

Vernā Myers & Associates

Harvard Black Law Student Association Race in the Classroom Project Report to Law School Faculty June 2002

Background

In the winter of 2001, students from the political action committee of the Black Law Student Association ("BLSA") of Harvard Law School ("HLS") contacted Vernā Myers, Esq., of Vernā Myers & Associates, a diversity management consultant firm (the "Consultant"), about interviewing their student membership regarding their experiences with racial issues in the classroom. According to BLSA, black students in recent years had encountered numerous racially insensitive incidents that involved professors and white students. In some cases, the black students had reported these matters but many more students had not. There seemed to be numerous stories about racial incidents circulating among the black student body. In March 2002, as BLSA was organizing the project, the first of the recent, well-documented racial incidents involving the first year student outline took place. While the Consultant was conducting the focus groups in April, the situation escalated. The Consultant was able to observe the black students' response to these incidents within and outside of the focus group process.

Purpose and Methodology

The purpose the "Race in the Classroom Project" was to: 1) create a record of the racial incidents that black students had experienced; 2) foster dialogue among black students about the issue of race in the classroom; 3) learn more about how black students respond to and are affected by these experiences; 4) raise the administration and faculty's awareness of the issue; and 5) find ways to prevent these incidents from occurring, or at least, ways to better resolve them. BLSA was concerned that these incidents seemed to happen each year and, in its opinion, the response of their professors and the administration had been inadequate. One student remarked, **"Every year something happens directed at black people; it becomes nothing. Nothing actually happens. Things keep happening. They just become stories for the next year's first years."**

The BLSA leadership encouraged their membership to participate and to invite all black students they knew to participate whether or not they were associated or involved with BLSA. In April 2002, the Consultant conducted six, 90-minute focus groups. Interested students were randomly assigned (with some attention to making sure that every group had representatives from each class) to one of the six focus groups according

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to their and the Consultant's schedules. Some students who wanted to participate were not able to because of scheduling conflicts. The focus groups were conducted in the BLSA offices at the law school.

Project Participants

A total of **41 students** participated in focus groups, representing 29% of the black student body.¹ Of those interviewed, **27 were females**, constituting 29% of the school's black female population, and **14 were males**, constituting also 29% of the number of black males at the school. Although the number of males participating was considerably lower than that of females, the same percentage of men as women participated because there are almost twice as many black females (94) as black males (49) at the law school. Students from all classes participated: 16 1L students, 16 2L students, and 8 3L students and 1 LLM student.

According to information provided by participants, a majority of the participants (26) had attended majority white colleges, while 15 had attended historically black colleges or universities. 23 students had full-time work experience prior to attending law school. 29 students were 21-25 years old and 12 were 26-33 years old. 17 students were from the southern or southwestern region of the country, while nine were from the northeast, nine were from the Midwest, two were from the West Coast, and four were from other countries. Only 11 of the students who participated in the project had family members who had attended law school.

Focus Group Questions

The Consultant asked students to respond to the following questions:

1. How would you describe your academic experience at HLS? What were your expectations? Are you satisfied with your experience? Do you feel successful?
2. Has the issue of race come up in your classroom experience? If so, how does race present itself as an issue? Describe the situation? What impact or effect have these situations had on you and your learning experience?
3. How sensitive and skillful have your professors been when addressing issues of race in the classroom? Are you comfortable approaching them about racial issues or concerns with regard to the classroom experience?
4. How racially aware and sensitive are your white classmates? How do you regard them? How do you think you are regarded by them?
5. What support systems exist for black students confronting issues of race in the classroom?
6. Where do you go when you have a problem regarding race in the classroom? Do channels exist at the school to address these issues? Have you approached law school administrators about issues of concern? What has been their response?

¹ According to the Dean of Students office, there are 143 black students at the law school. BLSA does not maintain an official count of its membership.

7. What are your hopes for this project? Do you have any suggestions about how to address and resolve these issues?

Executive Summary

"It is important for people to know what we feel behind closed doors....," one focus group participant said. The "Race in the Classroom Project" was intended to gather the classroom experiences of black students, to consider the cumulative impact of such experiences on this group of students, and to motivate the law school community to begin to address the students' concerns about these issues. The information collected in the focus groups and the Consultant's observations of the black students' response to the racial incidents that unfolded on the campus this spring makes the impact clear. A majority of black students interviewed are experiencing a climate in their classrooms and related activities that is deeply disturbing to them. Unlike most of their white counterparts, they are spending a great deal of emotional and physical energy trying to handle the issues that arise from this type of environment. The classroom environment profoundly affects their attitudes toward their academic experience and the law, interferes with their learning process, and causes some of them to develop a distanced or disengaged posture toward their studies. Based on their experiences at HLS, some had made decisions not to practice law.

