

On Behalf of A Diverse Group of Students and Staff Demanding Change at HLS:

For years, students and other members of the HLS community have called out for contextualized learning that draws connections between the law and social subordination based on race, gender, and class; for a more genuine commitment to rooting out racism and other forms of mistreatment on campus; for increased resources to welcome and support students from disadvantaged backgrounds; and for significantly greater transparency in decisions made by the administration. Those voices have largely gone unheard.

Over the past weeks, these voices have risen again, in chorus. Today you will hear the opening bars of their song, which they won't stop singing until this place becomes the justice school that it purports to be—an institution that promotes justice and wellbeing within its walls and beyond.

In response to the community meeting on November 30th and other events highlighting the need for a frank discussion of race and diversity at this institution, over two hundred students and staff members from a diverse array of organizations and communities have met to discuss our experiences of exclusion at this school. As a result of these discussions, we have come together in support of certain demands that we believe are necessary first steps to making HLS the inclusive, diverse community that we all want it to be. Below is a list of our collective demands — with specific recommendations on how the administration should begin meeting them.

COLLECTIVE DEMANDS FOR CHANGE AT HARVARD LAW SCHOOL

- 1. Address Harvard Law School's legacy of slavery by removing the Royall family crest from Harvard Law School's official seal and creating a permanent physical memorialization of the enslaved victims of the Royall family.**
 - a. Remove the Royall family crest from the HLS seal.
 - b. Create a permanent physical acknowledgment (such as a monument on campus) of this institution's legacy of slavery, memorializing those who were brutalized by the Royall family, and describing the change of the seal and the Royall chair.
 - c. Change the "Isaac Royall Chair" by renaming the chair to the "Belinda Royall Chair" or allocating the chair to a Critical Race Theory scholar.
- 2. Establish a Critical Race Program at Harvard Law School, with meaningful student input and transparency. The program should include at least one tenured faculty position for a Critical Race Theorist and provide support for students who are interested in challenging elite institutions and exploring the connections between the law and racial power.**
 - a. Hire and support a Critical Race Theorist with meaningful student input in the selection process. The Critical Race tradition was born out of Harvard Law School through the work of Derrick Bell, Kimberlé Crenshaw, Gary Peller, and a host of other scholars committed to: (1) uncovering the systems at play in the violent erasure of black people in our system of governance and (2) challenging "elite" institutions' conceptions of "race neutrality" in the face of functionally exclusionary practices." This scholar will provide a much-needed expansion of the academic dialogue at the school and support students who are interested in this serious body of work that has been pushed to the margins.
 - b. Set a timeline for hiring Critical Race faculty. Proposed initial timeline:
 - i. Visiting professor(s) by next semester or Fall 2016
 - ii. Tenure-track professor(s) by 2016–2017 academic year
 - iii. Total of at least 3 tenure-track Critical Race faculty by 2020

- c. Allocate at least \$5 million to establish the Critical Race Theory Program (figure based on similar program or center endowments), and commit to continued institutional support and funding, making it a priority in fundraising in the coming years.
 - d. Prioritize a record of Critical Race Theory scholarship and specialization in the recruitment and hiring of Climenko Fellows.
- 3. Reform the existing mandatory legal curriculum at Harvard Law School, through meaningful student input and transparency, to ensure the integration of marginalized narratives and a serious study into the implications of racism, white supremacy, and imperialism in creating and perpetuating legal analysis and thought.**
- a. Mandate external-organization-run diversity training programs for all professors that include (1) cultural competency and (2) models of effective contextualization — i.e., facilitated conversations about how to honor and navigate the difficulty and importance of bringing topics of race, class, nationality, gender, religion, and sexual orientation into the classroom.
 - b. Break down the HLS hierarchy and caste system that maintains the marginalization and exclusion of clinical faculty and staff at all levels; in particular, re-organize salary, benefits, contract structure, and administrative participation for clinicians in order to more closely mirror those of podium faculty.
 - c. Give the Committee and/or the Office of Diversity and Inclusion (see Demand 4(a) below) a full and equal seat at the table for all discussions and decisions on curricular changes.
 - d. Create a mandatory 1L course that addresses and contextualizes racial justice and inequality in the law, with respect to both historical issues and recent events. (The course must have a credit level that reflects its equal or greater importance to traditional 1L courses.)
 - e. Include in 1L Orientation implicit bias/cultural competency training by an external, expert organization, with the input of affinity groups, and opportunities throughout the week for interaction with affinity groups. Remove restrictions on affinity groups contacting new students.
 - f. Amend student evaluations to account for implicit bias and include questions regarding whether professors contextualize material.
 - g. Encourage the following components of inclusive classroom models by bringing in an outside expert on topics including, but not limited to, contextualized learning; open source materials for class; more group discussion among peers; more professor feedback on student materials throughout the term, rather than the one-exam model; and greater focus on panels and volunteering versus cold calls.
- 4. Establish the Office of Diversity & Inclusion and implement other institutional changes aimed at curtailing organizational hierarchy and injustice against students, staff, and faculty. The Office should be established with meaningful staff and student input and transparency.**
- a. Create the HLS Diversity Committee (“Committee”) and the Office of Diversity and Inclusion with meaningful and substantial student, faculty, and staff input and transparency at every level of the process (pursuant to the attached proposal).
 - b. Give the Committee and/or the Office of Diversity and Inclusion a full and equal seat at the table for all discussions and decisions on curricular changes.
 - c. Ensure that students, clinicians, and staff are included on all faculty committees (at every level of discussion, decision, or appeal), including but not limited to the existing faculty committees: the Administrative Board, Entry-Level Appointments Committee, Lateral

