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Abstract: *Of some of the major types of discrimination, the one that gets the least attention is national origin discrimination and in particular, accent discrimination, especially when it comes to upward mobility in the workplace. Yet, unlike other forms of discrimination, accent discrimination is rarely a subject of any robust public debate. This paper is a modest attempt to help establish a framework for understanding the relative neglect to which the discourse on accent discrimination has been subjected vis-à-vis the overall national debate on diversity. Hopefully, in the process, it will stimulate a more robust conversation on the plight of foreign-accented speakers. .*

Key Words: *Accent Discrimination, Diversity, Foreign-accented Speakers, National Origin*

The Invisible Minority: Revisiting the Debate on Foreign-Accented Speakers and Upward Mobility in the Workplace

Introduction: Accent Discrimination and the Glass Ceiling Syndrome

A hundred years back, the very thought of having a female Supreme Court Judge was nothing short of laughable. Similarly, fifty years ago, the notion of having a black president was just beyond belief while merely three decades ago, it would have been completely unthinkable that a gay person would be named bishop. Regrettably, it is still laughable and beyond even the wildest imagination to think that today, in America, a foreign-accented speaker would be elected or appointed into any of the above positions. In other words, despite the rhetoric, there is a point beyond which the reality of equality of opportunity ceases to apply for foreign-born Americans. This phenomenon is what has been referred to by Goto (2008) as the glass-ceiling syndrome. The terminology describes a situation where there are high numbers and perhaps overrepresentation of heavily-accented American employees in lower rungs of the organizational ladder but disproportionately low and sometimes nonexistent in the highest ranks of the organization. Others (Hyun, 2005) have referred to the same phenomenon as the "bamboo ceiling". Although just about every employer, private or public, proudly claims to be an equal opportunity employer, in reality that claim means little or nothing to millions of foreign-born Americans. Many of them come into this country from practically every part of the globe because of the belief that America is the land of opportunities. Meritocracy, not race, gender, sexual orientation or national origin would be used to determine who gets what, no matter how high the position that is being sought. Accordingly, one can become the governor of the largest state in the Union (Schwarzenneger), U.S. secretary of state (Kissinger), a media conglomerate (Huffington), or even the president of the United States, (oops! except if s/he is foreign-born since the Constitution exclusively forbids that). In short, technically speaking, going by the dictates of the Constitution, a foreign-born person should have no problem in climbing to the pinnacle of the mobility ladder provided he or she meets the required qualifications. While for many native-born Americans, this is reality, for millions of foreign-born Americans, it remains a pure myth. Here is what the numbers seem to suggest.

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Today, clearly one out of every ten Americans is foreign-born. In 2008, the number was estimated at 38 million which represents 12.5 percent of the United States' total population. The Migration Policy Institute (2009) which makes it its business to track down these numbers reported that between 1990 and 2000 alone, the foreign-born population exploded from 19.8 to 31.1 million. Since then, between 2000 and 2008, that population has increased even further from 31 to 38 million, representing a change of 22.0 percent. Naturally, with such a huge population, language issues have become central to the debate on national origin. According to the U.S. Equal Employment Opportunity Commission (EEOC) Compliance Manual (2002), it was estimated that in 2000 approximately 45 million people (17.5 percent of the total population) spoke a language other than English in the home. Of those individuals, approximately 10.3 million (4.1 percent of the total population), spoke little or no English; an increase from 6.7 million in the year 1990. These numbers clearly indicate that as the U.S. labor force has grown more ethnically diverse, the number of workers who are not native English speakers has also increased dramatically. They also clearly suggest that the foreign-born population constitutes a significant minority group in the United States. Given these numbers, why then is national origin discrimination relatively neglected in the national discourse? One would assume that with such huge numbers, the current national debate on diversity would include a robust discussion on national origin discrimination; one that proportionately reflects the numeric importance of foreign-born Americans. Rather, there is and has been a characteristic and at times contemptuous neglect especially of accent discrimination even in government circles and surprisingly until recently in the U.S. legal system (Quinn & Petrick, 1993). Victims of this discrimination are what I refer to as the 'Invisible Minority' (IM). At the workplace, most especially at the senior administrative and executive level positions, these individuals are invisible, underrepresented and often marginalized. This should not come as a surprise.

