



**Regulation Matters:  
a CLEAR conversation**

## **Episode #47: Diversity, Equity, and Inclusion – Where are we now? November 9, 2021**

**Line Dempsey:** Welcome back to our podcast, Regulation Matters: a CLEAR conversation. I'm your host, Line Dempsey. I'm currently the chief compliance officer with Riccobene Associates Family Dentistry here in North Carolina, and I'm also CLEAR's President-elect.

As many of you are aware, the Council on Licensure, Enforcement, and Regulation, or CLEAR, is an association of individuals, agencies, and organizations that comprise the international community of professional and occupational regulation.

This podcast is a chance for you to hear about important topics in our regulatory community.

Our guests today are Sandy Greenberg, Vice President of Credentialing Services with ACT, and Marlon Brown, Chief Administrative Officer with the Michigan Department of Licensing and Regulatory Affairs. We're glad to have you with us today; welcome.

**Sandy Greenberg:** Thank you. So I am Sandy Greenberg, and I'm speaking to you from New York City. I'm especially glad to be here today and be part of CLEAR's DEI initiatives, especially thinking about the road from policy to practice.

**Marlon Brown:** Hello, my name is Marlon Brown. I serve as the Chief Administrative Officer for the Michigan Department of Licensing and Regulatory Affairs. I'm participating on the podcast from Mason, Michigan. Happy to be a part of the discussion, and I believe that DEI work is vital to any public service organization because we ultimately represent the people that we are serving.

**Line:** Well, we're certainly glad to be speaking with both of you. And let me also thank our listeners for joining us today.

So today's podcast episode is sort of a lead-in to CLEAR's [Winter Symposium](#). So the 2022 [Winter Symposium](#), which is titled "Building an Inclusive Regulatory Community from Policy to Practice," will focus on increasing access in regulated professions and occupations, particularly within the context of

integrating diversity, equity, and inclusion policies and ongoing discussions about access and the lasting impacts of the COVID-19 pandemic.

Today, we'll hear a report of the results of an international DEI survey undertaken in June and July of this year designed to investigate the DEI-related efforts and initiatives of regulatory boards and professional associations and to summarize that current and future state.

We will also hear from one jurisdiction's regulatory agency in Michigan regarding their DEI initiatives for both licensees and regulatory staff. So, Sandy, before we get into the survey results, can you maybe review the working definitions of DEI that you use?

**Sandy:** Thanks, Line. I think that's really important to get us on the same page. So, to my mind, diversity, equity, inclusion, and justice are social constructs. Diversity asks a key question, "who is in the room?" Diversity represents the presence of group-level differences, such as race or ethnicity, gender, and gender expression, sexual orientation, age, nationality, SES [socioeconomic status], language, culture, disability or ability, religion, spiritual belief, marital status, veteran status, and many others. It's a long list.

Equity asks not about group level differences but about who is trying to get into the room but can't. Equity represents the state or quality or ideal of being just, impartial, and fair. Everyone has what they need to thrive, to get into the room, no matter what their background or their life experiences. It requires doing what is needed to make the situation fair.

And inclusion represents the notion of, "Has everyone's ideas been heard?" Inclusion represents a sense of belonging and knowing your voice will be heard. Being in the room where the action takes place.

Justice is the outcome of recognizing diversity, creating the conditions of equity, and being inclusive. It addresses systematic barriers that hold folks back. Social justice is bringing issues to a conscious level.

**Line:** Well, thank you for providing that foundation. I guess, now, can you maybe describe the DEI survey. What made you want to develop this into a topic, into a survey, and who provided input for it.

**Sandy:** Thank you so much, and this is a passion. It's a really important question to me and the others who helped. So, this survey was developed initially in response to the racial events of summer 2020, and the survey results were intended for presentation at the annual meeting of CLEAR in September 2021.

First and foremost, I have to acknowledge the folks who contributed to the survey and the journey and to that session, including Staci Mason, a former member of the CLEAR Board of Directors. And, by the way, she did a previous podcast along with Marc Spector about a year ago, describing the actions that CLEAR board members are taking with regard to unconscious bias. And I want to acknowledge

Chris McIntyre, who invigorated all of us during the 2021 Midwinter Symposium on Unconscious Bias, and I have to thank the Regulatory Agency Administration Committee, who provided extremely critical reviews of the survey content, and the CLEAR Board of Directors who went the very full distance by endorsing the survey. So it's a group effort to get a benchmark report of where we are.

