

# Inclusivity Index FOR LAW & BUSINESS

#### WHAT IN-HOUSE LAWYERS SAY ABOUT THIS RESOURCE:

"Inclusivity is not a fixed destination, but a strategic journey—one that demands clarity, courage, and commitment. The ACC Inclusivity Index helps organizations align values with action while navigating legal and cultural complexity with confidence. This is a must read for anyone seeking practical and actionable guidance on how to map out a maturity model for inclusivity, while remaining legally compliant and ensuring reputational resilience."

Carolyn Herzog, Chief Legal Officer and Corporate Secretary, Elastic



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## Inclusivity Index FOR LAW & BUSINESS

#### What is the Inclusivity Index?

The corporate inclusivity and culture landscape is dynamic—and at times daunting—but far from insurmountable with thoughtful guidance and intentional effort. The ACC Foundation Inclusivity Index aims to help organizations and their legal departments build a culture of inclusivity while remaining legally complaint. This tool outlines clear descriptions for three levels of maturity for each inclusivity function—early, intermediate, and advanced—providing leaders with both a snapshot of where their department and/or organization stands today, and a roadmap for achieving future goals. The Index is a living resource, created in consultation with an advisory committee of experts from the legal and business communities, and it will continue to evolve based on the needs of, and valuable feedback from, those who use it.

#### **Acknowledgements**

The ACC Foundation gratefully acknowledges its advisory board of inclusivity and culture experts in the legal profession. Their generous contributions of time, insight, and expertise have been invaluable in shaping the Inclusivity Index. By sharing their perspectives, they have helped inform, protect, and equip their peers across the legal community—ensuring this resource reflects both the challenges and opportunities of today while guiding the profession toward a more inclusive and sustainable future.

## Strategic Planning

The organization's short- and long-term plans to ensure the organization remains committed to creating equal employment opportunities for all employees and applicants. This includes collaboration with external partners to support strategic objectives. This also includes ensuring that employment decisions (hiring, promotions, assignment planning, retention) are not made on the basis of protected categories.

#### **EARLY**

- ► Initial steps under way to document program objectives such as ensuring employment opportunities for all (e.g., draft of vision and/or mission statement focused on belonging, opportunity, and workplace culture).
- ► Identify key stakeholders and process owners; gather input from the collective group.
- Begin to create basic awareness of the organization's commitment, including recognition of the need to evaluate employment practices to identify and eliminate barriers that hinder the advancement of any individual or group based on a protected category.
- Develop an understanding of anti-discrimination laws and compliance obligations.
- Oversight and accountability are unclear or inconsistent.
- Program is reactive based on inbound requests for support and engagement, or in response to an event.
- "Pockets" of support exist without a cohesive plan or alignment.
- ▶ Data and metrics are identified (such as conducting an under-utilization analysis), although the approach for collection and benchmarking may be nascent.
- Dedicated budget is non-existent; dedicated human resources are inconsistent.
- No integration with other business functions or leadership planning.

#### INTERMEDIATE

- Vision, mission statement, and objectives related to inclusivity are aligned with the business objectives, and regularly reviewed and acknowledged.
- Programs and initiatives to create equal employment opportunities for all employees are identified and implemented.
- Process is established to ensure programs and initiatives are legally compliant both as drafted and as implemented.
- ► Training on legal compliance is conducted regularly for all involved in the drafting and implementation of programs and initiatives.
- Process is established to ensure collaboration and alignment with enterprise business objectives and internal business partners (e.g., HR team, Governance, or Operations).
- Process is established to review all internal and external communications, reports, and website content related to inclusivity.
- Roles and responsibilities are defined.
- Evolve proactive engagement with external organizations, associations, etc.
- Due diligence is conducted on external organizations to ensure alignment with the organization's vision and mission, and that they are open to all and do not engage in discriminatory practices.
- Benchmarking and internal and external data gathering becomes the norm; surveys are utilized to ensure equal employment opportunity compliance and to eliminate barriers that hinder the advancement of any individual or group based on a protected category.
- Strategic development is underway, and a "roadmap" is created.
- Budget and human resources are strategically assigned.