To begin with, unlike the others, very rarely is this form of discrimination a subject of robust public debate, at least not anywhere in the same scope as we address other forms of major bigotry. To put this problem in perspective, a Google search for *'racial discrimination in America today'* yielded about 20 million hits while *'discrimination based on national origin in America today'* resulted in only 220,000 hits. A few years ago, Paula Zahn (2006) aired a special week-long series on CNN titled 'Out in the Open – Racism in America'. It was supposed to be a very intense and comprehensive coverage of the vestiges of racism and the new ways in which discrimination is manifested in today's America. Even though the main focus of the series was racism toward African Americans, Zahn (2006) in her own words, 'broadened' the discussion 'to look at issues of discrimination and intolerance in America against other groups of people - Hispanics, Muslims, Asians, gays, women'. Not surprisingly, throughout the whole week the program aired, there was not a single mention of discrimination based on national origin or accent. The producers probably did not even take cognizance of this omission. Suffice to add that this is very characteristic of how neglected the plight of foreign-accented speakers is in the public discourse.

As a result, in this article, I shall attempt to unravel some of the myths that accompany accent discrimination in the workplace while I intend to make the case that this problem has been exacerbated by what I refer to as the complicity of the legal system which clearly recognizes accent discrimination as a violation of the law but nevertheless seems to condone it. Next, a case study of what happens in academia is presented as a mirror of the larger picture within the society where foreign-accented speakers may have little problem making it to mid-level ranks but then completely disappear from the radar when it comes to senior administrative or executive level positions. Finally, I believe that an analysis of this nature gains in value if in addition it can propose ways in which the situation can be remedied. The concluding part of this paper does exactly that.

The Invisible Minority: A Contextual Definition

In order to contextualize the analysis that follows, it will be very helpful first to identify the group that falls under my definition of the Invisible Minority (IM). For this purpose, two groups will subsequently be identified within the national origin constituency. While one clearly qualifies as IMs, the other does not. It is important to make this distinction because it is through their respective experiences that we can begin to grasp not only the predicaments of IMs but also the nature as well as the gravity of their plight. Also, for the purpose of this study, my definition of *foreign-born* is borrowed from the Migration Policy Institute (2010) which defines the term as people residing in the United States at the time of the census but who were not US citizens at birth. This population includes naturalized citizens, lawful permanent immigrants, refugees and asylum beneficiaries. However, contrary to MPI's definition, I have chosen to exclude from this category all legal non-immigrants (including those on student, work, or other temporary visas), and persons residing in the country without authorization. By comparison, the term *native-born* refers to people residing in the United States who were US citizens in one of three categories: 1) people born in one of the 50 states or the District of Columbia; 2) people born in United States Insular Areas such as Puerto Rico or Guam; or 3) people who were born abroad to at least one US citizen parent. That being said, I coined the term Invisible Minority (IM) to describe a group of foreign-born Americans who number in the millions and who for the most part are law-abiding, tax-paying, productive members of the society but are nevertheless denied some of the most basic constitutional rights and privileges extended to native-born Americans. These IMs come to the United States from all parts of the world in search of a piece of the American dream. Although for the most part they fulfill their civic obligations like every other citizen, however, they are victims of the most egregious, albeit subtle forms of discrimination mostly as a result of their foreign accent. They are more often than not marginalized and relatively limited in their pursuit of happiness and thus, of the American dream. They are found within all races and nationalities. They form the core of the naturalized citizen and permanent resident population of the United States. So, who is a typical IM and how does one become a member of this infamous

group? Based on my taxonomy, there are essentially three attributes that determine one's membership in this group: a) the person must be foreign-born, and must have been at least a teenager before immigrating to the U.S.; b) although not in all cases, he or she will more than likely have a 'funny sounding' name; and c) most importantly, the individual must speak English with a noticeably 'heavy' or 'slightly heavy' (code word for foreign) accent. As to be expected, I have employed a fairly narrow definition of national origin. This is because I am less concerned with national origin discrimination per se while I am more primarily concerned with discrimination based on foreign accent. This does not change in any fundamental way the basic assumptions in this paper since in the eye of the law (Morales & Hackett, 2008) a violation of accent discrimination is technically also a violation of national origin.

