and brainstorming meetings know that he is a superb facilitator. He maximizes the outputs from diverse inputs.

Partner Beth Walker, a young lawyer at the time we received facilitator training, has experienced similar results. In Beth's words:

"Probably not a week goes by without me using some of those skills, whether chairing a nonprofit board meeting, mediating a case or simply dealing

with clients and opposing counsel in meetings. I feel very fortunate to have had the opportunity to participate in that training."

It is now commonly understood that organizations are likely to advance toward their ultimate goals faster if they embrace, practice and foster diversity within their ranks.

When the facilitator training was launched, Tom Heywood, the firm's managing partner, had just returned from a stint as chief of staff for then Governor Gaston Caperton. His interpersonal skills were already substantial but he, like Beth,

remembers the boost our TQM training gave him:

"The facilitation skills I learned during our training sessions have application in every aspect of my life today: presentations; formal facilitation efforts; effective participation in group meetings and discussion; client interactions; and my personal life."

"Learning how to get the most out of interactions with others – both groups and individuals – is invaluable. Our firm has profited immensely from having so many lawyers and staff trained in basic facilitation skills. Through this training, we have found solutions, opportunities and paths forward on a wide range of issues that we never would have discovered without our TQM and facilitation training."

Finally, Morgantown partner Kim Croyle recalls one lesson (properly attributed to author Stephen Covey but embodied in Professor Byrd's ten tips), which was discussed in the firm's facilitator training sessions in the mid 1990s:

"'Seek first to understand, then be understood.' This tenet of active listening has stayed with me from my first days of facilitation training. I find myself remembering this mantra when interviewing potential hires, counseling clients and working with my team. I believe it is the single most powerful tool in helping people achieve their goals and producing the very best results for our clients."

One should not be surprised that our attorneys benefited so much from the training. Jack Byrd, now a professor for 44 years, has probably taught more students – approaching 50,000 – than any other professor at WVU. No longer in the consulting business, Jack now teaches professors across the country how to teach whole generations of students the skills of leadership, including how to facilitate discussions. He shares two "golden nuggets" from that experience:

(continued on p. 44)





Talking Diversity

Marie Foster Gnage, Ph.D., President
West Virginia University at Parkersburg

Marie Foster Gnage became the sixth president of West Virginia University at Parkersburg in July 2004. Prior to assuming the presidency, she served in a number of key administrative roles at colleges in Florida, Arizona and New Jersey.

President Gnage was recently appointed to the AACCC's 21st Century Commission on the Future of Community Colleges and the West Virginia Sesquicentennial of the American Civil War Commission. She currently serves as a member of the American Association of Community Colleges (AACCC) Board of Directors; the American Council on Education (ACE) Network Executive Board; The Mid-Ohio Valley Chamber of Commerce Board; the Region IV Workforce Investment Board; the Black Diamond Girl Scout Board; the Economic Roundtable of Ohio Valley Board of Directors; The Huntington National Bank West Virginia Advisory Board; The United Way of the Mid-Ohio Valley Board of Governors; and the West Virginia Humanities Council. She has served on the faculty for the ACE Fellows Seminars, the AACCC Future Leaders Institute; and the AACCC Presidents Academy Executive Committee.

Her most recent publication is "Reconfiguring Self: A Matter of Place in Selected Novels by Paul Marshall," in *Middle Passages* and "The Healing Place of History: Migration and Identity in Black Women's Literature", (The Ohio University Press, 2006). She has received the Empowerment Inspiration Award given by the West Virginia Minority Business Development Center and the Women of Excellence Award for Trail Blazing awarded by Altrusa International, Inc.

"It is fear that makes talking about diversity so difficult. Fear that I will say something that will offend you or reveal my ignorance or prejudices. Fear that you will think less of me after I speak. ... We need to be and feel heard, to be willing to listen without feeling that we must change to conform to another's way of thinking and being. Until we can create a place for such conversations to occur, I doubt we will be able to create new ways of being together that honor us all."

- Linda Ellinor and Glenna Gerard
Dialogue: Rediscover the Transforming Power of Conversation (John Wiley & Sons, 1998)

Experiences, lack of knowledge, legal challenges and fear are often reasons that some people do not want to hear about – much less have a conversation about – diversity. In order for people to hear, they must be listening; in order to discuss, they must be listening, thinking and talking. This may seem to be an obvious statement, but in discussions of diversity, it cannot be overemphasized. Palatability is a key factor. Tirades, laments, blame...are not palatable. Honest and candid conversations about the recognition and appreciation of diversity and the impact of such are. Indeed, one of the most palatable ways of discussing diversity is noting its value – whether doing so directly or indirectly. However, regardless of how palatable we make the discussion, we should begin with an understanding of the importance of civility and respect in any conversation.

Colleges and universities have the distinct honor, privilege, opportunity – and obligation – to influence diversity and an appreciation thereof, and to be forums for discussions. It does not take census information to tell us that West Virginia is not as diverse as other states, regardless of the criteria. History provides us



with reasons, but the reasons will not justify our present and our future, especially given the changing demographics of our nation. We must discuss. Each year, thousands of students enter the doors of our colleges and universities. Through courses in numerous discipline areas, they have the opportunity for guided discussions about diversity; the classroom is a place for discourse and enlightenment in preparation for "reentry" into the world – for interacting with diverse peoples in a global society. Recognizing that topics related to diversity can sometimes lead to strong opinions, expression should be encouraged; civility should be emphasized. If someone makes any of the "ist" remarks, such should be used as opportunity to reflect on the statements...to discuss.

Regrettably, sometimes we have to have policies and mores that govern how we speak and interact with others, especially others who are different from ourselves. These policies are sometimes used as excuses for not having conversations, because "I don't know what to say to keep me out of trouble." Individuals take immense care to neither say nor do anything that might offend the sensibilities of others – especially those seen as protected by the policy. They want to be "politically correct." However, this is an opportunity to talk about the words to use, statements to make, and how to respect differences in words – how to choose words that value diversity. Candid conversations with civility can be stifled with individuals saying simply what they think others will be okay with hearing...and avoid a grievance. The conversation to have is *why* this policy; why is it necessary?

Palatability often comes more from showing, rather than telling. Like other colleges in the state, each year our Social Justice Committee provides a plethora of opportunities for our college community and the greater community to experience diversity without being “up close and personal.” From films, to speakers, to musical and dramatic performances, we engage individuals in activities in which they can respond, ask questions, discuss differences – gender, race, ethnicity, religion, ability, age, class, economic status. . . . People seem to be more comfortable with discussing diversity as it relates to artful experiences. We hope attendees experience a level of comfort to ask questions and draw conclusions and that they experience discomfort enough to want to resolve or address issues of diversity in their environments. We hope they will remember the individuals they have met whom they actually found to be much like themselves in “different skins.” The result of the social justice events is a community participating together in an experience and having conversations about diversity.

When we blend the discussion of diversity with economics, conversations happen because everyone wants to be economically advantaged. Diversity has economic impact. When we learn that businesses’ bottom lines are notably affected by the lack of diversity, you have our attention. We can discuss the value that diversity brings to a business or enterprise – the value of a diverse workforce. Research tells us that companies find that demonstrated commitment to diversity is good for business.

Having conversation or discussion about diversity is courageous and much appreciated by those around whom it is built, and it is a learning opportunity for all participants. Each of us is a part of the diversity that we live and work in each day. We should never practice avoidance and should never refrain from talking about differences in ways that promote continuing dialogue. ♡



West Virginia University at Parkersburg is committed to fostering an educational system that values the development of human potential, cultural and ethnic diversity and understanding



Right at Home...6700 Miles Away from Hino City, Japan

Tomofumi "Tomo" Suenaga, Vice President and Plant Manager
Hino Motors Manufacturing U.S.A., Inc.

Tomofumi "Tomo" Suenaga was dispatched to Hino Motors Manufacturing U.S.A., Inc.'s West Virginia plant in 2007 as plant manager. Hino Motors Manufacturing U.S.A., Inc., is a wholly owned subsidiary of Hino Motors, Ltd., Japan's largest commercial truck and bus company. Mr. Suenaga was promoted to vice president and plant manager in 2009.

Mr. Suenaga joined Hino Motors Ltd. in 1993 as an engineer in the company's body manufacturing division. He was named assistant manager of the Production Management Consulting Division in 1999. The following year, he was assigned to assistant manager, Engineering Group, Final Assembly Division.

In 2005, he was assigned as project leader of a production plant start-up in Canada with the Overseas Production Support Department.

Mr. Suenaga graduated from Chuo University in Tokyo, Japan with a bachelor of science degree in engineering.

Although the State of West Virginia and the Mid-Ohio Valley have been successful in attracting a number of international companies to locate facilities and create jobs, Williamstown, West Virginia (located in Wood County) is not exactly on the "must see" list in Japanese guidebooks for visiting the United States...but it could be soon!

It was just a few years ago, June 2007, when we nervously and anxiously arrived in Williamstown...to open arms, smiling faces, and sincerely committed government, business, and community leaders.

Hino purchased a vacant 225,000 square foot manufacturing facility – which was in need of fairly substantial modification. We also needed to quickly hire and train about 100 local workers so that we could begin production on schedule.



Hino Motors Ltd. (Japan) Chairman, Shoji Kondo, presents a gift to then Governor Joe Manchin commemorating the grand opening of Hino's facility in Williamstown, West Virginia



To accomplish these tasks, Hino Japan sent "truckloads," if you will, of Japanese engineers, trainers, designers, maintenance workers, etc., to prepare for the start of operations in Fall 2007.

The nearly 50 Japanese "dispatchees" (including me), knew little about West Virginia – and presumably the residents of the Mid-Ohio Valley knew equally little about us. But friendships forged immediately...bonds of trust built quickly...and a familial spirit and closeness developed with lightning speed.

It is doubtful that any of my original colleagues had ever heard of the Ohio River – much less imagined navigating it by speedboat or paddlewheel boat. And I know that none of them had ever seen so many beautiful golf courses in such a small geographic area. At the same time, few in the Mid-Ohio Valley had ever heard of *natto* (fermented soybeans), *Kaizen* (continuous improvement), *kagami biraki* (celebratory opening of a sake cask), or an *obeya* room (a planning and production status "war room"). But both groups were sincerely passionate and interested in learning about the other.

I was very surprised...and very, very happy!

And it was just a foreshadowing of how strong the relationship could grow.



Tomofumi Suenaga teaches a group of Williamstown Elementary students how to eat sticky rice with chopsticks as a part of the school's Japanese cultural program

Hino was so very excited and honored to have won the bid to supply these trucks and see them on the roads of West Virginia – we feel the same sense of pride and responsibility as when we see our trucks on the streets of Tokyo.

In August 2010, many of these same government officials, as well as Governor Earl Ray Tomblin (who was then President of the Senate), joined Hino to celebrate the launch of our substantially redesigned 2011 model year truck. This was a significant event for Hino and our Williamstown team members and we were honored that Governor Tomblin and Senator Manchin could share it with us.

The bonds between Hino and the community continue to flourish. Hino is a proud Partner in Education with the Williamstown Elementary School, where Hino employees have devoted substantial time mentoring and working with the children. One of the most exciting events, for Hino and the students alike, was a Japanese culture program which included “stations,” where students learned about food, letter characters, eating with chopsticks and origami. I was one of the main teachers...It was very fun and entertaining. I felt very close to the kids.

As one enters the Hino plant today, there is a small poster from a sixth grade class at the Williamstown Middle School. On the poster is a handwritten note from each student, expressing condolences and support for the Japanese people who suffered loss in the devastating earthquake and tsunami. The notes are very personal and heartfelt...and prove, I think, that Hino is right at home in West Virginia. ♪

** Editor's Note: A related article by Keith Burdette, now West Virginia Secretary of Commerce, follows on page 10.*

In May 2008, Keith Burdette, president of the Wood County Area Roundtable (and now Secretary of the West Virginia Department of Commerce), led a trade mission to Japan.* While there, the delegation made a special trip to Hino City to thank Hino for investing in Williamstown and to learn more about the company and its culture. This is a variation on a very important Japanese practice – *genchi genbutsu*...“go and see.” Hino Japan was very appreciative of the visit; it reinforced the decision to locate in West Virginia.

Later in 2008, we celebrated our “official” grand opening of the Williamstown plant. (It is not uncommon for Japanese companies to wait and celebrate “grand openings” until the facility has been up and running and is successful. The idea behind this is that at the time of the start of production, all focus should be on doing the job and being successful, not having a party).

The Grand Opening celebration showed the great respect the Japanese and Americans had developed for each

other's rites and traditions. Hino officers and various officials of state and local government, including then Governor Joe Manchin, Senator Jay Rockefeller, and Williamstown Mayor Jean Ford, engaged in the Japanese tradition of exchanging symbolic and meaningful gifts. And Hino proudly announced at the ceremony that it would donate a Hino truck to the Wood County Vocational Tech Center and a Hino diesel engine to the Auto-Diesel Department at Washington State Community College in Marietta, Ohio. In addition, Hino established an annual scholarship fund for students in the Mid-Ohio Valley. And, in keeping with the spirit of partnership and appreciation of traditions, Hino gave all guests at the celebration a commemorative Fenton glass bell, handcrafted right in Williamstown by the century-old Fenton Art Glass Company.

One of the most special moments in our short history in West Virginia occurred in September 2009, when we delivered our first highway maintenance truck to the West Virginia Department of Highways.



International Businesses Find a Home in West Virginia

Keith Burdette, Cabinet Secretary
West Virginia Department of Commerce

Keith Burdette is the cabinet secretary for the West Virginia Department of Commerce and executive director of the West Virginia Development Office.

Mr. Burdette began his career in public service in the West Virginia House of Delegates, where he served two terms. In 1982 he was elected to the West Virginia State Senate. In 1989 Mr. Burdette was elected the 42nd President of the State Senate at the age of 34, the youngest Senate President in the state's history.

Upon leaving the legislature in 1994, Mr. Burdette formed a government relations and consulting business. In 2001, he was appointed to the senior staff of Governor Bob Wise, where he served as director of policy and legislative relations. After leaving the administration in 2003, Mr. Burdette formed the Burdette Group Consulting firm. From 2004 until his appointment by Governor Earl Tomblin in 2010, Mr. Burdette was president of the Area Roundtable, the umbrella organization for all development activities in Wood County.

In 2007, the news that Hino would open a truck assembly plant in West Virginia was greeted with pride across the state. Nowhere was the excitement greater than in Williamstown, the community selected for the plant start-up.

As president of the Wood County Area Roundtable at the time, I had participated in other economic development projects such as the expansion of Coldwater Creek and the construction of the new Mountain State Blue Cross & Blue Shield headquarters, but the recruitment of Hino Motors Manufacturing USA was unique in some ways.

Recruiting international businesses to invest in West Virginia is good business. Equally essential to our state's continued economic growth is preparing West Virginia's workforce to operate in an increasingly international world...

West Virginia and the Mid-Ohio Valley competed for selection by showcasing our distinctive strengths: strategic location with overnight trucking access to half the United States population; an available workforce with a strong work ethic; high productivity and low turnover; and an attractive quality of life where community and hospitality are ingrained into the culture. We also spent time finding housing and identifying doctors and hospitals who could help Japanese employees. We even helped overseas employees establish banking accounts and obtain driver's licenses.

I am sure it was to our advantage that 18 other Japanese companies had already located in West

Virginia. Among the first were Wheeling-Nisshin, NGK Spark Plugs USA, K.S. of West Virginia, Diamond Electric Manufacturing and, in 1996, Toyota Motor Manufacturing.

Today, West Virginia is host to businesses that originally hailed from such diverse places as Australia, Canada, Germany, Italy and Switzerland. Foreign investments from 25 countries have resulted in 21,000 jobs in West Virginia. The groundwork for that success began decades ago.

West Virginia opened an Asian business development office in Japan in 1990 and a European business development office in Germany in 1999. These offices work with Asian and European companies whose interests may vary from opening a sales office to establishing a major production plant. The state's development offices provide information about labor availability, sites and buildings, and other issues related to doing business in the United States. They also provide details on West Virginia's business strength, such as those noted above: a skilled, dedicated work force with the nation's lowest employee turnover rate in the manufacturing industry; strategic shipping location; low business operating costs and low industrial energy costs; and aggressive development assistance programs.