- Strategy deployment process establishes short, medium, and long-term objectives and execution plans with oversight.
- Enterprise and legal strategies are aligned.
- Partnerships with vetted external organizations and associations have been established and support the strategic objectives.
- Law department leadership is part of the leadership team to ensure ongoing legal compliance.
- Budget and human resources are reviewed to ensure consistency with the needs of the business.

# Governance & Resourcing

The governing body of the organization's (senior leaders and board members) role in creating a sustainable work structure. This includes providing resources to support inclusive culture initiatives and organizational maturity.

#### EARLY

- No established set of policies that incorporate the organization's culture or explicit, detailed commitment to ensuring equal opportunity for all.
- ► The governing body receives training on antidiscrimination laws and legal compliance obligations.
- Informal guidelines / policies for how the organization manages its programs, but there are no established processes for their execution.
- Programs and initiatives are inconsistent across the organization.

#### INTERMEDIATE

- Basic governance model is in place with clarity between governance, planning, and execution.
- Committees and/or task forces are established to perform program oversight and to monitor for legal compliance.
- ► Reporting mechanism established for complaints about initiatives or programs.
- Legal resources are committed and aligned to identified objectives (i.e., an internal committee manages execution).
- Funding for training, associated projects, etc. is planned as part of the budget cycle.
- Process exists to allocate funds and resources to projects that address/support key objectives.
- Develop a system of monitoring the execution of identified objectives.
- Begin to close the gaps between policies and practices.
- All departments align with with company on proper focus, governance, and resources and provides oversight to manage objectives.

- Governance structure is solidified; no longer evolving and changing.
- ► Governing body takes an innovative leadership role in advancing the organization's commitment to equal employment opportunities.
- Governance body includes representation across regions, functions, business levels, and perspectives.
- Consistent feedback loop utilizing a crosssection of functional stakeholders.
- Budget and resources are committed specifically to the function.
- Legal department resources include expertise across functions: operational, administrative, legal, and strategic.

## Operating Model & Workstreams

The design and integration of inclusion-focused efforts into everyday operations so that they become seamless and routine. This includes delegating responsibilities, identifying processes, defining metrics and objectives, and creating a feedback process to guide change when needed.

#### **EARLY**

- ▶ Inclusivity programs are staffed on volunteer basis.
- No consistency in operational efforts.
- Limited or no alignment with broader corporate strategy.
- Recognition of the need to evaluate employment practices to identify and eliminate barriers that hinder the advancement of any individual or group based on a protected category.
- Operational support processes are reactive (e.g., inbound request to develop initiatives).

#### INTERMEDIATE

- Clear, corporate strategy-aligned operating model defined and implemented by general counsel and leadership team.
- May hire consultants to help define operational model for the organization's strategy.
- Work teams established to guide efforts to identify and eliminate barriers that hinder the advancement of any individual or group based on a protected category.
- Action plans include quantitative and qualitative data with aligned metrics to measure against objectives.
- Regular reports on progress and legal compliance with objectives.

- All stakeholders are aligned on the goals, metrics, and responsibilities; regular feedback loop to check and adjust.
- Defined work teams and work streams to drive program success are in place.
- Involvement of consultant(s) in auditing / survey to ensure candor and legal compliance.
- ► Full engagement of the leadership team and stakeholders to drive objectives across the workforce.
- Regular reporting to the governing body regarding progress against objectives.

## Recruitment

Describes efforts taken by an organization to diversify candidate pools and create a more equitable hiring experience. Key areas include reviewing job descriptions, assessing interview formats, advertising strategies, analysis of selection tools, strategic identification of recruitment sources, and background checks. Recruitment also includes offering new hires resources and services to enable success that meet a wide range of employee needs and signals that authentic self-expression is welcomed in the workplace.

