EXPERT REPORT OF WILLIAM T. BIELBY

Roderick Arnold, et al. v. Cargill, Inc.
April 22, 2004

ASSIGNMENT, QUALIFICATIONS, AND MATERIALS REVIEWED

I have been retained by the law firm of Sprenger & Lang, PLLC, counsel for plaintiffs in *Roderick Arnold, et al. v. Cargill, Inc.* I have been asked to review testimony and materials describing the corporate culture and the policies and practices regarding equal employment opportunity ("EEO") at Cargill, Inc. ("Cargill") and to assess whether they created barriers to career advancement for the company's African American salaried employees.

I have testified as an expert witness in both California Superior Court and Federal Court on cases involving workplace discrimination. A list of cases in which I have been identified as an expert or have given expert testimony since 1999 is attached as Exhibit A.

I received a Ph.D. in Sociology from the University of Wisconsin--Madison in 1976. I also have a B.S. in Electrical Engineering and a M.A. in Social Sciences from the University of Illinois. I am currently Visiting Distinguished John D. Macarthur Professor of Sociology at Northwestern University and a Visiting Scholar at the American Bar Foundation. I am on leave from my position as Professor of Sociology at the University of California, Santa Barbara, where I chaired my department from 1992 to 1998. I am also affiliated with UCSB's Department of Statistics and Applied Probability. Among my former positions are Visiting Professor of Management at UCLA and Fellow at the Center for Advanced Study in the Behavioral Sciences at Stanford. I teach graduate and undergraduate courses on organizational behavior, research methods for the social

sciences, labor markets, quantitative methods, and social inequality. I also specialize in research in each of these areas. Over the past twenty years, much of my research has focused on issues of workplace discrimination, and on organizational policies and practices more generally. My research on these topics has been supported by four grants from the National Science Foundation, and it has been published in leading peer-reviewed social science research journals. My Curriculum Vitae is attached as Exhibit B.

I have received national awards from three different professional associations for my research on gender, labor markets, social psychological aspects of work, and organizational personnel practices. I have served on numerous panels, advisory committees, and professional workshops on topics relating to workplace discrimination, organizational personnel policies and practices, and research methodology. I have served as an advisor, consultant, or reviewer for the following organizations and agencies: the U.S. Bureau of the Census, the U.S. Department of Justice, the U.S. Department of Labor, the National Science Foundation, the National Institute of Mental Health, the National Academy of Sciences, the University of Michigan's Institute for Social Research, Stanford University, and the Writers' Guild of America, West. I have also served on the editorial boards of leading social science journals, and I regularly review manuscripts for scientific journals on topics relating to organizational behavior, employment discrimination, and research methodology. I have been elected to several offices in the American Sociological Association. I served for three years on the ASA Council, the organization's governing body, and I served as the President of the Association in 2003.

My consulting rate is $275 per hour, plus expenses. My rate for time spent in depositions $550 per hour, with a four-hour minimum per day.

I have reviewed the deposition testimony of Cargill executives and managers regarding the company's personnel policies and practices as well as the exhibits that accompany the deposition transcripts. The exhibits include written policies, manuals, reports, presentation viewgraphs, and correspondence pertaining to Cargill's human resources system, its culture, and its EEO policies and practices. A list of the deposition transcripts I reviewed appears in Exhibit C. I also reviewed the report of the statistical experts retained by plaintiffs, which includes computations of the representation of African Americans in the company's workforce from 1995 through 2002, tabulations of racial composition by exempt versus non-exempt status, and by EEO-1 category for the years 1995, 1998, and 2001, and statistics on racial disparities in performance (PMP) ratings, promotion rates, compensation and termination rates. I also relied on the two-volume history of the company written by business administration scholar Wayne G. Broehl, Jr.[1]

In addition to the materials described above, I have also relied upon a large body of social research on workplace bias. Social research conducted across many decades has generated considerable knowledge about what generates and sustains workplace inequalities. That same research, either directly or by implication, points to the kinds of workplace policies and practices that are likely to minimize bias. The relevant research has applied multiple methodologies in a variety of contexts, including experiments in controlled laboratory settings; ethnographies and case studies in "real world" organizations both large and small, public and private, and in a range of industries;

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[1] W. G. Broehl, Jr., *Cargill: Going Global*, 1998, University Press of New England (especially Chapter 9, "The Cargill Culture--A Reprise"), and W. G. Broehl, Jr., *Cargill: Trading the World's Grain*, 1992, University Press of New England (especially Chapter 19, "Cargill's Culture").

surveys done with representative samples of workers and employers; and historical studies based on archival materials from the United States and abroad. Thus, the scientific evidence about bias, discrimination, and the structure and dynamics of race in organizations that I rely upon has substantial external validity and provides a sound basis for analyzing Cargill's policies and practices. My method is to look at distinctive features of the organization's policies and practices and to evaluate them against what social science research shows to be factors that create and sustain bias and those that minimize bias. In litigation contexts, this method of analysis is known as "social framework analysis."[2]

Below, I first summarize the conclusions I reached regarding Cargill's culture, its impact on African American employees, and the quality of its EEO policies and practices. Then I explain the basis for my conclusions. All of the conclusions stated in this report are to a reasonable degree of professional certainty.

SUMMARY OF FINDINGS

Cargill has a strong organizational culture with distinctive elements that derive from its origins, history, and industry. That culture sustains a uniformity in outlook among the company's employees and in Cargill's personnel policies and practices. African Americans, who represent less than 5% of the salaried workforce, are unlikely to face a bias-free work environment in the absence of effective and consistent EEO policies. Cargill's EEO policies are seriously deficient, and they are insufficient for

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[2] See J. Monahan and L. Walker, *Social Science in Law: Cases and Materials,* Fourth Edition, Foundation Press, 1998, Chapter Five, "Social Science Used to Provide Context."

identifying and minimizing barriers to the career advancement and retention of African Americans.

A STRONG ORGANIZATIONAL CULTURE REINFORCES UNIFORMITY IN MANAGERS' ORIENTATION TOWARDS THE COMPANY AND IN POLICY AND PRACTICES

An organizational culture is a shared set of values and beliefs about how things are done in the organization.[3] A strong and widely-shared organizational culture promotes uniformity of practices throughout an organization. Cargill exhibits many of the markers of a strong organizational culture, including an emphasis on the company's founders and its history, a mission statement or philosophy articulating core values,[4] frequent communication about the culture to employees, orientation and training about the culture for employees,[5] promoting managers from within the company,[6] and an emphasis on loyalty to the organization.[7] In his history of the company, business

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[3] See T. E. Deal and A. A. Kennedy, *Corporate Cultures*. Addison-Wesley, 1982; E. H. Schein, *Organizational Culture and Leadership*, Second Edition, Jossey-Bass, 1992; and J. Kerr and J. W. Slocum, "Managing Corporate Culture Through Reward Systems," *Academy of Management Executive*, Vol. 1, 1987, p. 99-108.

[4] See, for example, Exh. 648, "Cargill guiding Principles - handbook," Exh. 649, "Cargill Basic Beliefs," dated October 7, 1992 and written by former CEO Whitney MacMillan (McMillan depo., p. 57-58), and Exh. 72, "Organizational Philosophy and Design, Cargill Business Unit Leader Workshop Document and testimony about it by CFO Robert Lumpkins (Lumpkins depo., p. 158-160).

[5] Micek depo., p. 69; Bowman depo., p. 56.

[6] MacMillan depo., p. 22; Micek depo., p. 69; Siska depo., p. 368; Chial depo., p. 103-104.

[7] On the value placed on loyalty at Cargill historically, see Broehl, 1998, *op cit.*, p. 360-361, 365-367. On distinctive features of strong culture organizations, see Deal and Kennedy, *op cit.*; Schein, *op cit.*, W. Ouchi, "Markets, Bureaucracies, and Clans," *Administrative Science Quarterly*, Vol. 25, 1980, p. 129-141; C. D. Hansen and W. M. Kahnweiler, "Storytelling: An Instrument for Understanding the Dynamics of Corporate Relationships," *Human Relations*, Vol. 46, 1993, pp. 1391-1409; J. Martin, M. S. Feldman, M. J. Hatch, and S. B. Sitkin, "The Uniqueness Paradox in Organizational Stories," *Administrative Science Quarterly*, Vol. 28, 1983, pp. 438-453; T. Peters, "Symbols, Patterns, and Settings," *Organizational Dynamics*, Vol. 7, 1978, pp. 3-23; J. Pfeffer, "Management as Symbolic Action: The Creation and Maintenance of Organizational Paradigms," pp. 1-52 in *Research in Organizational Behavior*, Vol. 3, edited by L. L. Cummings and B. M. Staw, Jai Press, 1982; M. E. Boyce, "Organizational Story and Storytelling: A Critical Review," *Journal of Organizational Change Management,* Vol. 9 (No. 5), p. 5-26; W. Swap, D. Leonard, M. Shields, and L. Abrams, "Using Mentoring and Storytelling to Transfer

administration professor Wayne G. Broehl, Jr. describes how members of the Cargill and the MacMillan families shaped the company's traditions and culture. Regarding the three legendary CEOs who presided over the company from its founding in 1865 until 1960,William W. Cargill, John H. MacMillan, Sr., and John H. MacMillan Jr., he writes:

> Seldom in American business history has an organization been more influenced by three such men. Perhaps the "long shadow" overly mythologizes the story, but there is little doubt that the forceful culture of Cargill stems profoundly from these men.[8]

Broehl also notes that Erwin Kelm, who headed the company from 1966 to 1977, though not a family member, "was a strong and compelling personality, so much so that the development of the Cargill organization during his 17 years of leadership could also truly be said to have been tied to his personal biography" (p xvi). During those years, Kelm "implanted a set of his own values onto those of his predecessors, deepening but not supplanting the corporate culture that he had been handed" (p. 342).

A document titled "The Role and Operating Philosophy of Corporate Management, Cargill, Inc.," dated January 15, 1992, prepared for the company by the McKinsey & Company consulting group, stated that the company's mission "derives from Cargill's aspirations, which outline a set of fundamental beliefs that shape our overall effort and give all employees a sense of common purpose."[9] Whitney MacMillan, who served as the company's fifth CEO and as Chairman of the Board until his retirement in 1995, testified that the company took deliberate efforts to use the culture to instill

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Knowledge in the Workplace", *Journal of Management Information Systems*, Vol. 18 (Summer), 2001, p. 95-114.

[8] Broehl, 1998, op cit., p. 339.

[9] Exh. 348, BATES C157301.

company values throughout the company. Asked about his understanding of the company's culture, he testified: "We tried to drive the company from the bottom and to empower the employees to have ideas and implement them, unless they felt they had to get clearance from a higher authority. So, yeah, we drove our culture very hard."[10] Under the heading "Organization style," the January 1995 report states:

> Cargill employees are knitted together by a common set of values, beliefs, and attitudes, which prevents us from becoming only a loose confederation of individual companies. A Cargill identity -- a sense of teamwork beyond specific business areas -- is vital to our culture.[11]

Former CEO Ernie Micek agreed with that characterization of the company's culture, adding that the company "has a strong value system, has a distinct culture universally around the world."[12]

The effort to shape the company's culture became even more focused and deliberate when Warren Stanley introduced the "Strategic Intent" (SI) initiative shortly after he became CEO in June of 1999. One part of SI was to encourage a "high performance culture" with a strong customer focus, so that the company would become "a premier provider of innovative customer solutions in food and agriculture."[13] Betty Bowman, the 30(b)(6) deponent designated to testify on the Leadership and Talent

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[10] MacMillan depo., p. 53-54. Mr. MacMillan added (p. 54) that he "worked very on the culture" during his years as CEO. In his history of Cargill, Broehl notes that "it was through the charisma of key Company senior management throughout both the domestic and international operations that the culture was transmitted" (Broehl, 1998, p. 356).

