



East West Players' 51% Preparedness Plan

FAQ's

1. Does the plan constitute or call for unlawful "quotas?"

East West Player's legal council has consulted with lawyers associated with the U.S. Civil Rights Commission, Asian Americans Advancing Justice--AAJC, Asian Americans Advancing Justice—Los Angeles (formerly the Asian Pacific American Legal Center) and the U.S. Department of Labor, as well as a diversity consultant. All confirm that so long as any hiring plan does not include rigid "quotas" for which there are fines, penalties or other firm sanctions, a diversity plan is okay.

EWP is also talking about "goals and timetables," and NOT calling for "quotas." In the 51% Preparedness Plan, reference is made to U.S. Department of Labor regulations which are very strong in terms of what affirmative action programs can and should do to ensure that, over time, a company's workforce will generally reflect the gender, racial and ethnic profile of the applicable labor pool.

The U.S. Dept. of Labor's Office of Federal Contract Compliance Programs enforces laws that prohibit discrimination and require affirmative action upon federal contractors. The affirmative action programs are required, not voluntary, for companies that do business with the federal government and it includes companies in the entertainment industry --- Disney, Warner Bros, Paramount to name a few. The placement/hiring goals under the AAPs [Affirmative Action Programs] are just goals. Failure to meet the goal is not a violation of the regulations and will not lead to a fine, penalty or sanction. The regulations specifically provide that the goal is not to be used as a quota or a ceiling that limits or restricts the employment of women, minorities, individuals with disabilities or veterans. Federal regulations at 41 C.F.R. 60-2.10 lay out the general purpose and contents of AAPs which I may be helpful (http://www.dol.gov/dol/cfr/Title_41/Chapter_60.htm).

The 51% document is intended as a spur to action. No one is suggesting mass firing of white males and replacing them with POC, women and younger folks. But if an institution takes a look at its own staff, board, casts and crews, and finds diversity sorely lacking, now is the time to act, to implement changes in "business as usual" that resulted in a lack of diversity in hiring, programs and audiences. Especially those institutions in Southern California need to wake up if they do not come close to reflecting the majority minority communities in which

they reside. The labor pools, audiences, donors, etc. all are rapidly changing and if they don't act now to address these changes, they risk becoming irrelevant or worse.

The 51% Preparedness Plan for the American Theatre is not itself a diversity plan that can be implemented. But with this call to action, institutions can and should wrestle with developing a plan of equity, diversity and inclusion to measurably move the needle toward greater diversity in all that they do. As one of the bullet points mentions, such a plan could include such measures as data collection, affirmative efforts to recruit diverse candidates, and compensation incentives for meeting diversity goals. Strict quotas are unlawful and none are called for. But to have no aggressive and accountable plan in place is to plan for failure and obsolescence.

2. In entertainment generally, isn't there more likely to be age discrimination against older artists and production personnel, than younger folks? (Regarding the Under 35 years of age goal in the 51% Initiative)

We do see this concern. We are looking at the long haul and if we include those 35 and under, more than likely, they will be ready to take leadership positions as we become majority minority throughout the US when 2042 approaches. Leadership development in our field, as in others, takes time to gather the necessary skills and experience. As we become majority, we can't expect to have leaders ready overnight. We have to start now so that candidates from underrepresented and marginalized groups (also meaning those with little or no access) can pursue our field, seek excellence, and become qualified. We must be forward thinking about the development of our field.

3. When creating more diversity and inclusion in our organizations, does this include the board and other leadership—not just in the production departments?

Yes, from the boardroom to the stage, equity, diversity and inclusion is critical to the structural and cultural changes that are needed to support an organizational culture that is truly diverse and reflecting the demographics of the communities we serve. This will also mean addressing the subject of retention of talented company members. Retention of talent is an important element to keep in mind as you create equity, diversity and inclusion plans and policies. This plan is only the beginning of a process that will lead us to 2042.

4. What does it mean to be a diverse organization? Who gets to claim that distinction?

The plan suggests that unless your institution meets one or more of these criteria, it is not credible to claim to be diverse. Ideally, one should meet all three of the suggested 51% goals, but if one or two benchmarks is met, you can be

proud of that accomplishment.

Funders should consider using “diversity” as a metric that determines who should be funded and by how much. Currently, some predominantly white institutions are claiming to be diverse and on that basis are receiving funding when diversity is actually sorely lacking. Only if an institution is making substantial, measurable progress toward reflecting the makeup of its community, should it be deemed diverse. And, once the 51% benchmarks are achieved, funding should reflect the value of that accomplishment.

5. I really love theater and all I care about is that the story is a great story with great writing and great performances. I don't care about the color of the actor. It will move me no matter what. It doesn't matter to me if there is not an actor of color onstage.

Throughout the colonialist history of the United States, we have all witnessed the replication of patterns of misappropriation of culture and misrepresentation of identity throughout the American Theatre. It begs the question, “Who gets to tell our stories?”

Studies are showing that recognition of oneself in a product advertisement, or an onscreen film/TV program, and/or onstage story, garners a more meaningful connection to the product, in our case the story being told onstage. So, for the current American Theatre model to survive, performances must start now to reflect the demographics of the communities the theaters directly serve. It means it does matter who gets to tell the stories onstage and if we work backwards in the process, it is important to ask: Which playwrights are being discussed? Are the right questions being asked when it comes to season and program planning in relation to the theater and the community it serves?