With few exceptions, these students described the classroom environment as racially-biased and insensitive, contentious and disrespectful and generally intolerant of minority viewpoints -- so much so, that many of them elected not to go to class and decided to teach themselves through case books and outlines. While the black students interviewed identified professors and students who were genuinely sensitive to racial issues and skillful at respectfully discussing them, they found the majority of their professors and white classmates unaware of their own racial bias and uncomfortable with racial issues. Respondents found their first year classes were especially difficult either because their professors were unable to appreciate the racial issues raised by a particular situation or decision, or because their professors' were unable to facilitate a constructive conversation about the racial issues involved in these matters. They also found that many of their professors were not receptive to their concerns or suggestions regarding these issues.

Many students were critical of law school pedagogy, which they described as narrow, sterile, and void of an understanding of real life. Many were disillusioned by what they explained as their professors' overemphasis on the economic analysis of a decision to the point of completely ignoring or dismissing a social justice analysis. They were also disturbed by how their emotional responses to racially biased comments in the classroom were ridiculed and any arguments that they presented based on their personal experiences were wholly dismissed because they were unable to cite data to support their arguments.

One very clear consequence of the classroom environment and the pedagogy described by black students, is that those who do choose to come to class find themselves making a daily, minute to minute, emotional and strategic calculation about whether to actually speak in class. Some were determined to speak out against what they perceived as racist comments regardless of the personal cost, while others were certain that their speaking out would deem them "the angry black" (further discounting their views) and do little to change attitudes. Some explained that their decision not to talk negatively impacted their learning process.

Despite the challenges presented by the environment, black students have found ways to enhance their academic experience at the law school by carefully selecting their professors after the first year and participating in BLSA, clinical programs, student organizations, and community organizations. They have learned to support themselves and seek the guidance of some black professors who however, as students explained, are already overburdened with other matters.

By far, what respondents found most difficult about the situation described above was the combined effect of unaware, insensitive and sometimes hostile students, ill-equipped professors and a less than proactive administration. They commented that if it were just the students, or just the professors, or only the administration, the problem would be something they could handle. However, it was their feeling that they were alone, unsupported and without appropriate channels for resolution. As a result, the issues and incidents continued unabated. It was their hope that once the law school community fully understood how these issues impacted them and many of their classmates who are of minority representation or hold minority viewpoints, the community would respond.

These students are now looking to the law school community, to fellow students, their professors and school administrators to be proactive in taking steps that would create an environment where differences are appreciated, racial-bias and other forms of negative bias that corrupt the learning process are not tolerated, and controversial views are discussed constructively and respectfully. Such steps would include, among other things, ongoing dialogue; diversity awareness training for students, professors and administrators; training for professors on how to introduce and handle controversial subject matters such as race; a clear policy for resolving racial and related incidents; and a process to encourage accountability for this issue on the part of professors and administrators.

Major Themes

The major themes that emerged from focus groups, which are discussed in detail below, include the following:

- 1) Significant academic dissatisfaction and disengagement;
- 2) Racial issues in the classroom more pronounced in the 1L year;
- 3) Some professors' lack of sensitivity to racial issues and inability to handle classroom discussions;
- 4) Decisions that black students make regarding whether to speak in classroom discussions about race;
- 5) The cost to black and other students of a racially insensitive classroom environment;
- 6) Lack of awareness and monocultural perspectives of some white students;
- 7) Lack of support systems for black students and inadequate channels for resolving incidents of racial bias and insensitivity.

I. Significant Academic Dissatisfaction and Disengagement

A significant majority of students interviewed stated that they found their academic experience at the law school unsatisfying and disappointing, especially with regard to their first year classes. There were a few students who responded that they were "pleasantly surprised" by their academic experiences. These students explained that they were prepared to dislike the experience, but had found that the work was not as hard, the professors were not as intimidating and the students were not as arrogant as they expected. However, the majority of focus group participants used the words, "**disengaged**," "**uninteresting**," and "**not challenging**" to describe their academic experience. These students expressed two major reasons for their dissatisfaction: pedagogy and the classroom environment.