[11] Exh. 348, BATES C157302.

[12] Micek depo., p. 163-164. Also see Lumpkins depo., p. 135-136.

[13] Memo from Warren Staley to Cargill managers, regarding "Strategic Intent: Behavior that creates value for customers," p. 3, BATES C329674; Staley depo., p. 159-160. Also see Bowman depo., p. 55.

Management Process testified on the efforts taken to train and socialize employees to have a common understanding of the initiative:

> *Q. So that predated you. How have you been brought up to speed on the meaning of strategic intent?*
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> A. Strategic intent is a -- let me back up. When companies have a strategic intent, a key part of that is that all employees build an understanding of what that strategic intent is. So some of that I read about when I came into the company in documentation of communication things that had gone out to employees that had already been done. Some of it is you live in the environment, and it's literally going up on the walls in our new atrium.
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> *Q. Literally.*
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> A. Literally. It is part -- it's integrated into all kinds of communications to show this is what we're doing in strategic -- or in customer solutions and innovation, what do these all mean. There's a lot of effort spent to really build an understanding, through all kinds of communication and cascading processes to build employee understanding of what strategic intent is.[14]

In short, the company has a long history of relying on the shared understandings of the Cargill culture to achieve uniformity in employees' orientation towards its missions and goals, and as new business strategies are developed, the company devotes considerable efforts to build upon and modify the culture accordingly.

However, the officially promulgated mission and values are not the only elements of the shared understandings that comprise an organizational culture. Also part of the company's culture are shared understandings of "how things work" that may not be codified in official company documents and policies. Once in place, practices and policies become institutionalized, part of a company's customs or traditions, taken for

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[14] Bowman depo., p. 56.

granted by both employers and employees, establishing what organizational scholars refer to as "organizational inertia."[15]

At Cargill, some of those shared and taken-for-granted understandings derive from the company's origins and history as a family-owned, Midwestern-based company engaged in agricultural businesses and grain trading.[16] Business historian Wayne Broehl writes that integrity in grain trading was a value explicitly articulated by the company, and one that sustained its distinctive reputation in that industry, whereas the value placed on secrecy, characteristic of family-owned, privately held corporations and reinforced by the need to maintain competitive advantage in trading, was one that was more implicit than explicit, but nonetheless very strongly held.[17]

As part of its SI initiative, in 2000 the company did a "culture scan" to assess how employees across the company viewed the culture, what they viewed as important parts of the culture, and what aspects of the culture that they would like to see changed.[18] Among

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[15] P. Doeringer and M. Piore, *Internal Labor Markets and Manpower Analysis*, D. C. Heath, 1971; L. Stinchcombe, "Social Structure and Organizations," p. 142-93 in *Handbook of Organizations*, edited by J. G. March, Rand McNally, 1965; M. T. Hannan and J. H. Freeman, "Structural Inertia and Organizational Change," *American Sociological Review*, Vol. 43, 1984, p. 143-164; J. N. Baron, "Organizational Evidence of Ascription in Labor Markets," in *New Approaches to Economic and Social Analyses of Discrimination*, edited by R. Cornwall and P. Wunnava, Praeger, 1991. The concept of organizational inertia has been applied in scientific studies conducted in a wide range of industrial settings. See, for example, J. Roggema and M. H. Smith, "Organizational Change in the Shipping Industry: Issues in the Transformation of Basic Assumptions," *Human Relations*, Vol. 36, 1983, p. 765-790; E. Abrahamson and C. J. Fombrun, "Macrocultures: Determinants and Consequences," *Academy of Management Review*, Vol. 19, 1994, p. 728-755; L. Gardenswartz and A. Rowe, "Diversity Management: Practical Application in a Health Care Organization," *Frontiers of Health Services Management*, Vol. 11, 1994, p. 36-40; G. T. Fairhurst, S. Green, and J. Courtright, "Inertial Forces and the Implementation of a Socio-technical Systems Approach: A Communication Study," *Organization Science*, Vol. 6, 1995, p. 168-185; C. Doucouliagos, "Conformity, Replication of Design and Business Niches," *Journal of Economic Behavior & Organization*, Vol. 30, 1996, p. 45-62; and M.. Ruef, "Assessing Organizational Fitness on a Dynamic Landscape: An Empirical Test of the Relative Inertia Thesis," *Strategic Management Journal*, Vol. 18, 1997, p. 837-853.

[16] Broehl, 1998, *op cit.*, p. 339, 355-356, 369-370, 375.

[17] Broehl, 1998, op cit., p. 356-365.

[18] Lumpkins depo., p. 125; Staley depo., p. 136-137; Siska depo., p. 185.

the elements of corporate culture identified by those who participated in the culture scan focus groups were: "secretiveness" with a "'smoke and mirrors' perception of promotion and compensation decisions;" a conservative, traditional culture "strongly identified with Midwestern values;" and a high value placed on years of service and "sameness."[19] The theme that employees had limited knowledge of how pay decisions are made had emerged in another focus group study eight years earlier in 1992.[20]

BECAUSE AFRICAN AMERICANS COMPRISE A SMALL FRACTION OF CARGILL'S SALARIED EMPLOYEES, THE COMPANY'S CULTURE CREATES BARRIERS TO THEIR CAREER ADVANCEMENT

A large body of social science research shows that African Americans in corporate settings face barriers to career advancement when they comprise a small percentage of the workforce. Studies conducted on organizational settings show that African Americans tend to receive lower performance evaluations, especially when performance assessment is subjective.[21] For example, a 1985 article by Kraiger and Ford performed a meta-analysis of 84 studies with a total of over 20,000 ratees, including 64 field studies and 10 experimental studies of white raters rating a total of 17,159 African American and white ratees.[22] Meta-analysis is a method for quantitatively aggregating results across studies in order to obtain a more precise estimate of the size and reliability

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[19] Exh. 32, "Themes, Rituals, Beliefs and Behavior in Light of Strategic Intent, Corporate HR Meeting December, 2000; Exh. 100, "Leadership Development Team - December 14, 2000;" Staley depo., p. 136-137; Lumpkins depo., p. 125, 286; Siska depo., p. 185; Wessling depo., p. 166-167.

[20] Exh. 518, memo from Performance Management Design Team to Compensation Committee regarding Pay Philosophy and Guidelines; Ringquist depo., p. 91-92.

[21] I have reviewed the assessment tools Cargill uses to evaluate employee performance under the "Performance Management Process" and under its systems for identifying "high potential" employees. Each of these tools allow considerable subjective discretion.

[22] K. Kraiger and J. K. Ford, "A Meta-Analysis of Race Effects in Performance Ratings," *Journal of Applied Psychology*, Vol. 70, 1985, p. 56-65.

of effects than can be obtained from any single study.[23] In addition, a meta-analysis of studies conducted across a variety of settings contributes to establishing the external validity of the research. Kraiger and Ford's meta-analysis found: (1) that white raters give significantly higher ratings to whites than to African Americans; (2) that African American raters give significantly higher ratings to African Americans than to whites; and (3) that the tendency for white raters to give lower ratings to African Americans declined as the proportion of African Americans in the workforce increased.

A subsequent meta-analysis published by Martocchio and Whitener in *Human Relations* in 1992 replicates Ford *et al.*'s finding regarding race effects in subjective performance measures.[24] The Martocchio and Whitener meta-analysis focused specifically on field studies of performance assessment conducted in private sector firms.[25] The results of their analysis of ten field studies show that race effects were larger on subjective than on objective measures of performance. They summarize this result as follows:

> Subjective ratings of performance suggest that Whites perform substantially higher than minorities; however, objective indices of the same type of performance for the same people show no differences in performance on the basis of race.[26]

Numerous other studies conducted in organizational settings and published in leading refereed journals report similar findings. For example, Jeffrey Greenhaus and

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[23] J. E. Hunter and F. L. Schmidt, *Methods of Meta-analysis: Correcting Error and Bias in Research Findings*, Sage Publications, 1990.

[24] J. J. Martocchio and E. M. Whitener, "Fairness in Personnel Selection: A Meta-Analysis and Policy Implications," *Human Relations*, Vol. 45, 1992, p. 489-506.

[25] Martocchio and Whitener, *op cit.*, p. 494.

[26] Martocchio and Whitener, *op cit.*, p. 500.

colleagues studied the career experiences of a matched sample of 373 African American and 455 white managers in three companies in the communications, banking, and electronics industry.[27] The African American and white managers included in their study were similar in age, organizational tenure, job function, and organizational level.[28] Their 1991 article in the *Academy of Management Journal* reports that supervisors rate the performance and promotion potential of African American managers significantly lower than whites, findings the authors describe as "remarkably consistent with the results of Kraiger and Ford's (1985) meta analysis."[29] Compared to white managers, African American managers scored lower on a scale of "corporate fit," expressing higher levels of isolation and lower levels of acceptance within the organization. African American managers reported lower career satisfaction and were more likely to report that their careers had reached a plateau, compared to white managers with similar performance evaluations. A second article published in 1993 in *Organizational Behavior and Human Decision Processes* explored the attributions supervisors made about the reasons for the successful performance of African American and white managers. Their findings were consistent with laboratory studies on this topic: compared to white managers, successful

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[27] J. H. Greenhaus, S. Parasuraman, and W. W. Wormley, "Effects of Race on Organizational Experiences, Job Performance Evaluations, and Career Outcomes," *Academy of Management Journal*, Vol. 33, 1990, p. 64-86; J. H. Greenhaus and S. Parasuraman, "Job Performance Attributions and Career Advancement Prospects: An Examination of Gender and Race Effects," *Organizational Behavior and Human Decision Processes*, Vol. 55, 1991, p. 273-297.

[28] Greenhaus *et al.*, *op cit.*, p. 81; Greenhaus and Parasuraman, *op cit.*, p. 280-281.

[29] Greenhaus *et al.*, *op cit.*, p. 79.

performance by African American managers was less likely to be attributed to ability or effort and more likely to be attributed to help from others.[30]

The findings of Greenhaus *et al.* regarding race differences in assessment of promotion potential were replicated in a study by Jacqueline Landau of 682 managerial and professional employees of a Fortune 500 company who had been rated at least "above average" in performance.[31] The study, published in 1995 in the *Journal of Organizational Behavior,* examined the impact of race on supervisors' assessments of promotion potential as recorded in company records from the annual performance appraisal process.[32] Landau found that African American managers and professionals were rated lower in promotion potential than whites of comparable age, education, organizational tenure, salary grade, job type, and satisfaction with career support.[33]

The studies of racial disparities in assessments of performance and promotion potential are consistent with theory and research on ingroup favoritism and outgroup bias. In settings where African Americans are a small minority (e.g. less than 15% of those being evaluated), outgroup bias is likely to influence evaluative judgments made by members of the non-African American majority.[34] Negative performance by members of the outgroup are attributed to internal dispositions (e.g. a lack of ability or talent), while

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[30] Greenhaus and Parasuraman, *op cit.*, p. 285-288. For experimental evidence of race bias in attributions of the causes of successful performance, *see* K. L. Yarkin, J. P. Town, and B. S. Wallston, "Blacks and Women Must Try Harder: Stimulus Persons' Race and Sex Attributions of Causality," *Personality and Social Psychology Bulletin*, Vol. 8, 1982, p. 21-24.