Undoubtedly, the most distinguishing factor that separates the IMs from other 'bona fide' Americans is a clearly discernible foreign accent. Accent is how an individual pronounces a given language. Sometimes we think of people with an accent as those who "talk funny" (Ingram, 2009) although as Lenneberg (1967) notes, the degree to which a person can substitute one accent for another is severely dependent upon the age at which the second language is learned. While it is relatively easier for children to learn a second or third language, the same is not true for many adults. In other words, a person's distinctive intonation and phonological features (accent) are hard-wired in the brain and are difficult to change which is why it is unrealistic to expect a person who learned to speak English as an adult to sound just like a native English speaker, irrespective of his commitment, intelligence, and motivation (Ingram, 2009). Thus, Michael Ware, Henry Kissinger, Arnold Schwarzenneger, Arianna Huffington and perhaps to a lesser extent Zbigniew Brzezinski, will all qualify as members of the IM club even though they are the very few quintessential exceptions to 'our rule'. Indeed, more often than not, the rule of thumb is that the heavier the accent is, the more pronounced the level of discrimination one is subjected to in the workplace. This is the first group. The second group according to my contextual definition and mainly because of the birthplace requirement refers to millions of second or third-generation native-born hyphenated-Americans, be they Africans, Arabs, Hispanics, Asians, Europeans, etc. This group does not qualify for membership of the IM. This is because unlike IMs, hyphenated-Americans, most of whom are native-born, can be anything they aspire to be including CEOs (Iacocca); secretaries of state (Powell); generals (Shinseki), correspondents (Miklaszewski); Hollywood stars (Longoria); and even president of the United States (Obama). Without question, the most compelling factor that clearly distinguishes hyphenated-Americans from their IM counterparts is that they speak English with an 'authentic', in other words, flawless American accent. Even though some of them may have funny-sounding names and/or may have been born overseas, still the level of discrimination they encounter in the workplace in comparison to IMs is either relatively inconsequential or at best non-existent more so if the subject in question is of Caucasian descent. The malicious effects of accent discrimination can be vividly observed in the opportunities that are open to Hispanics who are born here in America (i.e. Sonia Sotomayor) compared to heavily-accented but well-educated 'economic refugees' who immigrated to the U.S. during or after their teenage years. Finally, in defining the scope of this paper, I have classified IMs into two distinct sub-groups of accent: low-status and high-status accent. This is because within the national origin community there are graded levels of accent discrimination. Quinn & Petrick (1993) refer to this phenomenon as the differential accent discrimination noting that it can be used to explain the major differences in the way people with foreign accents are treated. This paper will be predicated upon two of their assumptions. The first assumption is that low-status accents are more likely to be interpreted as difficult to understand and indicative of incompetence, whereas high-status accents are more likely to be interpreted as easily understood and suggestive of competence. Indeed, Quinn & Petrick (1993) seem to concur with this assumption noting also that someone with a high-status accent (e.g. Western European or Australian) is stereotypically looked upon as being well educated and upper class while on the other hand a low-status accent (e.g. African or Hispanic) is often associated with inferiority and lower class. Elsewhere, Goto (2008) also suggested that foreign accents that are perceived as low-status are more prone to discrimination than their high-status counterparts. Michael Ware's prominence and high visibility on CNN is a validation of this hypothesis. It is quite doubtful that he would have enjoyed the same degree of success on CNN or any other network for that matter, if he spoke with an equally heavy Kenyan, Filipino or Sri Lankan accent.

Finally, expectedly, this article is solely concerned with the plight of IMs at the higher echelon of the workforce - the senior and executive level positions - since these are the ultimate victims of the glass ceiling syndrome. In other words, I am less concerned with mid-level and even much less so with low and entry-level positions, where by the way IMs are aggressively courted and desired and more often than not overrepresented. That being said, in order to put this paper in perspective, we may need to be reminded first where the law stands on this issue.

The Legal Challenge: Balancing Employees' Rights with Employers' Needs

Quinn and Petrick (1993) were quick to remind us that it was not that long ago when accent discrimination by U.S. managers abroad was acceptable practice; a practice that continued until the New Civil Rights Act of 1991 which finally extended the benefits of Title VII to all employees in U.S. corporations abroad. Today, back at home, the situation is hardly any better especially with respect to senior administrative and executive level positions. This is despite the fact that we have federal laws which prohibit national origin discrimination. They include Title VII of the Civil Rights Act of 1964 and the Immigration Reform and Control Act (IRCA) of 1986. IRCA prohibits employment discrimination because of national origin against U.S. citizens, U.S. nationals, and authorized aliens while Title VII bans national origin discrimination against any individual (USLegal, 2010). As defined by the U.S. Equal Employment Opportunity Commission (EEOC) Compliance Manual

