

### 10 Takeaways from the 2024 WV SHRM State Council HR Legislative & Law Conference

1. The *Students for Fair Admissions, Inc.* case considers Title VI of the Civil Rights Act of 1964 (prohibiting discrimination in programs receiving federal funding)—not Title VII (prohibiting employment discrimination). Despite this distinction, more attention has been directed to diversity in the workplace in recent years. This may result in litigation relying on arguments and ideas contained in the Supreme Court's decision.
2. DEIA (diversity, equity, inclusion, and accessibility) is a hot topic in political discussions, and attorneys general from both parties support different views of DEIA initiatives and their place in the workplace.
3. The EEOC emphasized that the *Students for Fair Admissions, Inc. (SSFA)* decision does not discuss employer efforts to create diverse workplaces. However, employers should be prepared to address backlash concerning DEI efforts considering reactions since the *SSFA* decision in June 2023.
4. Employers should consider a broad definition of diversity that also includes characteristics that are not necessarily mentioned in law. Strive to create a workplace full of employees who are also diverse based on their experiences, backgrounds, and knowledge.
5. Although the *SSFA* decision does not alter current federal employment law, employers should examine their diversity programs to assess how race is considered in initiatives, mentorship, and hiring and promotion decisions, remaining mindful that promoting DEIA programming is not itself race-based decision-making.
6. There is a strong business imperative supporting DEI programming. Workplaces that embrace DEI initiatives are competitive in the market and have demonstrably higher productivity and profitability.
7. Effective DEI programs recognize the differences between diversity, equity, and inclusion, and focus first on creating an inclusive workplace with equitable policies.
8. Employers can effectively and efficiently promote DEI in their organizations by identifying DEI allies, securing leadership support, and assessing existing culture.
9. Education is also crucial for effective DEI programming, including educating supervisors on implicit bias and educating all stakeholders about the organizations' DEI efforts and why they make the workplace better for everyone.
10. Employers should champion and celebrate DEI efforts inside and outside of the organization to encourage and foster employee attitudes favorable to the cultivation of an inclusive and equitable workplace.



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