Appointments Committee, Assistant Professor Mentoring Program, Clinical Committee, Admissions and Recruitment Committee, Graduate Program Committee, Teaching Careers Committee, Climenko Fellows Committee, Fellowship Coordinators, Clerkship Advisors, Informational Technology Committee, Library Committee, Financial Aid Committee, Project Review Committee, Title IX Committee/the Procedures Committee, Sexual Assault/Sexual Harassment Education and Prevention Working Group, Professional Committee, Executive Education Committee, Lewis Building Committee, Case Development Committee, and 200th Anniversary Planning Committee.

- d. Publicize to the HLS community the procedures of all of the aforementioned committees, for maximum transparency.
 - e. Empower the Committee to review the “excessive or insufficient remedy” condition as grounds for appeal for sexual assault/harassment decisions, as it is a subjective criterion likely to be abused by male bias against women of color, especially African-American women; include clinicians and staff from other campuses on the list of qualified panelists for sexual assault/harassment adjudication.
 - f. Support efforts to combat gender inequality, sexual assault, and sexual harassment at HLS, including but not limited to organizing bystander intervention trainings and sexual assault awareness programming for students, faculty, and staff in order to address the hostile climate surrounding sexual assault at HLS.
 - g. Release public reports on the progress of the Office of Diversity and Inclusion’s initiatives every semester to the student body.
 - h. Outline ways that staff can seek career development and enter higher levels of management.
 - i. Provide resources for staff of color including, but not limited to, a commitment to diversifying senior management through development and promotion of staff of color, and required cultural competency training for senior staff and management.
 - j. Increase student input during the admissions process through the creation of a student committee tasked with both making recommendations for outreach to students of color and creating more holistic criteria of admissions.
 - k. Promote institutional unity between students, faculty, and staff, including, but not limited to, custodial, Hark, and administrative staff).
- 5. Improve affordability and financial access to HLS for students of color, students from low socio-economic backgrounds, and otherwise marginalized students; this should be done with meaningful student input and transparency.**
- a. Expand financial aid with a substantial increase in grant aid and a substantial decrease in reliance on loan packages; significantly lower tuition; give full need-based scholarships, along with cost-of-living grants, if a student’s household earns less than the cost of attendance for one year at HLS.
 - b. Change structural incentives that push students into big law.
 - c. Change the way we solicit funds to run the law school.
 - d. Reduce the student debt load for students with low financial resources.
 - e. Educate 1Ls and 2Ls on LIPP before EIP begins (during Orientation).
 - f. Allow students to pursue a civic-minded career upfront in exchange for free tuition, and to opt out and pursue a corporate-minded career in exchange for taking back their tuition debt.
 - g. Provide pathways for disadvantaged students to get into HLS, in part by recruiting students from disadvantaged backgrounds who have the potential to do well in law school.

- h. Increase support for public interest students, including (1) extended summer public interest funding; (2) subsidized travel and housing for job interviews; (3) financing for bar courses.
6. **Make a sustained commitment to the recruitment, retention, promotion, and professional development of Staff of Color at all levels of the Harvard Law School workforce, particularly in senior management.**
 - a. Begin an annual diversity audit in 2016 that includes transparency of salaries and promotions.
 - b. Through an inclusive process, establish clear published targets for recruitment, retention, and promotion for people of color and report publicly and regularly on progress made towards reaching those targets.
 - c. Provide accessible trainings on negotiating promotions and pay increase.
 - d. Establish a mentorship program for staff of color.
 7. **Implement measures to ensure Staff of Color are respected and supported in their work, including required cultural competency training for all staff.**
 - a. Establish a mandatory program led by external facilitators to build better cultural competency among staff starting in the fall of 2016.
 8. **Adopt a Harvard Law School Diversity Committee, exactly as described below, made up of students, staff, faculty, and administrators, to implement the aforementioned demands and monitor progress at Harvard Law School in the areas of pedagogy, diversity, and culture.**

This will provide students, staff, and others who have been marginalized at this law school with the ability to come to the negotiating table and engage substantively, meaningfully, and sustainably with these issues. It will also allow them to (1) hold the administration accountable and (2) measure progress on their demands. See details on the Committee below.