(2002), national origin discrimination involves treating people (applicants or employees) unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not). To be sure, the law specifically prohibits an employer from basing *"an employment decision on an employee's foreign accent, unless the accent seriously interferes with the employee's job performance"* (emphasis mine). The law also requires that an employer must show a legitimate nondiscriminatory reason for the denial of employment opportunity because of an individual's *accent or manner of speaking*. In a related issue, requiring employees or applicants to be fluent in English may also violate Title VII if the rule is adopted to exclude individuals of a particular national origin and is not related to job performance. Unfortunately, in spite of the good intentions that may have prompted the passage of these laws, it has become increasingly clear how difficult it is in reality to enforce them. Indeed, proving national origin or accent discrimination in the workplace is perhaps one of the hardest things to do in a court of law. The original intent of the statute is to drive employers to focus on qualifications rather than on race, religion, sex, or national origin of the applicant or the employee. However, as the evidence would demonstrate, the law itself might have inadvertently given to employers the cover they need in ensuring that accent discrimination can be 'safely' perpetrated in the workplace.

To begin with, according to the U.S. EEOC Compliance Manual (2002), an employment decision based on foreign accent does not necessarily violate Title VII if an individual's accent materially interferes with the ability to perform his or her job duties. It is clearly stipulated in this manual that an employer may only base an employment decision on accent if *effective oral communication in English* is required to perform job duties and the individual's foreign accent materially interferes with his or her ability to do so. Similarly, an English fluency requirement is permissible only if required for the effective performance of the position for which it is imposed. However, in both cases, these decisions must be based strictly upon the specific duties of the position in question and the extent to which the individual's accent/fluency affects his or her ability to perform those duties. As unpleasant as it may sound, there are indeed some accents that are so 'heavy' they are almost incomprehensible although I must be quick to recognize that this group of people forms a very minute proportion of the IMs seeking employment to senior and executive positions. Even so, technically speaking, there is nothing improper or unfair about an employer making an honest assessment of the oral communications skills of a candidate for a job when such skills are reasonably related to job performance. In other words, regardless of his or her national origin, an applicant should not be considered for a position if he or she does not meet the basic linguistic requirements. Where this policy becomes problematic though is when the EEOC defers to employers the crucial responsibility of distinguishing between a *merely discernible foreign accent* and one that *actually* interferes with communication skills necessary to perform the job duties (U.S. EEOC Compliance Manual, 2002). And if that were not enough as if to make life more difficult for IMs, the Bona Fide Occupational Qualification provision otherwise known as BFOQ, may also give employers an additional protection against potential lawsuits. In employment law, a BFOQ is a quality or an attribute (i.e. fluent English or effective oral communication in English) that employers are allowed to consider when making decisions on the hiring or retention of employees; qualities that when considered in other contexts would constitute discrimination and thus in violation of the law. Ironically, the same Title VII that recognizes accent discrimination as a violation of the law also gives to the employers the responsibility to determine whether an employee or applicant's accent constitutes a BFOQ (Slentz, 2009). Even worse, the law does not clarify what exactly is the yardstick for measuring *fluent or effective oral communication in English*? Not surprisingly, employers were quick to recognize this loophole and wasted no time whatsoever in capitalizing on it. Slentz (2009) points out that employers frequently invoke the BFOQ by requiring that employees speak English on the job without an accent that could be difficult for others (i.e. customers) to understand. Quinn and Petrick (1993) also confirm that it is common practice that many U.S. employers regularly circumvent Title VII protections by demanding from prospective employees the ability to speak unimpeded English as a BFOQ because the provision 'allows them to legally deny employment to foreign-accented speakers who otherwise may be qualified for the position'.