[31] Jacqueline Landau, "The Relationship of Race and Gender to Managers' Ratings of Promotion Potential," *Journal of Organizational Behavior*, Vol. 16, 1995, p. 391-400.

[32] Landau, *op cit.*, p. 394.

[33] Landau, *op cit.*, p. 395-396.

[34] R. M. Kramer, "Intergroup Relations and Organizational Dilemmas: The Role of Categorization Processes," *Research in Organizational Behavior*, Vol. 13, 1991, p. 191-228.

positive performance is attributed to situational factors such as assistance from others or luck.[35] In organizational settings, members of the minority group tend to receive less desirable job assignments because of low expectations, and they are also likely to receive unreliable and unrealistic feedback about their performance.[36]

Other studies done in workplace settings document the barriers to effective mentorship faced by African Americans in predominately white companies. In an article published in 1991 in *Work and Occupations*, Cox and Nkomo report analyses of the early career experiences of a sample of 273 African American and 456 white graduates of MBA programs. Most received their degrees from top 20 business schools in the United States.[37] African Americans reported receiving less support from mentors than did whites of comparable age and experience, with comparable performance ratings, and who were working in organizations of similar size. Cox and Nkomo also report evidence of greater isolation among the African American MBAs, who reported lower levels of job involvement and lower career satisfaction than whites.[38] A study by David A. Thomas published in 1990 in the *Journal of Organizational Behavior* analyzed the quality of

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[35] For a review of research on this phenomenon, known as the "ultimate attribution error," see M. Hewstone, "The 'Ultimate Attribution Error'? A Review of the Literature on Intergroup Causal Attribution," *European Journal of Social Psychology*, Vol. 30, 1990, p. 311-335. Also see reviews of outgroup bias by M. B. Brewer and R. M. Kramer, "The Psychology of Intergroup Attitudes and Behaviors," *Annual Review of Psychology*, Vol. 36, 1985, p. 219-243; D. M. Messick and D. Mackie, "Intergroup Relations," *Annual Review of Psychology*, Vol. 40, 1989, p. 45-81; and T. M. Ostrom and C. Sedikides, "Out-Group Homogeneity Effects in Natural and Minimal Groups," *Psychological Bulletin*, Vol. 112, 1992, p. 536-552.

[36] Experimental and field studies of these phenomena are summarized in T. F. Pettigrew and J. Martin, "Shaping the Organizational Context for Black American Inclusion," *Journal of Social Issues*, Vol. 43, 1987, p. 41-78 (see p. 55-60).

[37] T. H. Cox and S. M. Nkomo, "A Race and Gender-Group Analysis of the Early Career Experience of MBAs," *Work and Occupations*, Vol. 18, 1991, p.436.

[38] Cox and Nkomo, *op cit.*, p. 439-441.

mentorship received by 88 African American and 109 white managers in a large public utility company.[39] Thomas found that compared to cross-race mentorship relationships, same-race relationships provided African American managers with significantly more "psychosocial support," i.e. direction and guidance, affirmation of ideas, role modeling, and mutuality and trust.[40] These studies are consistent with the findings of prior research on the experience of African American managers in predominately white organizations. Fernandez's study of 4,202 managers, including over 900 African American managers, employed in ten large companies reports that a majority of African American managers perceive that whites exclude minority managers from informal work groups. Moreover, over a third of upper-level white male managers agreed with that assessment.[41] Regina Nixon's study of 303 African American managers in middle and upper management in large corporations found that a majority perceive themselves as either alienated from, or marginal to, the formal and informal networks of corporate life.[42] Nixon also found that a lack of mentorship was one of the most important factors contributing to this perception and to the perception of blocked promotion opportunities.[43] Research by Hermina Ibarra on middle managers in a Fortune 500 firm showed that "high potential" minorities tend to

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[39] D. A. Thomas, "The Impact of Race on Managers' Experiences of Developmental Relationships (Mentoring and Sponsorship): An Intra-Organizational Study)," *Journal of Organizational Behavior*, Vol. 11, 1990, p. 479-492.

[40] Thomas, *op cit.*, p. 484, 487-488. Also see G. F. Dreher, and T. H. Cox, "Race, Gender, and Opportunity: A Study of Compensation Attainment and the Establishment of Mentoring Relationships," *Journal of Applied Psychology*, Vol. 81, 1996, p. 297-308.

[41] J. P. Fernandez, *Racism and Sexism in Corporate Life: Changing Values in American Business*, Lexington Books, 1981, p. 9-10, 43.

[42] R. Nixon, *Black Managers in Corporate America: Alienation or Integration?* National Urban League, 1985, p. 18-19, 24-26.

[43] R. Nixon, *op cit.*, p. 30-33; R. Nixon, *Climbing the Corporate Ladder: Some Perceptions Among Black Managers*, National Urban League, 1985, p. 33-35.

have less access to informed and influential others and to be isolated from corporate informal social networks.[44]

The kinds of barriers to minority advancement identified in the research described above are especially pronounced at Cargill. First, outgroup bias is likely to affect African Americans, because they comprise a small percentage of the company's workforce: less than 5% of the U.S. salaried employees, a bit over 3% of the salaried workforce, less than 3% of those in the "Officials and Managers" EEO-1 category, and about 4% of those in the Professionals category, and comprise a small percentage in all other EEO categories as well.[45] Moreover, they are likely to be perceived as outsider in a overwhelmingly white company with few African Americans in high-level positions, and with shared understandings that derive from Cargill's rural Midwestern origins. Second, in a culture that has traditionally valued secrecy and loyalty, and where the process governing compensation and promotion is not well understood, African Americans will be especially disadvantaged from being isolated from social networks of influential others. The marginalization and isolation of African Americans in an overwhelmingly white corporate context is likely to affect performance, which in turn creates additional barriers to career advancement. Third, Cargill's assessment tools for evaluating employee's performance and potential allow considerable subjective discretion to the predominately white managers and supervisors using these tools.

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[44] H. Ibarra, "Race, Opportunity, and Diversity of Social Circles in Managerial Networks," *Academy of Management Journal*, Vol. 38, 1995, p. 673-703.

[45] These statistics are from Tables 1.1 through 1.4 of the report prepared by plaintiffs' statistical experts.

CARGILL FAILS TO USE EFFECTIVE POLICIES AND PRACTICES FOR MONITORING AND MINIMIZING CAREER BARRIERS FACED BY AFRICAN AMERICAN EMPLOYEES

While social science research shows that African Americans often face significant obstacles to career advancement in white-dominated organizational environments, the existence of such barriers is not inevitable. Well-designed and implemented equal employment opportunity policies can be used to identify the policies and practices that create those barriers and to implement policies and procedures that minimize the potential for bias.

For example, research studies show that the effects of stereotypes and outgroup bias on evaluative judgments such as those involved in recruitment, hiring, job assignment, promotion, and assessments of skills, qualifications, and performance can be minimized when decision-makers know that they will be held accountable for the criteria used to make decisions, for the accuracy of the information upon which the decisions are based, and for the consequences their actions have for equal employment opportunity.[46]

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[46] T. E. Nelson, M. Acker and M. Manis, "Irrepressible Stereotypes," *Journal of Experimental Social Psychology*, Vol. 32, 1996, p. 13-38; J. L. Eberhardt and S. T. Fiske, "Motivating Individuals to Change: What Is a Target to Do?" p. 369-415 in *Stereotypes and Stereotyping*, edited by C. N. Macrae, C. Stangor, and M. Hewstone, Guilford Press, 1996; A. M. Konrad and F. Linnehan, "Formalized HRM Structures: Coordinating Equal Employment Opportunity or Concealing Organizational Practices?" *Academy of Management Journal*, Vol. 38, 1995, p. 787-829; T. F. Pettigrew and J. Martin, "Shaping the Organizational Context for Black American Inclusion," *Journal of Social Issues*, Vol. 43, 1987, p. 41-78; G. R. Salancik and J. Pfeffer, "Uncertainty, Secrecy, and the Choice of Similar Others," *Social Psychology*, Vol. 41, 1978, p. 246-55; C. T. Schreiber, K. F. Price, and A. Morrison, "Workforce Diversity and the Glass Ceiling: Practices, Barriers, Possibilities," *Human Resource Planning*, Vol. 16, 1993, p. 51-69; P. E. Tetlock, "Accountability: The Neglected Social Context of Judgment and Choice," p. 297-332 in *Research in Organizational Behavior*, Vol. 7, edited by L. L. Cummings and B. M. Staw, Jai Press, 1985; P. E. Tetlock and J. I. Kim, "Accountability and Judgment Processes in a Personality Prediction Task," *Journal of Personality and Social Psychology*, Vol. 52, 1987, p. 700-709; P. E. Tetlock, "The Impact of Accountability on Judgment and Choice: Toward a Social Contingency Model," *Advances in Experimental Social Psychology*, Vol. 25, 1992, p. 331-376; Reskin, *op cit.*; P. M. Tetlock and M. Lerner, "The Social Contingency Model: Identifying Empirical and Normative Boundary Conditions on the Error-and-Bias Portrait of Human Nature," p. 571-585 in *Dual Process Theories in Social Psychology*, edited by S. Chaiken and Y. Trope, Guilford Press, 1999; W. Bielby, 2000, *op cit.* To see how human resource

Formal written policies alone are not sufficient to minimize bias in personnel decisions. A written equal employment opportunity policy that is simply reactive and lacks effective accountability is vulnerable to bias against women and minorities. Often, such a system is simply a symbolic exercise in "going through the motions," with little substantive impact on creating a work environment that is free of bias.[47] Effective "EEO accountability" has three key elements.[48] One is the regular monitoring and analysis of patterns of racial (and gender) disparities in pay and career advancement as a routine part of an organization's personnel system. Such monitoring assesses whether disparities are greater than what plausibly might be expected based on differences in job-related knowledge, skills, abilities, interests and other job-related factors that influence an employee's contributions to the organization.[49]

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professionals apply these principles in the design of personnel systems, see R. D. Gatewood and H. S. Field, *Human Resource Selection*, Third Edition, Dryden Press, 1994; and H. G. Heneman, III, R. L. Heneman, and T. A. Judge *Staffing Organizations*, Second Edition, Mendota House and Richard D. Irwin, 1997.