The result was about a 10-minute electronic survey again endorsed by CLEAR, disseminated by staff to a huge mailing list that CLEAR maintains, as well as to all the attendees at the January 2021 midwinter symposium.

The survey was designed to investigate four questions: the degree to which regulatory boards and/or professional associations are looking at issues related to systemic racism and unconscious bias; the steps that those groups are taking or considering taking to translate priorities into actions; the challenges that those groups have confronted to implementing a roadmap and ways to move forward; and, finally, the survey looked at the tangible measures of success, that is metrics that regulatory boards and professional associations have identified.

If you were a regulator, we asked, "Do you collect demographic information about your licensees? What conclusions have you reached? Do your licensees reflect the population? What are you doing to increase diversity if required?" Similarly, "[i]f you're a professional association, do your membership represent the population of the profession? Have you tried to increase diversity in your membership?"

And for both groups, we asked, "What are you doing with your own organization internally about DEI? What have you done so far? Is your staff diverse? Is your leadership diverse? What have you done to become more diverse?" And some metrics. Today I'll be focusing on the regulatory side of the house, as well as internal. Thanks.

**Line:** Well, that's great. Who responded to the survey? And was that a good representation?

**Sandy:** You know, that's a -- you put it a great way. So, you have a huge population survey; probably went out to 3,000-4,000 individuals.

The initial dissemination came this June and July. It was followed by lots of reminders by LinkedIn postings, by messages from the Board of Directors, by announcements on CLEAR's LinkedIn page. It's a very tough topic. It was a qualitative and quantitative survey. We received 130 responses, mostly from regulators, some members of professional organizations, and some consultants. I can't say that 130 people, 135 people, are representative of CLEAR membership. It certainly reflects people who had an interest in the topic.

But that's a very ticklish question. I will say that many, many, many professions were represented. So, we took a look at who responded to the survey; the widest array possible, including most health and non-healthcare professions that I had heard about ever attending CLEAR. That went from very traditional groups, the doctors and the nurses, to very contemporary groups, the cannabis growers.

It went from A to Z, the accountants and athletic trainers to veterinarians and wastewater works operators. Respondents, by the way, came basically from US and Canada, almost equal numbers and a few folks coming from Australia, New Zealand, the United Kingdom of Great Britain, and Ireland. So in terms of the professions and the locations, I do think it represents CLEAR's membership, and again each of those folks responded to rating scale questions and open-ended responses.

**Line:** So I guess with that, I mean, can you tell us what the respondents said about their organizations' interest in DEI? And, what did they say that actually prompted that interest?

**Sandy:** So I think with all surveys, the data that you collect is very much a function of and confounded by the time you collect the survey data. So we'll see about that, remembering that it was June and July of 2021, so just this past several months ago. More than four of every respondent said "yes, they were examining or planning to examine DEI issues." When we asked them to rate the priority, their organization's priority, we learn that somewhat more than half of the respondents identify DEI as having the high or highest priority compared to all other initiatives. And fewer than 14% assigned it a low or lowest priority rating. As an aside, so quickly, people are very proactive about wanting to look at this and where's it coming from.

We learned that -- we also asked what's known as a net promoter score question. "What do you endorse or think -- what do you think about your own organization's activities? How proactive is your organization internally about creating a work environment that addresses diversity, equity, and inclusion?" So, the net promoter score can go from one to ten, and only about 20%, or one in five respondents, gave it the highest rating of a nine or ten. About a third of the respondents said it was a seven or eight. And fully, nearly half of the respondents said on a net promoter score valued at between one and six. That's a relatively low rating in terms of their beliefs about their organization's real intentionality.

