

From Roseanne to ABC TV Network to Starbuck's: The Case for Including Diversity & Inclusion Issues in Business Law Courses: It Has Become a Necessity and We Are Well Situated to Do It

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The embarrassing tweet by TV star Roseanne Barr resulting of the cancelling of her new show and the loss of jobs for the entire cast and crew, the closing of nearly 8000 Starbucks for a day of diversity training because an employee called the police on two black men having a business discussion and many, many similar recent injudicious diversity-based events in the news have demonstrated the need for diversity training in the classroom. The author provides simple ways to do this without the necessity of specific knowledge or background by the professor, but is truly impactful for the students.

*Among the studies detecting racial bias in Trump's base was a pre-election Reuters poll that found Trump supporters more likely than supporters of other candidates to describe blacks as "violent" or "lazy." Proceedings of the National Academy of Sciences published a study in April crediting Trump's victory not to pocketbook concerns---the sort [Roseanne] Barr' cited in interviews----but, rather to "issues that threaten white Americans' sense of dominant group status."*¹

"ABC Cancels 'Roseanne' After Racist Twitter Rant From Its Star"²

"Starbucks CEO apologizes after employee calls police on black men waiting at a table,"³

"Starbucks around the US are closing for anti-bias training: What you need to know";⁴ Starbucks' racial-bias training will be costly, but could pay off in the long run"⁵

"It Sure Looks Like The Courts Are About To Get Tougher on Black People: Republican-nominated judges give harsher sentences to black defendants, says a new [exhaustive Harvard] study: Trump court picks already have worrisome records"⁶

White nationalist who marched in Charlottesville elected to local GOP office: James Allsup took part in the white supremacist 'Unite the Right' rally last year"⁷

"A Black Yale Student Was Napping, and a White Student Called the Police,"⁸

"A black former White House staffer was moving into a new apartment. Someone reported a burglary"⁹

"3 black people checked out of their Airbnb rental. Then someone called the police on them."¹⁰

"Rapper T.I Was Arrested While Trying To Get Into His Own Home"¹¹

"Nordstrom Rack Apologizes to Black Teenagers Falsely Accused of Stealing"¹²

"We're not racist': IHOP manager denies discrimination after black teens asked to pay before eating [when no one else was asked to do so]"¹³

“A white woman called the police on a black people barbecuing. This is how the community responded.”¹⁴

“Tesla factory at center of discrimination lawsuits. Three employees say Tesla’s auto manufacturing facility was so hostile to black workers that it was ‘straight from the Jim Crow era.’”¹⁵

“Time for Red Sox to step up after ‘inexcusable’ night at Fenway”¹⁶

“The U. S. Supreme Court Decided to Ignore Black Hair Discrimination”¹⁷

“Fox Settles [Race] Discrimination Lawsuit for Roughly \$10 Million”¹⁸

“ESPN Argues No Obligation to Tennis Analyst After Racial Controversy”¹⁹

“McDonald’s faces employee lawsuits for allegedly ignoring [racial] discrimination complaints”²⁰

“In disaster recovery, white homeowners and black renter are not always treated equally”²¹

“Furious Walmart customers post videos of stores locking up African-American beauty products”²²

“Racial Profiling Victims Call on Congress to Hold Hearings on #LIVINGWHILEBLACK”²³

“Hollywood, Separate and Unequal”²⁴

“How to fix Hollywood’s race problem”²⁵

“Fired Hawks worker sues, claims discrimination against white employees”²⁶

“Ex-Ford employee awarded \$17M in [Muslim] discrimination case”²⁷

“MLB Umpire Angel Hernandez sues league for racial discrimination; Hernandez points to a lack of minority representation in World Series crews and among crew chiefs”²⁸

“Texas Teacher Showed a Photo of Her Wife, and Was Barred From the Classroom”²⁹

“University of Denver to Pay \$2.66 Million and Increase Salaries to Settle EEOC Equal Pay Lawsuit”³⁰

“Former University of Arizona dean files \$2M gender-pay-discrimination lawsuit against regents”³¹

“Lawsuit alleges AT&T’s absence policies discriminate against pregnant women: ‘Workers aren’t machines’”³²