The West Virginia Development Office (WVDO) International Division offers assistance to international firms seeking to open operations in the state. State agencies work with businesses to:

- Identify suitable locations
- Meet key suppliers and potential joint venture partners
- Complete necessary business operation documents and filings
- Connect with suitable development programs for financial, credit, recruitment or training assistance



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Investments from foreign companies, including Hino, have resulted in 21,000 jobs in West Virginia

Educational assistance also is available. In 1997, the state established the tuition-based West Virginia International School in Putnam County. The Saturday study program helps Japanese students prepare to successfully re-enter the Japanese educational system when they return.

Internationalization is growing on West Virginia's university campuses as well. According to the Institute of International Education's *Open Doors Report on International Educational Exchange*, 2,732 international students enrolled in West Virginia's public and private postsecondary institutions during 2008-09. Those students contributed more than \$59 million to the state's economy. In 2004-05, 634 students studied abroad through West Virginia-based institutions. In 2008-09, that number increased to 1,311 students.

Dr. Clark Egnor, executive director of the Center for International Programs at Marshall University, has said that international students enhance campus diversity and provide opportunities for West Virginia students to be exposed to others from different countries, helping to make our U.S. students better prepared and competitive in the international market place. To meet the challenge of integrating international students into campus life, colleges and universities are putting more effort into orientation, as well as social and academic programming that make international students feel more at home and engage all students on campus.

"Companies these days want employees with knowledge of other cultures, cross-cultural communication skills, experience in international business, and fluency in a foreign language," Dr. Egnor said. "There is a demand for our citizens

to be globally competent and to be able to collaborate across cultures, regardless of their profession. West Virginia students who study abroad enhance their career options. They also enhance the economic development of the state when they put their international knowledge, foreign language skills and global connections to work for West Virginia."

Recruiting international businesses to invest in West Virginia is good business. Equally essential to our state's continued economic growth is preparing West Virginia's workforce to operate in an increasingly international world, whether they work at home or abroad. In doing so, West Virginia will increase its global footprint right here at home. ♪



Preparing West Virginia Students for Life in Living Color

Patricia S. Kusimo, Ph.D., President and Chief Executive Officer
The Education Alliance

Dr. Patricia Styles Kusimo's commitment to educating children spans more than 25 years. Prior to joining The Education Alliance in 2008, Dr. Kusimo was the President/CEO of the West Virginia Center for Professional Development.

Dr. Kusimo has been a classroom teacher, an associate college professor, an educational researcher, a business owner, an author and a professional developer. She also is a community activist, impromptu legislative lobbyist, tutor, mentor and vocal advocate to improve the education of young people in West Virginia – especially African American and low income children.

As one of the founding members of Maximizing the Achievement of African American Children in Kanawha County (MAACK), Dr. Kusimo worked to bring attention and resources to African American and low income student achievement. Her work with this community group led to the passage of House Bill 4669 – the most progressive educational achievement mandate in years.

Dr. Kusimo is the co-author of the book *It Takes a School: Closing the Achievement Gap through Culturally Responsive Schools*.

She graduated with a bachelor's degree in mathematics from Hampton University, a master's degree in education from Pepperdine University and a doctoral degree in educational administration from Texas A&M University. She is the 2006 recipient of the "NAACP Image Award for Education," Charleston, West Virginia, and a 2006 Marshall University "Women of Color" honoree.

"But no matter where they go to school now, today's students can expect to live and work in communities that will be much more diverse than they were in the past."

– The Center for Public Education

Birth certificates, driver's licenses, passports, census forms and other documents frequently request an applicant's race or ethnicity – listed sometimes as "race/ethnicity," suggesting that both words are one and the same. Just because the two terms often are lumped together, are they really interchangeable? It is likely that most people have given little thought to the difference between these two terms. Yet, the differences between race and ethnicity are significant and can have a profound impact on people's lives.



While race and ethnicity are related, they are not synonymous. Racial descriptions are based on generalized conceptions of skin color (e.g., Black or White), while ethnicity describes a group of people who share a set of unique experiences regardless of biological heritage.¹ Race usually plays a more important role in societies that historically have oppressed a racial group.² For example, Jim Crow Laws were implemented in the United States to define the rights and privileges accorded to Black people based solely on an individual's race as defined by that law.

The concept of ethnicity is more complex and multidimensional. For instance, although two individuals may be classified racially as "White," they may be descended from different ethnicities (e.g., Italian Americans and Irish Americans). Additionally, two individuals can share the same ethnicity but come from very different backgrounds. Data from the 2010 U.S. Census illustrate this point: Hispanics are the nation's fastest-growing ethnic group; it is estimated they will increase from 15 percent to 30 percent of the population by 2050. This description makes Hispanics sound like a monolithic group; however, they actually connect ethnically with a wide array of places, including Mexico, Cuba, Puerto Rico and the countries of South or Central America.

Why is it important for people to understand the differences between race and ethnicity? Because, it helps them understand the individual backgrounds and worldviews of different racial and ethnic groups. Based on census projections, by 2023, most U.S. children will be ethnic or

racial minorities; by 2039, most working-age Americans will be minorities; by 2042, most Americans will be a racial or ethnic minority; and, by 2050, 62 percent of U.S. children will represent ethnic or racial minorities, and only 38 percent will be White.³

This is particularly important for West Virginia students. Despite growing up in the least ethnically diverse state in the country, West Virginia students increasingly are using 21st century technologies to explore, interact and learn with people from different races and ethnicities. In the 21st century, technologies are connecting different races and ethnicities at an unprecedented pace, while also linking together the world economically. For West Virginia students to compete in this global economy, they must be able to interact comfortably and respectfully with people from different racial, ethnic and cultural backgrounds in the United States and around the world. In addition, West Virginia's racial and

ethnic landscape is also shifting. Census projections suggest that West Virginia's White population will continue to shrink or grow slowly and that racial or ethnic minority populations will increase significantly in numbers. This trend is already apparent in the first two census returns of the 21st century: between 2000 and 2010, West Virginia's White population increased 1.2 percent, while the Hispanic population grew by 81.4 percent. People who identified themselves as being "a mix between two or more races" increased by almost 72 percent and the category of "some other race alone" increased by almost 97 percent.

The quickly changing demographics of our nation and the digital interconnectedness of the world will require the upcoming generation of West Virginians to live life in "living color." Cultural proficiency – communicating effectively with people from different cultures – is not an optional

21st century skill; it is the social currency that can open doors of opportunity and build bridges to prosperity for West Virginia and its students. ▽

¹ <http://www.public.iastate.edu/~rmazur/dictionary/e.html>, *Dictionary of Critical Sociology*, as cited on April 22, 2005.

² [http://128.248.232.90/archives/mchb/amlchp2001/Massachusetts General Hospital, *Addressing Racial Disparities in Health Care*, Association of Maternal Child Health Programs Conference 2001 Webcast, U.S. Department of Health and Human Services.](http://128.248.232.90/archives/mchb/amlchp2001/Massachusetts%20General%20Hospital,%20Addressing%20Racial%20Disparities%20in%20Health%20Care,%20Association%20of%20Maternal%20Child%20Health%20Programs%20Conference%202001%20Webcast,%20U.S.%20Department%20of%20Health%20and%20Human%20Services)

³ <http://www.america.gov/st/peopleplace-english/2008/August/20080815140005xlrenef0.1078106.html>





The Changing Face of America: Diversity and Longevity

Ron Crouch, Director of Research and Statistics
Education and Workforce Development Cabinet
Commonwealth of Kentucky

Ron Crouch serves as Director of Research and Statistics, Kentucky Education and Workforce Development Cabinet, overseeing the development of databases on demographic, social, educational, workforce and economic issues and trends relating to the state of Kentucky.

Mr. Crouch served as director of the Kentucky State Data Center (KSDC) at the University of Louisville for nearly 21 years. The KSDC is the official clearinghouse for Census data for the state of Kentucky and provides data on population, housing, education, employment, and other social indicators.

Mr. Crouch has developed a national database, analyzing trends by both census regions and states. He also has developed census profiles for all 50 states, including population pyramids, a population chart showing population trends and tables indicating trends on demographic, social and economic variables.

He makes, on average, 150 presentations annually in Kentucky and across the United States and has spoken to leaders in 34 states and to several international organizations over the past few years.

He is a graduate of the University of Louisville with a major in sociology and minors in political science and economics. He holds master's degrees in both sociology and social work from the University of Louisville and an MBA from Bellarmine University.

Introduction

The United States of America is going through two significant demographic trends which will dramatically impact our society and our economy. We are experiencing two revolutions, as diversity growth is changing the future face of America and longevity is driving our population growth. The opportunities and challenges of these two revolutions are not well understood by many of our decision makers and our citizens.

The World around Us

These two revolutions go beyond the United States. In 1800, world population reached one billion persons. It took another 130 years to reach its second billion, in 1930, and just 30 years to reach its third billion in 1960. Since then, the world has added another billion persons every 12 to 14 years and is projected to reach seven billion persons in 2100. The United Nations, however, projects that world population growth is slowing and flattening out, peaking at 10 billion persons in 2100. The Population Reference Bureau states "the world population has reached a transition point. The population size of the world's developed countries has essentially peaked. What little growth remains will mostly come from immigration from less developed countries." These less developed countries accounted for virtually the entire world population growth in the 20th century and are made up of persons of color. However, the major factor in the world's population explosion during the last century was not due to fertility but longevity, a direct result of the rapid decline in mortality rates in the less developed countries.

The United States Demographic Revolutions

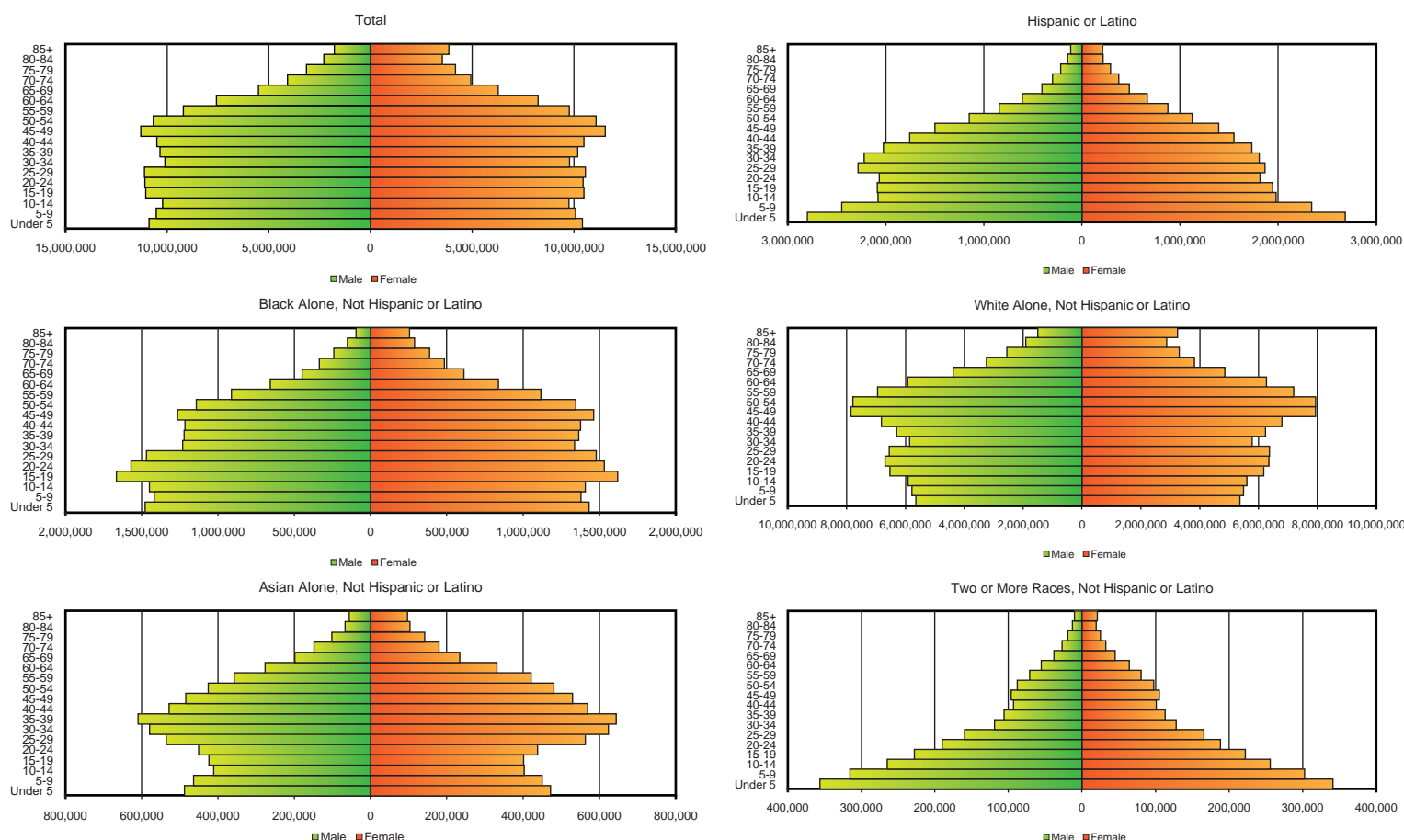
Only three developed countries are experiencing population growth: the United States, Canada and Australia. All three countries have been

"Settler Nations," allowing immigration from other countries. Ben Wattenberg, of the American Enterprise Institute, has stated, "America is becoming a universal nation, with significant representation of all human hues, creeds, ethnicities and national ancestries. Continued moderate immigration will make us an even more universal nation as time goes on."

Along with immigration, the United States is experiencing changing fertility patterns. Our minority population is growing significantly, while our non-Hispanic White population is experiencing little growth and is significantly smaller in the younger age cohorts. The 2010 Census found the United States population grew by 27 million persons, or 9.7 percent between 2000 and 2010. However, when broken down by race and Hispanic origin, it found our Black population had grown by 12.3 percent, our Asian population by 43.3 percent. Our population of Hispanic origin, which can be of any race, grew by 43 percent, compared to a non-Hispanic White growth rate of only 1.2 percent. The 2009 Census American Community Survey found over 80 percent of our population, ages 70-plus were Non-Hispanic White, while only 51.7 percent of children under age five were non-Hispanic White. New Census data for children age two and under reveals they are now a majority minority population and over 50 percent of children under age two.

However, we do not have much growth in the child or younger workforce age populations. Our younger population is becoming more diverse but not growing, as the non-Hispanic White population of children and younger workforce age declines significantly. (See adjacent population pyramids by race and Hispanic origin and the table showing age cohorts on page 44.) The 2010 Census found, between 2000 and 2010, that our population growth

United States 2009 Population Pyramids



Source: Census Bureau - 2009 Population Estimates

was almost entirely due to longevity, with our population ages 45 to 64 growing by 31.5 percent, and our population 65-plus growing by 15.1 percent, compared to the younger workforce age population, ages 18 to 44, growing by only 0.6 percent and our children under age 18 by 2.6 percent. The Bureau of Labor Statistics estimates between 2008 and 2018, 95 percent of workforce growth will be among older workers, ages 55-plus.

New Realities in Preparing for Our Future

States like Kentucky and West Virginia are aging faster than the United States and are significantly less diverse, with declining populations of children and a younger workforce. What happens when our young workforce age population declines? We need to insure our returning veterans are invested in and provided employment after their service to our country. Particular attention needs to be paid to those veterans with war injuries, to insure they are provided

with the services and tools needed to prepare them for the transitions they face back into our economy. We need to educate and train, and retool and retrain our workforce for tomorrow. We will need to attract a more diverse population and invest in their well being. We will need to support immigration when our real problem is not too much undocumented immigration, but not enough documented immigration. We need to bring immigrants out of the shadows. Maybe we need to hire Minutemen, not to build walls but to open up lemonade stands and hand out lemonade and cookies to attract immigrants. The economies of a number of South and Central American countries are doing well, and we want to close off our borders?

We also need to make sure all of our population, regardless of their skin color, age or gender is educated, skilled and prepared for a new 21st century. We need to develop and make investments in a system that offers a lifetime of education

and training. We need to make investments in our infrastructure to promote our well-being and our economy. Cutting those investments is disinvesting in our futures! ♡

See related table showing age cohorts on page 44.



Developing Cultural Dexterity

Sheryll Cashin, Esquire
Georgetown University

Sheryll Cashin is a Professor of Law at Georgetown University, where she teaches constitutional law and race and American law, among other subjects. She writes about race and inequality in America and currently is working on a new book about the future of American race relations and multiracial coalition building.