When we asked people what was driving their interest in DEI, they talked about social, political, and economic unrest in the country and in their profession and that's what's driven the examination of justice, equity, diversity, and inclusion and brought it to the forefront. Folks talked about, and mostly north of our US border, the Canadians talked about information related to the Truth and Reconciliation Commission information coming out about First Nations. Racist attitudes found to exist in the US and in many other locations, the George Floyd events, which was the trial of that time of the year, were front and foremost and general issues of racial justice. When we looked across the board, regardless of geography, we saw that our Oceania folks, were talking about both First Nations and Aboriginal Torres Strait Islander peoples and things in the news about them, the Black Lives Matter movement, the developments about residential schools and bodies found underneath those schools or unmarked graveyards. I'm really happy to report that the CLEAR symposium in 2021 on unconscious bias helped stir and drive people to the topic. So, it's -- one group said it started with the desire to equalize things for women and then expanded all across the board. Some people talked about

harassment at the workplace. A few talked about the fact that official mandates were coming down from government to look at this situation.

In terms of actually operationalizing action, they have this interest. About -- more than a third of our respondents indicated that their organization had identified a dedicated staff member or a unit or department to the job of considering DEI. So social pressures, the timing, and many forces driving us to the topic.

**Line:** So, when respondents looked at their organizations, what did they find out about how their organizations are responding?

**Sandy:** We had an open-ended question about this; that means that people can tell us what they thought. And in reading nearly 130 responses, they really varied widely. Many groups actually said they haven't collected any data yet. You know, they had appointed a task force, but they didn't really know what was going on. One group said that no DEI issues were being violated, and I congratulate them, probably the only group in the world.

Some groups recognized unnecessary barriers to registration and other groups recognized that they had policies and procedures that really required modernization. Some groups talked about just discerning outright racism. All in all, there were reports of problematic findings, ranging from bias, barriers to entry, racial disparities in the provision of services, the existence of glass ceilings, capping people's progress, possible exam problems to be investigated, and on and on.

Our respondents recognized the entrenched injustices and the need for long-term commitment, not the quick fixes to fulfill the challenge.

We heard reports of our members, our respondents, experiencing discrimination and racism. And as a result, organizations have begun to examine these issues of racism, bias, and non-inclusionary behavior. It's a very common finding. One very common finding, and this is the need to respond to these uncomfortable findings, is you must identify a committee or a task force, a consultant, or an outside expert to help you plan your intervention.

I want to comment that there were two very different types of responses in terms of what they found and how organizations are handling the need for change. One group said that "our DEI committee is charged with researching, prioritizing, and developing a strategy to bring to the board." I think that's really sensible. There's a lot to do; there may be a lot to change, but you've got to create your prioritized strategy.

And a second group said a similar thing, "we have a standing committee." That's great. "The purpose of the committee is to develop principles and actions to guide our work, to promote diversity and inclusion." Notice, "to guide our work and promote diversity and inclusion within the organization." Notice here that the focus is on recommended indicators; we want to discern how we can evaluate

our progress. Initial actions the groups have taken have generally been related to building staff training programs, using DEI available resources, and CLEAR's to be commended for its efforts regarding symposiums, etc.

They use newsletters and webinars. Some groups are working with universities or educators to expand the pipeline of applicants. They're working on change management to create a positive climate in the workplace.

One specific response is, "we have and will continue to look at our internal processes, including hiring, promoting, and compensating. We're looking at the diversity of our board members and what we can do to support DEI or their members and what our organization can do to support anti-racist activities and policies in the broader community."

So, it's looking inside, examining yourself, and then moving outside in general terms.

**Line:** Thanks, Sandy. So, when registrants described their candidates or registrants or licensees, what did they say and what were they doing to enhance diversity?

**Sandy:** So, you might guess, Line, that I'm a numbers person; so, were they able to describe how diverse the registrars -- were they able to describe how diverse their population was? It's a really interesting question for us. Well, more than half of the regulators were unable to comment about the diversity of the registrants or licensees.

They may know where folks were trained, but they do not have demographic information. And that's just the fact. In the case of some professions, racial diversity is the norm, and in the case of other professions it's just not.

On the other hand, some groups know that -- they know intuitively or anecdotally that their professions are typically male or female. So, the regulators understand that their licensees reflect the population of people applying to the profession.

In a few instances, we learned that individuals with diverse backgrounds may have actually left the profession because they didn't find it comfortable.

So, respondents were likely more than not to indicate that there was a lack of diversity in the profession, and this was a problem to be solved.