Pedagogy

With regard to pedagogy, students complained that the law is taught, especially in the first year classes, in a way that lacks depth, breadth, realism, and context. Many students remarked how their undergraduate studies and class discussions had been much richer and relevant to "real life." One student described his legal education as "**restraining and narrow**" and the "**biggest disappointment in my life.**" This student also said, "**I have lost the ability to think outside the case.**"

Students also strongly disagreed with and were frustrated by many professors' insistence that data as part of an economic analysis is the only legitimate way to support arguments and decisions. Students complained that they were being taught that a good argument is devoid of emotion and that their personal experiences were irrelevant, even though these personal experiences, especially with regard to race, could be used to

disprove the data. Students gave various illustrations of cases where they believed the discussion of the law would have been enhanced by exploring social justice issues such as how race, class, ethics, etc. may have impacted the situation or decision, but these broader considerations were ignored or chastised. Because these ideas were not explored, students felt their instruction lacked relevance and prevented the class from engaging in a deeper analysis of important factors that may have influenced the case. One student, explaining her reaction to her legal education said, **"I can't take this away and do anything with it, because it is not part of my reality."**

Respondents also remarked how they were disillusioned with the curriculum's de-emphasis on social justice and how even the most compelling questions of justice were explained or validated through a sterile, narrow economic, cost-benefit analysis. They had come to law school expecting to discuss issues of fairness and justice they explained and were gravely disappointed. One student described how angry he was to hear a professor explain that the Brown v. the Board of Education was a good decision because, from a cost benefit analysis, it was economically inefficient to run two different school systems. The student went on to discuss how insulting it was as a black person to sit in class and have someone explain that racial covenants are undesirable solely because they distort the market. This student explained, **"The problem is that this (explanation) diminishes our humanity. It devalues us (black people) to go to some economic rationale about why we should have the same privileges --natural rights. This is a quantification of things that are not quantifiable."** Another student remarked, **"I expected equity and justice--not here."**

Classroom Environment

With regard to the classroom environment, students felt that many of their professors seemed to be disengaged with and uninterested in their students and their subject matter. Again students contrasted their law school experience with their undergraduate experience and found their legal instruction lacking.

In addition, students reiterated in each focus group that they found the classroom environment to be insensitive to racial and socioeconomic issues, contentious, disrespectful, and generally unwelcoming of minority viewpoints. They explained that many of their fellow students made extremely insensitive remarks in class and that many of their professors did not know how to create a learning environment where divergent views could be considered in a constructive manner. As a result, black students and other students with minority opinions or from historically disadvantaged groups were marginalized, singled out, attacked, or ignored.

Students remarked:

"The classroom culture encourages people to say what they feel rather than how it affects others."

"In law school, the discussion pits two sides against each other; with racial issues, people are allowed to take positions that are problematic and destructive."

The contentious climate combined with the lack of sensitivity of students and the inability of professors to create a respectful environment greatly contributed to the students' dissatisfaction and disillusionment about their academic experience, at least with regard to the classroom. One outcome of the dissatisfaction was not only emotional but physical disengagement from class. Many students talked about how their attendance in class was sporadic or rare. They explained how they spent their time in their rooms reading the cases on their own. They worked in small groups to prepare for the exam, but mostly they were not engaged in the classroom. Students commented:

"I am distanced from what goes on in the classroom. I don't want to be part of it. So I don't invest time--otherwise, you're supporting the system you don't like."

"Once I saw the reinforcement of 'isms' (racism, sexism, classism, etc.) by professors there was no reason for me to get into the institution."

"Lots of people refuse to go to class. Either because of the race issue or they don't want to hear their fellow students talk, or they don't think the class will help them learn or get them better grades."

A prevalent theme among students interviewed was that grades were not a reflection of how hard they worked or whether they attended class. They were disappointed to find out that they received the same or better grades in the classes in which they did much less work. Most students had determined by the end of the first semester of the first year to work less and to teach themselves through outlines and the casebook. Generally second and third year students felt more satisfied with their academic performance and noted that their grades had improved each year.

One seemingly inconsistent feeling that was shared by many upperclassmen, even the most critical of the academic experience, was that they were satisfied overall with their law school experience. When asked whether they thought it was worth it to come to law school, they responded affirmatively. The students explained that they had made decisions early on in their law school experience, some as early as the first couple of weeks of class, to disengage from the standard program of going to classes and had taken the initiative to find other ways to enhance their educational experience. Students remarked that being able to choose their classes in the second year did a great deal to alleviate their dissatisfaction with their classroom experience. They were able to choose classes that interested them with professors and students that they respected. Some had also sought involvement in BLSA and other student organizations, clinical programs, journals and community activities that enhanced their learning and made them feel more satisfied with the overall law school experience. One student said, **"If you don't come from a certain mold... you are outside of it. You can learn a lot, but it is a periphery type of engagement."**

II. Racial Issues More Pronounced in the IL Year

Students' experiences with race in the classroom varied greatly depending on their professors' ability to recognize and understand racial implications of cases and their facility with introducing and discussing the issue in the classroom. By far, most of the examples of mishandled racial issues and discussions were from first year classes. In addition, the first year experience seemed to greatly inform how students regarded their academic experience and determined their level of engagement in the classroom.