“Matt Lauer Accused of Sexual Harassment by Multiple Women”³³

“How an Instagram Post Led to an N.F.L. Cheerleader’s Discrimination Case”³⁴

“Ex-Employee sues Adventureland over claims of disability, sexual discrimination”³⁵

PREFACE

OK, I’m tired of entering headlines. Hopefully, you’re tired of reading them. And despite the opening quote, this paper isn’t about politics. Except for a few, these headlines were all within just the past few months. Notice the range of situations. These issues pop up everywhere, from university campuses to Hollywood to parks, from neighbors to managers, from former White House staffers to Hollywood actors, from California to Georgia. The issues are omnipresent, they are of long duration, and, for people of good will, they are for the most part avoidable. For the most part, my decades of experience tells me that many of those engaged in the behavior were not even aware of what made them do what they thought was perfectly reasonable to do. We can do something about that.

As business legal academicians, regardless of our areas of expertise, we are uniquely situated to address these issues with our students who will be going out into the workplace and bringing their ideas and attitudes with them that result in these all-too-frequent unfortunate occurrences. I don’t believe that each and every one of the people who engaged in these behaviors is a raging racist/sexist/homophobe, or other unreasonable character. Experience tells me that many of them are likely simply a product of ideas and attitudes they don’t even know they have in their heads. I’ve seen it all too often, both in the workplace when I do consulting, as well as in my classroom when I teach. It is virtually always the same. And no one is more surprised about it than the people themselves.

Aside from any thoughts I may have about the perpetrators’ personal choices and mindset, my concern is how these attitudes find their way into a workplace and wreak havoc for employers, as well as those who find themselves the object of these attitudes and actions leading to employer liability. This is especially so since some in society seem to have regressed and made their attitudes more manifest in actions within the past few years.

As legal academicians, we understand that the law does not take place in a vacuum. Laws are not created in a vacuum, interpreted in a vacuum, or executed in a vacuum. Messages we have in our heads impact all of these and they are manifested in each of these spheres. Whether it is a legislature that passes tremendously unequal drug and incarceration laws that adversely impact certain groups, a police officer who makes the decision to use maximum force rather than diffusing a situation with people of a given race, or a president who chooses not to try to offer words of comfort or leadership when racial, ethnic, or gender issues of public concern arise, law is in play in some way, shape or form. If we know that something is occurring that may help individuals to see that how they do these things can be tremendously impacted by things they may not be aware of, it can only help the law be more effective. These decisions are manifested in every aspect of the law and that makes us uniquely situated to address it.

I advocate that we do so by, at the very least, giving a bit of time and attention in our classes to a very simple exercise that can help bring things to students attention that my experience shows they are rarely aware of: the messages they operate with and make decisions on the basis of daily that impact everything they do. By bringing this to their attention and creating the space to allow them to explore these messages, we can help them to be more effective citizens, employees, decision makers, and leaders.

INTRODUCTION

For most, if not all of the 36 years that I have been in the Academy of Legal Studies in Business and academia, I have presented papers and published on issues of diversity and inclusion. I did so long before it was known by that name. I have seen the area of workplace discrimination go through many different iterations. I have seen it go from virtually nobody even knowing a law existed prohibiting workplace discrimination,³⁶ including my attorney colleagues at the Federal Labor Relations Authority who I asked about it when I was given an offer to teach it in 1982, through the tumultuous years of trying to undo affirmative action in the 1980s and 90s (which actually still continues today³⁷), through finally realizing in the 2000s that getting minorities and women into the workplace was not going to be enough and diversity and inclusion was created, to putting an even finer point on it today with diversity, equity and inclusion efforts.

The bottom line for all of my work is trying to get individuals as well as policy makers to understand the very simple fact that women, minorities, LGBT folks, differently abled people, and others routinely marginalized without a thought, are simply people like everyone else and should be treated as such. Period. Full stop. End of discussion.

I have been toiling at this task for at least thirty-six years and we are still not there yet.

Why is this so hard? Especially since we have had laws protecting employees from workplace discrimination for 54 years?