[47] L. B. Edelman, "Legal Ambiguity and Symbolic Structures: Organizational Mediation of Civil Rights Law," *American Journal of Sociology*, Vol. 97, 1992, p. 1531-1576; L. B. Edelman, S. Patterson, E. Chambliss, and H. S. Erlanger, "Legal Ambiguity and the Politics of Compliance: Affirmative Action Officers' Dilemma," *Law and Policy*, Vol. 13, 1991, p. 73-97; L. B. Edelman, H. S. Erlanger, and J. Lande, "Employers' Handling of Discrimination Complaints: The Transformation of Rights in the Workplace," *Law & Society Review*, Vol. 27, 1993, p. 497-534; L. B. Edelman, Lauren B. and S. Petterson, "Symbols and Substance in Organizational Response to Civil Rights Law," in *Research in Social Stratification and Mobility*, 1999; M. E. Heilman, " Sex Stereotypes and their Effects in the Workplace: What We Know and What we Don't Know," *Journal of Social Behavior and Personality*, Vol. 10, 1995, p. 3-26; J. S. Leonard, "Women and Affirmative Action," *Journal of Economic Perspectives*, Vol. 3 (No. 1), 1989, p. 61-75. Also see J. S. Leonard, *Use of Enforcement Techniques in Eliminating Glass Ceiling Barriers*, Report prepared for the U. S. Department of Labor, Glass Ceiling Commission, April 1994.

[48] W. Bielby, 2000, *op cit.*

[49] Organizations with Affirmative Action Plans usually do something like this under the rubric of "availability and utilization analyses," but often such analyses are generic reports generated by off-the-shelf programs with little real connection to a company's overall personnel system. Effective monitoring is not based on the generic formulae and broad occupational categories typically used in Affirmative Action Plans, but instead relies on actual job transitions and is based on the same information used by those who make decisions about hiring, job assignment, training, performance evaluation, promotion, compensation, and the like.

A second component of effective EEO accountability is systematic analysis of feedback from employees about perceptions of barriers to and opportunities for career advancement. Systematic monitoring of trends in employees' perceptions of barriers to career advancement and of top management's commitment to EEO can be used to identify subtle forms of bias and related problems not immediately apparent from analyses of more objective workforce data.

The third component of EEO accountability is explicit evaluation of managers and supervisors on their contributions to an organization's EEO goals. Nearly all medium- to large-scale organizations have a written antidiscrimination policy, and many have a written policy stating that implementing the objectives of the Affirmative Action Plan is the responsibility of every employee. However, such policies are merely symbolic unless they also delineate explicit duties and responsibilities relating to equal employment opportunity in each manager's or supervisor's job description, which can then be related to specific evaluative dimensions in the performance reviews of those employees.

Cargill has the capacity to monitor racial disparities in pay and career trajectories, to survey employees on their perceptions about discriminatory barriers, and to evaluate its managers on contributions to the company's EEO goals. It has a centralized, corporate center HR function and HR functions embedded in its business units staffed with knowledgable professionals who have the expertise to design and implement effective policies.[50] At various times over the past twenty years each of the three elements of EEO accountability was under consideration, as the company operated under the terms of a

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[50] Siska depo., p. 239-247, 285-288, 294-302; Van Orsdel depo., p. 24-25.

consent decree, responded to OFCCP audits, and developed diversity initiatives. But it has consistently failed to implement any of these elements of EEO accountability in any meaningful way. I discuss each below.

Assessing Disparate Impact of HR Practices and Monitoring of Racial Disparities

The equal employment opportunity policy as reflected in a policy statement published prior to Whitney MacMillan's retirement in 1995 states: "Through Cargill's internal audit system, personnel decisions are systematically reviewed to determine whether EEO policies are being carried out in practice."[51] The document also states that an Executive EEO Management Committee comprised of top company executives "reviews the results of personnel decisions throughout Cargill to monitor policy compliance."[52] According to Barbara Luke, who was Manager of Workforce Diversity from 1992 to 1995, the document is the EEO policy statement circulated to all employees at that time.[53] According to Ms. Luke, there was no review of promotion decisions for EEO compliance; the only personnel decisions reviewed by a corporate-level committee were terminations and reductions in force, and she was aware of no corporate-level "internal audit system."[54]

In January, 1995, in response to an OFCCP Glass Ceiling Audit, current CEO Staley issued a memo to Division Presidents and Department Managers, mandating accurate applicant flow analyses for promotions, and a review of internal promotion

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[51] Exh. 9, Equal Employment Opportunity (undated), BATES C129576.

[52] Exh. 9, BATES C129572.

[53] Luke depo., p. 52-53.

[54] Luke depo., p. 56-64; 144-147. Ms. Luke testified (p. 146-147) that her office would provide resources for any business unit that wanted to conduct an EEO audit, but it was not mandatory for business units to do so.

procedures for potentially discriminatory impact.[55] That same month, the company's Workforce Diversity Manager Barbara (Peterson) Luke, issued a memo to Division Human Resource Managers and Division EEO Representatives with instructions for implementing key parts of Staley's directive. Mr. Staley testified that he was unaware if any of these efforts had been successfully implemented across business units.[56] CFO Robert Lumpkins, Nancy Siska, Vice President of Human Resources, Jody Horner, Regional HR Manager for North America, and Barbara Luke, who formerly held positions as Workforce Diversity Manager Organizational Effectiveness Specialist, gave similar testimony: responsibility for implementing Mr. Staley's directives was delegated to the individual business units, but there was no process in place for auditing whether that was actually accomplished, and the deponents had no knowledge of whether they were implemented in the business units.[57]

Two years later, in April, 1997, a memo was issued from Nancy Siska to Vice-Chairman David Raisbeck and Everett MacLennan, the top human resources executive, regarding a plan of action for meeting the company's diversity directives. These included: analyzing data and proposing goals to promote diversity and to devise a process for documenting reasons why goals were not met; tracking hiring, promotion and termination decisions and the reasons for them; and designing measures and an accountability system

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[55] Exh. 48.

[56] Staley depo., p. 16-30.

[57] Lumpkins depo., p. 18-22, 28-29; Siska depo., p. 232-236; Horner depo., p. 176-199, 205-210; Luke depo., p. 113-124, 132-133; also see Wessling depo., p. 70-73. According to Ms. Horner (p. 192), there was no corporate monitoring, but "there very well *could be* monitoring going on at the business unit level on these issues" (emphasis added).

to ensure compliance.[58] Ms. Siska, who authored the memo, never saw the results of a data analysis, was not aware of any tracking of reasons for hiring, promotion, and termination decisions, and did not recall seeing an accountability system. [59] Ms. Siska testified that Kent Norby, whose responsibilities at the time were "Manpower Planning" would have the information, but his testimony was virtually identical to hers -- he did not remember seeing the results of the analysis, and was not aware of any corporate system for tracking flows or of any accountability system.[60] Other managers and executives gave similar testimony or asserted that any knowledge they had about the issues was covered by attorney-client privilege.[61]

In the late 1990s, as part of the Valuing Differences Initiative ("VDI") a "Measurements Team" was assembled as one of three teams to develop objectives for the initiative. According to Scott Van Orsdel, who represented the company's Worldwide Audit function on the team, there was never any discussion of measuring disparities by race or gender in personnel actions as part of the initiative.[62] At about the same time, in September of 1998, the issue of human resources audits was addressed by the Human Resources Leadership Team in its task of developing a strategy for the company's global human resources function. According to Human Resources Vice President Nancy Siska, an audit process was eventually developed, but she was unaware whether or not the audits

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[58] Exh. 14.

[59] Siska depo., p. 90-93.

[60] Siska depo., p. 94; Norby depo., p. 524-527.

[61] Raisbeck depo., p. 138-141; Luke depo., p. 158-159; Lumpkins depo., p.32-34; Micek depo., p. 93-95; Sjekłocha depo., p. 34-38; Staley depo., p. 35-36.

[62] Van Orsdel depo., p. 67-73.

specifically addressed disparate impact on persons of color.[63] The testimony and materials I reviewed indicate that the Valuing Differences Initiative never included effective mechanisms for monitoring and addressing statistical disparities by race or disparate impact of the company's human resources policy and practice. While proposals for such analyses appear in numerous VDI documents, the company's managers testify either that they were never implemented, that they are not aware if they were implemented or not, or that they cannot answer the question because of attorney-client privilege.[64]

Finally, affirmative action plans provide another potential mechanism for assessing the impact of the human resources policy and practice on minorities, but they are not used for that purpose at Cargill. According to Kathleen Schier, the Employee Relations Manager who is the 30(b)(6) deponent designated to testify on the topic, underutilization findings that are detected in a business units' affirmative action plans are not tracked at the corporate level or maintained in any electronic database. And, since the company started relying on an outside vendor to do the statistical analysis of underutilization, those results are only reported back to the person within a business unit who is responsible to prepare the plan. And while the outside vendor, EASI, offers sophisticated auditing and monitoring services, Cargill uses none of them, relying on the vendor only to produce the statistics required by OFCCP.[65]

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[63] Exh. 49, memo from Nancy Siska to HR Managers regarding Global HR Strategy, September 16, 1998; Siska depo., p.289-292.

[64] See, for example, Exh. 382, Exh. 256, and Exh. 941, and deposition testimony by: Henderson, p. 113-114; Lumpkins, p. 274-275; Raisbeck, p. 76-77; Roen p. 163; Sjeklocha, p. 68-73, 128-129; Staley, p. 228-229; and Van Orsdel, p. 70-80.

[65] Schier depo., p. 54-58, 102, 110, 176-182, 194-196, 214-217.

Ms. Schier testified that although she has responsibility for conducting investigations into discrimination complaints, in that capacity she has never had occasion to look at an affirmative action plan for the unit from which the complaint was lodged.[66] She also testified that her department maintains no records of promotion rates by race, and that she was not aware of any other department doing so.[67] Nor do the business units themselves make any use of the affirmative action plans other than to meet their reporting obligations to OFCCP. According to Ms. Schier, there has been talk about trying to make them useful as a business tool, but with no success to date. She testified as follows:

> *Q. Okay. In particular, I wanted to ask you about, down at the bottom of the first page, which is C 557154, after the name "Pat - more info on how to make AAP alive & well - how we can make it more a part of the business plan."*
>
> *I've seen several documents, including this one, referring to making AAPs part of the business plan. What's meant by that?*
>
> A. I'm not really sure. I'm taking -- this looks like a meeting that I had with John and Pat, whoever they are -- I can't remember -- about visiting, you know -- this looks like it was shortly after I came into the department, and so I was doing some informational visits.
>
> So they were saying, you know: We'd like to see how we could make AAPs more a part of the business plan. My sense would be more a -- more a -- a better useful tool for the businesses.
>
> *Q. Has that, in fact, been talked about, making AAPs more a part of the business plans for the business units?*
>
> A. Well, we've talked about it in our training. You've seen the training slides about how to use an AAP as a business tool.
>
> *Q. And summarize that for me. How would you go about using an AAP as part of a business tool – a business tool in the business unit? How would you do it?*

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[66] Schier depo., p. 224-225.

[67] Schier depo., p. 227-230.

A. Well, we'd just -- again, it's not anything that we have any control over. We're just trying to convey to business units how they might be able to use it, since they have to do it anyway. It's for compliance purposes, you know. If they have to do it, why not try to get some use out of it.

So we've talked about -- in the training, about, you know, looking at the numbers to maybe help in their planning activities, maybe help use it in their broader diversity efforts, kind of use it as perhaps a springboard for more broader diversity discussions.