Almost every student interviewed mentioned how the Goetz case was handled in his or her criminal law class. Some students had positive experiences discussing the case, but more students talked about how ill prepared their professors were to introduce or handle the discussion in an effective way. Students were incredulous that some criminal law professors did not include race at all in their discussion of the Goetz or any other case. Focus group participants remarked emphatically,

"I don't know how you talk about criminal law and not talk about race."

"We all know that the boys got shot because they were black. We were all waiting for the professor to ask, 'Do you think there would have been a different outcome if the boys were white?' --it never happened."

"Everyone had their heads down during the Goetz case-- the professor was trying to bring up race but no one would say anything."

Students mentioned difficult and upsetting class discussions regarding racial profiling and sentencing, racial covenants in property class, as well as discussions of racial issues arising in civil procedure and torts. As mentioned earlier, students were also disappointed when implications of race were not acknowledged at all in certain case discussions.

A number of students also talked about the impact that smaller sections had on the classroom discussion. The effect of dividing the larger class was to create sections where there were very few and sometimes only one black student in the section. In particular, because there are so few black men in the school, some sections had no black males. Students remarked how difficult it was for them to be the only black person in a criminal law class where either students were engaged in a divisive, racially-charged discussion or the defendant in the case was black and students made racially offensive remarks that went unchallenged by the professor.

III. Some Professors' Lack of Sensitivity to Racial Issues and Inability to Handle Classroom Discussions

Professors in the Classroom

Respondents mentioned that some of their professors were quite aware of racial issues and handled them well in the classroom. In fact, the same four or five professors were mentioned throughout each focus group as the professors who were knowledgeable and skillful. But for the most part, students reported a range of unsatisfactory actions by professors in understanding, introducing or successfully addressing racial issues in the classroom.

Respondents commented that some professors have no awareness of racial issues or their implications in a particular case, while some have the awareness, but seem to ignore race. Other professors introduced race but only in a perfunctory matter. Others with good intentions launched into the subject, but handled it poorly. There were also some professors, especially in criminal law, who students felt over-emphasized race with the effect of reinforcing negative stereotypes about blacks. Students shared three examples of professors so ineffective at covering racial issues that the exercises resulted in their white classmates laughing or stereotyping the black defendants. It was clear to the black students that the professors' intent was to point out racial bias or disparity, but the execution was so poor that the point was lost on the class. There were some professors who, according to students, would not call on black students or would only call on black students when race was being discussed. Students went to one professor to share their observations about her pattern of not calling on black students. Her response was to call on all black students on one day, all Asian students on another day, and so on.

Students were very concerned about what they saw as professors abdicating their very important responsibility of facilitating a balanced discussion about a very difficult and potentially divisive subject matter. They felt that professors were not providing for all viewpoints to be heard and were allowing students to remain ignorant about the biased opinions that they held. Students complained that white male conservative students were allowed to dominate the classroom discussion, even in the classes with liberal professors who they believed were fearful of being disrespected by these same students. One student remarked about how important it was for their professors to challenge students to consider their own viewpoints, "**... this is the last time some of these students will listen to anyone. These people are going to be running the world.**"

Students made these comments about their professors:

"Some are supportive and have shown their support through the most recent incidents."

"Some are interested, but only intellectually; but they are not interested or aware of the impact on us personally. "

"It is not always advantageous to bring up race; the professors are liberal but they can't place issues in context, so I don't want a discussion about race when the teacher is not equipped to lead the discussion."

Students stated that their professors were ineffective at handling race in the classroom for several reasons. Many professors were not well versed in racial topics, and had not studied the issue or become familiar with data related to racial topics. They also believed that some professors' willingness or ability to deal competently with racial issues was hindered by their own bias, lack of discomfort with racial issues and lack of exposure to people of different racial and socioeconomic backgrounds. Respondents shared incidents of professors using offensive analogies and language in the classroom and being quite unaware of their impact. There were several stories, for example, of professors "throwing around" the "n" word in class. Others thought that many professors ignored or gave short shrift to racial issues because they didn't believe that race belonged in a discussion about the law. One student explained it this way. **"There is this notion that race pollutes the law, since the law is supposed to be objective and removed from power relations. People think that the race issue distracts from the real issue... "**

Many students also stated that they believed that some professors did not think that they belonged at the law school. One student said, **"It is an unspoken dialogue: Black people don't deserve to be here; they're not prepared. It colors everything that happens. If someone is called upon and a white person is unprepared, they're unprepared. If a black person is unprepared, 'It's what did you expect?'"** Other participants added that when a black person was prepared in class some professors acted as if they were surprised.

Response of Professors and the Administration to Black Students' Complaints

Most students interviewed stated that they were not comfortable going to their professors to discuss their concerns about how racial issues were approached in the classroom or to give suggestions about how the professor might address the issue in the future. Some students had initiated conversations with their professors and had found their professor responsive. There were a few professors whom students praised for either acknowledging or correcting their or the classes' insensitive remarks. Some professors responded by introducing new materials for students to read, and/or conducting research of their own on the issue.