It is therefore certainly not a coincidence that more often than not, when a senior administrative or executive position is announced, embedded is always the catch phrase that requires of the prospective employee 'the ability to communicate fluently in English'. The problem with this provision is that no one (not even the EEOC) has ever been able to define exactly what fluency means nor what is the satisfactory threshold upon which its acceptance or rejection may be based. As a result, the interpretation of the terms 'fluent', 'effective oral communication' and 'discernible foreign accent' are at best very subjective and open to biased and sometimes disingenuous interpretations. As Quinn and Petrick (1993) point out, *Fragante v. City and County of Honolulu*, (1989) illustrates a quintessential example of the complications an accent discrimination case may present in the absence of a clear definition of these terms. Manuel Fragante, a Filipino American, took a civil service examination and scored the highest out of over 700 applicants, but was turned down after a brief interview for a position he applied for because of his heavy Filipino accent. This was after a linguist had testified that Mr.Fragante speaks grammatically correct, standard English - only he does so with characteristic accent of someone raised in the Philippines. Given all these mitigating factors, it is therefore not surprising that in many of the accent discrimination cases, the court has ruled in favor of the employer at the expense of the employee. As illustrated again in Quinn and Petrick (1993), landmark cases such as *Zell v. United States* (1979), *Guertin v. Hackerman* (1981), *Kumar v. University of Massachusetts* (1985), *Ipina v. State of Michigan* (1988), *Al-Hashimi v. Paine College* (1991), not to forget *Fragante v. City and County of Honolulu* (1989), all seem to support the claim that courts tend to rule in favor of employers when it comes to accent discrimination. Indeed, it was not until thirty years after the creation of the EEOC that

a plaintiff in *Xieng v Peoples National Bank of Washington*, (1991) was finally able to successfully sue for damages in an accent discrimination suit (Holmes, 1992). It is equally no wonder that very few of these cases ever make it to the court. Smith (2002) noted that in fiscal year 2000, the EEOC received only 7,800 national origin complaints out of more than 59,000 Title VII total complaints on discrimination. Some have interpreted these figures to simply mean that national origin discrimination has not been as ubiquitous a public problem in the workplace as race or sex discrimination has been. The U.S. Department of Justice Civil Rights Division (2000) suggested that national origin discrimination may go unreported because victims of discrimination may not know their legal rights, or are simply too afraid to complain to the government. Under scrutiny, both claims are hardly sustainable. While it may be true for low-skilled employees in junior and entry level positions, this is not particularly the case for senior level job seekers many of whom are well-educated and aware of their rights. Albeit, many of them may not bother to file charges, because (as many lawyers would probably attest), it is incredibly difficult to prove and win a case of national origin discrimination in a court of law for precisely the same reasons explained above, more so that according to Carey (2010) the law places the burden of proof on the employee rather than the employer to prove a prima facie case of discrimination.

Accent Discrimination in Academia: Practice What You Preach

In order to draw attention to the predicaments of IMs, there is perhaps no better place to start than in academia. I have decided to single out this institution for three reasons. First, because in an ideal world, institutions of higher learning by virtue of their mission should lead the rest of the country in exemplary practices especially when it comes to issues such as the one raised in this article. Secondly, an examination of what happens in academia is most appropriate because it employs a disproportionately large number of foreign-born nationals in its mid-level ranks (i.e. professors) many of whom mysteriously disappear off the human resources' radar during considerations for senior administrative level positions. Finally, a closer scrutiny of academia is most appropriate in highlighting the plight of IMs because what happens within its rank and file is quite frankly very reflective of what goes on in the other sectors of the society (government, media, business, sports, entertainment, foundations, etc.)

Within academia, perhaps the place where this violation is most awkward is in the administration of international education programs. After all, they deal for the most part with foreign cultures. Their job consists in part of convincing their stakeholders that 'these' compatriots from 'those other cultures' are just as good as what bona fide Americans have to offer in terms of skills and qualifications. Naturally, one will expect that senior administrators who are charged with the responsibility of internationalizing their campuses will be at least relatively more open-minded and therefore be more susceptible to welcoming IMs within their own ranks. Unfortunately, the reality tells a different story. Regrettably, there is little evidence to prove that they practice what they preach. For instance, one has to wonder why in our language departments it is common practice to hire mainly native speakers as teachers of English as a Foreign Language or English as a Second Language, despite the fact that there are trained non-native teachers available who have extremely high proficiency in English as noted by Munro, Derwing and Sato (2006). Not to mention the fact that according to Walker (2006) many of these non-native speakers have a better understanding of the grammar of English than even their native speaker colleagues. Outside the international education constituency, IMs hardly fare any better. In 1995, Virginia State University, a historically black institution, was found guilty in a lawsuit filed by some foreign-born professors for violations of national origin discrimination (lexisONE Community, 2001.) Indeed, it was such a huge relief when in the much sited case of *Carino v. University of Oklahoma Board of Regents* (1984), the court finally acknowledged that a Filipino man was unlawfully demoted from his position as a supervisor and passed for a supervisory position just because of his accent (de Castro, Gee, & Takeuchi, 2008).