Q. Are you aware of any business units that are doing that?

A. Not particularly, because I don't have that much input with the specific business units and their plans, them having their business plans.

Q. I understand. But you do talk with the HR people that prepare these AAPs, from time to time? I'm just wondering, any of the AAPs -- any of the HR people that prepare the AAPs, that you talk with on a regular basis, have they indicated to you that their business unit has been using the AAP for part of their business-planning purposes?

A. Not specifically, I guess.[68]

Elaborating on this issue, Ms. Schier added:

A. But, I mean, we've always tried to encourage the affirmative action plan as a piece of the broader diversity effort at Cargill, realizing, however, though, that that was really up to business units. I mean, they really had to decide how they could best use the affirmative action plan.

Sometimes, I mean, quite frankly, it's a compliance piece and it's limited in how useful it can be in a broader diversity effort. It's, you know, governed by the regulations how we put it together, and in some cases it's kind of artificial just because we have to do it in a certain way. So I think some business units probably could make better use of it than possibly others.[69]

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[68] Schier depo., p. 233-235.

[69] Schier depo., p. 238-239.

In short, at Cargill, the compiling of affirmative action plans is precisely the kind of exercise in "going through the motions" and "symbolic compliance" that is described in the social science literature on this topic.

Assessing Employees' Perceptions of Discriminatory Barriers

Since 2001, an "engagement survey" of Cargill's salaried employees has been conducted in each business unit, approximately every 12 to 18 months. The purpose of the survey is to assess employees' commitment to and willingness to be supportive of the company and their intention to stay employed at Cargill.[70] It is intended to be used by business units as a "tool for continuous improvement," with trends over time in responses to the questions providing a basis for measuring progress in managing the workforce.[71] Although none of the survey questions used to date address EEO and diversity issues directly, several assess employees' perceptions of opportunities and fair treatment of employees. In principle, the survey could serve as a mechanism for assessing whether minority and white employees differ in their perceptions on such matters. In addition, with modest changes, the survey could be modified to ask specifically about perceptions of whether race or sex are factors in personnel decisions and whether managers are committed to diversity or EEO goals. However, Cargill has chosen not to collect information on race as part of the survey, so there is no way for the company or for business units to monitor disparities in perceptions by race and track them over time.[72]

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[70] Roen depo., p. 157; Raisbeck depo., p. 89-90; Horner depo., Vol. III, p. 12; Kollodge, p. 111-113.

[71] Roen depo. p. 159; Horner depo., Vol. III, p. 31.

[72] Gray depo., p. 97-98; Nelson depo., p. 167-168; Roen depo., p. 160; Sjeklocha depo., p. 310-311; Chial depo., p. 93-94.

Moreover, the three-item "valuing differences index" includes just one question ("I believe everyone has an equal opportunity to succeed here") that has any relationship to perceptions about discriminatory barriers or management's responsiveness to EEO issues.[73]

Evaluating Managers on Contributions to EEO Goals

The company's approach to evaluating managers on contributions to EEO goals is no different from its inadequate record on monitoring disparate impact and racial disparities in personnel outcomes. There is much written in company documents about the issue, but there is hardly anything in the way of consistent, systematic practice. For example, the MacMillan-era EEO policy states: "in addition to other established criteria, managers and supervisors will be evaluated on the basis of their contributions to the achievement of our affirmative-action-plan objectives." But Mr. McMillan was aware of no systematic monitoring of whether that aspect of the EEO policy was implemented.[74] Ms. Luke testified that she was not aware of any Key Result Area ("KRA") under the Performance Management Process ("PMP") process being based on this policy.[75]

Mr. Staley's January 1995 directive regarding the response to the OFCCP Glass Ceiling Audit stated that managers were to be evaluated on their contributions to EEO goals, but there is scant evidence that any formal evaluation along those lines was implemented.[76] A November 1998 Task Force Project Summary surveyed "best

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[73] Exh. 942, and Exh. 944 through 946; Sjeklocha depo., p. 140-151; Siska depo., p. 179-180.

[74] MacMillan depo., p. 19-20.

[75] Luke depo., p. 48-49. Also see Reed depo., p. 98-99.

[76] Exh. 48; Staley depo. p. 26-30; p. 143-146; Horner depo., p. 203-204; Luke depo., p. 25-126; Massie depo., p. 79-80; Norby depo., p. 520-521; Raisbeck depo., p. 39; Siska depo., p. 236-27; Reed depo., p. 114.

practices" and found that companies that had the greatest success in the meeting EEO objectives were ones that linked managers' compensation to performance in the EEO area. However, the Task Force chose not to recommend Cargill adopt that practice at the time, and there is no evidence that it was adopted and implemented subsequently.[77] The issue of having a VDI KRA mandated for all business unit leaders was raised in 2001, but it was never implemented.[78] Mr. Staley testified that there is no company requirement that employees at any specific level must have a KRA relating to VDI.[79]

The only mandated assessment of business unit leaders on EEO issues was initiated in fiscal year 2002-03. It consists of a single question in leader's "BU contract" that asks: "What meaningful steps are you taking in the area of valuing differences?"[80] A review of contracts showed that the question was not always addressed, and that "many BUs/Functions do not have a meaningful action included in the contract--either it's in there and not meaningful or its absent."[81]

In sum, despite the fact that it has the capacity to implement each of the three elements of effective EEO accountability, and despite the fact that proposals to do so have emanated from various individuals, teams, and task forces within the company numerous times over the past fifteen years, Cargill has repeatedly and consistently failed to implement any of these measures. It's monitoring of human resource policies and

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[77] Exh. 967, Task Force Project Summary, 11/30/98; Sjeklocha depo., p. 190-191.

[78] Exh. 466.

[79] Staley depo., p. 143-146.

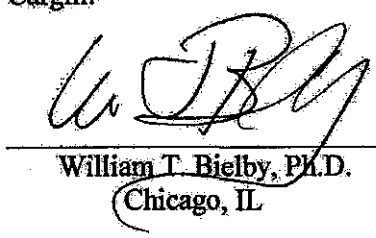
[80] Exh. 947, BU Contract Question on Valuing Differences; Sjeklocha depo., p. 151-152; 154-155.

[81] Exh. 947, BATES C747042; Sjeklocha depo., p. 154-158.

practice, establishing accountability for EEO objectives, and minimizing bias remain seriously deficient, creating an environment where systemic race bias can flourish.

CONCLUSION

At Cargill, a strong culture establishes uniformity in employees' orientation towards the company and in company policy and practice. It also has features that are likely to create barriers to career advancement of African American employees and to adversely affect their performance relative to that of employees who are not members of racial minority groups. The kinds of EEO policies and practices that can minimize the kinds of barriers faced by minorities are largely absent or are seriously deficient at Cargill.



William T. Bielby, Ph.D.
Chicago, IL

April 22, 2004

EXHIBIT A

DEPOSITION AND TRIAL TESTIMONY 2000-2004:

Rebecca Beckmann, et al. v. CBS, Inc., et al.
Docket No: 3-96-1172
Court: United States District Court, District of Minnesota
Counsel: Sprenger & Lang, Minneapolis, MN
Expert Report, Deposition Testimony

Marybeth Cremin, et al. v. Merrill Lynch, Pierce, Fenner & Smith Inc.
Docket No: 96 C 3773
Court: United States District Court, Northern District of Illinois, Eastern Division
Counsel: Stowell & Friedman, Chicago, IL
Expert Report, Arbitration Testimony

Pamela K. Martens, et al. v. Smith Barney, Inc., et al.
Docket No. 96 Civ. 3779 (AGS)
Court: United States District Court, Southern District of New York
Counsel: Stowell & Friedman, Chicago, IL
Expert Reports, Arbitration Testimony

EEOC v. Ian Schrager, Hotels, Inc. d/b/a Mondrian Hotel
Docket No. CV 99-00987 R (RCx)
Court: United States District Court, Central District of California
Counsel: Anat Ehrlich, Kathleen Mulligan, EEOC
Report: Expert Report
Expert Report, Deposition Testimony

Lucy's Sales, et al. v. County of Contra Costa, et al.
Docket No. C98-02955 PJH (JL)
Court: United States District Court, Northern District of California
Counsel: Lawyers' Committee for Civil Rights of the San Francisco Bay Area (Oren Sellstrom)
Wilson Sonsini Goodrich & Rosati (Lisa Davis, David Berger), Palo Alto
Expert Report, Deposition Testimony, Trial Testimony

Ella Bramwell and Marilyn Hill v. BMG Entertainment, Inc.
Docket No. 00C 7751
Court: United States District Court, Eastern District of Illinois
Counsel: Stowell & Friedman (Linda Friedman), Chicago
Expert Report, Deposition Testimony

Eric Bates, et al. v. United Parcel Service
Docket No. C-99 2216 (TEH)
Court: United States District Court, Northern District of California
Counsel: Schneider & McCormac (Todd Schneider), San Francisco
Declaration, Expert Report, Deposition Testimony

Francisco Rodriguez, et al. v. Merrill Lynch & Co.
Docket No. L-5908-98
Court: Superior Court of New Jersey, Law Division: Hudson County
Counsel: Steven Arenson, Arenson, Dittmar & Karbani, New York
Declaration, Expert Report, Deposition Testimony

Carol Gosho, et al. v. U.S. Bancorp Piper Jaffray, Inc.
Docket C 00-01611 PJH
Court: United States District Court, Northern District of California
Counsel: Meites, Mulder, Burger & Mollica, Chicago
Declaration, Expert Report, Deposition Testimony

Betty Dukes, et al. v. Wal-Mart Stores, Inc.
Docket C-01-2252 MJJ
Court: United States District Court, Northern District of California
Counsel: The Impact Fund (Jocelyn Larkin, Brad Seligman)
Expert Report, Deposition Testimony

EEOC & Schieffelin v. Morgan Stanley
Docket 01 CV 8421 (RMB)
Court: United States District Court, Southern District of New York
Counsel: Outten & Golden (Adam Klein), New York, EEOC (Michael Ranis)
Expert Report, Deposition Testimony

Stella Mitchell, et al. v. Metropolitan Life Insurance Co.
Docket 01-CIV-2112 (WHP)
Court: United States District Court, Southern District of New York
Counsel: Saperstein, Goldstein, Demchak & Ballar (Teresa Demchak), Outten & Golden (Adam Klein)
Expert Report, Deposition Testimony

EXHIBIT B

March 2004

CURRICULUM VITAE

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CURRENT POSITION:

University of California, Santa Barbara
Professor, Department of Sociology, 1983-present
Professor, Department of Statistics and Applied Probability (Affiliated Faculty), 1993-present
Affiliated Faculty, Center for Film, Television, and New Media, 2002-present

Northwestern University
Visiting Distinguished John D. MacArthur Professor of Sociology, Spring 2004

American Bar Foundation, Chicago, IL
Visiting Scholar, 2003-2004

EDUCATION:

B.S. Electrical Engineering (High Honors), University of Illinois--Urbana, 1970.

M.A. Social Sciences (Economics), University of Illinois--Urbana, 1972.

Ph.D. Sociology, University of Wisconsin, 1976.