However, the overwhelming response from students was that when they had approached their professors, the outcome was unsatisfactory, and, in some cases, more hurtful than the actual matter that had prompted the conversation. Some professors ignored their concerns while others refused to acknowledge their own lack of awareness

and insensitivity or the impact of their actions on the students. Some professors chose to spotlight or single out, in front of the entire class, students who had complained to them privately. This created a contentious debate where white students were encouraged to give their views about the black students' concerns. This public airing of private complaints happened even when students specifically asked the professor not to do so. One student told of an incident that was devastating to her personally. She had written a personal retort to what she felt was a long, racially insensitive entry that her classmate had written on an electronic blackboard. The professor decided that as a teaching lesson he would have the entire class vote on which blackboard response over the year represented the most ineffective and unpersuasive argument. The majority of the class chose her response-- one that she had not offered as an argument at all but as personal comment to an individual who she believed was spewing negative racial stereotypes. She was forced during the class session to listen to why all her white classmates thought her response was unsuccessful in convincing them.

Another student told a story about a professor's response that she believed was retaliatory. Her professor wrote her a terse, non-responsive and demeaning note after she had written him a respectful, detailed written suggestion that the class consider the impact of race in the analysis of a case that involved unfair business practices by a company located in a black neighborhood. The student received a much lower grade than she thought she deserved based on her group's performance. The class had been divided into groups to work on different projects and it would have been very difficult for the professor to assess what her personal contribution had been to the group.

With regard to the administration's response to racial issues, students explained that when they took their concerns to the administration there had been some follow up with professors, but students were usually dissatisfied with the results. When professors failed to apologize or acknowledge students' concerns, students felt that the administration's only advice to them was to be less sensitive and emotional, since bias and insensitivity were part of the "real world." Students were also very dissatisfied with the administration's initial response to the more recent incidents on campus. They viewed the response as too slow and not adamant enough about what students believed was clearly objectionable behavior.

IV. The Decision to Speak

Students talked a great deal about the effort, energy and calculus they employed when trying to decide whether to speak up in class about racial issues. Students seemed to fall into two categories: "warriors" and "survivors." One student who typified the warriors explained why she felt she needed to speak up in class. She said, "**I was taught to fight racism at every hand.**" While a survivor student remarked, "**I'm not going to spend my energy moving an immovable institution.**" Another remarked, "**Some of us came to get an education, not to be a civil rights activist.**"

Other students talked about how sometimes they are strategically silent and let white students argue the position they support, because the voices of white students are more respected by other white students and professors. One student said, **"You are discounted unless a white student validates it. Sometimes I wait for a white liberal to say it. I only speak when I am pushed to the edge."**

Students explained that when they did speak up, their voices were often discounted by being labeled, "the angry black." In addition, some of their responses were dismissed because they were viewed as emotional and their objections were based on personal experience rather than data. Students talked about how difficult it was for them not to get emotional about things like a cross burning case or comments from students to the effect that blacks were genetically predisposed to crime. One student humorously explained that by the time he quieted his anger and formulated an analytical, non-emotional response to issues like this, the class had ended. Many students agreed. They said,

"It's hard to know how to respond. You are not supposed to take it personally, but how am I not to take it personally? How do I counteract that?"

" I get upset when I am not true to myself. I don't know if we should be so afraid of being the angry black woman... You try to speak for the first two weeks and you get discouraged, you disengage, but then you are still angry. If you persist it gets better."

"If you get angry, people's reaction is this is just a discussion. It's personal to me. If you degrade them (black people), you degrade me. "

"White people intellectualize everything. They say if you can't validate your opinion with data, scholarly studies, it's not valid and I won't accept it."

"We have intellectualized a degradation of a people."

"When I know there is going to be something on race in class like racial profiling, I get super prepared; I did extra work because I knew that I was going to be the only one arguing against it."

"I've been pretty quiet; I haven't wanted to be. I just wanted to scream why are you all lying."

"Minorities get quieter as times goes on."

Respondents also mentioned how there was a real absence of the black male voice because there were so few black males in the school and sometimes no black male at all in their classes. In the Goetz case for example, some white students in class had stated

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that of course it was reasonable that Goetz was afraid for his life, because the men in question were Black. Black women discussed how they had tried to counter some of the negative stereotypes that were expressed about black males in the classroom by referring to how their brothers or fathers would act or think. However, they felt that the absence of the black male voice made it was extremely hard to challenge these stereotypes, especially in a course such as criminal law where many of cases discussed have black male defendants. Students also shared how, unlike their white classmates, they carry the burden of being the spokesperson for their race. Students said,

"Everything I say I am looked at as the black male representative and authority; sometimes I am just talking as myself. Sometimes I'm not necessarily talking from a race perspective."