In short, for IMs to be so conspicuously absent in senior level positions in our institutions of higher learning, the only way there will not have been a violation of their constitutional rights is to ascertain that they do not have the necessary qualifications and skills to ascend to those ranks. In order to make that claim stick, its proponents may also have to prove that IMs are either not as educated or as experienced as their native-born counterparts to be presidents, provosts or board members for that matter. However, the facts prove exactly the opposite. Let us for a moment give a special attention to this question of education and experience since we operate essentially on a meritocracy-based system. In all our institutions of higher learning as in any other public or private institutions or businesses where upward mobility is based on meritocracy, education is one of the most important benchmarks for determining qualifications and skills. Given the discrepancy that exists between the number of IMs at mid-level ranks and their representation at senior management ranks, it is indeed commonsensical to conclude that one of the reasons why IMs are not found in proportional numbers in senior administrative positions in our colleges and universities may be because they are primarily less educated than their native-born counterparts. Incidentally, this is such a huge myth especially since available data seem to indicate that foreign-born Americans are indeed more educated than their native-born counterparts. According to the Migration Policy Institute (2010) of foreign-born persons who were naturalized citizens in 2008, 32.7 percent had a bachelor's degree or higher compared to 27.7 percent of native-born citizens. In a study conducted by Vernez and Abrahamse (1996) for the Rand Corporation, the conclusion also indicates that if enrolled in a U.S. high school by the tenth grade, immigrant children are more likely than their native counterparts to make choices consistent with pursuing a college education, a pattern that is true not only in the aggregate but also for separate ethnic groups. Perhaps it must be emphasized here that at tenth grade, the children would be around fifteen years or older and therefore most probably accented, some of them heavily so, which will in turn make them qualify as bona fide IMs rather than simply hyphenated-Americans. The same study also concludes

that these children and their parents have higher educational aspirations than their native counterparts, and, once enrolled, their educational attainment overall has equaled, if not exceeded that of native children and youths. Elsewhere, Leslie Casimir (Uzokwe, 2008), reported on a U.S. Census Bureau survey conducted in 2006, depicting Nigerians as the most educated ethnic group among all groups in America (black, white, Latino or Asian). Ironically, Asians who are probably the hardest hit by accent discrimination happen to be the second most educated ethnic group behind the Nigerians. Yet, if we have to compare the combined number of Nigerian and Asian IMs who are employed in senior administrative or executive positions to that of their native-born counterparts or to hyphenated-Americans for that matter, the numbers would tell unequivocally clear tales of discrimination. If education is an accepted index for measuring upward mobility, then one must wonder why many of these foreign-accented Americans in spite of their academic prowess very rarely get to the pinnacle of their professions. On the other hand, if the system acknowledges that IMs do indeed have the same (and in some cases better) educational qualifications as many of their native-born Americans, then an explanation must be given as to why in spite of their numbers, they are still so conspicuously absent from senior level and executive positions. Indeed, in some extreme cases IMs constitute almost half of the total faculty population. Yet, in spite of this, the highest position the IMs may ever attain in many of these institutions regardless of how qualified they may be - so much for meritocracy - will be chairs of department and occasionally deans and very, very rarely associate vice presidents. Anything beyond that is very highly improbable. The bottom line is that as far as these high-level positions are concerned, for so many of these Nigerians, Asians and the millions of IMs out there, equality of opportunity still remains a pure myth.

From a devil's advocate viewpoint, one may be tempted to advance the argument that although IMs are for the most part well educated, however, they lack the administrative experience necessary to occupy senior and executive positions which explains why they are not appointed to them. As seemingly plausible as that argument may sound it is a double-edged sword and can therefore slice both ways. The logic is very straight forward: if for example a university refuses to promote a qualified IM chair of a department to the position of a dean because of his manner of speaking, then he or she would certainly have been deprived of the administrative experience or skills required to become a vice-president and or for that matter a president at a future date. Having said that, it would be interesting to know what exactly are the criteria used by university personnel offices around the country when considering applications from IMs for senior administrative positions. If education or lack of it is not the problem, then seriously, are we to assume that these IMs are fluent enough to get a doctorate (many of them from Ivy League schools), teach their classes, and buy their groceries without any problem but nevertheless not fluent enough to be vice presidents, provosts or even presidents? And if that is not the case, then whatever happened to their constitutional guarantee of equality of opportunity?