PREVIOUS POSITIONS:

Visiting Professor, Graduate School of Management, UCLA, 1985.
Chair, Department of Sociology, University of California, Santa Barbara, 1992-1998.
Associate Professor, Department of Sociology, University of California, Santa Barbara, 1981-83.
Assistant Professor, Department of Sociology, University of California, Santa Barbara, 1977-81.
Research Associate, Institute for Research on Poverty, University of Wisconsin, 1975-77.
Rhythm guitar, bass guitar, The Newports, Harvey, Illinois, 1960-1965.

HONORS AND AWARDS:

Reuben Hill Research and Theory Award from the National Council on Family Relations, 1992 (with Denise D. Bielby)
Sociological Research Association (by election, 1989)
Kathleen Gregory Klein Award for Excellence in Feminist Studies from the Popular and American Culture Associations, 1986 (with Denise D. Bielby)
Fellow, Center for Advanced Study in the Behavioral Sciences, Stanford, California, 1983-84.
European Group on Organizational Sociology Award, Organizations & Occupations Section, American Sociological Association, 1981 (with James N. Baron)
Eta Kappa Nu, Electrical Engineering Honorary Society
Tau Beta Pi, Engineering Honorary Society
Phi Kappa Phi, Scholastic Honorary Society
Riverdale Historical Society (Riverdale, IL), Honorary Member (2002-present)

PROFESSIONAL ACTIVITIES:

Professional Associations:

American Sociological Association
American Economic Association
American Statistical Association
Society of Labor Economists

Officer:

President, American Sociological Association, 2002-2003
Council, American Sociological Association, 1998-2001
Committee on Sections, American Sociological Association, 1998-2001 (Vice-Chair, 2000-2001)
Committee on Nominations, American Sociological Association, 1995-97
Council, (1982-84) and Secretary/Treasurer (1984-88), Methods Section of the American Sociological Association.
Council (1986-88), Organizations and Occupations Section of the American Sociological Association.

Editorial Board:

American Sociological Review (1994-1996)
Westview Series on Social Inequality (1991-1996)
Sociological Methods and Research (1978-1989, 1994-1998)
American Journal of Sociology (1982-84)
Sociology of Education (1981-85)
Gender & Society (1997-2000)

PROFESSIONAL ACTIVITIES (continued):

Member:

Social Science Research Council Site Selection Committee, First Year Fellowships in the Study of the Former Soviet Union (1989-1995)
National Institute of Mental Health, Social Science and Population Study Section Review Panel, (Special Reviewer, 1994)
National Institute of Health, Center for Scientific Review (Special Emphasis Panel Chairperson, August 1999)
National Institutes of Health, International Studies on Health and Economic Development Review Committee (November 2000)
Social Science Research Council Committee on the Sociological Study of the USSR (1988-92)
Jessie Bernard Award Selection Committee, American Sociological Association (1990-92)
Social Science Research Council Committee on Occupational Measurement (1980-88)
National Science Foundation, Sociology Review Panel (1985-87)
National Science Foundation, ADVANCE Institutional Transformation Awards Review Panel (2001)
University of Illinois Foundation (1999-2005)
Program Committee, American Sociological Association Annual Meeting, 2001
Board of Directors, Consortium of Social Science Associations (2002-2004)
Amicus Brief Task Force, American Sociological Association (2002-2003)

PUBLICATIONS:

2004 William T. Bielby
" Can I Get A Witness? Challenges of Using Expert Testimony on Cognitive Bias in Employment Discrimination Litigation." *Employee Rights and Employment Policy Journal*, Symposium Issue on "The Maternal Wall: Caregiver Stereotypes and Discrimination," forthcoming.

2004 William T. Bielby
"Rock in a Hard Place: Grass-Roots Cultural Production in the Post-Elvis Era." *American Sociological Review*, forthcoming.

2004 William T. Bielby
"Social Science Accounts of the Maternal Wall: Applications in Litigation Contexts." *Thomas Jefferson Law Review*, forthcoming.

2004 Denise D. Bielby and William T. Bielby
"Audience Aesthetics and Popular Culture." In Roger Friedland and John Mohr (eds.), *Matters of Culture: Cultural Sociology in Practice.* Cambridge, England: Cambridge University Press, forthcoming.

2003 Denise D. Bielby and William T. Bielby.
"Beyond Contexts: Taking Cultural Objects Seriously in Media, Popular Culture, and the Arts." *Sociological Perspectives*, Vol. 46, No. 4.

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Co-editors of Special Issue on Media, Popular Culture, and the Arts, *Sociological Perspectives,* Vol. 46, No. 4..

2003 William T. Bielby and Denise D. Bielby
"Controlling Primetime: Organizational Concentration and Network Television Primtime Programming Strategies." *Journal of Broadcasting and Electronic Media*, forthcoming, Vol. 47, No. 4.

2003 William T. Bielby
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2002 Denise D. Bielby and William T. Bielby
"Hollywood Dreams, Hard Realities: Writing for Film and Television." *Contexts*, Vol. 1, Fall/Winter 2002.

2002 William T. Bielby and Denise D. Bielby
"Telling Stories about Gender and Effort: Social Science Narratives About Who Works Hard for the Money." Forthcoming in Mauro F. Guillen, Randal Collins, Paula England, and Marshall Meyer (eds.), *The New Economic Sociology: Developments in an Emerging Field*. New York: Russell Sage Foundation.

2002 William T. Bielby
"The SoCal Professor Was an Early '60s Rocker" (interview by Mike Dugo). *Lance Monthly*, Vol. 4, No. 2, July, 2002, http://musicdish.com/mag/index.php3?id=6362.

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"Audience Segmentation and Age Stratification Among Television Writers." *Journal of Broadcasting and Electronic Media*, Vol. 45, No. 3, Summer, 2001.

2000 William T. Bielby
"Minimizing Workplace Gender and Racial Bias." *Contemporary Sociology*, January, 2000.

1999 William T. Bielby
"Framing Sociology in Court: Affirmative Action Discourse and Expert Testimony on Employment Discrimination." *Research on Social Stratification and Mobility*, Vol. 17, 1999.

1999 Denise D. Bielby, C. Lee Harrington, and William T. Bielby
"Whose Stories Are They? Fans' Engagement with Soap Opera Narratives in Three Sites of Fan Activity." *Journal of Broadcasting and Electronic Media*, Vol. 42, No. 2, Spring, 1999. Reprinted in Toby Miller (ed.), *Television: Critical Concepts in Media and Cultural Studies*, New York: Routledge, 2002

1999 William T. Bielby and Denise D. Bielby
"Organizational Mediation of Project-Based Careers: Talent Agencies and the Careers of Screenwriters." *American Sociological Review*, Vol. 64, No. 1, February, 1999.

1998 Bielby, William T. and Denise D. Bielby.
The 1998 Hollywood Writers' Report: Telling ALL Our Stories. Los Angeles, CA: Writers Guild of America, West.

1997 Matt L. Huffman, Steven C. Velasco, and William T. Bielby
"Where Sex Composition Matters Most: Comparing the Effect of Job Versus

Occupational Sex Composition on Earnings." *Sociological Focus*, Vol. 29, No. 3, August, 1997.

1996 Bielby, Denise D. and William T. Bielby
"Women and Men in Film: Gender Inequality among Writers in Culture Industries." *Gender & Society*, Vol. 10, No. 3, June, 1996. Reprinted in Paula Dubeck and Dana Dunn (eds.), *Workplace/Women's Place*, Belmont, CA. Roxbury, 2002.

1994 Bielby, William T. and Denise D. Bielby
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1994 Bielby, William T. and Denise D. Bielby
"The Production of Mass Culture." *Footnotes*, Vol. 22, No. 4, April, 1994. Washington, DC: American Sociological Association.

1993 Bielby, Denise D. and William T. Bielby
"The Hollywood 'Graylist'? Audience Demographics and Age Stratification Among Television Writers." In Muriel G. Cantor and Cheryl Zollars (eds.), *Current Research on Occupations and Professions (Creators of Culture)*, Volume 8. Greenwich, CT: Jai Press.

1993 Bielby, William T.
"Aging in the Television Industry." Pp. 34-37. 74-76 in *Age Has A Future: Maturity and the Media*. Conference Proceedings published by the American Association of Retired Persons, Washington, DC.

1993 Bielby, William T. and Denise D. Bielby.
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1992 Bielby, William T. and Denise D. Bielby
"Cumulative Disadvantage in an Unstructured Labor Market: Gender Differences in the Careers of Television Writers" *Work and Occupations*, October, 1992. Reprinted in Jerry A. Jacobs (ed.), *Sex Segregation at Work*, Newbury Park, CA, Sage, 1994.

1992 Bielby, William T. and Denise D. Bielby
"I Will Follow Him: Family Ties, Gender-Role Beliefs, and Reluctance to Relocate for a Better Job," *American Journal of Sociology*, Vol. 97, No. 5, March, 1992 (Winner of the 1992 Reuben Hill Research and Theory Award from the National Council on Family Relations).

1992 Bielby, William T. "The Structure and Process of Sex Segregation." In Richard Cornwall and Phanindra Wunnava (eds.), *New Approaches to Economic and Social Analyses of Discrimination*. New York: Praeger. Reprinted in David B. Grusky (ed.), *Social Stratification: Class, Race, and Gender in Sociological Perspective*, Second Edition, Boulder, CO: Westview Press, 2001.

1991 Bielby, William T. and Ross N. Matsueda
"Statistical Power in Nonrecursive Linear Models," in Peter V. Marsden (ed.), *Sociological Methodology 1991*. Washington D.C.: American Sociological Association.

1991 Bielby, William T.
"Sex Differences in Careers: Is Science a Special Case?" in H. Zuckerman, J. R. Cole, and J.T. Bruer (eds.), *The Outer Circle: Women in the Scientific Community*. New York: Norton. Reprinted (German translation) in Beate Krais (ed.), *Wissenschaftskultur und Geschlechterordnung*, Frankfort: Campus Verlag.

1989 Bielby, William T. and Denise D. Bielby
"Family Ties: Balancing Commitments to Work and Family in Dual Earner Households," *American Sociological Review*, Vol. 54, No. 5, October, 1989.

1989 Bielby, W.T. and Bielby, D.D.
The 1989 Hollywood Writers' Report: Unequal Access, Unequal Pay. West Hollywood, CA: Writers Guild of America, West.

1988 Bielby, Denise D. and William T. Bielby
"She Works Hard for the Money: Household Responsibilities and the Allocation of Work Effort," *American Journal of Sociology*, Vol. 93, No. 5, March, 1988 (Winner of the 1986 Kathleen Gregory Klein Award for Excellence in Feminist Studies from the Popular and American Culture Associations).

1988 Bielby, Denise D. and William T. Bielby
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"Evaluating a Multiple-Imputation Method for Recalibrating 1970 U.S. Detailed Industry Codes to the 1980 Standard," in C. Clogg (ed.), *Sociological Methodology 1988*, Vol. 18. Washington, D.C.: American Sociological Association.

1988 Bielby, Denise D., William C. Brastow, and William T. Bielby
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1985 Baron, James N. and William T. Bielby
"Organizational Barriers to Gender Equality: Sex Segregation of Jobs and Opportunities," in A.S. Rossi (ed.), *Gender and the Life Course*. New York: Aldine, 1985.

