

SDCBA Diversity Panel Policy for Educational Programming

1. Statement of Purpose

- a. Initiatives that support inclusion are a significant part of the SDCBA's work and mission. We are committed to promoting diversity in every aspect of our Association and creating a more inclusive legal community, including speaking opportunities in our educational programming. In order to meet the objectives of promoting inclusion and encouraging the full and equal participation of all members, the SDCBA expects all educational programming to have qualified speakers that also include diverse members of the legal community.
- b. The SDCBA provides support to leadership in identifying diverse speakers. This support may include, but is not limited to: maintaining a diverse speakers directory, consulting with the SDCBA's Committee on Diversity & Inclusion (CDI), and connecting members with local diversity bar organizations and diversity bar leaders.

2. Diversity

- a. "Diversity" is an expansive and flexible concept meant to include groups under-represented in the legal community. This includes, but is not limited to people who have the below attributes or a combination of these attributes:
 - i. Less than 5 years of legal practice;
 - ii. Women;
 - iii. People of color;
 - iv. People who identify as LGBTQ+, and
 - v. People with disabilities
- b. The SDCBA may rely on state or local demographics available to determine representational percentages,
- c. Those who choose to participate as part of the faculty for educational programming will be asked to voluntarily self-identify and will be provided with a statement explaining the purpose of data collection to enhance diversity and inclusion in the SDCBA. These individuals will be given the option to decline to provide this information. The reporting provided shall remain confidential and anonymous in its disaggregated form, but may be used in statistical analysis regarding diversity and inclusion in the SDCBA generally.

3. Policy

- a. This policy applies to all educational programming whose faculty consists of 3 or more panel participants, including the moderator:
 - i. Programs with faculty of 3 or 4 panel participants, including the moderator, will require at least 1 diverse member;
 - ii. Programs with faculty of 5 to 8 panel participants, including the moderator, will require at least 2 diverse members;
 - iii. Programs with faculty of 9 to 12 panel participants, including the moderator, will require at least 3 diverse members;
 - iv. Programs with faculty of 13 to 16 panel participants, including the moderator, will require at least 4 diverse members.
- b. An exception may be granted if it is determined by the SDCBA internal team that a good faith effort to include the requisite number of diverse members was made but was not attainable.
 - i. If a panel does not comply, was not granted a good faith exception, and/or it is determined that there is conscious disregard of this policy, the SDCBA retains the right to cancel scheduled programming.
 - ii. In making a determination as to whether reasonable and good faith effort has been made to comply with this policy, the totality of the circumstances will be considered,

including information regarding the available pipeline of qualified candidates and any other relevant information and anecdotal information.

- c. Although not a requirement, the SDCBA aspires to achieve a ratio of 50% diversity of the total panel participation, including the moderator.
- d. All reasonable effort will be made to ensure individuals who have a disability can access the program.

4. Year 2022 Diversity Requirement

- a. Effective January 1, 2022, 3.a. will be deleted and the following language shall replace 3.a. above:
- b. This policy applies to all CLE programs whose faculty consists of 3 or more panel participants, including the moderator:
 - i. Programs with faculty of 3 panel participants, including the moderator, will require at least 1 diverse member;
 - ii. Programs with faculty of 4 to 5 panel participants, including the moderator, will require at least 2 diverse members;
 - iii. Programs with faculty of 6 to 7 panel participants, including the moderator, will require at least 3 diverse members;
 - iv. Programs with faculty of 8 to 9 panel participants, including the moderator, will require at least 4 diverse members;
 - v. Programs with faculty of 10 to 11 panel participants, including the moderator, will require at least 5 diverse members;
 - vi. Programs with faculty of 11 to 12 panel participants, including the moderator, will require at least 6 diverse members;
 - vii. Programs with faculty of 13 to 14 panel participants, including the moderator, will require at least 7 diverse members;
 - viii. Programs with faculty of 15 to 16 panel participants, including the moderator, will require at least 8 diverse members.