But the role of the regulator was not always clear. In other words, what can the regulator do to make it a more equitable situation? Specific suggestions that we heard from our regulators were looking at increasing the number of internationally educated candidates and therefore diverse candidates; working with training providers to facilitate better pathways into the profession for underrepresented cultures; involving yourselves in equity workforce panels; hiring community coordinators for outreach

activities to make your profession or your practice area known to people across the board; and engaging in better communication and collaboration with educators. The goal was to create a more inclusive environment through regulation and outreach that would exemplify a commitment to DEI. Very specific suggestions, including promoting the profession through a media campaign, professional development sessions to bridge the gap, reducing any unnecessary barrier to registration including improving mentoring systems, scholarships for minority groups, indigenous post-secondary students, being extremely transparent about resources on your website.

So, for example, in fact, we learned in Saskatchewan, there's a First Nations teacher education program actually developed at the universities to specifically bring in that population.

Final comment, many responded and said they were still in the planning stage, so they identified a problem and don't quite know what they're going to do now.

**Line:** Well, that sounds like a step in the right direction. So Sandy, I understand that some organizations are having a difficult time maybe quantifying, (and I'm a researcher too, so I'd like to get into the numbers as well), but quantifying the extent of the problem, right? As well as what did they tell you about the obstacles to effectively responding?

**Sandy:** I think this is almost about the rock and the hard place, Line. Quite a few regulatory agencies and even some professional organizations don't have the data to know about the disparate impact of the process on candidates and licensees. There may be legal restrictions on collecting demographic data on candidates, on registrants, or licensees.

Privacy regulations -- legislation may actually interfere with regulators' ability to collect this type of data, and it may also create anxiety with potential candidates or clients who are applying from all over the world. They may fear discrimination. So, we have to be very thoughtful about what data we're getting, how we can obtain it legally, how we're collecting this information, but explain it very carefully to anybody who we're asking.

One group that is an umbrella regulatory organization talked about legislation that actually prevented them from collecting data. We learned that some databases and software programs are not designed to collect the information. But one group said we collect the information, but we don't use it, and that's so ubiquitous it's pitiful to us, but there may be real barriers to using it.

The collection of demographic data, we have to recognize, can be seen as a threat to equity, so we have to look at how to collect data appropriately and sensitively, including how to collect it on a voluntary basis.

I'm going to share two vignettes that are really, really not related to the survey, Line, but I think you'd enjoy hearing about this.

I belong to the Exam Resources Advisory Committee at CLEAR (ERAC), and we're in the process of developing a quick poll about the collection of demographic data. A quick poll is one question to collect the data.

Well, we sent the poll out to a whole bunch of committee members, and sure enough, there must have been 20 responses by the end of the hour about changing that simple question. We've been flooded with ideas about what to ask and how to ask it.

And then I want to say something that's even trickier. How to collect the data -- what labels and terms are you going to use to collect data about sex, gender, or racial identity? So those are the classifications. This can be very tricky, especially if you're working across more than one geographic region of the world or nation where there's different acceptance of language and terminology.

**Line:** So, what challenges or obstacles has your board experienced in implementing DEI-related initiatives?

**Sandy:** I think here, I think most of the challenges were expected. Then there's the pandemic. So, by the way, the pandemic set everybody back on everything, including getting staff together. Regulators identified a real lack of staff capacity of in-house expertise. They really said you have to identify strong consultants and partners in this work.

They talked about how their own organizations were so homogeneous or how their leadership was white or male or older.

They talked about on an affective level how hints of change have a disruptive and threatening impact on people, so they talked about resistance to change and fear of the powerless, the perception of preferential treatment being given to unqualified applicants. A phrase I had not heard before was "issue fatigue;" are people just tired of hearing about this. And on the other hand, is there tokenism on these efforts? Are they really real rather than true equity?

One respondent recommended reaching out to an EDI expert to develop your action plan. That person can provide the organization with a roadmap and reporting requirements so that attention to metrics. So, whether or not everybody in the staff supports it, the work has been assigned, and the roadmap is laid out.

Finally, not everybody is interested. So, even in this survey that was responded to by mostly people pretty invested in DEI, we did have some small amount of negative response. Thanks.