#### **EARLY**

- Corporate practices are established to increase diversity in the pool of candidates for all career opportunities.
- ▶ Job descriptions are reviewed to eliminate bias and non-inclusive language, focusing only on skills and experience necessary for the role.
- Resumes are anonymized to mitigate bias in the selection process.
- Career opportunities are promoted across a broad array of platforms, including those that reach underrepresented and historically excluded audiences.
- ► Interview panels include a mix of perspectives and experiences and consistently apply structured questions across all candidates.
- Interviewers are trained in recognizing bias and applying consistent, competency-based evaluation techniques.
- Accommodations are clearly offered and readily available for candidates upon request.

#### INTERMEDIATE

- Legal-specific recruitment strategies have been introduced.
- Formal, consistently applied programs are in place to broaden candidate pipelines and track outreach results.
- Using a more structured interview process with standard situational and behavioral questions that connect to the roles and job duties at issue.
- Engage members of a diverse range of employeeled groups as referral sources or connectors for broader outreach.

- Actively ensuring finalist slates reflect a range of backgrounds, experiences, and perspectives; utilize self-identification data to benchmark candidate pool composition and to support subsequent tracking of retention and promotion.
- Interview panels include representatives from various functions, levels and experiences.
- Using an assessment process to avoid or mitigate human selection bias.
- ► Structured career entry pathways are available, such as apprenticeship, returnships, or phased onboarding.
- Background checks are evaluated to ensure that irrelevant and/or inapplicable past infractions do not result in automatic disqualification.
- Technology tools may be used to review and improve language in job descriptions, polices, and procedures with attention that the tools do not insert bias.
- Strategically involve a diverse range of employee-led groups in outreach, referral, and onboarding efforts.

## Onboarding

Development of a comprehensive, consistent program that aligns cultural values with role expectations. The program is designed to help new hires understand and connect with the organization's culture, values, and the pathway and norms for success.

#### **EARLY**

- Onboarding is primarily focused on logistics, and reliant on corporate HR/IT (e.g., here's where you work, your equipment, and your employee handbook).
- Welcoming materials include an overview of the organization's culture, guiding values, and inclusive practices.
- ► New hires are introduced to employee-led groups and community-building opportunities.

#### INTERMEDIATE

- ► Onboarding has some elements that are supportive of inclusion goals (e.g., buddy program).
- Checkpoints are included in onboarding process to ascertain that all hires are acclimating well and address any issues or questions that arise.
- Handbook includes guidance on inclusive workplace norms and expectations.

- Onboarding includes robust, consistently applied elements that support clarity on pathways and competencies for success, belonging, connection, and cultural integration for all new hires (e.g., thoughtfully selected buddy who is accountable to certain standards of new hire engagement, introduction to employee-led groups, etc.).
- There's a deliberate effort to convey culture to new hires (e.g., explaining the intangibles that lead to success, offering illustrative professional stories, etc.) through repeatable behaviors reflective of organizational values.

## Professional Development

Describes an organization's commitment to equitable access to skill-building, leadership readiness, and networking through internal and external learning opportunities. It also includes internal development programs that are structured, equally and equitably accessible, and designed to support professional growth at all levels.

#### **EARLY**

Focus on technical job skills, proficiency in role.

#### **INTERMEDIATE**

- Opportunities to participate in external seminars and conferences are widely communicated and accessible.
- Training may be offered in business and professional skills beyond current role (e.g., business acumen, management, leadership negotiation, deal pricing and structures, strategic thinking, etc.).
- Development programs are transparent, with clear criteria, expectations, and assessment processes.

- ► Leadership development programming is structured and intentionally aligned with individual career development plans.
- ▶ Leadership development programs are designed to meet the varied needs of a diverse workforce with attention to cultural fluency and the different ways competencies are identified and reflected in the workplace.
- Participation in non-role-specific training is tracked to identify gaps and ensure fair access across teams.
- ▶ Development programs have been revised and updated to integrate mitigation/elimination of bias and avoidance of cultural fluency blind spots.
- Sponsorship programs support development, visibility, and career progression; sponsors are trained to be inclusive and are accountable.
- ▶ Career coaching options may be available; selection criteria are transparent.
- Reverse mentoring programs may exist to encourage mutual learning and greater awareness of inclusive leadership behaviors.
- ► Long-term (3-5 year) development plans support future readiness; meaningful assignments are monitored for quality.
- Emotional intelligence development is prioritized among emerging and current leaders.
- Career development opportunities, such as job rotations, growth assignments, and secondments are formalized and widely used.
- Leadership development programming is structured and aligned with career pathways.
- Participation in advanced, non-role-specific training is reviewed to identify patterns and address barriers.

