

Navigating “The Challenge”

Originally developed by: Nadiyah Humber, Jamie Langowski, Caryn Mitchell-Munevar

“Diversity should not be raised as an afterthought in a classroom discussion.”

Okianer Christian Dark, *Incorporating Issues of Race, Gender, Class, Sexual Orientation, and Disability into Law School Teaching*, 32 Willamette L. Rev. 541, 573 (1996).

Step 1: Prepare yourself: things to consider before even stepping into the classroom

Hearing and addressing offensive remarks can cause a physical and emotional reaction. As the instructor, you manage the learning environment and your behavior and demeanor matters. Be prepared for how you will feel physically and mentally in the moment so that you can maintain a safe and productive learning environment.

“We often forget that a primary task is to find ways to manage ourselves in the midst of confusion.”

Lee Warren, *Managing Hot Moments in the Classroom*, THE DEREK BOK CENTER FOR TEACHING AND LEARNING, <http://bokcenter.harvard.edu/managing-hot-moments-classroom> (last visited Mar. 9, 2017).

Warren’s advice: Hold steady, breathe deeply, don’t personalize remarks, and know yourself.

- **Hold steady** – “If you can hold steady and not be visibly rattled by the hot moment, the students will be better able to steady themselves as well and even learn something from the moment.”
- **Breathe deeply** – “Take a moment. Collect yourself. . . . Silence is useful -- if you can show that you are comfortable with it. A pause will also permit students to reflect on the issues raised. Deep breathing is an ancient and highly effective technique for calming adrenaline rushes and restoring one’s capacity to think.”
- **Don’t personalize remarks** – “Such attacks are most likely made against you in your role as teacher or authority figure. Remembering to separate self from role can enable you to see what a student is saying more clearly and to actually discuss the issue. It’s not about you. It’s about the student and [their] feelings and thoughts, though often articulated clumsily and from an as yet unthought through position.”
- **Know yourself** – “Know your biases, know what will push your buttons and what will cause your mind to stop. Every one of us has areas in which we are vulnerable to strong feelings. Knowing what those areas are in advance can diminish the element of surprise. This self-knowledge can enable you to devise in advance strategies for managing yourself and the class when such a moment arises.”

Step 2: Inform the group early on that “challenges” will happen

Addressing offensive comments in the moment will go much more smoothly if the instructor *and* the students have planned ahead for those moments, and if an environment of respect and trust has been built. Consider making a list of expectations or a set of ground rules for discussions as a group during your first meeting. It might be helpful to also point out that these ground rules will also serve them well in the workplace.

Examples of Ground Rules:

- “... [T]hink before you speak—be aware and sensitive to the variety of students’ backgrounds/experiences...;

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- “Listen with the benefit of the doubt in mind,” as you may be “working through difficult ideas that may be initially and unwittingly communicated in offensive ways.”
- Reiterate that the classroom is a space where open discussion of complex social issues are encouraged, though sometimes uncomfortable, try to do so with respect for your peers.
Sean Darling-Hammond & Kristen Holmquist, *Creating Wise Classrooms to Empower Diverse Law Students: Lessons in Pedagogy from Transformative Law Professors*, 25 La Raza L.J. 25, 67 (2015).

Step 3: Form a shared vocabulary

Don’t assume that every student understands concepts of privilege, microaggressions, and implicit bias.

“Culture is like the air we breathe - it is largely invisible and yet we are dependent on it for our very being. Culture is the logic by which we give order to the world. Culture gives us our values, attitudes and culturally-based meaning to what we see and hear, often without being aware we are doing so. Through our invisible culture lens, we judge people to be truthful, rude, intelligent, or superstitious based on the attributions we make about the meaning of their behavior.”

Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 Clinical L. Rev. 33, 40 (2001).

Step 4: Introduce why this matters to lawyers

“Challenge is important because, as teachers preparing lawyers for practice, we must be careful to educate our students to do no harm. If we allow unchallenged racist, sexist, or ethnocentric comments to go unchallenged, our students may in fact do harm to their clients. In addition, in ethnically and racially mixed educational groups, students who are members of oppressed groups may not comfortably accept a learning environment that does not include challenge.”

Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 Clinical L. Rev. 33, 58 (2001).

“Though our shorthand schemas of people may be helpful in some situations, they also can lead to discriminatory behaviors if we are not careful. Given the critical importance of exercising fairness and equality in the court system, lawyers, judges, jurors, and staff should be particularly concerned about identifying such possibilities.”

Jerry Kang, *Implicit Bias: A Primer for Courts*, Nat’l Center for State Courts 2 (Aug. 2009),
<http://wp.jerrykang.net.s110363.gridserver.com/wp-content/uploads/2010/10/kang-Implicit-Bias-Primer-for-courts-09.pdf>.

Step 5: “The Challenge”

Every moment is going to be different. If you need a moment before proceeding, tell the class that you need a moment. Embrace the opportunity that silence provides for everyone to examine their thoughts.

Tools for engaging in the difficult conversation:

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- Ask open-ended questions;
- Paraphrase for clarity, express to the person your understanding of what they are saying;
- Use the “Yes, And...” stance;
- Ask the class to pause and use some private time to think about how they see the situation, what assumptions they are making, how might the speaker perceive the same situation, what emotions does this stir up for them, what is the impact on them and what do they think is the other person’s intention;
- Start the conversation by seeking first to understand;
- Share your own point of view, your intentions and feelings, and use “I” statements.
- Engage the class in a Big Paper Discussion (or White Paper Discussion)

Difficult Conversations: How to Discuss What Matters Most, A High-Level Summary of the Book by Stone, Patton and Heen, THE OHIO STATE UNIVERSITY, <http://www.fscanada.org/wp-content/uploads/2013/12/Difficult-Conversations-Summary.pdf> (last visited Mar. 9, 2017) (most points taken from this source)