## Debevoise & Plimpton

# Five Critical Steps for Schools Responding to Racial Justice Movements

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As the country witnesses a national reckoning with racial injustices, many colleges, universities and secondary schools are facing criticism and allegations of racial bias and inequities on their own campuses. In particular, Black students, alumni, faculty, and staff have taken to social media to detail painful, and mostly anonymous experiences aptly described as "BeingBlack[at]" said institutions.

Each of these social media pages details a harrowing collection of personal stories and experiences of Black current and former students at majority white schools. This student-led movement, which was featured in both the *New York Times* and *Wall Street Journal*, has already had a big impact.

Indeed in our survey of 50 top independent schools, 39 have already implemented action plans in response. A review of those plans reveals common trends and actions that inform the recommendations we outline in this article. Schools should consider these action steps to respond thoughtfully, mitigate further risk of harm, and move towards greater racial equity across their communities.

#### 1. Develop an Open and Inclusive Engagement Process

First, centering the voices of Black students, faculty, and staff is critical in starting to move forward in constructive ways. As Black community members increasingly share individual experiences united by common themes of racial prejudice or insensitivity, institutions should reflect and respond in ways that demonstrate active and deep listening. One of the most consistent grievances expressed by Black students and alumni on the social media pages is "not being heard" or "feeling silenced" in their own learning communities. This sentiment unfortunately echoes across classes and generations. Therefore, first, creating safe spaces to hear from Black community members about their experiences is essential to success of any engagement effort.

On a basic level, this means institutions should simply listen, and listen to understand not to argue or even agree. Schools can tailor these "listening sessions" and safe spaces to their cultural fit. There is no one-size fits all approach. Some school environments may favor small group discussions or one-on-one listening sessions while others may feel equipped to convene community-wide town halls, by video conference if necessary. Regardless of approach, institutions should remain focused on listening in order to form a responsive engagement process going forward. Schools should also consider dedicating resources and staff to acknowledge the concerns voiced, to identify the specific issues raised, and to delegate trusted contacts to serve as points of information.

#### 2. Transition from Commitments to Actions

By now, most schools that have been the subject of racial injustice allegations have created comprehensive action plans for responding to community member feedback. Transforming those words and commitments into actions and meaningful change is ultimately how schools can champion this moment. Establishing measurable and achievable goals will help maintain momentum and aid true transformation.

In our survey of schools, the most common action items focused on diversifying and restructuring curricula, increasing diversity in faculty and staff hiring, and instituting mandatory anti-racism training for faculty and staff. Other frequent action items included expanding student support services, particularly mental health resources, and diversifying admission recruiting efforts. Many of these action items may already seem readily apparent or easily agreeable to schools. But, even for these changes, institutions must balance receiving input from community members and managing the process in transparent and accountable ways.

The most robust action plans also involve a comprehensive review of existing internal policies and practices to assist schools in remediating policy gaps. In reviewing policies, schools should assess the degree to which their existing codes of conduct address both "microaggressions" and overt acts of racism. As an example, schools may consider examining disciplinary proceedings and their outcomes to eliminate disparate treatment. Any potentially ambiguous behavioral rules or codes of conducts should be revised to prevent unintended biases. Institutions may also consider creating a pre-disciplinary review process or student-led advisory effort to inform the review process.

Schools can conduct teacher workshops to carefully practice facilitating conversations about racial inequities before engaging these topics in the classroom. Schools can also hold training sessions for students to provide active bystander trainings to disrupt potential episodes of racism and also mental health-focused workshops to help students process emotions related to racial trauma, which can be overwhelming and have a lasting impression as evidenced by the abundance of BeingBlack[at] accounts.

#### 3. Consider Restorative Practices to Address Community Harm

How best to address the harm? Making improvements so that current and future students don't experience the same harm is critical. Schools hoping to address past harms in a constructive and healing way should consider what are called restorative practices. At its core, restorative practices are a set of guiding principles that "bring[] together persons harmed with persons responsible for harm in a safe and respectful space, promoting dialogue, accountability, and a stronger sense of

community."<sup>1</sup> This approach seeks to unpack the difference between "intent" and "impact", to assist both the accused and the person who was harmed to address the needs that were created, sometimes unintentionally, by insensitive conduct or ignorance.

Notably, the US Department of Education, as part of its updated Title IX regulations, has now formally endorsed restorative justice as an "informal resolution" route and an alternative to formal adjudications in school sexual harassment and assault cases. The restorative justice or practices approach certainly merits consideration in the racial equity context as well.

#### 4. Consider Third Party Review

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In situations where senior administrators or boards are themselves the subject of complaints of racism or racial insensitivity, having an independent third party—whether a law firm, respected counselor or ombudsperson—evaluate the complaints and recommend remediation or discipline will ensure objective inputs and rebuild trust in the institution's commitment to change.

#### 5. Implement Key Performance Indicators (KPIs)

Implementing KPIs allows schools and colleges to effectively track their progress and measure important milestones. Performance measures also serve as a transparent tool of accountability to Black community members and other stakeholders. Each element is a critical piece of any action plan and commitment to positive institutional change.

As with other considerations, performance measures should be tailored to fit institutional needs. Some KPIs may focus on high-level benchmarks such as yearly updates on larger diversity-related initiatives, while other measures are more granular such as participation rates in anti-bias trainings. Any formulation should also be the result of an open and inclusive engagement with Black community members.

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Despite these unprecedented times, there are effective steps schools can take to address any parts of the campus experience that have not been inclusive. Schools that take these steps will be well-positioned to realize racial equity and to enact transformative lasting changes that positively impact generations of students to come.

Fania E. Davis, Discipline with Dignity: Oakland Classrooms Try Healing Instead of Punishment, YES!, Winter 2014 available at https://www.yesmagazine.org/issue/education-uprising/2014/02/20/where-dignity-is-part-of-the-school-day/

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