## Performance Evaluation

Describes how organizations ensure that employee assessments are consistent, constructive, and aligned with both development and organizational goals. This includes reviewing evaluation criteria for bias, instituting oversight mechanisms, and ultimately embedding legally durable practices that link evaluations to career growth and succession planning.

#### EARLY

- Clear and transparent standards of assessment.
- Basic annual review process that may include monitoring for outcome disparities, though formal structure may be lacking.

#### INTERMEDIATE

- Competencies have been reviewed and revised to identify bias and cultural fluency blind spots to ensure that seemingly objective criteria and measures are not unintentionally exclusive.
- Sponsorship and mentorship programs are in place; cross-cultural training may be offered to expand sponsor pool.
- Documented annual development plans for all employees.
- Formal oversight of annual reviews ensures consistency in application of evaluations standards across departments. This includes processes like calibration.

- Performance management system integrates multi-rater feedback (e.g., 360 reviews) to balance perspectives and reduce reliance on a single evaluator.
- Evaluation data is regularly analyzed for patterns across functions, levels, and demographics; identified gaps trigger action plans.
- Clear linkage exists between evaluation outcomes and career development planning (e.g., stretch assignments, leadership training, succession planning).
- Calibration sessions are institutionalized across departments and tied to leadership accountability for fairness and consistency.
- Managers are trained and held accountable for delivering constructive, bias-aware, and growthoriented feedback.
- Evaluation processes are audited periodically by Legal/ Compliance to ensure durability against scrutiny and alignment with evolving regulatory expectations.
- Technology tools may be used to standardize criteria and language in evaluations, helping to reduce subjectivity and ensure compliance with organizational policies.



The design, communication, and implementation of processes are clearly defined and help employees understand qualifications for promotion and prepare for future career opportunities.

#### **EARLY**

- ► Advancement efforts are applied uniformly, without department-specific oversight.
- Promotion opportunities are shared visibly and communicated openly.
- Promotion processes are transparent and consistent (e.g., steps, interviews, scoring criteria, etc.).
- Managers receive training on fair evaluation and structured hiring.
- Consistent application of parameters for roles (e.g., complexity of scope, team size, seniority of stakeholders, etc.) that trigger consideration for promotion due to role expansion, to be validated by HR (Talent Management and/or Compensation Management).

#### INTERMEDIATE

- Internal candidates across all teams are considered proactively for advancement and all qualified employees are encouraged to pursue promotion opportunities.
- Job descriptions are current and clearly outline role expectations with clear distinctions between core and preferred qualifications.
- ► Emotional and cultural intelligence are assessed and weighted alongside technical and analytical skills.
- Promotion data is collected and monitored by HR for transparency, to assess inclusiveness, and track progress.
- ▶ Bias interrupters have been integrated into advancement competencies and processes.
- Aspirational goals for internal mobility developed.
- Supplemental development and training before promotion.

- Sponsorship programs are formalized, structured, and reviewed for fairness; metrics are used to evaluate outcomes.
- Sponsorship includes advocacy, visibility, and stretch assignments.
- Coaching and mentorship programs help prepare candidates for future roles.
- Leaders are encouraged to identify and support promotable talent.
- Promotion decisions may consider candidates with partial qualifications and provide development to close gaps.
- ► Onboarding for new leaders includes a structured transition plan (30/60/90 days, buddy support, etc.).
- Feedback and check-ins are increased for at least first year in new position.
- Honest and constructive feedback is provided consistently.
- Compensation benchmarks are reviewed to ensure alignment with market and internal consistency.
- Leaders and all involved in making advancement decisions are versed in identifying and interrupting/ mitigating bias and know how to identify cultural fluency blind spots impacting advancement decisions.