Her recent book, *The Agitator's Daughter: A Memoir of Four Generations of One Extraordinary African-American Family* (PublicAffairs, 2008) traces the arc of American race relations through generations of her family. Her first book, *The Failures of Integration* (PublicAffairs, 2004) was an Editors' Choice in the *New York Times Book Review*. Both books were nominated for the Hurston/Wright Legacy Award for non-fiction.

Professor Cashin has published widely in academic journals and written commentaries for several periodicals, including the *L.A. Times*, *Washington Post* and *Education Week*.

Professor Cashin worked in the Clinton White House as an advisor on urban and economic policy. She was law clerk to U.S. Supreme Court Justice Thurgood Marshall and Judge Abner Mikva of the U.S. Court of Appeals for the District of Columbia Circuit.

She graduated *summa cum laude* from Vanderbilt University in 1984 with a bachelor's degree in electrical engineering. As a Marshall Scholar, she went on to receive a master's degree in English Law, with honors, from Oxford University and a J.D., with honors, from Harvard Law School, where she was a member of the Harvard Law Review.

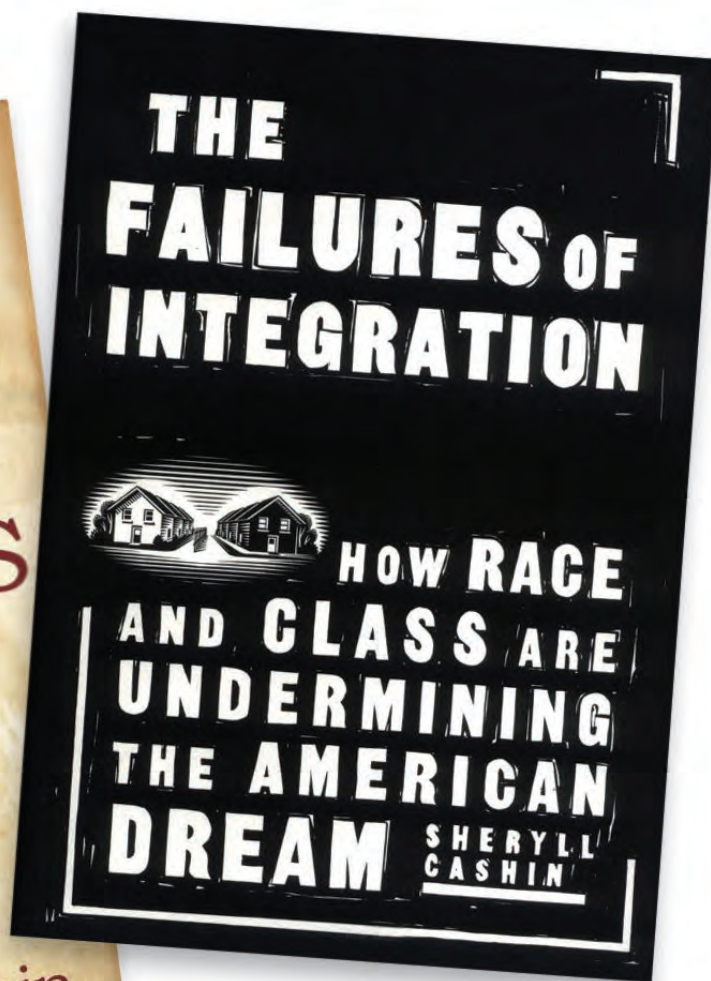
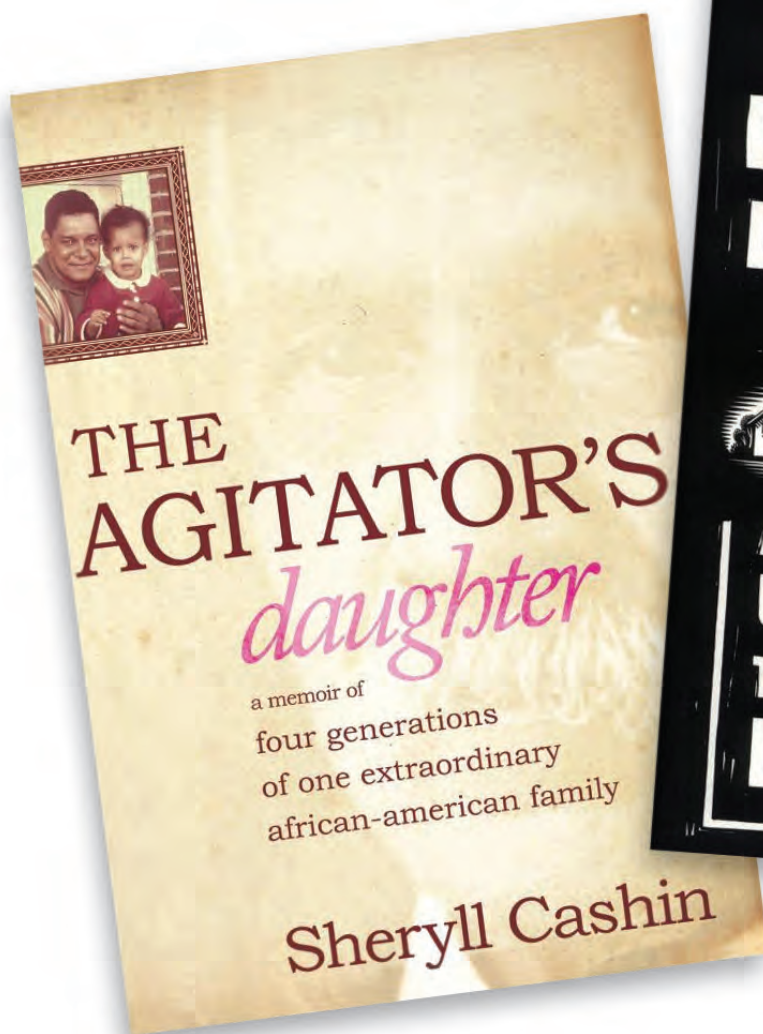
Transformative racial and ethnic changes are coming, whether we are ready for them or not. In about a decade, the majority of all American children will be of color. By 2040, this re-coloring of America may be complete among adults. If we are going to make this transition well, all institutions and individuals have some adjusting to do.

Admittedly, diversity presents challenges. In 2007, Robert Putnam, Harvard political scientist and author of *Bowling Alone*, published the most comprehensive study to date on the relationship between diversity and civic engagement. Most inconveniently, the 41-city survey revealed that civic engagement and trust among citizens declines with rising diversity. Meanwhile, the Latino population expanded at *40 times* the rate of growth of the white population in the last decade, largely because of differentials in birth rates, not immigration. Unless we are willing to follow China's example and limit the freedom of some to procreate, we cannot stop the demographic transformation that is occurring. We can only control our responses to this new multiracial frontier.

Fortunately, other research suggests how we might compress the timeline for achieving a truly capacious sense of "we the people." Social psychologists Samuel Gaertner and John Dovidio have verified a common identity hypothesis: people's tendency to favor ingroup members at the expense of outgroup members can be redirected positively by creating a more inclusive group. Their research shows that when we join a new social group with a common identity, the new group identity triggers the same positive attitudes that typically animate in-group loyalties. An Asian who joins an integrated choir will begin to experience non-Asian groups represented in the choir positively and more generously than he or she did before.

But this transition requires a conscious choice to enter a diverse fray. We all need to practice singing with a larger chorus or developing a quality I call cultural dexterity. A culturally dexterous person is willing and able to step outside her normal environs and into a milieu in which she is outnumbered by other races





and experience that with joy rather than fear. Those willing to date, adopt, marry, recreate with, live among, or join in common purpose with “the other” will be the quickest to adapt to demographic change and the most successful people in this dynamic new century. And these ardent integrators will accelerate the enlightenment of those around them – like the initially ambivalent but ultimately enthusiastic grandparent of a biracial child.

While individuals must undertake conscious, daily effort to embrace diversity, including actively checking any biases they may struggle with, all institutions also must work at being inclusive. That includes law firms. Diversity does not happen naturally. In a society that remains quite segregated, employers cannot rely solely on traditional

networks in approaching hiring. Even when meaningful diversity is achieved within an institution, attention must be paid to creating a new culture that nurtures it.

We have much to learn from radically inclusive organizations. The future is Rice University. White Americans are now only 43 percent of the student body at this elite school, founded in 1912 with a charter that required it to admit only whites. Such intentionally inclusive institutions are optimistic places that have purposefully adopted policies and practices that enable many and varied voices to be heard and supported. No particular race or ethnicity is dominant, and such institutions expect and welcome the challenges of constructing consensus and learning from difference.

There is a sizeable payoff to undertaking this work. Those institutions that achieve and manage diversity well will compete most effectively in the global economy because their diverse human capital will provide them access to a plethora of racial, ethnic and national markets. Ultimately, I believe the United States will compete vis-à-vis China and other economic tigers because we are fast becoming the first universal state in world history – a nation where people of all races, ethnicities, classes, religions, genders and sexual orientations are embraced as fellow human beings. In this sense, America will remain a beacon of freedom and a magnet for the most talented people in the world. ▽



Steady Progress on the Road to Full LGBT Equality

Pat Clark, Partner
Bowles Rice McDavid Graff & Love LLP

Pat Clark is a partner in the Charleston office of Bowles Rice and is a member of the Commercial and Financial Services group.

Mr. Clark focuses on the representation and counseling of businesses in a range of industries, including health care, insurance and finance. His practice embraces transactional, regulatory and litigation matters.

He earned his law degree from the University of Maryland School of Law and received his undergraduate degree from Wake Forest University. Prior to joining Bowles Rice, he was a senior attorney in enforcement at the Financial Industry Regulatory Authority (FINRA), formerly known as NASD, in Washington, D.C., and before that practiced in Baltimore, Maryland.

He is admitted to practice law in West Virginia and Maryland. He is a member of the West Virginia State Bar, the American Bar Association and the American Health Lawyers Association.

The continuing journey toward equality for lesbian, gay, bisexual, and transgender (LGBT) Americans has followed a winding road, but recent developments at both the state and federal levels indicate that the cause of LGBT equality is making slow but steady progress. At the federal level, the recent repeal of the United States military's "Don't Ask, Don't Tell" policy represents a hard-won victory, and there is some anticipation that part or all of the Defense of Marriage Act will be declared unconstitutional by the federal courts or repealed by Congress and the President. In addition, the Federal Government is taking steps to improve the availability of health care for LGBT Americans.

Repeal of Don't Ask, Don't Tell

The recent repeal of the U.S. military's "Don't Ask, Don't Tell" policy (DADT) is one of the most prominent recent victories for the LGBT community. The DADT Policy was introduced in 1993 as a compromise measure for the treatment of gay, lesbian and bisexual service members. Under the policy, military applicants and service members were not asked about their sexual orientation, although service members who claimed to be gay, lesbian or bisexual, or made statements indicating a tendency toward homosexual activities, were discharged.

In 2010, several events converged to build momentum for the repeal or overturning of the DADT Policy. First, in October 2010, U.S. District Court Judge Virginia A. Phillips granted a worldwide, immediate injunction prohibiting enforcement of the DADT Policy, holding that the Policy violated the First and Fifth Amendments to the Constitution.¹ The injunction was later stayed pending appeal,² but not before military recruiters had been instructed to accept applications from openly gay men and lesbians.³ Second, the political winds began to blow against the DADT Policy,

resulting in the passage of the Don't Ask, Don't Tell Repeal Act of 2010, which was signed into law on December 22, 2010.

But victory was not yet in hand, because the Repeal Act prescribed an elaborate process for the DADT Policy's actual repeal. The final step in that process was completed on July 22, 2011, when President Obama, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff certified that preparations for the repeal were complete and the repeal was "consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces." Sixty days later, on September 20, 2011, the repeal of the DADT Policy took effect, allowing gay, lesbian and bisexual Americans to serve openly in the U.S. military.



Federal Challenges to Defense of Marriage Act

One of the LGBT equality movement's highest priorities is to overturn or repeal the federal Defense of Marriage Act (DOMA), which became law in 1996. The most controversial part of the statute is Section 3, which defines "marriage" and "spouse" under federal law to exclude same-sex couples, regardless of their marital status, from receiving the rights and benefits available to other married Americans. These rights and benefits – more than 1,000 in all – include spousal social security benefits, the ability to file income taxes jointly, exclusions of transfers between spouses from gift and estate taxes, and the ability to sponsor a spouse for immigration.⁴

The legal environment surrounding DOMA changed dramatically on February 23, 2011, after years of fruitless court challenges. On that date, the Department of Justice (DOJ) announced that President Barack Obama had concluded that DOMA Section 3 is unconstitutional as applied to same-sex couples that are legally married under state law. Under those circumstances, the DOJ would no longer defend DOMA Section 3 against court challenges and would advise courts in pending litigation of the President's conclusion that Section 3 is unconstitutional.

The DOJ has since argued that DOMA Section 3 is unconstitutional in a broad range of contexts. For example, in July 2011 the DOJ filed a brief in support of Karen Golinski, who was challenging DOMA in an effort to obtain federal employee health benefits for her wife. The DOJ's brief made a forceful case that DOMA Section 3 is unconstitutional, arguing that "Section 3 was motivated in large part by animus toward gay and lesbian individuals and their intimate relationships," that LGBT people have long been subject to discrimination by government and private parties, and that sexual orientation is an "immutable characteristic."⁵ In August 2011, the

DOJ made a similar argument in a different context, arguing that Edith Windsor, who sought a refund of the estate tax bill she paid after the IRS disregarded her marriage to her now-deceased wife, should prevail because DOMA's federal definition of marriage is unconstitutional.⁶ And, in September 2011, the DOJ filed a brief in an immigration case, *Lui v. Holder*, arguing that because DOMA is unconstitutional, Federal authorities should consider a petition by Michael Roberts to sponsor his husband, a foreign national, to remain in the United States.⁷

While the DOJ is challenging DOMA in the courts, advocates for LGBT equality also are advancing their cause in Congress through the Respect for Marriage Act (RMA). The RMA, which has 29 co-sponsors in the Senate and 121 in the House, would revise DOMA Section 3 to make the federal benefits and protections provided to married persons available to all couples – regardless of gender – whose marriage is valid in the state in which it is performed.⁸ In this way, the RMA would provide same-sex spouses with certainty that federal benefits based upon a valid marriage would continue if the couple moved to another state.

Health Care Improvements

The U.S. Department of Health and Human Services (HHS), under President Obama, has recently taken several small but significant actions that recognize the unique challenges involved in providing quality health care to the LGBT community. In November 2010, at the President's direction, HHS implemented new regulations effectively requiring all hospitals to support each patient's right to designate which individuals will be permitted to visit him or her, "including ... a spouse [or] a domestic partner (including a same-sex domestic partner)..."⁹ More recently, HHS announced that it is developing a strategy for collecting data on sexual orientation and gender identity, with the goal of better understanding the nature of health

problems in the LGBT community and improving health outcomes for LGBT Americans.

These recent actions at the federal level, as well as several major rulings by individual states, are signs of progress on the road to equality for all lesbian, gay, bisexual and transgender Americans. ▽

¹ *Log Cabin Republicans v. United States*, 716 F. Supp. 2d 884, 929 (C.D. Cal. 2010).

² *Log Cabin Republicans v. United States*, No. 10-56634, 2010 WL 4136210 (9th Cir. July 15, 2011).

³ *Ed O'Keefe, Pentagon Is Instructing Recruiters to Accept Gays*, Wash. Post., Oct. 20, 2010, at A15.

⁴ *Karen Moulding & Roberta Achtenberg, Sexual Orientation and the Law* § 2:21 (2010).

⁵ *Defendants' Brief in Opposition to Motions to Dismiss at 16-20, Golinski v. U.S. Office of Pers. Mgmt.*, No. 10-00257 (N.D. Cal. July 1, 2011).

⁶ *Defendant's Memorandum of Law in Response to Plaintiff's Motion for Summary Judgment and Intervenor's Motion to Dismiss, Windsor v. United States*, No. 10-8435 (S.D.N.Y. Aug. 19, 2011).

⁷ See Chris Geidner, *Defending DOMA, Fighting Back*, Metro Weekly, Sept. 6, 2011, <http://metroweekly.com/news/zak=6543> (discussing brief filed on September 2, 2011, in *Lui v. Holder*, No. 11-01267 (C.D. Cal.)).