**Line:** One final question for you, Sandy. How are the regulators doing? What metrics do they use to measure their success?

**Sandy:** Well, as one researcher to another, Line, I can talk to you about evaluation. So we were really eager to see, how are people going to know when they get there? What -- they're doing things, they're putting energy and resources in.

I'm going to say to you that, of all the many questions we asked in the survey, we received the fewest responses, open-ended responses, to this question, "how are you measuring success?" We got 23 people to answer this question, and fully a third of them said "we don't know, we're still in the planning stage, we're not there yet." Or they said, "we're just starting the journey, we know there's room for improvement. We're having lots of conversations, but we don't have a lot to show for it yet. We haven't been able to measure it. We're working really hard. Not sure about the progress, and change takes time." So this is that very issue of how do you evaluate when you get there?

I think the wisest thing is to understand that there are long-term goals, broader representation within each profession. And then shorter-term goals, from which you can identify near-term metrics.

Specific responses in this may be helpful for our audience, is looking at the diversity stats for the graduates of schools, for registrants, for licensees, for staff, and for board members. But to look at diversity stats you have to collect the data, so they want to collect the data.

Some groups are planning to evaluate every webinar to see if they are useful and effective. I'm going to have a cautionary note. Webinars are frequently very highly rated – "I really enjoyed myself, it was a great experience." Ask a follow-up question, "Did the webinar result in a change in behavior? Did you learn something that you took home and that you implemented?"

Some groups -- one group was counting the absolute number of outreach efforts, telephone calls and visits that their board members made to help increase the diversity of the schools that were feeding into their profession. So very, very real things.

And a number of groups said that they were examining qualitatively and quantitatively response to training programs, such as university courses, including courses on cultural humility. So, Line, there's no consensus about useful metrics yet. No conclusions reached. I'm going to leave you with just one thought, if you believe it's important to build and implement a systematic DEI strategy, I want to tell you it's even more important to evaluate the outcomes of the implementation. You must learn if you were on the road to where you need to be. Just don't do it and wonder if it did any good. Thanks.

**Line:** Thank you, Sandy, and it was such a great time to just chat with you again. So much fun working with you on the board in the past. So, thanks for giving us some great information on where organizations are in the DEI journey.

Now I want to turn it over to Marlon to give us an example of maybe what one organization is doing with DEI training. So, Marlon, I understand that you're presenting at CLEAR's upcoming [Winter](#)

[Symposium](#). I don't want you to give too much away about the presentation, but can you give us kind of a foreshadowing, an overview of what you're doing in Michigan?

**Marlon Brown:** So, thank you very much for the question. DEI work has been a huge priority under the leadership of Governor Gretchen Whitmer and also director Orlene Hawks who leads our Licensing and Regulatory Affairs Agency (LARA). This prioritization has taken both an external focus and an internal focus. And so, let me start by talking about what we've been doing externally with our licensees. And that is we've been promoting implicit bias training as a mechanism to help reduce barriers and disparities in both access to healthcare and the delivery of healthcare services.

Now what we've done is we've actually promulgated an administrative rule or policy, if you will, that requires any health professional in the state of Michigan to receive implicit bias training as a condition of being granted that initial license or as an ongoing condition of being granted a licensure renewal. This process was very exhaustive, because not only did the governor's office kick it off with an executive directive that forced us to begin looking at how this policy could be developed, but we engaged with stakeholders throughout the entire process, and also with our legislative counterparts. There's a very nuanced procedure by which any executive branch agency in Michigan can formally adopt rules outside of state statute. And so, what we've been able to do as a result of that process is that effective January 1 of this year, we've adopted the new policy. And that will take effect on January 1 of 2022, and individuals will need to demonstrate that they have been taking implicit bias training in order to be licensed as a health professional in the state.

Now, from an internal focus, similarly, we believe that we need to lead by example, and so Governor Whitmer has instituted the requirement that all state employees take implicit bias training, and LARA has been 100% compliant with this directive.

In addition to that, though, we have hired our agency's first Equity and Inclusion Officer. And so, this is a full-time position that is focused on how we are promoting DEI within our department. And so that person gives us a new focus and gives us the ability to really hone in on what DEI means specifically for LARA and how that can help us to better serve the citizens Michigan.