## Retention

Programs designed to support the long-term engagement of employees from across all backgrounds. This includes empowering all employees to contribute to decisions that impact employee satisfaction, well-being, and career success.

#### EARLY

- ► Basic employee satisfaction efforts are in place, usually led by corporate HR.
- No formal process to identify or respond to attrition risk.

#### INTERMEDIATE

- Informal efforts are made to retain employees in underrepresented roles or functions.
- Mentoring and coaching occur as needed.
- Inclusion efforts are recognized but not yet embedded in process.
- ► Employee-led groups and professional communities provide support and connection.
- Periodic engagement surveys, pulse surveys, employee experience check-ins, and other efforts to assess needs take place.

- Annual strategic action plans are developed, communicated, and executed based on the results of engagement and pulse surveys, focus groups, stay and exit interviews, etc., to close identified gaps.
- Leaders across the enterprise are accountable to addressing organizational needs identified in engagement and pulse surveys, focus groups, stay and exit interviews, etc., and measure and track progress.
- Progress across engagement and retention efforts are communicated transparently across the organization.
- Retention programs are documented and reviewed regularly; employee trends are analyzed by role and business unit.
- Retention efforts begin early and are part of the onboarding and integration experience.
- Targeted support is provided to employees identified as high attrition risk based on role, tenure, or engagement data.

# Succession Planning

Defining and communicating clear criteria leadership readiness supporting fair and transparent promotion practices.

#### EARLY

- Succession readiness criteria are defined and communicated.
- Criteria are reviewed regularly for consistency.
- Arbitrary disqualification based on non-jobrelated traits is eliminated.
- Decision-makers are trained on consistent criteria and fair selection practices.

#### INTERMEDIATE

- ► Aspirational goals for leadership pipeline may be set.
- Succession plans are adapted for Legal to reflect departmental structure and promotion goals.
- High-potential employees are identified using a process that is culturally fluent and bias-free, and are assigned sponsors to support visibility and development.
- Emotional and cultural intelligence are valued alongside technical ability.
- HR tracks succession activity to ensure transparency and opportunity distribution (e.g., ready now, ready in short-term or medium-term, etc.).
- Leadership development offered to succession candidates.

- Succession efforts include tracking participation and development across all groups to ensure opportunity is broadly distributed.
- Succession process remains agile, allowing new talent to emerge into readiness pipeline.
- Succession plans include targets that reflect talent development strategy and organizational needs.

# Goal Setting & Communications

The efforts an organization takes to ensure inclusivity-related goals meet or exceed industry expectations or standards.

This includes integrating and communicating the importance of these goals at multiple operational levels and across external partnerships.

#### **EARLY**

- The legal team has defined a clear organizational strategy for inclusion.
- Vision is communicated to internal stakeholders.

#### INTERMEDIATE

- Legal function has defined and communicated clear and measurable enterprise-wide aspirational goals across the organization.
- Commitment and expectations are communicated to external stakeholders (e.g. outside counsel and legal service providers).
- Expectations for external stakeholders may be informed by external benchmarks (e.g., National Association for Law Placement or peer firms/organizations).

- Legal has a clear approach to driving accountability for progress toward its established objectives with both internal and external stakeholders.
- Legal has embedded effective practices for evaluating external partners to ensure it's casting a wide net for vendors.
- Legal has enabled leaders within the department with learning that helps them understand strategies for fostering an inclusive culture.
- Established aspirational goals for external stakeholders.
- For external stakeholders in other countries, engage in regular dialogue on improving inclusivity culture.
- Other legal vendors, such as staffing firms or e-discovery vendors, are included in inclusivity efforts.

## **External Relations**

The organization's external efforts to expand access to the legal profession. This also includes support for early-career legal talent.

#### **EARLY**

- Contributions to legal education scholarships.
- Affiliation / membership with professional groups focused on legal access and opportunity.
- Training for department leaders on talent pipeline development.
- Legal department employees volunteer with aligned nonprofit and community organizations.