IMs and Equality of Opportunity: Reality or the Ultimate Myth?

Inspired by the Constitution, the Civil Rights movement was organized to fight discrimination. While the National Association for the Advancement of Colored Peoples (NAACP) was fighting racial discrimination, almost simultaneously, the feminist movement notably the National Organization of Women (NOW) was doing the same to eliminate gender-based discrimination. Similarly, the Gay & Lesbian Alliance Against Defamation (GLAAD) and their supporters have relentlessly been waging their own battle against discrimination based on sexual orientation. On all three fronts, the results have been astounding. Although there is still a lot of work to be done, much has been accomplished. Today, all these groups are by far better represented at the senior level positions and *relatively* much less discriminated against in the workplace especially when compared to their IM counterparts. For example, despite the fact that African Americans are still subject to an unacceptable degree of discrimination in the workplace, their plight pales in comparison to what a first-generation 'accented' African-born American has to endure especially in terms of upward mobility. That discrimination is still alive and well in America is obvious. One does not necessarily have to be a genius to figure that out. What is less obvious though is the fact that contrary to popular belief, the most pervasive form of discrimination in today's America may neither be based on race, gender nor sexual orientation (and yes! despite 9/11) not even on religion but rather on national origin. This case was well made by Ingram (2009) who points out that Americans are less likely to directly discriminate against others based on race, ethnicity, homeland, or economics, while discrimination based on language seems to be "fair game." Today, we have racial minorities, women, gays and lesbians in positions of high authority: they serve as CEOs, college presidents, Supreme Court judges; they are found in the legislative, executive and judicial branches and in just about every segment of American socio-economic life. We even have a Moslem Representative currently serving in Congress. For many of these groups, the promise of equality of opportunity is becoming more and more a reality. Unfortunately, while these 'bona fide' Americans have been increasingly invited to take their rightful places at the high table of power sharing, millions of Americans who are foreign-born, speak English with a foreign accent and in some cases have 'funny-sounding' names continue to be conspicuously under-represented and in most cases unrepresented.

Not all accents are considered negative. French and Australian accents, for example, are considered positive by many (Ingram, 2009). It is disturbing to note that while someone with a French or British accent is perceived as 'cute', a Hispanic accent is looked down upon (Holmes, 1992). It is hardly surprising that the courts do not contain records of native speakers of Dutch or Swedish or Gaelic experiencing job discrimination because of their communication difficulties (Lippi-Green, 1997). However, for the so-called low-status accents, the situation is completely different and sometimes really borders on the absurd. They are by far the worst victims of accent discrimination. More than twenty years ago, the EEOC had warned and very rightly so (Holmes, 1992) that low-status IMs were more likely to

face discrimination in hiring and promotion because of their accents than were immigrants from Western Europe. There is ample evidence as demonstrated in Quinn and Petrick (1993) that today, beyond the prediction, it is a fact that these stereotypes do exist and it is equally a fact that employers often act upon them. With respect to hiring and promotion practices, someone with a Hispanic or African accent is definitely not treated equally compared to his Western European or Australian counterpart. The best evidence that differential accent discrimination is well and alive in the workplace may have been presented by Holmes (1992). According to him, until 1992, the EEOC did not receive a single case of discrimination on the basis of accent involving any Western European immigrant. Perhaps more depressing is the fact that even though the EEOC is well aware of the plight of low-status accented speakers, it is not quite clear if at the moment the commission or the lawmakers are doing anything in particular at this moment to address the issue seriously.