⁸ *Respect for Marriage Act of 2011, H.R. 1116 and S. 598. The RMA would also repeal the DOMA provision that prevents states from recognizing same-sex marriages performed in other states.*

⁹ *Medicare and Medicaid Programs: Changes to the Hospital and Critical Access Hospital Conditions of Participation to Ensure Visitation Rights for All Patients*, 75 Fed. Reg. 70,831 (Nov. 19, 2010).



Diversity Planning in West Virginia Higher Education

James P. Clements, Ph.D., President
West Virginia University

Since becoming WVU's 23rd president in 2009, Dr. James P. Clements has shown a strong dedication to expanding the University's role as a 21st century land-grant institution, providing superior academic programs, expanding a wellness initiative for students, technologically advancing research for use around the globe and strengthening service and health care initiatives for the community.

Before joining the Mountaineer family, Dr. Clements served as provost and vice president at Towson University, in Maryland. Prior to becoming provost, he served as Towson's vice president for economic and community outreach and as the Robert W. Deutsch Distinguished Professor and chair of the Department of Computer and Information Sciences.

Dr. Clements has a B.S. in computer science and an M.S. and Ph.D. in operations analysis from the University of Maryland Baltimore County (UMBC), as well as an M.S. in computer science from Johns Hopkins University.

Dr. Clements chairs the boards of the WVU Research Corporation, the West Virginia United Health System and the WVU Hospitals. He also serves as an ex-officio member of the WVU Foundation and WVU Alumni Association boards. He recently was appointed to the American Council on Education's Commission on Women in Higher Education and was appointed to serve as the outreach liaison for the Association of Public and Land-Grant Universities, representing the Mid-Atlantic Region.

In November 2009, the West Virginia Higher Education Policy Commission initiated a dialogue on diversity, entitled the "Chancellor's Diversity Initiative." This was done in recognition that diversity, broadly defined, touches every aspect of our society, and higher education has both an opportunity and responsibility to make a positive difference in promoting a more diverse and inclusive culture.

A task force of state leaders was appointed to make recommendations that would impact public colleges and universities throughout the state. The charge included:

- Providing direction for coordination and enhancement of existing programs.
- Establishing a framework for long-term continuation of diversity initiatives.
- Recommending strategies to encourage and support individual campus initiatives.



The task force identified five principles to guide this work. Those principles included:

- **Inclusion is expected** throughout higher education. Avoiding illegal discrimination is a given, but every member of an academic community must be valued for their individual worth and included in the ongoing life of the institution. Utilizing diverse talents, cultures and abilities results in better learning environments and stronger programs. Inclusion on campuses is a prelude for a more inclusive society in years to come.
- **Students must be prepared to live and work in a diverse world.** Being academically successful in a discipline is one important credential. The ability to effectively engage with people is another critical skill our students need to develop. Without a doubt, this includes engagement with people of different values, races, ages, genders, nationalities and lifestyles.
- **Education is essential.** Certain mandates are necessary for civil rights compliance. Expectations regarding human behavior will fall short without providing educational experiences that promote understanding and effective human relations. Fear and misunderstandings will not overcome biases and prejudice, but education that promotes understanding and acceptance will.
- **Investment is necessary.** As with any priority, comprehensive diversity education requires

investment. Campus leaders must demonstrate a commitment through allocation of time, training, travel opportunities and establishing hiring priorities, among other avenues.

- **Collaboration is paramount.** Within higher education, it is not feasible for institutions to provide optimum diversity awareness and training independently. Collaboration between schools, as well as with the community and affiliated groups, enriches opportunities and builds strength that would otherwise be missed.

These pillars support long-range, comprehensive approaches to promoting and addressing diversity issues within public higher education in West Virginia.

In recent history, we have seen institutions move from segregation and exclusion to broad commitments that proactively support diversity on campuses. Compliance with equal employment and affirmative action requirements are now seen as baseline standards, with a culture of full inclusion as the expectation.

To achieve this, institutions are seeking to attract highly competent and diverse faculty and staff. Multicultural education is addressing the natural conflict that stems from the diversity found around the world. Values and beliefs are being reexamined and new structures are being created to allow for natural expressions of culture and heritage. Students are being given new and exciting opportunities.

Like any major initiative, the recommendations are a new beginning. The task force helped re-affirm and articulate a statewide commitment, allowing for individual campuses to create structures, programs, and approaches that reflect the uniqueness of each. Such an approach is not without challenges, but is full of hope. The colleges and universities of our state, working together on this incredibly important topic, have a sturdy framework to serve the needs of our students, our state, and our world in ways that honor the value of education upon which we were all founded. ▽

Dr. Clements and Bluefield State College President Dr. Albert Walker co-chaired the West Virginia Higher Education Policy Commission Diversity Initiative.





Including People with Disabilities in Diversity Efforts

Linda Carter Batiste, Principal Consultant
Job Accommodation Network

Linda Carter Batiste is a principal consultant with the Job Accommodation Network (JAN), a free consulting service funded by the U.S. Department of Labor's Office of Disability Employment Policy. She has in-depth training on the Americans with Disabilities Act (ADA) and employment law as well as accommodations related to mobility impairments, emergency evacuation and substance abuse.

Ms. Batiste leads JAN's disability legislation initiative by providing research, evaluation and technical expertise on a national level. She also steers JAN's usability program for electronic, research and outreach materials. She has a Doctorate of Jurisprudence from West Virginia University's College of Law and is a member of the Order of the Coif. She routinely publishes on the ADA and develops nationally disseminated training materials.

She has been with JAN since 1992 and is a member of JAN's Management Team. She also is a member of the West Virginia Bar and the American Bar Association.

She won the 2003 Patrick Duffy Koontz Award for Leadership, Citizenship, and Academic Achievement; and served as the manuscript editor for the executive board of the West Virginia Law Review. She currently serves on the editorial advisory board for Thompson Publishing Group.

Many companies recognize the benefits of diversifying their workforces, such as attracting a larger labor pool and appealing to more consumers. But companies sometimes omit an important minority in their diversity efforts, and that is people with disabilities. There are approximately 50 million people with disabilities in the United States, making them our largest minority group. Companies that fail to actively recruit and hire people with disabilities not only are missing out on a lot of potential employees, but also potential customers – it is estimated that Americans with disabilities represent more than \$200 billion in discretionary spending.

So why would a company fail to include people with disabilities in its diversity efforts? For some companies, it is the fear that people with disabilities will need costly and difficult accommodations to perform their jobs, and that providing accommodations will negatively impact the workplace. Fortunately, there is now research from the Job Accommodation Network (JAN), showing that these fears are unfounded.

JAN is an international, toll free consulting service, sponsored by the U.S. Department of Labor's Office of Disability Policy (ODEP) to provide information on accommodations, disability legislation and assistive technology.



Since 2004, JAN has been conducting ongoing research into the costs and benefits of providing workplace accommodations. Data from this research show that accommodations are low cost – the latest data show that more than half of accommodations cost employers absolutely nothing and, when there is a cost, it is approximately \$600.

Perhaps more importantly, the JAN research shows that employers who provide accommodations for employees with disabilities reap multiple direct and indirect benefits, including retaining valued employees and improving their productivity, increasing company diversity and improving overall company morale. (See tables)

In addition to conducting research on the costs and benefits of providing accommodations, JAN provides free, one-on-one consultation to help employers understand their legal obligation to provide accommodations under the Americans with Disabilities Act (ADA) and to help them come up with effective accommodations. For over two decades, JAN's consultants, each with at least a master's degree in a specialized field, have been providing information on accommodations for all types of impairments, including sensory, motor, cognitive, and psychiatric conditions. JAN also provides extensive information on its website, askJAN.org. With over 200 free publications, an ADA library and a searchable online accommodation tool, the JAN site is the most comprehensive resource for information about the ADA and job accommodations.

Direct Benefits of Accommodation

Direct Benefits	%
Company retained a valued employee	89%
Increased the employee's productivity	71%
Eliminated costs associated with training a new employee	60%
Increased the employee's attendance	52%
Increased diversity of company	43%
Saved workers' compensation or other insurance claims	39%
Company hired a qualified person with a disability	14%
Company promoted an employee	11%

Indirect Benefits of Accommodation

Indirect Benefits	%
Improved interactions with co-workers	68%
Increased overall company morale	62%
Increased overall company productivity	59%
Improved interactions with customers	47%
Increased workplace safety	44%
Increased overall company attendance	38%
Increased profitability	32%
Increased customer base	18%

The following are just a few examples of the many successful accommodations with which JAN has assisted:


- ▶ A lawyer with cancer was experiencing lapses in concentration due to the medication she was taking. Her employer accommodated her by giving her uninterrupted time to work. She also was allowed to work at home two days a week.
- ▶ An individual with a circulatory impairment worked in a call center. She needed to move her legs during the day, but her productivity was measured by the number of phone calls she completed. The employer provided an under-the-desk pedal exerciser (\$40), which allowed her to continue working while moving her legs.
- ▶ A nurse with a hearing impairment worked the night shift and had to talk to doctors who called for information. She was having difficulty hearing over the telephone. The employee asked to be moved to a dayshift, where there would be other nurses who could talk to the doctors, but there were no openings on the dayshift. The employer purchased a telephone amplifier (\$50), which enabled the nurse to hear effectively over the telephone.
- ▶ An administrative assistant in a social service agency had bipolar disorder. Her

duties included typing, word processing, filing and answering the telephone. Her limitations included difficulties with concentration and short-term memory. Her employer provided her with assistance in organizing her work and a dual headset (\$80) for her telephone that allowed her to listen to music when not talking on the telephone. This accommodation minimized distractions and increased concentration.



- ▶ An engineer with multiple sclerosis was experiencing heat sensitivity. She was provided a private office, where the temperature could be lower than in the rest of the facility. She also was encouraged to communicate with coworkers by telephone or e-mail when possible, to reduce the amount of walking she had to do.

- ▶ A professor with vocal cord nodules was having difficulty talking loud enough for his students to hear him. His teaching style was to move around the classroom while he lectured, so he did not want to stand at a podium with a microphone. He also wanted to be able to project his voice when meeting with students in his office and when attending faculty meetings. His employer purchased a portable voice amplifier (\$150).

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FAITH & DIVERSITY

Historically, religious leaders often have cited the teachings of their faith when calling for tolerance and inclusion on many issues related to diversity. For this edition of Views & Visions, we invited four religious leaders from our region – representing Catholics, Protestants, Muslims and Jews – to each write a brief essay on faith and diversity.



Bishop Ronald William Gainer was ordained and installed as the Second Bishop of Lexington, Kentucky in 2003, serving more than 45,000 Catholics in 50 counties in central and eastern Kentucky.

Bishop Gainer was ordained to the priesthood for the Diocese of Allentown, Pennsylvania in 1973. He earned a

licentiate degree in Canon Law and a diploma in Latin Letters from the Pontifical Gregorian University in Rome in 1986. He has served in parish, campus ministry, marriage and family, and tribunal positions for much of his priesthood. In 1991, he was named a Prelate of Honor (Monsignor) by Pope John Paul II.

The Second Vatican Council (1962 – 1965) issued two extraordinary documents which explain the Catholic Church's position regarding tolerance for religions.

The Decree on Ecumenism emphasizes the unity of all baptized Christians and seeks to foster that unity through prayer, study and service. The Declaration on Non-Christian Religions expresses genuine respect for all that is holy, true and good in other religions. Through their teachings, disciplines and rituals, non-Christian religions address "the restlessness of the human heart" and assist the human family on its way to the Eternal.

This tolerance for diversity flows from the very nature of the Roman Catholic Church. The Catholic Church itself is comprised of 22 different churches, one Latin Church and 21 Eastern Catholic Churches. These 22 autonomous churches are held in communion through the ministry of our universal pastor, Pope Benedict XVI. The Church itself is an icon of the Holy Trinity, the mystery of the unity of one God in the diversity of three Persons.

Scripture teaches, "Who is without love does not know God, for God is love" (I John 4:8). If one refuses to treat all others with dignity and fails to reverence the intrinsic rights that flow from that human dignity, one cannot know God.

Authentic tolerance does not imply indifference or cowardice. Rather, holding firmly to one's own faith, we esteem and promote all that is true and good in the world's religions and seek to forge mutual understanding and effective partnerships in serving the needs of the human family. ❧

Bishop Ronald William Gainer

Diocese of Lexington, Kentucky

Reverend Tim Halloran

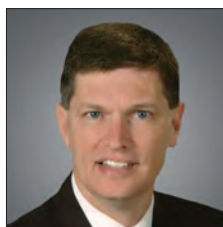
Suncrest United Methodist Church, Morgantown, West Virginia

Imam Dr. Ehteshamul Haque

Islamic Association of West Virginia

Rabbi Victor Urecki

B'Nai Jacob Synagogue, Charleston, West Virginia



At age 21, the **Reverend Tim Halloran** began serving a six-circuit charge in Williamsburg, West Virginia, followed by an appointment to two churches near Montgomery, West Virginia. While serving these two congregations, he earned a bachelor of arts degree in social studies at West Virginia Tech.

After moving to North Carolina in 1985 to serve two churches, he decided to pursue his Master of Divinity degree at Duke University, and graduated in 1988. He has since led congregations in Beckley and Huntington, West Virginia, before taking his current position at Suncrest United Methodist Church in Morgantown, West Virginia.

In the early 1970s, one of my best friends in high school wrote an essay titled, "The Problem of Being Brown in a Black and White World." He is African American, but his complexion is very light in tone. My friend used to say, "You don't understand what it's like to have both white and black girls like you, or you like them, but then if you go on a date, people stare or give you dirty looks." He was right, I did not understand his dilemma, but I have thought of his essay and our friendship many times.

Since then, our society has become even more diverse racially, sexually and religiously. We are more open and accepting of each other in our diversities. Yet, I wonder why our differences divide us so rigidly sometimes and continue to hold us back from progress.

Are institutions the role models from which culture takes its cues? If so, the church has not been a very good role model. Look around next Sunday and see how diverse your congregation is. Certainly there are economic, programming and worship style issues that influence where people chose to go to church, but why have mainline Protestant denominations declined over the past three decades?

Let me suggest that, in the one place where we have the most potential for common ground, we have not learned how to embrace each other in spite of our diversity. We speak of faith, hope and love, but we allow our differences to turn us into a mixture of both apathetic and aggressive enemies. It is my opinion that institutions like the church will continue on a downward spiral until we learn how to meet each other "in the brown." This is the place where we hear, respect and care about each other. It does not have to be a place of compromise. I still know and hold to what I believe, but "in the brown," what others believe and how they interpret life matters to me. In fact it may be the only place where diversity can lead to progress. ❧



Imam Dr. Ehteshamul Haque resides in Charleston, West Virginia and serves as the spiritual leader and Islamic teacher at Islamic Association of West Virginia, Charleston, West Virginia. He was born in India and is fluent in four languages: English, Arabic, Urdu and Hindi.

Imam Haque has master's degrees in Urdu and Arabic and earned a Ph.D. in Arabic from Aligarh Muslim University in India. He is a graduate of an eight-year Islamic studies program (Alim/Fazil) at Darul Uloom, a noted religious institution in India. He taught at various colleges in India, published several books and has actively participated in Islamic seminars in India and the United States.

In an age where the “global village” has replaced nationalism, I see diversity as a challenge by our all wise Creator to find harmony in the many voices He created.

To each of you We prescribed a law and a method. Had Allah willed, He would have made you one nation [united in religion], but [He intended] to test you in what He has given you; so race to [all that is] good. To Allah is your return all together and He will [then] inform you concerning that over which you used to differ. (Quran 5:48)

According to Islamic teachings, every human being has the right to be respected, regardless of his faith, color or race. Almighty God has elevated his status above much of his creations:

“And indeed We have honored the Children of Adam, and We have carried them on land and sea, and have provided them with lawful good things, and have preferred them above great part of our creation.” (Quran 17:70)

The Holy Quran emphasizes that the origin of all humanity is one, it says:

“O mankind! We created you from a single (pair) of a male and female, and made you into nations and tribes, that you may know each other (and not hate one another). Surely, the most honored of you in the sight of God is (he who) is the most righteous of you. And God has full knowledge and is well acquainted (with all things).” (Quran 49:13)

When a group of people declare that they are superior because of their race, color, profession or family background, and demand respect and extra rights on that basis, it causes injustice in the society. The feeling of being superior was also common among the Arabs embracing Islam in the lifetime of Prophet Muhammad (Blessings of God be upon him). The Prophet spoke against this attitude many times and declared it ignorance. He said in his farewell speech:

“People, hear that your Lord is One, and that your father is one. You must know that no Arab has superiority over a non-Arab, no non-Arab has superiority over an Arab, or a red man over a black man, or



Rabbi Victor Urecki has served as spiritual leader of Congregation B'nai Jacob in Charleston, West Virginia since 1986. He is a member of the Rabbinical Council of America, as well as the Chicago Board of Rabbis. He also is on the Executive Rabbinical Cabinet of the Jewish Federations of North America, the largest Jewish philanthropic organization in the world.

