Scenario 3  
Personal Appearance (Tracy)

Tracy is a Senior Associate who is eligible for partnership at a multi-national law firm. Throughout her tenure at the firm, she has received favorable and encouraging performance reviews and consistently brought in new business. She has positive feelings about her experience at the firm and career in general.

During a recent visit to her hair stylist, Tracy learned that chemically straightening her hair is resulting in breakage and hair loss. While the damage is not yet visible, the problems will only get worse if Tracy continues to process her hair as often as needed to accomplish her desired style. Because of her demanding work schedule, she does not have time to use alternative methods of hair straightening, such as direct heat. Tracy decides to have all of her processed hair cut off, ridding her of the breakage and remnants of hair loss, and leaving her with about an inch of natural hair. When she returns to work, she receives many compliments and feels that the transition went well. Over the course of the next year, Tracy enjoys healthy hair growth and continues to wear her hair in its natural state.

When the time comes for partner selection at her firm, Tracy is disappointed to learn that she was not chosen. Her not being selected for partnership comes as a surprise to many of her colleagues and mentors in the firm. She was always aware, however, that partnership decisions are subjective, partnership was not guaranteed, and she needed to plan for the next stage of her career if she did not make partner at her current firm.

One day after the partner selection, Bob, the Managing Partner, passes by Tracy's office and notices that Tracy changed her screensaver to an old picture she had taken with her family when her hair was chemically straightened. He makes small talk and then comments that she looks nice in the picture. "You look so polished and professional," he remarked.

Discussion Questions:

1. What additional information would you find useful in this scenario and why?
2. What do you think Bob, the Managing Partner, meant by his comment that Tracy looked "polished and professional" with her former hairstyle? Does Bob's comment about Tracy signal implicit bias that he might hold about women of color who appear "ethnic"?

3. Should Tracy have any concerns that Bob's comment about her former look being more "polished and professional" had a direct impact on her being passed over for partner? How should Tracy respond to Bob?

4. What advice do you have for women of color navigating style and appearance in professional environments?

5. Do you think women attorneys of color should avoid attire that might be perceived as ethnic? Why or why not?

6. Should women of color be able to express themselves more individually, and according to their respective cultures, or, is being a conformist the price women should expect to pay in order to achieve success?
   - Is a senior partner or executive more free to express her individuality than a junior or mid-level woman of color?
   - Is this true for all lawyers and not just women of color? To what extent do all lawyers conform?

7. What can law firms do to ensure partnership decisions are transparent and fair?
## Scenario 3
### Personal Appearance (Tracy)

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<tr>
<th>Discussion Question</th>
<th>Facilitator’s Notes</th>
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| **1.** What additional information would you find useful in this scenario and why? | **Considerations**  
- Is the firm diverse? Who are Tracy’s peers?  
- How does Tracy’s work productivity compare to her peer group?  
- Has Tracy’s productivity changed in the last year? |
| **2.** What do you think Bob, the Managing Partner, meant by his comment that Tracy looked "polished and professional" with her former hairstyle? Does Bob's comment about Tracy signal implicit bias that he might hold about women of color who appear "ethnic"? | **Employee Considerations**  
- Tracy should familiarize herself with the law firm’s diversity policies, re-read her performance evaluation, and speak to Human Resources.  
**Management Considerations**  
- **Management** should develop transparent, bias-free performance evaluation systems, and clearly communicate benchmarks and performance standards to all members of the law firm.  
- **Management** should appoint a representative team to design and implement a bias-free evaluation process.  
- **Management** should implement an upward review process to help identify possible biases or tendencies that might indicate unconscious bias or exclusion.  
- **Management** should develop an accessible, yet confidential reporting structure through which violations of anti-bias policies can be communicated and investigated. |
| **3.** Should Tracy have any concerns that Bob’s comment about her former look being more "polished and professional" had a direct impact on her being passed over for partner? How should Tracy respond to Bob? |  |
| **4.** What advice do you have for women attorneys of color navigating style and appearance in professional environments? | **Considerations**  
- Ask participants their approach to navigating style and appearance in a professional environment. |
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<td>5. Do you think women attorneys of color should avoid attire that might be perceived as ethnic? Why or why not?</td>
<td><strong>Considerations</strong>&lt;br&gt;• There has been much controversy over clothing choices for women lawyers in general. Do men have the same restrictions?</td>
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<td>6. Should women of color be able to express themselves as individuals, and/or according to their respective culture, or, is being a conformist the price women should expect to pay in order to achieve success?&lt;br&gt;   a. Is a senior partner or executive freer to express her individuality than a junior or mid-level woman of color?&lt;br&gt;   b. Is this true for all lawyers and not just women of color? To what extent do all lawyers conform?</td>
<td><strong>Considerations</strong>&lt;br&gt;• See above.&lt;br&gt;• All attorneys experience some level of conforming to a norm; however, some attorneys have more flexibility than others.&lt;br&gt;• Attorneys must balance individuality with professionalism in accordance with their workplace standards and any guidance provided by the firm or company’s policy manual.</td>
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<td>7. What can law firms do to ensure partnership decisions are transparent and fair?</td>
<td><strong>Considerations</strong>&lt;br&gt;• <strong>Management</strong> should develop a consistent, top-down, zero-tolerance policy toward acts of workplace bias against women of color, both subtle and overt, and be prepared to have hard conversations with staff regarding expectations of fairness and accountability.</td>
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