

A Perspective: Presidential Orders Related to Diversity and Inclusion in the Workplace

Richard Chapman, Managing Member

On September 22, 2020, President Trump issued his “Executive Order on Combating Race and Sex Stereotyping” stating that the Federal Government and Federal contractors “should continue to foster environments devoid of hostility grounded in race, sex, and other federally protected characteristics. Training employees to create an inclusive workplace is appropriate and beneficial.” The Order takes a turn by suggesting that there is an anti-American “malign ideology” that has a vision of America “rooted in the pernicious and false belief that America is an irredeemably racist and sexist country; that some people, simply on account of their race or sex, are oppressors; and that racial and sexual identities are more important than our common status as human beings and Americans.” The Order asserts that this “malign ideology” permeates diversity and inclusion training and “promote[s] divisiveness in the workplace...”

On January 20, 2021, President Biden issued his “[Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#).” Among other things, the Biden Executive Order revoked Trump’s Executive Order and directed heads of all agencies to consider reversing whatever steps they took to comply with the Trump Order. Enough said?

The Trump Executive Order reflected the belief of many men and revoking it did not necessarily change those beliefs. I think it is more important than ever to examine the “problem” at which the Trump Executive Order aimed. Seemingly aimed at various trainings’ harm to white men, the Order specifically prohibited training articulating “divisive concepts” that: “(1) one race or sex is inherently superior to another race or sex; (2) the United States is fundamentally racist or sexist; (3) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (4) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (5) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (6) an individual’s moral character is necessarily determined by his or her race or sex; (7) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (8) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (9) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race.” The term ‘divisive concepts’ also includes any other form of race or sex stereotyping or any other form of race or sex scapegoating.

As one of the white men the Order may seek to protect, I respectfully disagree. In my role as a managing member at Chapman Associates, I have facilitated many diversity and inclusion and anti-racism trainings. Participants are diverse, though primarily white. It is from this unique vantage point of being the trainer that I have reviewed the Order. While I do not employ “divisive concepts” in my training, I do tell participants that I have implicit bias. I have been raised in a society in which racism exists. I recognize that as a white male, I

have benefitted. During my facilitated training, participants explore their personal situations; many are similar to me. I do not make accusations or assumptions. To me, racism, bias, and exclusion are akin to illnesses that we did not ask for. We do not say we *are* a particular illness. Instead, we say we *have* an illness. A typical response is to get treatment. In my experience, training is an effective approach.

Only once, in the course of hundreds of training sessions, has a participant declared that she “is not a racist” when the training asserted that she was. Of course, I did not accuse her of being a racist. However, she—like many white men the Order may seek to protect—chose to hear or interpret the content of the training as making her out to be a “bad” person.

Rather than seeing the Order as wrong and subject to blanket misinterpretation, I have chosen to look at the Order as a symptom of the very “illness” we are seeking to eradicate by creating victims and wrongdoers. If participants believe the goal of training is to identify victims and wrongdoers, I believe the training will not be effective.

In the training that I and others lead, I choose to discuss implicit bias, privilege, and fragility as things we have, not things we are. Actions to create diverse and inclusive workplaces free from racism, harassment, discrimination, and retaliation are about our behaviors that can be changed. And, I believe that it is right and reasonable to do so based on the current circumstances in our world.

I, and many others, facilitate training to help transform people into champions in promoting, creating, and maintaining diversity, inclusion, and equity for all in their workplaces. It is not an anti-American “malign ideology” to acknowledge when our society has characteristics, including those that we did not create, that need us to change in our drive to create “a more perfect union.” And, when participants see the training that way, they do not need an Executive Order to protect them.

About Richard Chapman

As managing member of [Chapman Associates](#), Rich’s mission is to advance workplace compliance training by administering a positive, memorable training experience. A practicing attorney with significant experience in employment matters, Rich has successfully designed, customized, and presented hundreds of dynamic compliance training sessions. At Clark Hill, he is a leading trial lawyer concentrating on business and employment litigation in federal, state, and bankruptcy courts, as well as in arbitration, throughout the U.S. [Connect with Rich on LinkedIn](#).