CONCLUSION

All this brings me to suggest that perhaps IMs are indeed the last unsung heroes of the current debate on diversity. Consequently, as a way of moving this debate forward the following propositions are recommended. First, we must take into cognizance the fact that the law against accent discrimination cannot possibly be enforced fairly and effectively as long as the EEOC defers to employers the parameters for determining what is acceptable level of 'foreign accent'. For as long as this policy stands, employers will continue to abuse the privilege due to lack of standardized measure of foreign accent. In order to address this problem, the government (not the employers) must create a universal code of measurement by which all employers must comply. We already do something similar for international students in that before they can be allowed to enroll in our universities, they must first pass the TOEFL test. A similar standardized test can be administered to foreign-born applicants albeit on a voluntary basis. Unless this or something similar is done, we will continue to enable employers to use the 'must-be-able-to-communicate-fluently' pretext to hide behind legalistic defense. That means that any IM who offers to take and pass the accent requirement can no longer be denied employment or promotion based on his or her accent or manner of speaking. This will eventually force employers to seek new pretexts other than accent to refuse promotion or employment. By the way, the pharmacy profession already has such a testing system in place. Foreign pharmacists must take the Foreign Pharmacy Graduate Equivalency Examination (FPGEE) to obtain the Foreign Pharmacy Graduate Equivalency Certification (FPGEC) which provides a means of documenting the educational equivalency of a candidate's foreign pharmacy education. All 50 states and the District of Columbia recognize the FPGEC as a prerequisite for licensure. As part of the certification process, candidates must pass the FPGEE and obtain a total score of 550 or higher on the paper-based Test of English as a Foreign Language (TOEFL) or 213 or higher on the computer-based TOEFL. More importantly, candidates must also pass the Test of Spoken English (TSE) with a score of 50 or higher. The TOEFL and TSE must be completed by all foreign pharmacy graduates, even those who are native English speakers. My argument is that any pharmacist who successfully completes and obtains the required scores in a TOEFL and TSE examination cannot and should not be denied promotion to any position no matter how high provided he or she has all other necessary qualifications (degrees, skill, experience, etc.). In any case, IMs are already used to this kind of practice as foreign-born pharmacists, physicians, lawyers, and numerous other professionals have to take some form of standardized tests before they can be admitted to practice their trade in the U.S. Second, IMs must begin with immediate effect to build and nurture a constituency of their own. This would constitute a powerful advocacy group that will work on behalf of the millions of IMs who currently live and work in the United States. For now, there is no such constituency. Instead, there have been over the years a series of ad hoc efforts to deal with this problem, many of which have not been effective to say the least. If and when they choose to organize, IMs will have a clear advantage in that they can draw on the expertise and experience of various Civil Rights groups such as the NAACP, NOW, GLAAD and numerous other civil rights organizations that have preceded them in this regard. Third, I propose that IMs should set up a legal fund modeled after that of the NAACP at the height of the Civil Rights struggle. There are literally millions of IMs who are highly educated and gainfully employed. IM lawyers, paralegals, professors, etc. should donate their time and services to this cause. In addition to that, donations and fundraising events would ensure that the legal fund machine is well oiled. The idea is to prosecute pro bono every single case of accent discrimination that seems credible. Besides winning some of the cases, no matter how few, the effort would serve a secondary purpose: help to educate the public about the plight of IMs and hopefully in the process draw some sympathy to their cause in the public opinion court.

Finally, lawmakers very rarely act on issues that have little or no political qui pro quos. Also, it is quite unlikely that Congress would take up the grievance of foreign-born Americans especially if there is no penalty for inaction. Without a doubt, congressional inaction on this issue has created a political vacuum with respect to the plight of foreign-accented speakers. The foreign-accented speakers' constituency would be a natural fit to fill this vacuum. In the image of powerful organizations such as the American Association of Retired Persons (AARP), the National Rifle Association (NRA) and the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the IM community should establish a powerful lobby that will constantly push legislators (especially those who care enough) to strengthen existing legislation on accent discrimination in order to improve their plight. They have the numbers and they certainly have the resources. If and when the organization is launched, it will be able to boast of more members in its ranks than the AFL-CIO and the NRA combined. In addition, in order to put the maximum pressure on the elected officials on both ends of Pennsylvania Avenue, they should front a political action committee that will flex its muscle during every election. More importantly, they have the intellectual capacity to make all these things happen. America is the great country that we have all grown to know, love

and respect in part because it has perhaps more than any other country in the world welcomed the brightest minds from every part of the globe. Many of them, including the IMs, have shed their sweat and some their blood to advance the ideals we profess. IMs have for too long suffered in silence, victims of the glass ceiling syndrome. Yet, they still believe in the American dream and the ideals upon which this nation was founded. For their sake as well as in the name of fairness and justice, it is time to make those ideals work for everyone with no accent left behind.

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