"They (white students) are just who they want to be. You have to uphold the black person's image. It is a burden no one wants, but we don't have a choice; you are viewed as the black person. When I am somewhere else, race does not dominate my existence."

V. The Costs of a Racially Insensitive Classroom Environment

The overwhelming sentiment of students interviewed was that a class environment that is adversarial and divorced of sensitivity to or understanding of racial bias exacts both an emotional and educational toll on them as black students. Students also expressed that this type of environment comprised the learning process for all students. They explained the emotional toll on them as black students:

"I'm numb."

"It was the worse moment in my life."

"I read the cases and I get mad."

"Depressing," "frustrating," "sad," "unfair."

"I cringe when I hear it." (about the "n" word)

"Lonely."

"Isolated."

A black male student added that black students have to spend time and energy that their white counterparts do not addressing these very difficult issues. He said,

"After the (professor's name) incident, I didn't study, I was upset, we were meeting, e-mailing, talking to racist administrators. I was crying all the time and I don't cry. My grades suffered. Not this year. Not me. Too much this year. Is it fair that we have to deal with this all the time?"

The recent racial incidents with students at the school occurred and escalated at the same time the Consultant was conducting focus groups with students. The Consultant was able to observe the intense discussions, organizing and strategic planning of black students to

address the situation, at the same time that they were in the final weeks of classes and into the exam period.

Black students also explained how the insensitive classroom environment has adversely affected their learning. They said,

"It is hard to learn in a racist environment."

" My voice is quieted because I can not fit into the legal framework."

"I have interference and I can not process the information."

"I am distanced from the classroom."

"I am turned off by the law."

"After first year, I tuned out."

In addition, black students remarked that they believed that other students of color, some female students, and students from lower socioeconomic backgrounds also felt distanced and disengaged because of the classroom climate. They also believed that the environment interfered with the learning of white students. They explained that these students don't enjoy the benefit of hearing the ideas and perspectives of black students' (and other students who may feel marginalized). They were not being challenged with views that are different from their own on the issue of race. They were missing the opportunity to learn from black students and to expand their awareness about issues with which they may have little life experience and will undoubtedly confront in the practice of law.

VI. Lack of Awareness and Monocultural Perspectives of Some White Classmates

Black students thought that most of their fellow white students were unaware of or indifferent to racial issues. Respondents believed that many students from upper class backgrounds were sheltered, arrogant, and entitled. They thought of themselves as superior to others from other backgrounds and cultures. Black students found them to be uncomfortable and underexposed to people from different racial and socioeconomic backgrounds. Therefore they had little appreciation for any cultural perspective other than their own. Even students who considered themselves liberal, seemed to lack awareness of their own bias and failed to understand systemic racism. The respondents described how some of their white classmates, especially the males, would voice with authority their opinions on subjects about which they had very little knowledge. However, when a black student spoke, white students insisted that the black students have data to support his opinion.

Black students also described their classmates as quick to judge and insensitive not only to racial issues but other issues as well, such as class and gender. In the classroom setting, many of the white students didn't seem to care or understand how difficult the discussions were for black students. The respondents believed that for some students it was just a debate or a game that they wanted to win.

There were also some white students who black students believed held racist notions about black people and who didn't think black students belonged at HLS. A black student interviewed overheard a white student remarking to another about the Law Review's affirmative action policy. The white student commented that middle class black people should never complain because they get everything and they (whites) get nothing. One white student wrote on a class electronic blackboard a very long entry that included the following: **"The majority of the black community holds this helplessness view. If you've spent any time in a city school, it's quite predictable: by the 4th grade the black kids are beginning to feel like they have no chance in life. By around the 8th grade the girls are starting to get pregnant and you start seeing more and more drugs. By the 9th and 10th grade most drop out. Not there's a white person within 5 square miles of the black school who is causing this..."**

Black students were also disturbed by how white students spoke to them privately about how offensive a statement or discussion was, but would never say anything publicly in support of black students or against racial bias. Black students were also appalled to hear that some white students had told the 1L student who had included the offensive language in his study outline that he was courageous because he was voicing the opinions that they also held but were afraid to say so.

The students interviewed mentioned that there were a few white students who were sincere, sensitive to, and supportive of black students and issues of race. However, they had watched these students become silenced and marginalized as well. Most black students commented that they do not socialize much with white students. Some students shared how some of the white students that they had befriended had disappointed them by saying racially insensitive comments in class. One student discussed how he had lost all his white friends once he landed a law firm job as a 1L. He overheard students remarking that all the Blacks were getting all the 1L jobs.