Rabbi Urecki writes frequently about religious tolerance and mutual respect and lectures regularly at area churches and schools on Jewish/Christian relations and now, Muslim/Jewish understanding.

David Brooks of the *New York Times* wrote the following last year:

Jews are a famously accomplished group. They make up 0.2 percent of the world population, but 54 percent of the world chess champions, 27 percent of the Nobel physics laureates and 31 percent of the medicine laureates. Jews make up 2 percent of the U.S. population, but 21 percent of the Ivy League student bodies, 26 percent of the Kennedy Center honorees, 37 percent of the Academy Award-winning directors, 38 percent of those on a recent Business Week list of leading philanthropists, and 51 percent of the Pulitzer Prize winners for nonfictions.

How do I explain that? I think it is because the Jewish people, forced by centuries of persecution to travel from nation to nation, culture to culture, empire to empire, have learned to take the most significant ideas of each society, bind them with their own thoughts and introduce that synthesis to the world. Forced to wander, we could never live in isolation. Yet, by being in constant contact with other cultures, we grew, learning to blend the very best our society could offer with the powerful ideas being advanced in the lands in which we were living.

If there is a “secret” to the Jewish people’s success, it is our historical ability to live with diversity, sharing and exchanging ideas. Nothing great can ever be produced in isolation. Diversity – the ability to learn by encounter and the willingness to see the greatness of other cultures and backgrounds – can have, as the Jew has shown, a profound impact on the world. We grow when we learn that others have something to teach us.

As a rabbi in a small Jewish community, I have encountered people of so many different faiths. That opportunity has deepened my understanding of G-d, and given me a stronger and greater grasp of my heritage; the glow of other faiths has touched the fire of mine.* In one of life’s great ironies, learning from others does not diminish one’s faith but, rather, intensifies it. To open one’s soul to different cultures, practices, and values creates not just a heart of wisdom, but an opportunity to change the world for the better. ♡

**Note: As a sign of respect and reverence, traditional Jews have the custom of not fully writing the name G-d.*

(continued on p. 45)



A Living Laboratory of Human Relations

Hazo W. Carter, Jr., Ed.D., President
West Virginia State University

Dr. Hazo W. Carter, Jr. has been a chief executive officer at a higher education institution for 27 years. He began his service as the ninth president of West Virginia State College in 1987. In 2004, he became the first president of West Virginia State University. He plans to retire in 2012.

Dr. Carter provided the leadership that resulted in West Virginia State College being designated as West Virginia State University in April 2004. He also successfully led a 12-year quest to regain the institution's land-grant status.

He is an active participant on various local boards and has served as chair of the Martin Luther King, Jr. West Virginia Holiday Commission since 1998.

President Carter has received many awards and accolades, including "Distinguished West Virginian" awards from former Governors Gaston Caperton and Bob Wise and, in January 2007, he was honored by the West Virginia House of Delegates for his contributions and service.

President Carter holds a B.A. in English from Tennessee State University; an M.A. in journalism from the University of Illinois (Champaign-Urbana); and a Doctor of Education degree in higher education administration from George Peabody College for Teachers of Vanderbilt University.

During the 2011 academic year, West Virginia State University (WVSU) proudly celebrated its 120th anniversary as a public institution of higher education in the Kanawha Valley. As we celebrated our rich and treasured history, we also had an opportunity to reflect on the influential role that WVSU has played and continues to play in the social, economic and cultural makeup of the Kanawha Valley. From its founding in 1891 as a land-grant institution, WVSU has always been a beacon of opportunity.

The West Virginia Colored Institute (now WVSU) was one of 17 land-grant institutions authorized by Congress to provide education to Black citizens in agriculture and the mechanical arts in states where segregation was the law of the land. This unique historical perspective of being an institution of higher education for an underserved population provided the foundation for WVSU's far reaching purpose of offering access to education to all.

From 1891 to 1915, the Institute offered the equivalent of a high school education, vocational training and teacher preparation. In 1915, college degrees were offered and the name became West Virginia Collegiate Institute. Under the leadership of the sixth President, John W. Davis, academic

programs were expanded and new buildings were constructed. Due to this progressive approach, the institution became the first of the 1890 land-grant schools to attain accreditation with the North Central Association of Colleges and Schools. In 1929, the name became West Virginia State College (WVSC). Over the next decades, WVSC was recognized as one of the leading public institutions of higher education.

Following the passage of the United States Supreme Court decision ***Brown v. Board of Education*** in 1954 that ruled the policy of "separate but equal" in schools was unconstitutional, West Virginia State was once again in a unique position to provide an opportunity to attain a college education to those who would otherwise be denied. By opening its doors to thousands of students in the Kanawha Valley, many of them World War II and Korean War veterans, "State" became the affordable, accessible choice for quality education.





As a newspaper columnist at the time noted, “when desegregation came, the Institute school immediately announced a policy that embraced quality without qualification.” With the peaceful and smooth transition, West Virginia State became an example for the world to follow. The culture of welcoming everyone, regardless of race or creed, earned it the motto “A Living Laboratory of Human Relations.”

Over the years, “State” has evolved into a fully accessible, multiracial, multigenerational institution of higher education. The University boasts one of the most racially diverse faculty, staff and student bodies of any college or university, public or private, in West Virginia. Those who learn, live and work at “State” do so in an environment that reflects the diversity of America. The varied aspects of thought, background and opinion found at our “living laboratory of human relations” prepare students for the life experience of living successfully in a multi-cultural society.

West Virginia State University continues to have a positive academic and cultural influence on its students. It also has an impact of the vitality of the area. WVSU’s total economic impact is more than \$254 million, with approximately 1,350 jobs created.

As I have said over the years, “At State, it is our people who make us great.” Our professional, caring faculty are constantly



WVSU provides one of the most diverse campus communities of West Virginia’s public or private institutions. Clockwise from top left: Wallace Hall, Ferrell Hall and the Drain-Jordan Library

learning, conducting research and other scholarly activities in order to better educate students. All of WVSU’s tenured and tenure-track faculty hold a master’s degree, and 82 percent have earned a doctorate. Our dedicated staff works diligently to ensure that the needs of faculty and students are being met and that the campus environment is attractive and conducive to learning. Our ambitious, highly motivated students, many of whom are the first in their family to go to college, face daily challenges while they prepare for a better future.

The founding as a historically Black college, the transition that came about due to integration, and the experiences that

have spanned 120 years are at the core of West Virginia State University, shaping its values and the foundation on which it bases the future.

My vision is for West Virginia State University to become a nationally recognized land-grant university linking its students, faculty and the citizens of West Virginia to education, research and economic opportunities in a global marketplace. ▽



Affirmative Action: What Is It and Is It Working?

Timothy C. Wills, Partner
Bowles Rice McDavid Graff & Love LLP

Timothy C. Wills is a partner in the Lexington, Kentucky office of Bowles Rice and is both a member of the firm's Executive Committee and chair of the Client Development Department. He concentrates his practice in the areas of labor and employment law, litigation, construction law and business transactions.

Mr. Wills received his J.D. degree from the University of Kentucky College of Law in 1974, where he was a member of the Kentucky Law Journal. He is licensed to practice in Kentucky, the U.S. District Court for the Eastern and Western Districts of Kentucky and the U.S. Court of Appeals for the Sixth Circuit. He is a member of the Kentucky, Fayette County and American Bar Associations.

He serves on the Board of Directors of the Fayette County Bar Foundation where he chairs the Development Committee. He also has served as the chair for the Labor and Employment Law Practice Section of the Fayette County Bar Association (1990-1998).

Mr. Wills has been recognized by *Best Lawyers in America* in the areas of Construction Law, Labor and Employment Law and Professional Malpractice and is named a Kentucky *Super Lawyer* in Labor and Employment Law. He has participated as a lecturer in many seminars related to labor and employment law topics.

Affirmative action requires employers to adopt employment practices and procedures to counter the perceptions and preferences which, historically, have adversely affected underrepresented groups within our society. Classifications such as race, color, sex, national origin, disabilities and veterans are now subject to affirmative action programs for all federal governmental agencies and departments, employers who receive federal aid, and certain employers who are government contractors. Most, if not all, states have affirmative action laws and regulations similar to the federal government.

On March 6, 1961, President John F. Kennedy signed Executive Order 10925 which first coined the phrase "affirmative action." This Executive Order required all government departments and agencies to take affirmative action by conducting studies and a thorough review of their current employment practices to ensure applicants and employees were not discriminated against on the basis of "race, creed, color or national origin."

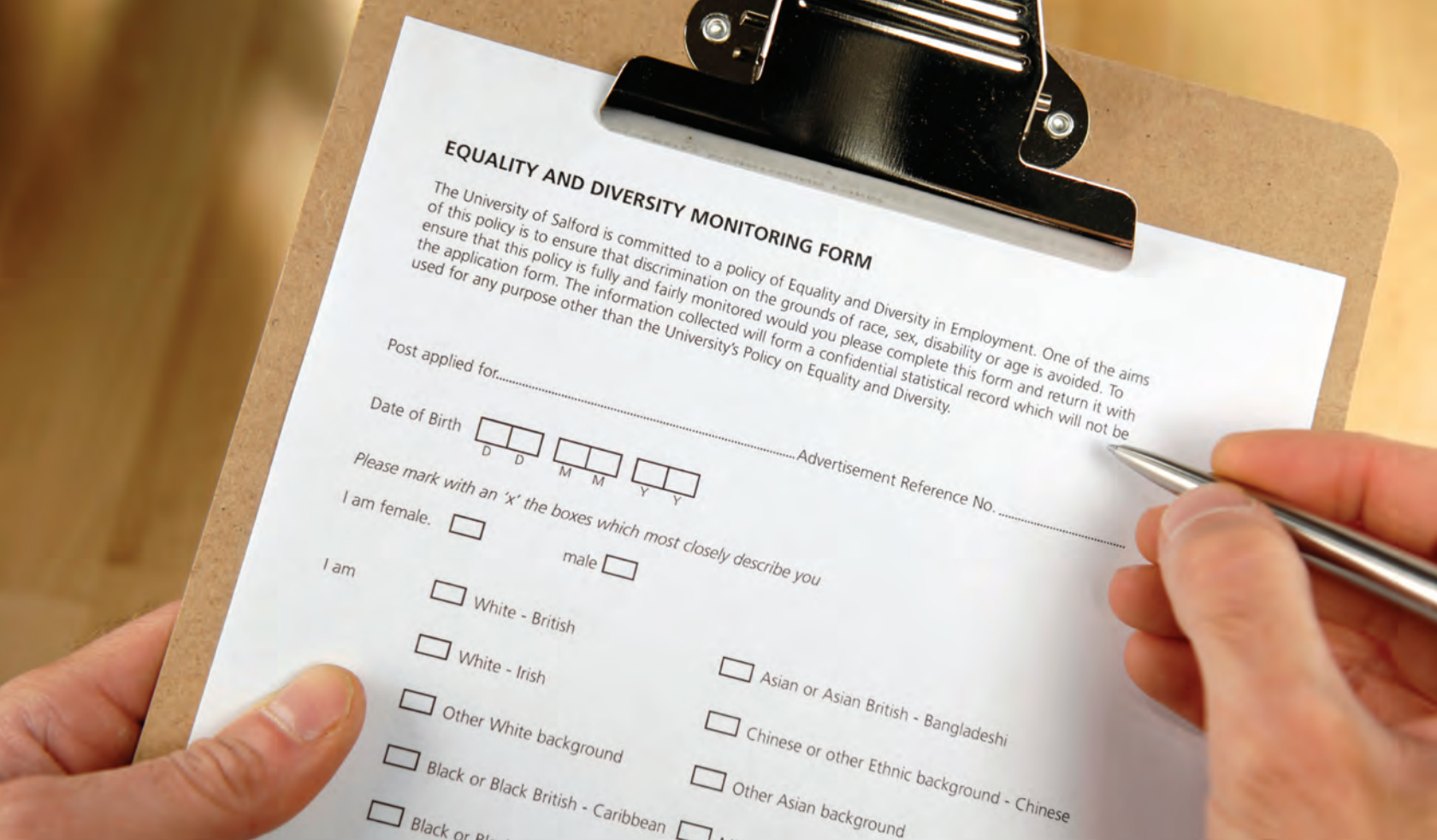
After Lyndon Johnson became President, he signed Executive Order 11246 on September 24, 1965. This Executive Order supplemented President Kennedy's and focused on federal contractors, requiring them to take affirmative action to apply employment policies without regard to "race, religion and national origin." In 1968, gender was added to the protected categories.¹ Executive Order 11246 now requires each government contractor with 50 or more employees and \$50,000 or more in government contracts to develop a written affirmative action program for each of its establishments. The Office of Federal Contract Compliance Programs (OFCCP) of the U.S. Department of Labor is now charged with ensuring contractors' compliance with equal employment opportunity and keeping updated written affirmative action plans.

Subsequent legislation² added qualified individuals with disabilities and qualified special disabled veterans, recently separated veterans, and other protected veterans to the list of persons for whom government contractors must develop a written affirmative action program to employ and advance in employment. The OFCCP also is charged with enforcing the affirmative action program requirements.

Employers who are required to prepare written affirmative action plans must conduct a thorough analysis of each job classification by wage rate, gender, national origin, etc.; compare the current workforce to the available workforce in the general area by job classifications; and identify any problem areas discovered through this analysis. The employer also must take corrective action to address these issues.

On March 6, 1961, President John F. Kennedy signed Executive Order 10925 which first coined the phrase "affirmative action."

Regarding recruitment, employers must state in all solicitations for employment that all qualified applicants will be considered for employment without regard to race, color, religion, sex, national origin, disability or veteran status. The plan also must identify future action-oriented programs and community outreach that the company plans to undertake to implement its EEO policies and contain an applicant flow log which records data according to each applicant's sex, race, etc. Finally, the plan and all records supporting the plan must be available for inspection by the OFCCP.



During the 50 years that affirmative action has been the law, there has been an ongoing debate whether affirmative action has been a success or is even necessary. According to proponents of affirmative action, the glass ceiling prohibiting women and minorities from achieving employment in high level positions at some of the nation's largest companies has been shattered. The Department of Labor says that one of its surveys has established that women have advanced more quickly in government contractor firms that are required to have affirmative action programs than those employed in companies that do not have affirmative action programs.³ Supporters of affirmative action argue that the tensions which have come to the forefront during President Obama's presidency are clear evidence that affirmative action is still necessary to remove the cultural stereotypes that exist in our society.

On the other hand, opponents argue that affirmative action causes "reverse discrimination" and excludes otherwise qualified individuals from employment

and promotions because companies are striving to meet affirmative action goals. Critics also state that favoring one unrepresented group often has a disparate impact or an adverse effect on other minorities, resulting in a trickle down form of discrimination. Opponents also point out that affirmative action has created another stereotype, of (well qualified) minorities whose rise to the top is purported to be the result of affirmative action, not their own merits. Another argument against affirmative action comes from human resource administrators who complain that affirmative action plan preparation is a confusing and time consuming exercise of little or no value.

So where do we go from here as a society? Having represented employers for over 35 years, I have heard many complaints about the administrative burdens of affirmative action plans and the unfair consequences of equal employment opportunity policies. These complaints are understandable, and in a very few instances, justified. But, I also have witnessed a vast change in

both the attitude of employers and the demographics at their establishments as a result of hiring, recruiting and promoting a more diverse workforce. I have watched companies flourish with a more diverse workforce, and their complaints have vanished over time.

My take on this is simply that affirmative action may not be a perfect system, but it is a vast improvement over the alternative of no action. It has been the force that opened the doors for diversity to enter the work place and, consequently, has raised our social consciousness as a society. Affirmative action will likely be around until we, as a society, can take off the blinders of stereotypical classifications and look into each other's eyes as human beings. ▽

¹ "Affirmative Action: History and Rationale", Clinton administration's affirmative action review: report to the President, July 19, 1995.