We have evidence that as our demographics change to majority minority, establishing the telling of our stories with the authenticity and truth of the majority minorities experience without misappropriation of culture and misrepresentation of identity makes for successful results in audience development, which translates to box office ticket sales, and therefore, greater economic health of the theatre.

Examples of successful diverse season planning:

- Right here in the Southern California region: San Diego's Old Globe enjoyed historic record-breaking box office sales from its production of *Allegiance*, about Japanese American Internment during WWII.
- South Coast Repertory Theatre enjoyed increased box office sales from its production of *Chinglish*.
- One of Center Theatre Group's best selling recent shows was *Joe Turner's Come And Gone*.

We can argue that the success of these shows was their authenticity of culture and identity. Would *Joe Turner's Come And Gone* have been as successful if it was cast non-Black/African Mixed Heritage when the characters are Black/African? Would *Chinglish* have been as successful if the Chinese characters were cast as non-Asian Heritage? Would we have truly experienced the story as the playwright intended? Would the historical musical, *Allegiance*, have been a record-breaking success if the Japanese heritage characters were cast non-Asian Heritage?

As our demographics change, the majority minority population is teaching us that there **is** a difference in how their cultures and identities are represented onstage and it is almost never a positive improvement when there is misappropriation of culture and misrepresentation of identity on our stages. It is a business liability not to hire diverse so that more informed decisions and work practices can lead to excellent artistic and business choices to deliver product that will build trusting relationships with the communities served.

6. Is it a business liability to hire with diversity in mind at your organization?

There is also growing evidence that when a theatre organization hires to reflect the demographics of their community, season planning, staff and community relations improve over time as a culture for retention of the best talent attracts new and better business. The business model evolves and supports new growth at the theatre.

7. What about bias or blindspots?

Without greater equity, diversity, and inclusion, an organization develops what Google termed as *innovation blind-spots*. There are cultural norms that would have us habitually pass over and treat some communities or people as invisible. Sometimes we habitually forget some groups on our lists and persons in our companies. These are potentially patterns of bias or blindspots.

Bias is a business liability that perpetuates lack of diversity and inclusion. And, it is becoming common knowledge that companies can develop *innovation blind-spots* if their boards, creative teams, and staff are not equitable, diverse and inclusive. A lack of diversity actually blocked Google's ability to bring new ideas and cultural habits to the table to brainstorm and create new product and problem solving in order to succeed in the market place.

Some Additional Information

1. Part of our preparedness is giving access to marginalized groups.

While it has always been true that those of underrepresented and marginalized groups are equally talented (they typically lacked access and resources), as our demographics change to majority minority, it will become more obvious that the brightest and best come from all strata of society.

So, the 51% Preparedness Plan is urging us to start developing plans and setting goals for increased equity, diversity and inclusion to create a truly innovative business plan and model as our nation becomes majority minority.

2. More details regarding the concern about quotas and what it means to be a diverse organization:

This is a preparedness plan—as Tim Dang has stated, we prepare for earthquakes, we should plan for the seismic shifts in demographics that are inevitable across the U.S. The plan suggests that an organization *is* preparing for the shift when it has a clear plan to meet these benchmarks. It is individual how an organization prepares for equity, diversity and inclusion, but it needs to *get prepared* and prepared means ultimately meeting a 51% benchmark.

3. Some demographic information:

California is now majority people of color or majority minority, which is a term now used to refer to the status that we are less than 50% non-Hispanic whites.

Overall, California's demographics measured in 2013 have a total (combined) 65% People of Color:

- Black or African American: 6.6%
- American Indian and Alaska Native: 1.7%
- Asian: 14.1%
- Native Hawaiian and other Pacific Islander: 0.5%
- Two or More Races: 3.7%
- Hispanic or Latino: 38.4%
- White, not Hispanic or Latino: 39%
- Total is approximately 104% due to overlap with those identifying as Two or More Races

Overall National demographics measured in 2013 have a total (combined) 39.4% People Of Color:

- Black or African American: 13.2%
- American Indian and Alaska Native: 1.2%
- Asian: 5.3%
- Native Hawaiian and Other Pacific Islander: .2%
- Two or More Races: 2.4%
- Hispanic or Latino: 17.1%
- White, not Hispanic or Latino: 62.6%

The 2014 California averages of onstage representation at the five largest regional theatres:

- Black or African American: 12%
- American Indian and Alaska Native: Not identified (but might be the *1% Other*)
- Asian and Hawaiian and other Pacific Islander: 4%
- Two or More Races: Not Identified (but might be the *1% Other*)
- Hispanic or Latino: 6%
- White or Caucasian: 77%
- Do these percentages reflect the percentages that reflect the demographics of California?
- California is majority minority in comparison to the overall national demographic percentages.
- California has a business edge if theatres and other business sectors would adopt the 51% Preparedness Plan or a comparable equity, diversity, inclusion plan and policy.
- Other majority minority states as of 2010 are: Hawaii, New Mexico, and Texas.
- These percentages were established from the 2013 Census Survey and showed that California's population increased 2.9% from the 2010 Census Survey to the 2013 Census Survey.

4. An article about the NFL Rooney Rule and recruiting a diverse pool of candidates when hiring.

<http://bleacherreport.com/articles/1822988-the-rooney-rule-10-years-later-its-worked-usually-and-we-still-need-it>