Black students had this to say about their white classmates:

"I am from ____ (another country). It is so different there. Some of the things that my (white) classmates say are shocking. Bringing it up in class is not going to change their minds. It makes me feel more hopeless, but I don't think I should be the one to talk, because I don't know enough, it is not my experience."

"The discussion is divorced of sensitivity or any understanding that they are spouting what are racial stereotypes and racist beliefs."

"The ones who have really gotten on my nerves-- the people who try to make you feel bad about being angry. They were trying to get me to agree with a view that is blatantly racist."

"Some want you to prove it to them. The white males think their ideas should be given pre-eminence ."

"Some don't see us. They come here to start a network and black students are not important to them. They are in their world and we are just living in it."

VII. Lack of Support Systems for Black Students and Inadequate Channels for Resolutions

The students interviewed indicated that there were very few places at school where they could turn to receive guidance and support with racial incidents or issues. BLSA had provided a refuge for many. Most students had very close relationships, almost exclusively, with other black students. In addition, students agreed that if they needed advice, they went to black professors for help. They had found several of the black professors willing to assist them in finding ways to understand and resolve incidents and issues. However, students emphasized that there were so few black professors and those professors were so overburdened that they were reluctant to go to them, unless the problem was really urgent. Students also talked about relying on support systems outside of school such as fraternities, friends, community organizations, their mothers, and church. Several students discussed how they spend a great deal of time talking to their families about what they were going through at school.

Students believed that there were no clear channels that existed for resolving issues. Students discussed how they had taken many of their concerns to the Dean of Students and had found a sympathetic ear, but were concerned that the Dean had little power to affect real change. They expressed a lack of confidence in the other Deans and, as was mentioned earlier, were not comfortable going to most white professors with their complaints.

Other Themes

Other issues that were raised, but not as frequently by all students, included: the lack of political awareness and activity of all students, including black students; the overall lack of tolerance in the law school and classroom for non-majority ideas and concerns; a pronounced sense of disconnection between students and the administration; and divergent ideas among black students about what the purpose of BLSA should be.

Students' Hopes

The students interviewed articulated the following hopes:

- That people at the law school would understand the issues that they are facing and what it was like for them at the law school

- That the administration would take real steps that would improve the classroom experience for the better
- That professors would understand how important it was for them to create a respectful classroom environment
- That professors and administrators would be held accountable for their responsibility to create a respectful and inclusive law school community
- That professors receive training about how to bring up controversial issues and how to facilitate balanced discussions
- That a definitive policy be adopted to address and resolve incidents
- That the number of incidents would decrease and be resolved more quickly and satisfactorily
- That the representation of black faculty would be increased
- That the representation of black male students would be increased
- That there would be a process for learning about the experiences of other minority groups

Further Study

While this project may yield preliminary data to help the school shape a long term strategy for addressing racial issues, as part of that strategy, the law school may also want to collect information about the experiences and perspectives of black students not interviewed, white students, other students of color, black alumni, professors (especially 1L professors), and administrators.

Conclusion

Black students interviewed eloquently explained in focus groups that the cost of learning in a racially insensitive environment is a level of academic disengagement and emotional stress. As a result, many of these students are not willing to speak, to share their views and perspectives, or to take intellectual risks. It was the students' belief that other students from minority backgrounds or with minority viewpoints also suffered in this type of environment. The cost to majority students in the classroom is that they are without the benefit of black student voices and their own views go unchallenged. This is a particularly undesirable result in a law school where the goals of the learning process are taking intellectual risks, developing the ability to discuss difficult issues, and learning to articulate a range of ideas and arguments.

Harvard Law School, over a long period of time, has made real efforts to diversify its student body and has placed an emphasis on increasing racial diversity. It is an institution that has fairness and intellectual excellence as its core values. As a legal entity, it has more responsibility perhaps than other institutions of learning to ensure that it fosters equal opportunity and does not tolerate racial and other kinds of bias against under-represented or historically disadvantaged groups. As an institution, it believes in the value of learning in an environment where many different opinions, perspectives, and ideas are present. Its students leave the school and go on to influence and take leadership

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in many important arenas throughout the world. Because of its reputation for excellence, students come to HLS looking for an opportunity to test their views and to learn from their professors and fellow students about how to excel in the field of law, as well as in other professions.

It seems clear from the information provided by these black students that the law school community needs to make some important changes if it is going to continue to successfully attract the best students, not only black students but those students interested in learning in an environment that welcomes and appreciates difference. Changes are imperative also if the law school desires to equip its students with the skills that they will need to be aware and respectful of the differences that they will encounter in the increasingly diverse and global practice of law.