² Rehabilitation Act of 1973, 29 USC §793; Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) of 1974, 38 U.S.C. §4212.

³ dol.gov/ofccp/regs/compliance/aa.htm



“Twilight” Provides Insights to Understanding Cultural Differences

Shari Clarke, Ph.D., Vice President for Multicultural Affairs
Marshall University

Dr. Shari Clarke is an award-winning multicultural and diversity educator who serves as vice president for multicultural affairs at Marshall University. With over 20 years' experience in the field, she brings expertise to organizations in creating climates of inclusion and understanding diversity. Dr. Clarke has led multiple institutions in diversity, including the University of Maine, Whitman College and the University of Nebraska. As a consultant, she has worked with a number of other colleges and corporations.

At Marshall, Dr. Clarke has established the Multicultural Faculty in Residence Program, the Multicultural Leadership Ambassadors, an annual Dialogue on Faculty Diversity and an exchange program with Alcorn State University, a historically black college located in Lorman, Mississippi.

Dr. Clarke serves on the Dress for Success River Cities Board of Directors and on the Advisory Council for Children's Home Society of West Virginia Hovah Hall. She was recently nominated to serve on the University of Nebraska's Cather Circle, a program designed to provide professional mentoring for women at the university by distinguished alumni.

Clarke earned a bachelor of arts degree from Lane College, a master of arts degree from Bowling Green State University and a Ph.D. in higher education administration from the University of Nebraska-Lincoln.

Stephanie Meyers' *Twilight* series offers its audience a new insight into the issues of cultural diversity.

A New Type of “Other”

While educators and diversity trainers have spent decades teaching students, faculty, staff and corporate audiences about the glorious world of inclusion and acceptance of differences, *Twilight* presents a host of characters in the Cullen family who are different from the norm. The treatment the Cullens receive from members of the Forks, Washington community is based on their physical traits. Typical of those who are discriminated against, the discrimination against the Cullen youth is based on skin color, facial features and a deviation in physical traits from the majority culture which represents the norm.

The Cullens do not look like the rest of Forks society. Their extremely pale complexions,

the color of alabaster white, ice cold skin, flawless beauty and fluid movements define the Cullen family's physical traits. They are a family that speaks with voices and inflections that represent other worlds. Edward Cullen, the novel's hero uses phrases that hint at bygone eras. The immediate visual the Cullens present to the public clearly indicate they are different. Something is abnormal about the Cullens in their aesthetic appearance and, as a consequence, a level of discomfort arises and their acceptance into the community is placed in jeopardy.

Like other minority groups, this vampire family falls into a group that would be defined as both multicultural and minority. The Cullens seek support and comfort from each other. The high school-age Cullens are together at the lunchroom table – alone as a group. Like individuals and groups who embody diverse physical traits, views and ideologies, the Cullens remain tight knit and closely linked.

Traits of Discrimination and Prejudice

- Isolationism/Ostracism based on differences in appearance and physical traits
- Inability to connect with individuals or groups who do not represent what is defined as normal in mainstream society
- Unable to interact with diverse individuals based on difference in speech patterns and tonal inflections
- Discomfort in interactions with groups and persons who are perceived to be different in any way
- Defining individuals and groups of people based on stereotypes

Strategies to Eliminate Fear of Diversity in the Workplace

- Move beyond talking about diversity to action
- Participate in diversity awareness workshops and training sessions to heighten your awareness
- Be aware of your own shortcomings on issues of diversity and confront your inner concerns
- Acquire a comfort level with differences through attendance at cultural celebrations and programs
- Explore a culture different from your own
- Move past fear and stereotypes by getting to know people different from yourself



Photo credit: Deana Newcomb
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*Members of the Cullen Family: Jackson Rathbone, Ashley Greene, Kellan Lutz, Nikki Reed and Robert Pattinson star in the thriller **Twilight**, a Summit Entertainment release.*

Striving To Fit In

The Cullens strive to fit into society. They assimilate to the dominant culture. They do not honor their true dietary calling of devouring human blood for sustenance. Instead, they adhere to a strict vegetarian diet. The younger members attend high school, study, reside in a gorgeous home on the outskirts of town, and explain their absences on sunny days as family camping trips. Family patriarch Carlisle Cullen has an esteemed position as a physician in the community. His ability to heal the sick adds further validity to the importance of outward appearances and assimilation into the mainstream culture of the Cullen family.

The Cullens, while acculturating into

mainstream culture, simultaneously maintain their own cultural customs. To avoid suspicion, the Cullens remain indoors on sunny days. This protects their identity and alleviates fear of being discovered for who they really are. While multiple measures are made to fit into society, the Cullens are still targets of rumor, suspicion and doubt. Typical of stereotypes that accompany those who deviate from the perceived norm, the Cullens are too white, too beautiful and too aloof. Because the other high school students have difficulty with their perceptions of the Cullens they do not interact with them unless they are forced to do so. They cannot figure out why the Cullens are so distant and vague and are labeled as “weird” and “different.”

While Meyers takes readers on a journey into the rich traditions and culture of the Native American Quileute Tribe, it is the uniqueness of the vampirish Cullen clan that provides insight into issues of diversity through a cultural perspective that reflects the tenets of prejudice, discrimination, stereotypes, acculturation and historical familiarity. ♪



Recognizing and Managing Cultural Differences

Darrell W. Williams, International Business Consultant
Williams and Associates, Inc.

Darrell W. Williams has accrued over 30 years of international experience in his 40-plus years in the energy business, and has conducted business in more than 45 countries. Recently, he has been serving as an international business consultant through the firm of Williams and Associates, Inc.

From 1993 until 2002, he was associated with the German firm of Deutag Drilling in both marketing and operations positions. In 1996, Mr. Williams was transferred to Germany and served as managing director of Deutag International. Prior to joining Deutag, he was in senior executive positions with Nabors Drilling, Pool Company, Baker Hughes and SEDCO.

His earlier years were with Tenneco and Humble Oil as a drilling engineer and reservoir engineer. Mr. Williams is past chairman of the Houston Chapter of International Association of Drilling Contractors (IADC), past member of the IADC executive committee, past chairman of the SPE/IADC annual drilling conference, a life member of the Society of Petroleum Engineers and a registered professional engineer in Texas.

He served as a director of SMDC and as a director and audit committee member of Contango Oil and Gas Company and as a business advisor/equity owner for a privately held oilfield manufacturing company.

Mr. Williams graduated from West Virginia University with a degree in petroleum engineering in 1964. He routinely visits WVU as a guest lecturer for the Petroleum Engineering Department.

Most university students are well equipped to enter the business world upon graduation. Armed with their technical, speaking and business skills, they venture into a world of countries, peoples, customs and cultures to provide value for their employer.

Some are fortunate to begin their apprenticeship in the care of a large corporation in cultural environments not much different from the one that surrounded them during their past 21 years as a maturing child and student. Others are immediately placed into business, government or social environments that are outside of their familiar territory and expected to be as successful as the first group – but without any training on how to manage their way through customs and cultures much different than their own.



A drilling rig located in Bangladesh

I can say that in *all* of my experience of negotiating and managing projects in countries around the world, our largest mistake as a company was to underestimate the influence and effect of local culture on the outcome of the task...

My own career path has taken me into 40-plus countries over the past 45 years, where I either negotiated business deals and/or operated the outcome of these negotiations. In some cases, the technology was “cutting edge,” as was the case of contracting drilling rigs to drill in ultra deep water offshore Africa, South America and Australia. I soon learned that the technology could not be effectively implemented without the use of local labor that had to be trained in our business culture. Additionally, I had to train our existing employees in the customs and cultures of those who would be working at their side, so that tolerance, patience, respect and understanding could co-exist between all parties. These types of challenges were overarching to those that were just technical or commercial in nature.

One of my early challenges was dealing with six maritime unions in Australia. Our deepwater drill ship was one of few that could drill gas wells in 3000 feet of water, and we were pleased that we had been awarded the contract for the work. Unfortunately, we underestimated the power of union labor in Australia, and found ourselves spending more time negotiating about the type of food served on board our vessel and the delivery



An aerial view of a drilling site on the Caspian Sea

time of the local newspapers than anything to do with how to get the wells drilled.

Another case in point was my entry into Bangladesh to drill for a major US-based oil company. Contractually, we were obligated to honor the safety standards of the oil company as well as our own in-house rules. We had many training meetings with the foremen of the local work force in Dhaka and felt that we had successfully communicated the fundamentals of our combined safety program. My first visit to the rig site near Sylhet was disappointing, when I observed the local workers with no head, eye or foot protection. My local German manager tried to explain to me that the work had to be expedited, so he gave exceptions to the workers who did not want to wear any of the protective gear we had issued. Local authorities in Bangladesh were looking for excuses to monetarily penalize both us and the oil company, and I had to suspend operations until we made it abundantly clear that no one would work on our site until they followed the rules. This had to be done in a way to minimize the animosity created by changing how the

local people were accustomed to working in their own country.

As managing director of a large German international drilling and fabrication company, I was challenged in 2001 with implementing and successfully completing a \$500 million contract in the Caspian Sea offshore Kazakhstan. The basic building blocks for the project had been well defined, but we had underestimated the complexity of dealing with the myriad of government authorities in Kazakhstan, the number of border crossings required for the equipment, people and materials, and the conflicts that continually arose between our client and the local labor force. Additionally, our client was a consortium of five major oil companies who were having their own internal culture issues.

This project was one of the largest challenges of my career. It was frustrating to know that we had all of the technology available within our tool box of experience to successfully drill deep, high pressure wells on an artificial island in the Caspian Sea and that we had little control on how

all the local cultures would embrace our technology so that the project could be implemented. Over 80 percent of my time was spent negotiating, pleading, educating, training and compromising so that schedules could be accomplished and that the safety standards and the economic fundamentals of the project did not falter.

It is always useful to compile a “lessons learned” report after completion of a project. The client, as well as the team leaders of the contracting company, need to list what could have been done to mitigate major issues during the project, and they need to identify major changes that should be considered for future projects of this type in the country of interest.

I can say that in *all* of my experience of negotiating and managing projects in countries around the world, our largest mistake as a company was to underestimate the influence and effect of local culture on the outcome of the task – both from the expected completion schedule and from an economic standpoint.

(continued on p. 44)



Why Good Enough is the New Perfect for Me

Hollie Schwartz Temple, Professor
West Virginia University College of Law

Professor Hollee Schwartz Temple directs the legal writing program at West Virginia University College of Law. Her new book, *Good Enough Is the New Perfect: Finding Happiness and Success in Modern Motherhood* (Harlequin Nonfiction) is available in bookstores nationwide.

A sought-after speaker for corporations, conferences, universities and women's groups, Ms. Temple provides keynote addresses and seminars on work/life balance. Since 2009, she has written a regular work/life balance column for the *American Bar Association Journal*, the nation's premiere magazine for lawyers. She also blogs about balance, parenting and wellness at <http://thenewperfect.com>.

Last year, as I was finishing up my new book on work/life balance, I asked my eight-year-old son if he thought childcare and balance issues would play a role in his future. "I'm not sure what the big deal is, Mom," Gideon replied. "I'll watch the kids while my wife teaches at the law school during the day, and she'll watch them in the evenings when I'm playing in the NBA!"

I hope his work/life challenges will be so easily solved. But during the four years I spent researching and writing *Good Enough Is the New Perfect: Finding Happiness and Success in Modern Motherhood*, I learned that work/life fit is an increasingly pressing issue, and that **attitude** makes all the difference when balancing work and family – even for professionals in high-stakes careers.

My co-author and I surveyed 905 American moms born between 1965 and 1980, and we figured these professionals would cite inflexible employers or financial pressures or unhelpful spouses as the biggest barriers to achieving work/life balance. But what did they actually blame? Their own attitude of *unrelenting perfectionism*.

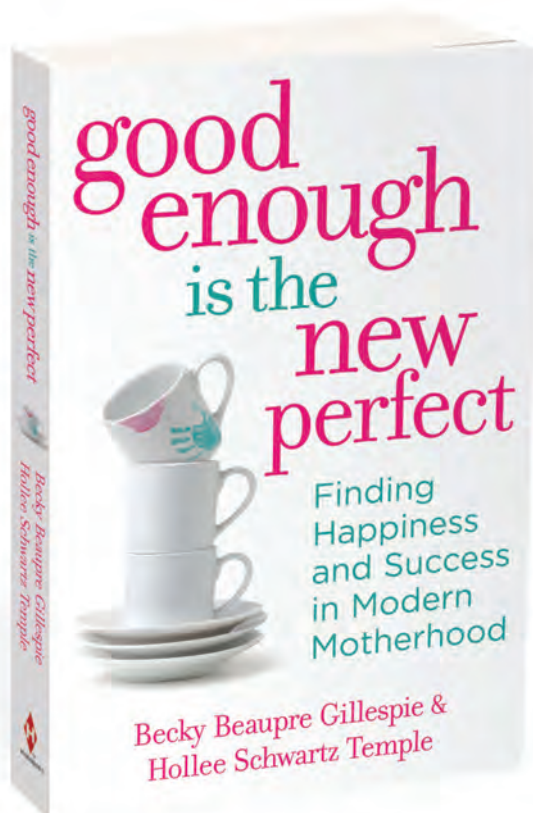
When we discovered that employees had become their own worst enemies, we knew we had to yell it from the rooftops: You're not making things better by trying to be The Best at everything – you simply can't be everything to everyone at all times! Something has to give, and if you can figure out when to pull out the stops and when to lighten up a bit, you'll be happier and more successful.

More successful? That's right. The moms in our survey who were focused on being "good enough and happy" at work and at home (we call them *Good Enoughs*) were actually outpacing their perfectionist counterparts (called the *Never Enoughs*) in many ways. The Never Enoughs made a bit more money, but the Good Enoughs had better marriages, felt they had made less sacrifices, and were better at taking time for themselves and the things they loved.

Their secret wasn't that they had decided to settle or slack off. They'd simply adjusted their expectations to better fit their personal priorities. Here are the biggest lessons I learned from the inspiring parents profiled in *Good Enough Is the New Perfect*:

- 1 **Recognize that there is a difference between "being the best" and "doing your best."**

So many of the moms we interviewed for *Good Enough Is the New Perfect* felt like they were





competing in the Motherhood Olympics and, by golly, these moms were going to *win*.

But that left many of them feeling, well, miserable. And they weren't even comparing themselves to a real person, but rather to a composite "perfect mother" who was effortlessly knocking off everything on her professional and personal to-do lists, without a trace of macaroni in her up-to-date hair. That mom doesn't exist in real life! Shoot for your own best – and try hard not to compare.

2 Don't chase someone else's definition of success.


Many of the moms who were struggling with work/life balance got tripped up by following someone else's idea of what a "good mom" or a "good professional" looked like. That didn't work out very well because, often, these women did not have the same responsibilities or interests as the moms who were dictating their standards.

For instance, one mom featured in our book was trying to create a Martha Stewart-like environment at home, much like her own mother had done a generation ago. However, she was trying to create the household nirvana while also building her speech therapy practice and an online gift business. No wonder she couldn't be Martha!

3 Work/life balance is no longer a "women's issue."

Women are not the only professionals who want to grow careers and families simultaneously. This generation of men prizes family time like never before – on average, they spend twice as much time with their kids as their own dads spent with them.

And then there's the elder care complication – this generation of parents is stuck in the middle of a "care sandwich" of sorts, consumed with both their growing kids

and aging parents. Employers who recognize that these situations are temporary, and who support their employees with flexibility, reap great loyalty in return. 



What are Black, White and Red Together?

Michael Lee, Executive Director
Louis Stokes Alliance for Minority Participation

Michael Lee is the executive director of The Kentucky/West Virginia – Louis Stokes Alliance for Minority Participation (KY-WV LSAMP), housed at the University of Kentucky. The KYWV-LSAMP is a multidisciplinary undergraduate program featuring an organizational structure of multiple institutions working together toward a shared goal. The Alliance includes partners from two- and four-year higher education institutions, business and industries, national research laboratories and local, state, and federal agencies.

The overarching aim of the partnerships is to increase significantly the quantity and quality of burgeoning population (underrepresented/underserved) students who graduate from college with a degree in science, technology, engineering or mathematics (STEM) disciplines. The Program works to vitalize the Kentucky and West Virginia talent pool in STEM by providing academic and financial support constructs.