#### INTERMEDIATE

- Internships for law students and / or recent graduates.
- Secondment opportunities from law firms.
- Sponsorship or participation in summits / conferences for law students.
- ► Leadership development programs through established legal organizations (e.g., Leadership Council on Legal Diversity (LCLD) and Pathfinders).
- ▶ Attorney mentorship programs.
- Legal department employees participate in events hosted by identity- or experience-based groups.
- Law student mentoring.

- Senior leaders serve on boards of legal education institutions and access-focused organizations.
- ► Paid, structured internship programs with clear goals and evaluation metrics.
- ► Attorney sponsorship initiatives that focus on career progression.
- Employee-led groups focused on identity, shared experience, or professional development.
- ► Law school partnerships that include financial or resource-based support.
- Outreach programs presenting legal careers to high school and college students.
- Strategic alignment between pro bono programming and talent development/community impact goals.

# Regulatory Considerations

Reflects an organization's awareness of, and proactive approach to, navigating the complex and evolving legal landscape related to inclusive workplace practices. It includes staying current on judicial rulings, legislation, executive orders, and agency guidance (e.g., EEOC, OFCCP) while developing strategies that mitigate legal risk and sustain organizational values.

#### **EARLY**

- Legal monitors major developments (e.g., federal lawsuits, state bans, agency rulings) and flags relevant items for review.
- Leadership expresses commitment to inclusive values, but guidance on legal boundaries is limited or inconsistent.
- Public statements and internal messaging are vetted only through an external risk management lens.
- Legal reviews workplace programs or policies that use identity-conscious language or goals but may not yet have provided alternatives.
- ➤ There is limited coordination between Inclusion/Culture/Opportunity department (if one exists), HR, Compliance, and Legal teams in addressing political or legal threats to inclusive practices.
- Legal is reactive in responding to external scrutiny or inquiries related to culture, belonging, or workforce representation efforts.

#### INTERMEDIATE

- A centralized process exists to track, review, and summarize legal developments related to inclusive workplace practices and state/federal activity.
- Cross-functional teams (Inclusion/Culture/ Opportunity, Legal, HR, Compliance, Communications) collaborate to align inclusive policies with constitutional and statutory boundaries.
- Programs are reviewed to remove or revise language that potentially exposes the organization to external liability or political risk.
- In-house counsel is equipped to advise departments on conducting riskbenefit analyses when designing goals related to representation, outreach, or inclusive culture.
- Legal supports internal audit of language in job postings, surveys, trainings, public reports, and goals for legal risk and public defensibility.
- A crisis response protocol is in place for responding to formal challenges,
   FOIA requests, or public complaints about inclusion-related programming.

- A robust legal risk governance framework is embedded in all culture and talent-related initiatives, with legal acting as a strategic partner, not just a reviewer. Development of this framework should involve the Inclusion/Culture/Opportunity team along with other stakeholders.
- ► The framework for risk assessment weighs organizational values, employee experience and morale, and the risks political, legal, and external that can result from not having inclusive practices in place.
- A structured review process ensures that all-inclusive language, programs, scorecards, metrics, and communications are aligned with the most current and binding legal interpretations, including related federal and state actions as applicable.
- Programs emphasize legally durable values (e.g., fairness, opportunity, workplace belonging, leadership behaviors, community engagement) within the confines of evolving law.
- ► External counsel is periodically engaged to review high-impact public or internal programs for compliance and reputational risk.
- Policy design includes scenario planning for adverse litigation, agency scrutiny, or state-level bans — including "air cover" messaging and pivot strategies.
- Organizational values remain authentic and consistent, even as language and framing evolve to ensure legal durability and public resilience.
- Legal contributes to board- and executive-level education on evolving legal dynamics affecting workplace culture, representation goals, and inclusive practice.



#### ABOUT THE ACC FOUNDATION

**The ACC Foundation** is a 501(c)(3) non-profit organization that supports the efforts of the Association of Corporate Counsel by serving the needs of the global in-house bar through education, the advancement of pro bono service, dissemination of research and surveys, leadership and professional development opportunities, and initiatives that help foster a culture of inclusiveness.

The ACC Foundation partners with corporations, law firms, legal service providers and bar associations to assist in the furtherance of these goals.

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