1984 Bielby, William T. and James N. Baron
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1984 Baron, James N. and William T. Bielby
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1984 Bielby, Denise D. and William T. Bielby
"Work Commitment, Sex Role Attitudes, and Women's Employment," *American Sociological Review*, Vol. 49, No. 2, April, 1984.

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1983 Wilson, Thomas P. and William T. Bielby
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1982 Baron, James N. and William T. Bielby
"Workers and Machines: Dimensions and Determinants of Technical Relations in the Workplace," *American Sociological Review*, Vol. 47, No. 2, April, 1982.

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"Bringing the Firms Back In: Stratification, Segmentation, and the Organization of Work," *American Sociological Review*, Vol. 45, No. 5, October, 1980 (Winner of the European Group on Organizational Sociology Award, American Sociological Association, 1981). Reprinted in David B. Grusky (ed.), *Social Stratification: Class, Race, and Gender in Sociological Perspective*. Boulder, CO, Westview Press, 1992.

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"Revising 'The American Soldier Revisited:' Comment on Butler and Wilson," *Social Science Quarterly*, Vol. 60, No. 2, September, 1980.

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"Blacks' Attitudes and Behaviors Toward Television," *Communications Research*, Vol. 6, No. 4, October, 1979.

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"Response Errors of Black and Nonblack Males in Models of the Intergenerational Transmission of Socioeconomic Status," *American Journal of Sociology*, Vol. 82, No. 6, May, 1977.

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"Response Errors of Nonblack Males in Models of the Stratification Process," in D. J. Aigner and A. S. Goldberger (eds.), *Latent Variables in Socioeconomic Models*. Amsterdam: North-Holland, 1977, revised and expanded *in Journal of the American Statistical Association*, Vol. 72 No. 360, December, 1977.

1977 Bielby, William T. and James R. Kluegel
"Simultaneous Statistical Inference and Statistical Power in Survey Research Applications of the General Linear Model," in D. R. Heise (ed.), *Sociological Methodology: 1977*. San Francisco: Jossey-Bass, 1977.

1974 Bielby, William T. and James R. Kluegel
"Non-random Exogenous Variables in Path Analysis: A Comment," *American Sociological Review*, Vol. 39, No. 6, December, 1974.

BOOK REVIEWS AND REVIEW ESSAYS:

2001 *Creative Industries: Contracts Between Art and Commerce* by Richard E. Caves. Reviewed in *American Journal of Sociology*, forthcoming.

1999 *Organizations in America: Analyzing Their Structures and Human Resource Practices* by Arne L. Kalleberg, David Knoke, Peter V. Marsden, and Joe L. Spaeth. Reviewed in *Administrative Science Quarterly*, Vol. 44, No. 4, December 1999.

1999 *The Use of Social Science Data in Supreme Court Decisions* by Rosemary J. Erickson and Rita J. Simon. Reviewed in *Contemporary Sociology*, March, 1999.

1998 "Firm Commitments." Review Essay on *The Time Bind: When Work Becomes Home and Home Becomes Work* by Arlie Russell Hochschild. Contribution to Review Symposium in *Contemporary Sociology* Vol. 27, No. 1, January, 1998.

1998 *Social Differentiation and Social Inequality: Essays in Honor of John Pock*, edited by James N. Baron, David B. Grusky, and Donald J. Treiman. Reviewed in *Contemporary Sociology*, Vol. 27, No. 2, March, 1998.

1992 "Organizations, Stratification, and *The American Occupational Structure*." Review essay in *Contemporary Sociology* as part of a 25 year retrospective on Blau and Duncan's *The American Occupational Structure*, Vol. 21, No. 5, September, 1992.

1992 *Revolving Doors: Sex Segregation and Women's Careers* by Jerry A. Jacobs, *and Doing Comparable Worth: Gender, Class, and Pay Equity* by Joan Acker. Reviewed *in Social Forces*, Vol. 70, No. 4, June, 1992.

1988 *The Process of Occupational Sex-Typing: The Feminization of Clerical Labor in Great Britain* by Samuel Cohen, and *Gender at Work: The Dynamics of Job Segregation* by Sex during World War II by Ruth Milkman. Reviewed in *Social Forces*, Vol. 67, No. 2, December, 1988.

1986 "Contractual Arrangements." Review of *Households, Employment, and Gender: A Social, Economic, and Demographic View* by Paula England and George Farkas. Reviewed in *Science*, Vol. 232, No. 4753, May, 1986.

1984 "Imperatives of the Organization: Stinchcombe's Techno-Marxism." Review essay on *Economic Sociology* by A. S. Stinchcombe. *American Journal of Sociology*, Vol. 90, No. 1, July, 1984.

1980 "More Inequality: Christopher Jencks on the Paths to Success." Review essay *on Who Gets Ahead?* by Christopher Jencks, et al. in *Contemporary Sociology*, Vol. 9, No. 1, November 1980.

1980 *Mathematical Tools for Applied Multivariate Analysis* by P. E. Green. Reviewed in *Contemporary Sociology*, Vol. 9, No. 1, January 1980.

1979 *Inequality in American Communities* by R. F. Curtis and E. F. Jackson; and *Classes in the United States: Workers Against Capitalists* by C. Loren. Reviewed in *Social Forces*, Vol. 57, No. 3, March, 1979.

1977 *Women and the Workplace: The Implications of Occupational Segregation*. Edited by Martha Blaxall and Barbara Reagan. Reviewed in *Social Forces*, Vol. 56, No. 1, September, 1977.

TECHNICAL REPORTS:

1995 Bielby, William T. and Denise D. Bielby
"Agency Representation and Writers' Employment in Television and Film." Report prepared for the Writers Guild of America, West, West Hollywood, CA, February 1995.

1987 Bielby, William T. and Denise D. Bielby
"Employment Opportunities for Television Writers: Continuity and Change from 1960 to the Present." Report prepared for the Writers Guild of America, West Hollywood, CA, October 1987.

1983 Bielby, William T.
"Measuring Attributes of Jobs in the Panel Study of Income Dynamics." Report prepared for the National Advisory Board on the Panel Study of Income Dynamics, January, 1983.

1983 Nam, Charles B. (Subcommittee Chair), William T. Bielby, Clifford Clogg, Stephen Fienberg, William H. Form, Robert M. Hauser, David L. Kaplan, Ann R. Miller, Mary G. Powers, Donald Rubin, and Donald J. Treiman.
"Alternative Methods For Effecting the Comparability of Occupational Measurement Over Time." Report to the SSRC Advisory and Planning Committee on Social Indicators

and the U.S. Bureau of the Census. Subcommittee on Comparability of Occupational Measurement, Social Science Research Council.

1980 Bielby, William T. and Richard A. Berk
"Sources of Error in Survey Data Used in Criminal Justice Evaluation." Final Report submitted to National Institute of Law Enforcement and Criminal Justice.

1979 Bielby, William T.
"Evaluating Measures of Neighborhood Quality in the Annual Housing Survey." *Annual Housing Survey Studies No. 2.* U.S. Department of Housing and Urban Development. Washington, D.C.: U.S. Government Printing Office, 1979.

1979 Bielby, William T., Clifford B. Hawley and David Bills
Research Uses of the National Longitudinal Surveys. Research and Development Monograph No. 62, U.S. Department of Labor. Washington, D.C.: U.S. Government Printing Office, 1979.

RECENT PAPERS PRESENTED AT PROFESSIONAL MEETINGS (1999 - present):

2002 "'I Remember Great Times:' Recreating Community in a Suburban Diaspora." American Sociological Association, Chicago, IL, August, 2002 (with Carl Durnavich and Craig Rawlings).

2002 "Insuring Discrimination: Making a Market for Employment Practice Liability Insurance." American Sociological Association, Chicago, IL, August, 2002 (with Michael Bourgeois).

2000 "Segmented Audiences/Segmented Labor Markets: Age Stratification Among Film and Television Writers." Association for Cultural Economics International, Minneapolis, MN, May, 2000.

1999 "Out With the Old: Age Stratification in the Careers of Screenwriters." American Sociological Association, Chicago, IL, August, 1999 (with Denise D. Bielby).

1999 "Controlling Prime-Time: Organizational Concentration and Network Television Programming Strategies." American Sociological Association, Chicago, IL, August, 1999 (with Denise D. Bielby and Shari Ross Altarec).

RECENT INVITED LECTURES AND ACTIVITIES (1999-present)

2004 "Managerial Discretion, Cognitive Bias, and Legal Liability for Discrimination: Can I Get a [Expert] Witness?" Colloquium Series, Department of Sociology, University of Illinois, January 30, 2004; Economic Sociology Workshop, Graduate School of Business, University of Chicago February 3, 2004; Department of Sociology, Northwestern University, February 5, 2004.

2003 "Controlling Primetime: Organizational Concentration and Network Television Primtime Programming Strategies." Colloquium Series, Department of Sociology, University of Minnesota, September 23, 2002; Brown Bag Series, Department of Sociology, University of Arizona, October 3, 2003.

2003 "Insuring Discrimination: Making a Market for Employment Practice Liability Insurance." Colloquium Series, Department of Sociology, University of Minnesota, November 2003; Colloquium Series, Department of Sociology, University of Pennsylvania, December 2003.

2003 "Rock in a Hard Place: Grass-Roots Cultural Production in the Post-Elvis Era." Presidential Address, American Sociological Association, Atlanta, GA, August 17, 2003.

2003 Panelist, Open Forum on Electronic Publication. American Sociological Association, Atlanta, GA, August, 2003.

2003 "Thin Vitae: Bigger and Better." Performance, Grand Ballroom, Atlanta Hilton, American Sociological Association, Atlanta, GA, August 16, 2003 (with Steve Gortmaker, Doreen Lebeau, Craig Rawlings, Paul Cleary, Mickey Silvers, Britta Wheeler, Andrew Merritt, and John Sutton; video documentary by Carl Durnavich, CD by Steve Gortmaker).

2003 Presentation, "Controlling Primetime: Organizational Concentration and Network Television Programming Strategies," UCSB Foundation, May 16, 2003 (with Denise D. Bielby).

2003 Panelist/Commentator, "Beyond the Glass Ceiling: The Maternal Wall as a Barrier to Gender Equality," Thomas Jefferson School of Law Ruth Bader Ginsburg Lecture Series, San Diego, CA, April 25, 2003 (commenting on lecture by Joan Williams).

2003 "Rock in a Hard Place: Home Grown Cultural Production in the Post-Elvis Era." Irene Flecknoe Ross Lecture Series, Department of Sociology, UCLA, April 11, 2003; Colloquium Series, Department of Sociology, University of Chicago, May 6, 2003; Colloquium Series, Department of Sociology, Northwestern University, May 24, 2003.

2003 "Can I Get a Witness? Presenting and Challenging Expert Testimony on Gender Bias in Employment Discrimination Litigation," Social Psychology of Bias Panelist, American Bar Foundation and Stanford Law School Conference, Rights and Realities: Legal and Scientific Approaches to Employment Discrimination. Stanford Law School, March 24-25, 2003.