Michael Lee is currently working on developing opportunities to connect senior communities (villages) to pre-kindergarten/primary school age students to better prepare student comportment and assimilation into society and education environments. Michael Lee also is involved in a unique initiative to change the paradigm for “broadening participation” by creating opportunities for distressed areas, schools/colleges of social work, and education to participate in the STEM enterprise (STEM-ED).

A valuable American resource comprised in all regions of these United States includes a diversity mosaic we call the “Burgeoning Population Communities.” According to the U.S. Census definition, White Americans are the majority racial group in almost all of the United States. They are not, however, the majority in California, Hawaii, New Mexico, many American Indian reservations, parts of the South known as the Black Belt, and in many urban areas throughout the country.

Thirteen states, from the upper area of Mississippi to the lower end of New York, make up the Appalachian region. West Virginia is the only state which is considered totally Appalachia. Overall, the highest concentrations of individuals referred to as “White alone” by the Census Bureau are found in the Midwest, New England, the Rocky Mountain states, Kentucky and West Virginia.

However, an omission of cultural distinction, which is unique to Kentucky, West Virginia and the Appalachian region, is a group often unheard of, or subject to family/community assimilation as White/Black, known as the Melungeons. Therefore, recognizing the Appalachian community as a rich layer of un-mined diversity that is still unenclosed in diversity efforts adds value and an additional layer to diversity unique to our community.

Melungeon (pronounced me’ lenjen) is a term traditionally applied to one of a number of “tri-racial isolate” groups of the southeastern United States and prominently in Eastern Kentucky and West Virginia. One of the many legends about the starting point of the Melungeons suggests that they are one of mixed cultural ethnicities – Black, White and American Indian ancestry. These populations are included as “underrepresented” in critical areas of our national interests, not the least of which are



The Melungeon is a diverse ethnic group unique to Eastern Kentucky, West Virginia and the Appalachian region

science, technology, engineering and mathematics (STEM), areas that many posit drive the free market or global economy. Developing opportunities that include these groups is critical to rebuilding our nation's competitive edge, especially in primary and secondary (STEM) education.

Now consider that the Hispanic/Latino populations grow at a rate seven and one-half times that of the majority. The African American populations grow at a rate four and one-half times of the majority and Pacific Islanders and American Indians are holding population pace. All the while, the majority is declining. Currently the groups that reflect growth in our nation are called "minority."

When we think about what the term minority means in a current framework that hinders an equal environment based on ethnicity or culture, we have much work to do. If we come to terms with what "minority" truly represents, the concept of race, as a sociological context would no longer be compulsory. We might then feel good about a time in the near term being considered "A Post Racial Society." Labels, by nature, try to define what is on the "inside." When they do this, they are useful because those to whom the labels are attached and those attaching the labels purport to be familiar with the contents of the package and therefore can define it. Not so true when it comes to people. So, what about the "minority" label?

As a descriptor of a people, one needs only to consider the well-documented conversation within the Continental Congress, regarding forbidding the expansion of slavery into the Northwest Territory. On May 14 in 1787, 55 delegates from 12 states (Rhode Island did not send any delegates) convened in Philadelphia. It was known as the Constitutional Convention only in hindsight, because its original purpose was to revamp the Articles of Confederation. Two of the central issues facing the convention were the "big states" versus the "little states" and, of course, slavery. The two issues were connected by way of debate

over whether slaves would be counted, in terms of political representation, as a population or as property. If counted as population, slaves would then be seen as *equal* to whites. If counted as property, then the South would receive much less representation and lose considerable political power.

The argument was posed as to whether states should have power according to population or to wealth. In Philadelphia, in 1787, the dilemma was addressed with the first of many compromises in America over the issue of slavery. James Wilson, one of the eight delegates from Philadelphia, proposed the "three-fifths rule." The idea was taken from an earlier proposal at the Confederation Congress of 1783, which for purposes of representation, allowed slaves to be counted as three-fifths white – that is, the "whole number of white and other free citizens and three-fifths of all other persons except Indians not paying taxes..."

While this "federal ratio" was adopted and remained law until the Reconstruction Amendments were added to the Constitution after the Civil War, the word "slavery" never appeared in the Constitution. Since then, the term "minority" has become a powerful socialization tool that is often inculcated into a community structure and internalized by the labeled, and asserts that three-fifths means "minority" in a context today that has nothing to do with numbers but rather a definition for a people that are perceived by some in our nation as "less than whole."

This term and its definition have both evolved into a stereotype threat, such that a so-called "minority is a person/group that is less than whole, and incapable of contribution or performance at societal expectations." The term has power, just as racism has power, and can be used to keep one in one's place. The term minority has morphed into a classification that includes everyone who is not considered White: Blacks; Hispanic/Latino; Indian, Asian, and other people of color including the Melungeons of Kentucky and West Virginia.

Recent data from the Higher Education Research Institute (HERI) at UCLA show that the burgeoning populations aspire to major in STEM subjects in college at the same rates as their White and Asian American peers, and have sought to do so since the late 1980s. Yet, these burgeoning populations have lower four- and five-year completion rates relative to those of Whites and Asian Americans.

That a similar picture previously was seen in data in the mid-1980s/90s signals that, although we have been aware of these problems for some time, we, as a nation, have made little collective progress in addressing them. Kentucky and West Virginia have an opportunity today to change this historic paradigm by re-thinking how talent, merit and ability are measured and including the full range of human resource in the equations. Then, do what is necessary to motivate success for our global competitive advantages.

To that end today, the entire world looks constantly for education-able populations that can give them a strategic competitive edge, and that serve as an attraction for the corporations developing new technologies, charting new courses, creating the jobs of the future and building strong economic bases for communities. Truly, the burgeoning populations remain a valuable resource and their abundance for us as a community invites Kentucky and West Virginia to lead the way by demonstrating the utility of harvesting this resource.

Kentucky and West Virginia both have an opportunity to lead the nation in ushering inclusion and diversity into the forefront of the social fabric of our nation by recognizing, the value of the burgeoning population and including a prominent element of the Appalachian community adds another layer of diversity to our most valuable resource – our human capital that, ultimately, includes all of us. ▽



Removing the Obstacles for Disabled Veterans

Heather French Henry, Miss America 2000
The Heather French Foundation for Veterans, Inc.

Heather Renee French Henry is a former Miss America title holder, current personality and fashion designer. As the daughter of a disabled Vietnam veteran, she has experienced the pain and suffering that can come with military service.

After winning the title of Miss America 2000, the first Kentuckian to do so, she traveled over 300,000 miles across the United States on a national speaking tour entitled "Our Forgotten Heroes: Honoring Our Nation's Homeless Veterans." Throughout that year, she not only visited veterans' facilities, meeting and talking with veterans, but her platform often took her to Washington, D.C. to lobby members of Congress on veterans' issues and legislation. Soon, veterans' healthcare issues brought about a second campaign and tour, entitled "Fighting the Silent Enemy: Hepatitis C," during which hundreds of veterans were screened and made aware of the dangers of Hepatitis C.

Today, more than a decade after her reign and year of service as Miss America, Heather French Henry is still traveling across the country to raise awareness and funding for veterans' issues through the Heather French Foundation for Veterans, Inc. established in 2000. She has received numerous awards for her work with veterans.

She is a graduate of the University of Cincinnati School of Design, Art, and Architecture and Planning.

Note: American veterans number nearly 24 million and, since 2001, the number of disabled veterans has jumped by 25 percent.

The dictionary defines diversity as the condition of being different. The issues that confront us in dealing with those differences, whether of gender, race, religion age or nationality, are ones that most of us are aware of and we live our lives sensitive to the amelioration of them. The "diversity" issues related to veterans are oftentimes unique or, more particularly, unrecognized by us. While veterans have the same diversity issues of gender, race, religion, age, nationality as the population as a whole, they also have the distinct and difficult issues of transitioning into a "normal" life because of changes wrought on their lives by their military service.

Whether the veteran is newly discharged or has been out of the service for decades, the transitions facing our American military servicemen and women never end. As the daughter of a Vietnam Veteran, I am aware of the mental and physical challenges faced daily by veterans, such as pain and suffering from physical wounds that often increases with age, difficulty transitioning job skills upon reentering civilian life, or mentally coping with the terrors of war and the demons of Post Traumatic Stress Disorder (PTSD). These life-altering transitions are unique obstacles for America's finest, that



make them a diverse group to which we must devote special attention if we are to be facilitators of successful transitions.

We "civilians" often make the mistake of not taking notice of the difficulty surrounding those transitions faced by our returning veterans. After all, doesn't the government provide them with lifelong health and mental services? The answer is yes – and no. Confused? Then you find yourself in the company of millions of our military men and women. The truth is, there are wonderful programs available to assist our military in many comprehensive ways. Throughout the country, the Department of Veterans Affairs still serves as the only national health care system and is a top-rated medical research branch of the government. The VA also boasts of being the largest network of government and community-based organizations available for veterans including, but not limited to, health care, benefits, research, homelessness, substance abuse, PTSD counseling, suicide prevention, work therapy programs and so much



more. The VA does do a great job. It is no easy task to take care of the needs of an 18-year old wounded veteran or a 108-year old former World War II POW. The expansive needs stretch the department to the limits, but yet it still works.

And, with more than seven million veterans utilizing the system, it deserves respect...but what about the other 18 million veterans who do not utilize its services? For instance, why aren't veterans partaking in the counseling services offered by the VET Center, arguably one of the most underutilized programs, or the transition services offered at many of the nation's Veterans' Outreach Centers (VOCs)? Awareness, it is all about awareness.

Are veterans and their dependents aware of the programs and services offered nationally and within their own state? Where does the responsibility lie for educating our military about these services? The answer: it is everyone's responsibility. It is our responsibility. For too long, politicians have played the sides of patriotism for votes during elections...is it a Republican issue or a Democratic issue? The truth is, it is an American issue. Whether you have a family member who served or not, the well-being and successful transitioning of current military to civilian life should concern us all.

George Washington stated, *"The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the Veterans of earlier wars were treated and appreciated by their nation."*

To me, this quote places the responsibility of a successful transition for our veterans squarely on the American people, on each of us. In fact, it puts the future defense of our nation on the backs and in the hands of the public. Whether it is offering free services to help train and educate our veterans or connecting them with many existing services offered by the Department of Labor, Department of Veterans' Affairs, or community based groups such as the

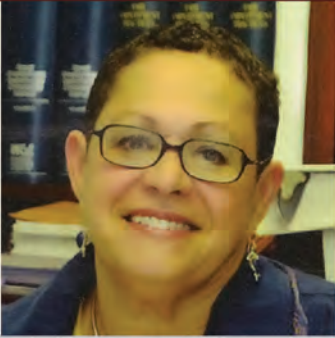


National Coalition for Homeless Veterans, or any or the nationally accredited Veteran Service Organizations. There are even organizations, such as the Student Veterans of America (www.studentveterans.org), which are growing in popularity on college campuses across the country and assisting in difficult transitioning for student veterans.

Another wonderful visionary program is the Veterans' Outreach Center, available online at www.veteransoutreachcenter.org. This one-stop-shop is designed to help veterans at any level of the transitioning experience, offering assistance on topics such as job skills transitioning, homelessness, legal services, etc. Although, this service is not available in every state, as it should be, there are many ways to receive services from a multitude of organizations and people nationwide.

My advice to any veteran or family member is to do a lot of research on the Internet, look for a Veteran Service Officer or Representative through your local VA Regional Office of Veteran Service Organization and never, ever give up. My advice to each of us is to educate ourselves about the special needs of our veterans,

the many programs available to them and, more importantly, begin actively aiding in the transitions of our soldiers back into civilian life. The price of freedom that has been paid for by the lives of millions of veterans should humble us as a nation and teach us to offer our service in return. ♡



Chancellor Scholars Program Opens Door of Opportunity

Jennifer McIntosh, Executive Officer for Social Justice
West Virginia University

Jennifer McIntosh was appointed Executive Officer for Social Justice at West Virginia University in October 1999. While assuming this role she continued as director of Affirmative Action/ Equal Opportunity Programs and subsequently was appointed as director of ADA/504 compliance. She assumed her position at WVU in 1993 after having served at the University of New Jersey College of Medicine and the University of Houston. She is a member of the WVU President's cabinet with responsibilities for the Morgantown campus as well as the regional WVU campuses.

As executive officer, Ms. McIntosh is responsible for providing central leadership for education and advocacy on issues related to social justice, as well as assuring compliance with all applicable federal and state laws related to employment and disabilities. She also is active in promoting enhanced educational opportunities for minority and economically disadvantaged college students.

Ms. McIntosh has 25 years of experience in higher education institutions throughout the country. Her expertise is specifically targeted toward issues of harassment and other forms of illegal discrimination, with particular interest in educational programming for faculty, staff and students. She is a frequent speaker at state, national and international events.

She has a BS (honors) degree in business from the University of the West Indies in Jamaica, which is her homeland, and an MS in business from Central Michigan University.

Assuring a highly competent and diverse faculty for the future requires enrolling highly competent and diverse students into doctoral programs now. For the past 10 years, West Virginia University (WVU) has recruited students from underrepresented populations through "The Colloquium for Aspiring Minority Doctoral Studies" into doctoral programs. The goal is to prepare these students with a doctorate and to encourage them to pursue faculty appointments, especially in West Virginia.

Each year we average between 30 and 40 students at the Colloquium to explore doctoral studies and WVU. Typically, eight to 10 enroll in studies and become known as "Chancellor Scholars." As they graduate, they pursue faculty appointments, with some staying within the state while others move to places literally around the world. The recognition of Chancellor Scholars was created to recognize the partnership and full endorsement of the West Virginia Higher Education Policy Commission and its Chancellor.

Dr. Chaun Stores preceded the current Chancellor Scholars program and is currently

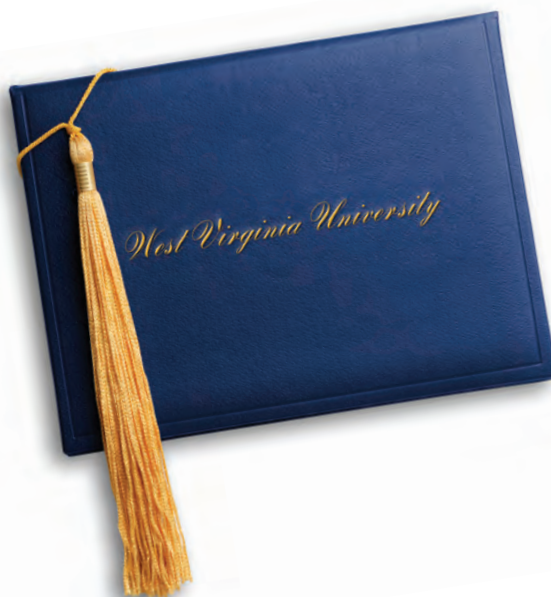
Senior Institutional Research & Reporting Specialist at WVU. His example, of completing the doctorate and staying in his home state (he is originally from Charleston), inspires current students. He has three observations about the Chancellor's Scholars program:

- *"The Chancellor Scholars Program is the cornerstone of diversity at West Virginia University. It helps create more diversity within the classroom and around the state. Moreover, the program attracts students from around the world to pursue their dream of attaining a doctoral degree;*
- *"The program is the embodiment of community and support – it helps to foster individual motivation through group cohesion; and*
- *"The program serves as a door of opportunity. Students are able to take advantage of various teaching, research and employment opportunities around the state of West Virginia."*

The number of Chancellor Scholars staying in West Virginia grows annually. A Keyser native, **Dr. Tara Brooks** completed her doctorate at WVU in special education following her attendance at the first Colloquium. She formerly taught in public schools in Mineral County, West Virginia and is a faculty member at Fairmont State University.

Dr. Damien Clement came to West Virginia as an undergraduate student at the University of Charleston. He completed his doctorate in exercise and sport science and is assistant professor in the WVU College of Physical Activity and Sport Science.

Charleston native **Daton Dean**, ABD, attended the second Colloquium and immediately decided to pursue a doctorate in education. She is now pursuing her dream as a faculty





Clockwise from top left: Dr. Chaun Stores, Dr. Tara Brooks, Dr. Damien Clement, Jason Staples, Dr. Joseph Nyachae and Daton Dean

member, serving as an assistant professor of education at West Virginia State University.

Dr. Joseph Nyachae completed his doctorate as a Chancellor Scholar and serves as lead instructional designer at WVU. He hails from Buffalo, New York, and also attended the 2002 Colloquium.