To make the changes that are necessary and that can be sustained, the law school community will need to truly understand the benefits that inure to HLS for promoting a more racially sensitive, diverse and inclusive environment and the costs to the institution if changes are not made. If diversity and inclusion does not seem integral to its mission or survival, it will be difficult to creatively sustain efforts to shift the school's present culture. Leaders of the community will need to hear the stories told by these black students and feel an urgency to examine and, if necessary change, the school's day-to-day practices, policies and customs.

Assuming it is clear that change is in the best interest of everyone involved, the law school community will need to develop a coordinated, multi-faceted strategic plan of action that will require the efforts, imagination and good will of every member of the community. Isolated, sporadic and discrete programs or interventions are not constructive and can often be destructive. They raise expectations and fail to deliver real change. The failure increases frustration of the part of those who desire change, erodes their faith and participation in the process, and gives naysayers ammunition to resist future efforts. A multi-faceted plan (with short term and long term goals) should include mechanisms to assure timely and continuous feedback from all the affected stakeholders and specific measures to determine how well the plan is achieving its overall goal. The law school will need to commit to a long term change process if it hopes to foster a learning environment where controversial views can be discussed respectfully and constructively, incidents can be resolved satisfactorily and all students can emerge with the awareness, confidence, and skills required to be leaders in our diverse world.

Recommendations-- A detailed list of recommendations are appended to this report

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RECOMMENDATIONS

1. Develop a clear and well-articulated understanding on the part of administrators, professors and students of why it is in the best interest of the law school community to embrace and implement steps to cultivate an environment that is anti-racist and is respectful and welcoming of cultural differences generally. What are the benefits of undertaking these steps? What are the costs of taking or not taking these steps?
2. Convene a group of professors, administrators, and students (of all backgrounds) to develop a coordinated, multi-faceted and strategic plan for integrating an appreciation of differences into the daily interactions and functions of the law school community.
3. Designate the appropriate funding, personnel and other resources necessary to implement the strategic plan.
4. COMPONENTS OF A SUCCESSFUL PLAN MAY INCLUDE THE FOLLOWING COMPONENTS:
 - a) Develop a written policy that sets forth the expectations and responsibilities of everyone in the community to foster an environment that recognizes, understands, and appreciates difference. The spirit of the policy and the sanctions for violating it communicated clearly to all students, and done in some programmatic fashion to ILs when they arrive. The policy you specifically include "e-blackboard," outlines and any class-related expression.
 - b) Develop a reporting protocol and resolution process to expediently handle concerns about diversity-related issues. Consider a restorative justice model for developing a resolution to incidents.
 - c) Designate and train individual(s) to receive, investigate and resolve such issues. This selection of the appropriate individuals should be done with student input to ensure that students would be comfortable conferring with such individuals. One of the designated individual could be a student trained to handle such issues.
 - d) Establish an ombudsperson to handle these and other student complaints anonymously.
 - e) Establish an information gathering process to include experiences and perceptions of students, alumni, professors and administrators. Develop a quantitative survey for students to complete regarding their experiences with racial and other diversity issues.

- f) Require diversity awareness and anti-racism training and ongoing learning opportunities for all IL students upon their arrival and a similar training to capture students who will be graduating in two or three years. In the alternative, conduct two trainings for students, one when students enter geared to diversity and respect with regard classroom and school interactions and one for second or third year students geared to developing diversity skills for life after school in the diverse workplace and marketplace.
- g) Sponsor a facilitated forum for first year students, professors and appropriate administrators at the end of the first semester to discuss racial and other cultural issues, perspectives and experience and other diversity related issues.
- h) Establish regularly scheduled opportunities for students of color, women and LGBT students and other interested students to meet with administrators and professors about fostering a diverse and inclusive school community.
- i) Convene a group of professors, administrators, and students (of all racial and ethnic backgrounds) to develop curriculum and materials to appropriately address race and other cultural issues in IL classes, as well as guidelines for all professors regarding addressing racial/ethnic and other diversity issues. Train professors to utilize curriculum, materials and guidelines.
- j) Require diversity, anti-racism and cultural competency skills workshops for all professors of first year classes.
- k) Require diversity awareness, anti-racism training, cultural competency skills training and ongoing learning opportunities for all professors.
- l) Require all students to participate in a clinical project (with adequate sensitivity training) on behalf of an under-served population or public interest concern.
- m) Provide additional support to BLSA and other student organizations who provide substantial psycho-social support for students. ex. The develop of programs that will teach black students skills for responding to bias in the classroom; seminars to discuss racially sensitive cases; the provision of resources to support black students' engagement in class discussions; develop training for white students who want to know how to be allies to black students.
- n) Develop outreach strategies and recruit more black male students
- o) Increase strategies for identifying, recruiting and hiring black professors and other professors of color
- p) Encourage ongoing discussions about healthy debate, types of pedagogy and respect for differences

- q) Consider the impact of dividing into smaller sections on the representation of students of color in each small section and, make adjustments