So those are kind of the two approaches that we've taken, and happy to talk a little bit more about them.

**Line:** That sounds like some great work on this initiative. How it has been received so far to date?

**Marlon:** Yes, that is a great question. I will answer that first by saying it's been received very well both externally and internally. One of the things that has helped us tremendously is when you have the leadership commitment at the top then people are more likely to follow. And so, we were able to tell stakeholders outside of LARA to our licensees, 'yes we're requiring this as a condition for licensure, but we've also taken implicit bias training ourselves that that demonstrates how important we believe

it is to be able to do our jobs effectively.' And so, being able to demonstrate that commitment from a leadership level on down to our field workers, I think, was very key.

The second is really having an open dialogue with everyone that would be impacted by the policy requirements. So for our licensees, we brought together stakeholders from all the different health professions that were impacted. We brought together members of the academic community, members of state government community, nonprofit organizations, community advocates, all around the table to talk about how this policy could be developed, what the curriculum for training should look like, and how we can partner with other organizations, not only to provide training content but subsequently to evaluate whether or not the new policy has been effective. And it was those conversations, sometimes difficult and sometimes tense conversations, really talking about why this is significant and why this is needed; it was those types of conversations that really got us all on the same page and enabled us to produce a policy and some guard rails around that policy that made the training meaningful and hopefully impactful for all of our licensees.

**Line:** Well, great. Again, without giving away too much of the upcoming presentation, is there anything more that you can share with our listeners about what you've learned so far?

**Marlon:** Yes, as you stated I'm excited to have the opportunity to present at the [CLEAR Winter Symposium](#) this coming January, and I'll give a lot more about what we've learned and what we've done with these various requirements externally and internally. We've learned a lot, and we're still learning. I think, the key is to have an open mindset, to know that you don't have all the answers, to be willing to listen to those who are going to be impacted. Those are just a few of the things that we've learned from this process, and we're still learning every day. The good thing is that we've adopted the policy for our licensees, but we still have time to fine-tune the implementation. And so, I'm regularly engaging with different groups to figure out how this is working, how this is looking, and we want it to be ready to go on June 1 of next year, so that moving forward, everyone will benefit from the value of implicit bias training and that everyone will benefit from the value of having a DEI focus, both internally and externally, within our department.

**Line:** Excellent! Well, I think this has been a great conversation, so we thank you, Sandy and Marlon for speaking with us today.

**Sandy:** We've enjoyed it.

**Marlon:** Thank you so much for having me and to everyone that tuned in to the podcast.

**Line:** Absolutely. It has definitely been a pleasure. I also want to thank our listeners for tuning in to this episode. We hope you'll join us for the [Symposium](#) this January to learn more about those working to increase access and inclusion and the regulatory stakeholder community. The registration link is on our website [www.clearhq.org](http://www.clearhq.org). Go to the events menu and choose "[2022 Winter Symposium](#)."

We invite you also to continue the conversation through the CLEAR Discussion Forum. This podcast episode will be posted in CLEAR Communities, and members can reply to the post with your comments or reactions. Listeners, where are you on your DEI journey? What initiatives have you been undertaking, and what challenges and successes are you experiencing? We'd love to continue this discussion on CLEAR Communities and, of course, at the upcoming [Symposium](#).

And we'll be back with another episode of Regulation Matters: a CLEAR conversation very soon. If you're new to CLEAR podcast, please subscribe to us. You can find this on Podbean or any of your favorite podcast services. If you've enjoyed this podcast episode, please leave a rating or comment in the app. Those reviews help us to improve our ranking and make it easier for new listeners to find us.

Feel free to also visit us on our website at [www.clearhq.org](http://www.clearhq.org) for additional resources, as well as a calendar of upcoming online programs and events.

Finally, I'd like to thank our CLEAR staff, specifically Stephanie Thompson. She is our Content Coordinator and Editor for this program. Once again, I'm Line Dempsey, and I hope to be speaking to you again very soon.

*The audio version of this podcast episode is available at [https://podcast.CLEARhq.org/e/DEI\\_survey](https://podcast.CLEARhq.org/e/DEI_survey).*