PROPOSAL FOR THE HARVARD LAW SCHOOL COMMITTEE ON DIVERSITY AND INCLUSION

I. Mission of the Committee

The Harvard Law School Committee on Diversity and Inclusion (“Committee”) shall be charged with identifying particular problems related to diversity and inclusion at the law school and their relationship to the Harvard Law School (“HLS”) mission; researching the underlying causes of those problems; proposing solutions; tracking implementation and progress on those proposals; and monitoring the wellbeing of students over time.

II. Duties of the Committee

A. Research Issues Related to Diversity and Inclusion at Harvard Law School

The Committee shall research problems and issues related to diversity and inclusion at HLS.

The Committee shall have a wide remit to research anything that it considers to affect diversity and inclusion, including but not limited to diversity of students, faculty, and staff; law school pedagogy and curriculum; and the culture of the law school.

Research shall include, but is not limited to, (1) conducting surveys of students, faculty, staff, and alumni and (2) holding regular public meetings to solicit comments from the broader HLS community.

The administration shall provide the Committee with significant financial and institutional support to carry out its mandate.

B. Issue a Report Containing Analysis and Recommendations

The Committee shall prepare and issue a report by March 25, 2016, containing analysis and recommendations on problems of diversity and inclusion for adoption and implementation. This report shall be made available to all members of the HLS community, including on the HLS website, and presented to the Dean's Office for adoption and implementation.

Within 14 days of the report's issuance, the Dean shall: (1) convene a community forum of all members of the HLS community and (2) convene a faculty meeting to discuss the report and its recommendations, to which all Committee members shall be invited and at least 6 shall attend.

Within 21 days of the report's issuance, the Dean shall (1) publicly issue a written response either endorsing each of the Committee's recommendations or explaining deviations therefrom and (2) convene a second community forum to discuss that response.

C. Design an Office of Diversity and Inclusion

The Committee shall include in the report a recommendation for the design of an Office of Diversity & Inclusion, and the administration shall issue a written response to the Committee's recommendation before creating any such office, articulating reasons for any deviation.

The law school shall not create either a diversity officer or an Office of Diversity and Inclusion until the Dean has received the Committee's recommendations and either accepted or rejected each one publicly.

D. Track and Publicize Progress

The Committee shall develop procedures to track progress in the implementation of its recommendations, to collect data on student wellbeing and inclusion, and to publish regular reports with its findings on the HLS website.

E. Meet with the Dean

The Committee shall hold regularly scheduled meetings to update and receive input from the Dean.

III. Committee Structure

A. Membership

The Committee shall be composed of representatives from HLS faculty, staff, and students. Committee members must be individuals who share a commitment to the HLS mission, an awareness of problems of inequality and non-inclusion, and attentiveness to their causes and possible solutions. The Committee shall be composed as follows:

1. Ten Students:

The initial student Committee members will be selected by the Affinity Group Coalition. The Affinity Group Coalition shall seek to appoint students representing a range of membership in HLS Student Organizations and diverse personal identities.

2. Ten Members of the Faculty, Staff, and Administration, including:

The Dean of Students;

Two staff members, to be selected by the staff;

One clinical faculty member, one podium faculty member, and one staff/administration member, to be selected by the Dean;

Four remaining committee members, including at least one clinical faculty member and one podium faculty member, to be selected by the Affinity Group Coalition after the Dean's selections.

B. Committee Co-Chairs

From the Committee members, three Committee Co-Chairs shall be selected by the Affinity Group Coalition, including one student, one faculty member, and one staff member. The Committee Co-Chairs shall hold the Committee accountable for making timely progress towards achieving its responsibilities. The Committee co-chairs shall attend all community and faculty meetings.

C. Secretary

The Dean of Students shall schedule the initial meeting of the Committee. At the first meeting, the Committee shall appoint a Secretary who shall be responsible for scheduling meetings, taking notes at the meetings, and emailing notes to the Committee.

D. Voting Procedures

Committee decisions shall be made by a majority vote.

E. Working Groups

The Committee shall convene Working Groups of students, faculty, and staff (including some non-members of the Committee) to perform research and analysis on issues such as diversity, pedagogy, and culture.

IV. Suggested Areas for Committee and Working Group Research

Diversity: Issues of focus might include admissions practices, hiring practices for staff and faculty, diversity training for professors and students, orientation, diversity programming, and student/faculty mentorship programs.

Pedagogy: Issues of curricular focus might include mandatory and optional course offerings, grading, alternative curricula, experiential learning, expanded clinics, and modifications to first-year Problem Solving Workshop and Legal Research and Writing courses. Issues of pedagogical focus might include the Socratic method, the case method, examinations, contextual learning, feedback, and class materials.

Culture: Issues of focus relating to physical space might include faculty portraits, classroom names, and the HLS crest. Issues of focus related to values might include alignment with the mission statement, career advising, hiring processes, transparency in publication of employment data, the “hidden curriculum,” and cultural norms for academic and personal success. Issues of focus related to funding might include donations, student debt, the Low Income Protection Plan, orientation, and the Early Interview Program.