2002 "Thin Vitae: Blues & 3-Chord Rock 'n Roll." Performance, Grand Ballroom, Chicago Hilton, American Sociological Association, Chicago, IL, August 16, 2002 (with Steve Gortmaker, Doreen Lebeau, Craig Rawlings, Bryan Salvage, Mickey Silvers, and John Sutton; video documentary by Carl Durnavich).

2002 Discussant, "Profiling and Ascription in Employment." Thematic Session, American Sociological Association, Chicago, IL, August, 2002.

2002 "The Social Psychology of Racial Profiling in Drug Interdiction Stops." Association of Black Sociologists, Chicago, IL, August, 2002.

2002 "Organizational Perspectives on Minimizing Workplace Bias," Cognitive Bias Working Group, Program on Gender, Work & Family, College of Law, American University, May 11, 2002.

2002 "Expert Testimony on Stereotyping and Cognitive Bias in Employment Litigation," Cognitive Bias Working Group, Program on Gender, Work & Family, College of Law, American University, May 10, 2002.

2002 "Social Statistics in Litigation Contexts." Quantitative Methods in the Social Sciences Colloquium, University of California, Santa Barbara, April 18, 2002.

2002 "Controlling Prime-Time: Organizational Concentration and Network Television Programming Strategies," Colloquium, Department of Communication, University of California, Santa Barbara, March, 2002 (with Denise D. Bielby).

2001 "Disney's America and the World." Organizer and Presider, Thematic Session, American Sociological Association, Anaheim, CA, August, 2001.

2001 Professional Workshop: Serving as an Expert Witness. American Sociological Association, Anaheim, CA, August, 2001.

2001 Author Meets Critic, Barry *Glassner's The Culture of Fear: Why Americans Are Afraid of the Wrong Things*. Panelist, Pacific Sociological Association, March 2001.

2001 "Hollywood Graylist? Access to Employment for Writers." Sociology Day - Perspectives on Aging in the 21st Century, California State University, Fullerton, March 20, 2001 (with Denise D. Bielby).

2001 State of California Senate Committee on Government Oversight Hearing, testimony on gender equity in University of California practices for faculty hiring, January 31, 2001.

2000 "Talent Agencies as Labor Market Intermediaries." Invited panelist, Special Session: The Duality of Careers and Organizations, American Sociological Association, Washington DC, August, 2000.

2000 Discussant, "Racial Discrimination Revisited." Thematic Panel, American Sociological Association, Washington DC, August, 2000.

2000 Panelist, "Gender Differences in the Careers of Attorneys." California Women Lawyers Conference 2000, Los Angeles, CA, July 29, 2000.

2000 Panelist, "Studying Artists' Labor Markets: Lessons from Research on Comparable Occupational Communities." Princeton University Center for Arts and Cultural Policy Studies, Research on Artists Working Conference, May 2000.

2000 " Who Works Hard for the Money: A Comparison of Theories about Work Effort and Organizational Commitment." Second Annual Conference on Economic Sociology, University of Pennsylvania, Philadelphia, PA March 2000 (with Denise D. Bielby).

1999 Panelist, "Is Time Running Out for Affirmative Action?" American Anthropological Association, Chicago, IL, November, 1999.

1999 Session Organizer, Legal Issues Surrounding Inequality by Race, Class, or Gender, American Sociological Association, Chicago, IL, August, 1999.

1999 Panelist, "Sociologists as Testifying Experts," Pacific Sociological Association, Portland, OR, April 17, 1999.

1999 "The Hollywood Graylist: Age Bias in the Labor Market for Film and Television Writers." Dipartimento di Sociologia, Universita' degli studi di Milano Bicocca, Milan, Italy, March 30, 1999 (with Denise D. Bielby).

RESEARCH GRANTS:

2002-03 "'Serial Employment': Professional, Managerial, and Technical Workers in the New Economy." University of California Institute for Labor and Employment (with Lisa Torres).

1995-98 "Environments, Organizations, and Jobs: The Causes and Consequences of Workplace Gender Segregation." National Science Foundation, Sociology Division and Human Capital Initiative.

1995-96 "MOST Program: Minority Opportunity Through School Transformation." American Sociological Association, Ford Foundation, and the Borchard Foundation (Co-Investigator, with Kum-Kum Bhavnani).

1989-93 "From Market to Hierarchy: Industrial Change and the Employment Relation in Television Production." National Science Foundation, Sociology Division. (Principal Investigator. Denise D. Bielby, Co-Investigator.)

1985-87 "Men's and Women's Commitment to Work and Family." National Science Foundation, Sociology Division. (Principal Investigator. Denise D. Bielby, Co-Investigator.)

1987 "Research Conference on Occupational Sex Segregation and Comparable Worth." American Sociological Association, Problems of the Discipline Program (with Toby Parcel, James Baron, Paula England, Jerry Jacobs, Barbara Reskin, and Patricia Roos).

1980-83 "Jobs, Firms, and Industries: Economic `Dualism' and the Organization of Work." National Science Foundation, Divisions of Sociology and Applied Research. (Principal Investigator. James N. Baron, Co-Investigator.)

1978-80 "Sources of Error in Survey Data Used in Criminal Justice Evaluation." National Institute of Law Enforcement and Criminal Justice. (Principal Investigator. Richard A. Berk, Co-Investigator.)

1978 "Neighborhood and Household Components of Variation in Respondents' Reports of Neighborhood Quality." U. S. Department of Housing and Urban Development. (Principal Investigator.)

1977 "Research Uses of the National Longitudinal Survey." U. S. Department of Labor. (Principal Investigator.)

RESEARCH AND TEACHING INTERESTS:

Quantitative Methods	Organizations
Media & Popular Culture	Labor Markets & Discrimination
Social Stratification	Gender

REFERENCES: available upon request

EXHIBIT C

Depositions Noticed/Taken
(limit 40)

Deposition Noticed	Named Deponent	Position	Date Taken
AAP 30(b)(6)	Kathleen Schier	Employee Relations Representative (1998-present) – working with AAPs, OFCCP audits, EEO-1 reports (now Employee Relations Manager)	03/16/04 03/17/04
Barauskas, Ron		Embedded HR – Excel/Meat Solutions	03/09/04
Butler, Sean		Embedded HR – Fertilizer BU	03/02/04
Chial, Sally		Embedd HR – Horizon Milling (flour), NA Sweetener, Malt, Dry Corn and Acidulants	02/20/04
CLDP/LTMP 30(b)(6)	Amy Cullen Betty Bowman	Organization Effectiveness group – managing CLDP Organization Effectiveness group – worked on LTMP; responsible for 360 degree feedback for senior leaders	04/22/03 04/10/03
Compensation 30(b)(6)	David Ferris	Manager of Total Compensation	03/28/03
Fitzgerald, Noreen		Embedded HR – Salt	03/16/04
Franklin, Bev		HR – Recruiter for College Programs	09/30/03
Gray, Larry		Embedded HR – Reseach Group	03/19/04
Hankes, Matt		Embedded HR – Ag Horizons	03/04/04
Haymaker, James		VP and Dept Head of FIS (1989-2000) – recruited African Americans from schools with top MBA program to Cargill (SBD); Administrative VP of SBD (2000-	07/22/03

		2001); Corporate VP and supervisor of SBD (2001-present) – is heavily involved in corporate center practice area	
Henderson, Frenchie		Valuing Differences Selection and Retention Specialist	02/10/04
Horner, Jody		Acting Embedded HR –Risk Mgmt and Financial Solutions	02/23/04
KEIS 30(b)(6)	Kent Norby	"Manpower Planning" on the Corporate level (1989-2001), but responsibilities changed over the years; started working with KEIS in 1992; 1995 managed international HR dept. (expats); North America HR Manager; 2000 responsible for the new KEIS called LTM (Leadership and Talent Management)	11/05/03 11/06/03
Kollodge, Kent		Embedded HR – Food Systems Design (FSD)/Horizons	03/05/04
Luke (Peterson), Barbara		Workforce Diversity Manager (1992-1995); Salt HR Manager (1995- ?); Organization Effectiveness Specialist (?-2002)	02/25/04
Lumpkins, Robert		Vice Chairman and CFO	04/03/03 04/04/03
MacMillan, Whitney		Former CEO and Chairman of the Board (retired 8/95)	10/15/03
Massee, Kevin		Corporate Compensation & Benefits Manager (1988-1997); Food Sector HR Manager	03/15/04

		(1997-2001)	
Micek, Ernie		CEO (1995-1999); Chairman (1995-2000)	02/19/04 02/20/04
Nelson, Dana		Embedded HR – Animal Nutrition	02/25/04
Norby, Kent		"Manpower Planning" on the Corporate level (1989-2001), but responsibilities changed over the years; started working with KEIS in 1992; 1995 managed international HR dept. (expats); North America HR Manager; 2000 responsible for the new KEIS called LTM (Leadership and Talent Management)	03/04/03 03/05/03
Parten, Nancy		Embedded HR – IT	03/09/04
PMP 30(b)(6)	David (Ron) Farrar	Organization Effectiveness Manager – responsible for performance management and engagement	04/11/03
Promotion 30(b)(6)	Jody Horner	Regional HR Manger for North America; oversees HR group for the Asia Pacific region; in approx. 1996 she managed Cargill's recruiting department	03/18/03 03/19/03
Raisbeck, David		Vice Chairman (1999-present) – serves on the Executive and ESOP Committees (1994-present), and member of the Cargill Leadership Team (CLT) and CLT People Team (1999-present) – prior to CLT was a member of CCHRC (predecessor to CLT	03/02/04

		People Team) (1994-1999)	
Recruitment/Retention 30(b)(6)	Jody Horner	Regional HR Manger for North America; oversees HR group for the Asia Pacific region; in approx. 1996 she managed Cargill's recruiting department	03/20/03
Reed, Duane		Started as a Merchant in the Grain Division; promoted to branch manager and then area manager; 1996 transferred to The Links Project (Grain Division accounting technology); Sector Manager for Minneapolis/North Dakota sector (1998-2000)	10/06/03
Ringquist, John		Organizational Employee Development and sales training (1990-1995); Manager of IT Training (1995-2001) – changed names to Worldwide IT Education and then Cargill Technology Education (CTEC) – dissolved in April 2001	07/16/03
Roen, Rachel		Embedded HR – NA Grain & Oilseeds	03/08/04
Selection Grid 30(b)(6)	David Wessling	VP of HR for Excel Corp. (1996-2001); VP of HR North America (2000-present); VP for global HR shared services (2002-present)	03/04/03
Siska, Nancy		VP of HR	02/26/03 02/27/03
Sjeklocha, Sue		Valuing Differences Manager (1997-present)	03/17/04 03/18/04

Staley, Warren		President and COO (1998-2001); CEO (1999-present); Chairman (2000-present)	04/17/03
Stanley, Chuck		Embedded HR – VP of Cargill Steel (including North Star Steel, Cargill Steel & Wire, and Cargill Steel Service Centers BUs)	02/26/04
Troselius, Susan		Lead HR for the HR function	02/27/04
Van Orsdel, Scott		VP and Controller, Admin Division Manager of Organizational Processes (became VP in 1999 and primary focus became worldwide, global)	10/09/03
Wheeler, David		Embedded HR – Sunny Fresh	04/14/04