Jason Staples, ABD, is completing his degree in educational leadership and is a WVU training and development specialist. A Tennessee native with degrees from Middle Tennessee State University and Asbury Theological Seminary, Jason

is passionate about his feeling for West Virginia, saying "I love it here."

Whether staying in West Virginia or relocating, as some have, to places like Ghana or Canada, these Chancellor Scholars are still Mountaineers. Within the United States, Chancellor Scholars are found from Texas to New York and several states in between. Some may return in future years to lead and serve. Others may send promising scholars our way or hire future graduates. Possibly some may become donors. They all will be contributors to society, role models and

advocates for education. In addition, they will carry the title WVU Chancellor Scholar with pride, wherever they may go. ▽



My Adventures as a Minority Lawyer

Fazal A. Shere, Partner
Bowles Rice McDavid Graff & Love LLP

Fazal A. Shere is a partner in the Charleston office and a member of the Litigation Practice Group. He is primarily a civil litigator and concentrates his practice in toxic torts, deliberate intent actions, products liability, class actions, and construction cases. Mr. Shere also has experience in federal criminal defense, Truth-in-Lending Act, Regulation M and West Virginia Consumer and Credit Protection Act litigation.

Mr. Shere graduated with highest honors in chemistry from Aligarh Muslim University, India, in 1982, received a Master's degree in business administration from the University of New Orleans in 1985 and a law degree in 1989 from Tulane University. During law school, Mr. Shere was a Justice for the Tulane Moot Court Board, a member of the Inns of Court, and won national honors representing Tulane Law School in the Jessup Moot Court Competition. In 1998, Mr. Shere participated in the 17th Annual Trial Advocacy Institute at the University of Virginia School of Law.

Mr. Shere is a graduate of Leadership West Virginia (2002), Leadership Charleston (1998) and the Trial Advocacy Institute at the University of Virginia (1998). He is also active as a public speaker at events organized by continuing legal education companies. Mr. Shere has published articles on toxic torts, the first amendment, products liability and mold litigation. He serves as the president of the board of directors of the Kanawha Pastoral Counseling Center, and is active in the West Virginia Chamber of Commerce. Mr. Shere is fluent in the languages of Hindi and Urdu.

At my first hearing in one of West Virginia's southern counties, I gingerly stepped up to the Judge's bench and introduced myself as the coal company lawyer. Soon the plaintiffs' attorney joined us. The Judge addressed some other matters and then turned his attention to us. He muttered something and leafed through his papers.

Finally, he stated with some annoyance, "The Plaintiffs' attorney is here, the consultant is here... if the coal company lawyer would show up, we could begin the hearing."

I was confused, but soon found my bearings. "I am the coal company lawyer, your Honor," I said.

"Oops, I am sorry. Misjudged you on that one. Well then, we can begin the hearing."

That was in the early nineties. I have not had too many problems since then in being seen as a lawyer. Sure, in automobile dealerships, I am often mistaken for a physician, and I could easily walk into any ER in the state and not be questioned. It is positively thrilling at times to

be a minority lawyer for the simple fact that it is a rarity. Like driving a Bugatti or maybe just a well-maintained AMC Gremlin. I have now practiced law for over 20 years as a brown man and sometimes I feel like a pioneer, even though I never really blazed a trail or trod on unfamiliar sod in the quest of an uncharted river. Self-delusion has its advantages.

Of course, in law school, in the mid-1980s, my career choice was more of an oddity. I was told by many people, most of whom were my own skin color, that my career options were limited to immigration law or business incorporation (or was it motel incorporation?). One well-meaning Pakistani lawyer friend told me with marked gravitas that pursuing my desire of doing litigation in a law firm was an outrageous pipe dream. But I saw myself as a debater and Moot Court warrior and litigation was the only avenue that made sense. Luckily, the pipe dream materialized into reality.

Practicing litigation as a minority lawyer has its advantages. Some opposing counsel assume I



know more medicine than I really do. I can distinguish stateside scientific articles from their foreign counterparts by the spelling of the word “tumour” or by the use of the term “fortnight.” I can empathize with judges who use international precepts for certain components of their decision, through I have yet to spot a tidy reference to *Sharia* law, even though legislators in certain states see it as the looming antichrist in our legal system. Most notably, I can always send the opposition chasing a red herring by dropping an arcane cricket reference in a footnote in my brief. Plus, being a minority lawyer and a West Virginian adds another layer of exoticism and excitement to my persona, like finding a really good Bordeaux in Zimbabwe.

There are some lows as well. My ethnic community’s frustration at our country’s perceived legal morass is often focused on me at dinner parties. I am tired of explaining why the separation of church and state does not prevent Pat Robertson from running for office. If it all gets too much, I can always spread the rumor that the free exercise clause is a really good deal at the YMCA. At work, I am always at a loss answering queries on immigration law - yes, I did get a green card, and then citizenship, but I have no idea how anyone else is supposed to accomplish that.

Our profession is a magical one. I have found my own stock rise in my immediate family, from being the horribly spoilt youngest child to one who can dispense sound legal advice. I feel privileged to have helped a wonderful young Muslim lady in her claim for airline discrimination post 9/11. I have counseled people on civil rights issues and the occasional overreach of our federal enforcement personnel.

On a reflective note, I often have wondered how it would have been to practice law in the United States as a minority in the 1950s and 1960s. Would I have been marginalized and felt truly out of place? Since 9/11, I do have some inkling of how that might have been. For instance,

watching reruns of *Fried Green Tomatoes* on television is a classic guilty pleasure in my book. But I recently watched that movie with an entirely new vision. I heard the references to the “colored man” and the n-word. I saw the segregated courtroom and the comic appearance of the Ku Klux Klan. Yet, this time, I did not see *Fried Green Tomatoes* as a melodrama or a nod at an archaic America that we have outgrown. For I am a Muslim, and having spent the summer of 2010 with the vitriolic shenanigans surrounding the New York Cordoba Islamic Center, and the many innuendoes spawned by a certain television network for 10 years, the movie felt current and literal.

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In these days of economic hardship for many Americans, worldwide competitive economic pressures and an oceanic deficit, our country could do better than spend a disproportionate amount of time jangling barbaric chants against a religious minority and its legal aspirations. It is demeaning to a great nation and we do not need to relive *Fried Green Tomatoes* for one of our citizen brethren. America is all about having opinions and freely expressing them - but we learn from history and no longer use the n-word, and people are not denounced for the color of their skin by the media. We no longer use derogatory terms in public and political discourse for Jews and Italians and, as Mayor Bloomberg eloquently pointed out, a Jew no longer needs the blessing of his Christian friend to buy property in Manhattan or South Beach. Let us not subject Muslims to

the same indignities just because they are perceived as the villains *du jour*, or because they are easy targets without a media presence or significant political clout. We have moved on from that age and history does not have to repeat its darkest periods.

But, I digress. We are on the cusp of making the legal profession truly diverse. Our law firm struggles mightily to make that concept a reality. There is a lot of jangling and head butting that comes with the acceptance of new ideas, but that is what makes a society vital and progressive. True leaders rise above the fray and lead by example. Hopefully, that is what we are doing at our law firm and in our country in general. Meanwhile, I relish being a minority lawyer, and a lawyer in general, most days of the week. Just don’t ask me questions about immigration law. ♡

Hardesty: Getting the Best Outputs from Diverse Inputs

(continued from p. 5)

“The facilitation approach creates a culture of inclusiveness. This is especially true in organizations where there are diverse backgrounds in educations.”

“When you facilitate a meeting, it takes time to capture a sense of what a person is saying. This ‘time lapse’ gives each participant an opportunity to absorb what is being said. Often, in unfacilitated meetings, comments are often not absorbed before the discussion moves on.”

Jack and Carl (who now leads CESD) are professional, experienced and knowledgeable thought leaders. We were fortunate to cross their paths, and for 17 years now, we have grown as individuals and as a firm because we learned to listen and respect diverse inputs in an effort to achieve maximum outputs.

Both the diversity of group membership and excellent facilitation of group efforts are necessary to achieve organizational excellence. Today this belief is firmly embedded in the culture of Bowles Rice. ▽

Williams: Recognizing and Managing Cultural Differences

(continued from p. 33)

Today, a major part of my international consulting services is aimed at assisting corporations of all sizes to prepare for these issues and to plan how to mitigate the economic and political risks associated with cultures and customs. Internal and external workshops play a large role in what I do, but often just an “awareness” presentation from me to senior management sows the seed to let them proceed internally with a plan.

Having said all of this, I urge our educators and business leaders to touch on these subjects in some form or fashion with their students and employees. Once the subject of cultural differences is addressed, they will be in a better position to develop plans to positively affect the cost and schedule of their projects, and to grow into senior management positions. ▽

Population by Age, Race and Hispanic Origin; United States: 2009

(See article on p. 14)

	Total Population	Black; Not Hispanic	% of Total	AIAN; Not Hispanic	% of Total	Asian; Not Hispanic	% of Total	NHOPI; Not Hispanic	% of Total	Hispanic	% of Total	Two+ Races; Not Hispanic	% of Total	White; Not Hispanic	% of Total
Total Population	307,006,550	37,681,544	12.3%	2,360,807	0.8%	13,686,083	4.5%	448,510	0.1%	48,419,324	15.8%	4,559,042	1.5%	199,851,240	65.1%
Under 5 years	21,299,656	2,909,385	13.7%	194,902	0.9%	959,911	4.5%	37,097	0.2%	5,484,770	25.8%	697,649	3.3%	11,015,942	51.7%
5 to 9 years	20,609,634	2,796,496	13.6%	178,446	0.9%	913,806	4.4%	35,093	0.2%	4,792,409	23.3%	618,169	3.0%	11,275,215	54.7%
10 to 14 years	19,973,564	2,857,269	14.3%	173,808	0.9%	813,996	4.1%	32,159	0.2%	4,059,590	20.3%	520,680	2.6%	11,516,062	57.7%
15 to 19 years	21,537,837	3,285,249	15.3%	202,702	0.9%	824,871	3.8%	35,572	0.2%	4,031,986	18.7%	450,049	2.1%	12,707,408	59.0%
20 to 24 years	21,539,559	3,102,041	14.4%	204,379	0.9%	888,781	4.1%	36,109	0.2%	3,883,925	18.0%	378,212	1.8%	13,046,112	60.6%
25 to 29 years	21,677,719	2,948,080	13.6%	190,121	0.9%	1,098,369	5.1%	38,488	0.2%	4,149,692	19.1%	325,583	1.5%	12,927,386	59.6%
30 to 34 years	19,888,603	2,568,707	12.9%	156,845	0.8%	1,203,073	6.0%	36,899	0.2%	4,029,775	20.3%	247,035	1.2%	11,646,269	58.6%
35 to 39 years	20,538,351	2,586,667	12.6%	152,688	0.7%	1,253,296	6.1%	34,052	0.2%	3,757,576	18.3%	219,006	1.1%	12,535,066	61.0%
40 to 44 years	20,991,605	2,592,865	12.4%	153,232	0.7%	1,097,417	5.2%	31,534	0.2%	3,306,453	15.8%	194,159	0.9%	13,615,945	64.9%
45 to 49 years	22,831,092	2,727,142	11.9%	168,192	0.7%	1,014,129	4.4%	31,848	0.1%	2,893,985	12.7%	201,421	0.9%	15,794,375	69.2%
50 to 54 years	21,761,391	2,486,851	11.4%	154,901	0.7%	906,047	4.2%	27,130	0.1%	2,273,831	10.4%	185,464	0.9%	15,727,167	72.3%
55 to 59 years	18,975,026	2,028,329	10.7%	129,829	0.7%	778,157	4.1%	22,195	0.1%	1,720,174	9.1%	151,372	0.8%	14,144,970	74.5%
60 to 64 years	15,811,923	1,494,948	9.5%	100,946	0.6%	607,784	3.8%	16,694	0.1%	1,274,195	8.1%	119,608	0.8%	12,197,748	77.1%
65 to 69 years	11,784,320	1,060,591	9.0%	70,261	0.6%	432,194	3.7%	11,789	0.1%	890,817	7.6%	83,346	0.7%	9,235,322	78.4%
70 to 74 years	9,007,747	819,627	9.1%	50,353	0.6%	328,030	3.6%	8,622	0.1%	675,704	7.5%	59,454	0.7%	7,065,957	78.4%
75 to 79 years	7,325,528	627,478	8.6%	35,223	0.5%	243,396	3.3%	5,981	0.1%	508,733	6.9%	44,456	0.6%	5,860,261	80.0%
80 to 84 years	5,822,334	439,402	7.5%	23,312	0.4%	170,054	2.9%	3,873	0.1%	361,632	6.2%	32,348	0.6%	4,791,713	82.3%
85 years and over	5,630,661	350,417	6.2%	20,667	0.4%	152,772	2.7%	3,375	0.1%	324,077	5.8%	31,031	0.6%	4,748,322	84.3%
Median Age	36.8	31.3		29.5		35.3		29.9		27.4		19.7		41.2	

Imam Haque: Faith & Diversity

(continued from p. 25)

a black man over a red, except in terms of what each person has of piety. Have I delivered the message?"

It is every person's right to choose his religion according to his own understanding and wishes. Throughout history, we find examples of the tragic results of one group imposing their beliefs on others.

"There shall be no compulsion in religion: the right way is now distinct from the wrong way. Anyone who denounces the devil and believes in God has grasped the strongest bond; one that never breaks. God is Hearer, Omniscient." (Quran 2:256)

Regarding the above, the Holy Quran also says:

"Do not revile those whom they call upon besides God, lest they revile God out of spite in their ignorance. Thus, We have made alluring to each people its own doings. In the end will they return to their Lord and He shall then tell them the truth of what they did." (Quran 6:108)

History of Islam shows us many good examples of respect of other faiths in the Muslim dominated countries. For example, "Convivencia of Muslim Andalusia" (according to a Spanish historian), as stated by Havery Cox: "the Convencia was that period in the history of Muslim Andalusia" when "cultures not only tolerated one another but also actively engaged one another, and drew on another's artistic and spiritual resources while maintaining the integrity of their own traditions."¹

I grew up in India, where many religions are practiced. I witnessed extraordinary cases of sacrifices and respect for each other from the people of different religions. I have heard of many Hindus and Muslims providing shelter and protection to people of the other faith in the time of crucial strife at great risk to themselves. But there are some among the followers of every religion who use religion to spread hatred and discord. It is thus a great challenge of our time to educate ourselves about how to seek unity while appreciating our diversity. ♡

¹ (Harvard Divinity Bulletin, 2005, Essay: "What the Mad Knight Was Seeking", written by Havery Cox, taken from the Book: Letters to my elders in Islam, by Jerald F. Dirks, Page No: 271)

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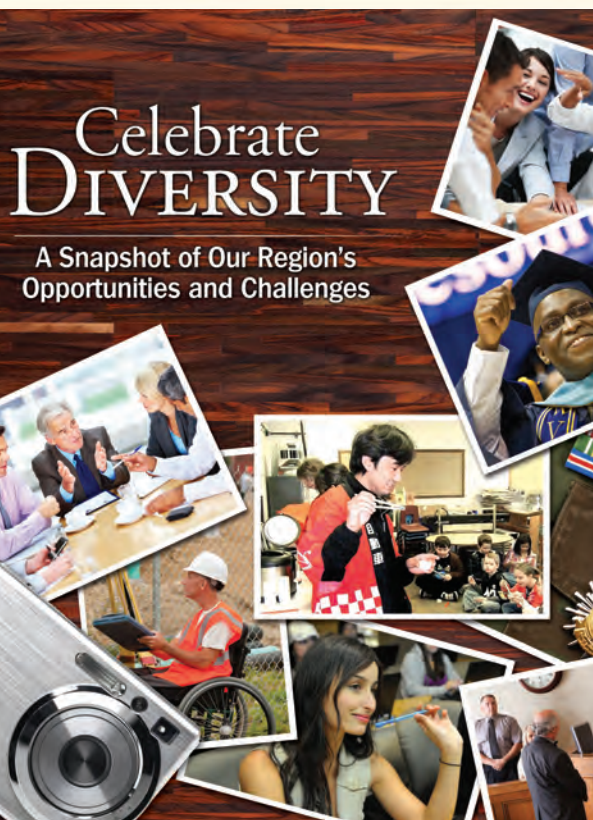
Celebrate Diversity

A Snapshot of Our Region's Opportunities and Challenges

Fall 2011

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