Soon after coming into teaching Employment Law in 1982, still a relatively new area 18 years after the Civil Rights Act had passed in 1964 and became effective in 1965, I quickly realized that teaching people the law was not enough to get the job done. It was not enough to prevent workplace discrimination from occurring. This not only showed up in my classroom, but also in the Employment Law presentations I began to deliver to the greater community of managers, supervisors and employees through my university's Division of Continuing Education. When I received blank stares when I mentioned Title VII of the Civil Rights Act of 1964 to attendees, I knew I had to assumed far too much knowledge on their part. Even though they were managers and supervisors, they had no clue what I was talking about. I had to start way back at the beginning and work from there.

The Continuing Education work led to workplace consulting. Seeking ways to figure out how best to reach people to make people understand the law and how their decisions resulted in liability, I backed into doing the work of not only explaining what the law was, but also of trying to deconstruct how workplace decisions resulting in liability were made in the first place. I wanted to use that knowledge to help managers and supervisors make better decisions when faced with situations that could lead to liability, decisions that did not include making illegal and discriminatory conclusions resulting in liability. Thus,

much of my findings and the basis of my approach arose from workplace and classroom conversations and revelations that came from my Employment Law work.

I used fact patterns as a teaching tool. During our discussions, employers, managers, supervisors, employees and students would tell me what they thought should happen with the fact patterns I had given them. The fact patterns were based on actual cases. Their answers were usually incorrect, even when I taught evening MBA students who were actually already in the workplace managing people during the day. The same went for managerial and supervisory attendees at my Employment Law seminars whose sole focus was the workplace.

I soon realized that these incorrect decisions were less about not knowing the law, and more about their decisions absolutely being born out of their view of reality based on their own experiences and environment. I quickly realized that they were not “bad” people, racists, homophobics or “sexist pigs.” They simply did not know the law, but more importantly, they did not have a lot of reason to know why and how their decisions stemming from what was in their heads were troublesome and would result in litigation.

They were addressing the fact patterns based on what was in their heads and that was rarely consistent with the way the law approached the matter and what was required. Given what they had in their heads based on their lives, environment, experiences and messages about such things, their decisions made all the sense in the world. But, the world was much bigger than their own experience. As managers they were responsible for more than their own reality. They were missing big pieces that would have given them more insight and information upon which to make more legally defensible decisions.

I have spent years deconstructing how managers and others in the workplace reach the decisions they do so that I could figure out how to help them avoid trouble. It did not take long to realize that doing this also meant that I would have to determine and discuss with them not only how and why their decisions were incorrect, but also why they made the decision in the first place. We had to discuss the foundation for their decisions. We had to discuss what was in their heads.

It was not much of a leap to realize that the same attitudes and assumptions that were leading to incorrect workplace decisions that could result in liability under the antidiscrimination laws, also informed their everyday interactions with colleagues, friends, co-workers, neighbors, and even people on the street. It was not a stretch to see that this all formed the basis for where we are as a society with these issues that show up in the workplace and can result in litigation, but also appear in everyone’s everyday life and add to or detract from the quality of life and productivity for all.

As a member of several of the groups that would be greatly impacted by these revelations, even more so because of intersectionality that was until recently, rarely discussed, I always thought this was important work that should be shared widely. Among other things, I was black, I was female, and at the time I was in a long-term relationship with a female. Inhabiting those spaces made it clear that it was as if I could see something that others could not. It was equally clear that that I needed to share what I knew. That feeling was borne out time after time when I conducted sessions that enlightened and left attendees and students forever changed because of what they had learned. For whatever reasons, they simply did not know what it is I taught them before they got to me even though it seemed so simple.

This became even clearer on February 18, 2003, during a debate at the University of Georgia School of Law on affirmative action with the former Georgia attorney general and gubernatorial candidate, Michael J. Bowers.³⁸ It was an extremely controversial topic at the height of its acrimonious national discourse. I have never liked affirmative action, but I understand why it is necessary. I was uncomfortable having to defend it, but I agreed to do the event. I knew that I would be in for a rough time because my opponent had a reputation as a hard-line Republican conservative “family values” proponent. Having run for governor³⁹ his views were widely known and shared in the very red state of Georgia. I prepared for the event and was rather surprised when a former student of mine, now a student at the law school, came to escort me over to the venue. She came into my office rather distressed, saying that there was a standing-room-only auditorium and it looked like everyone was on edge and loaded for bear.⁴⁰ As it turns out, this probably was not helped by the fact that the debate was being put on by the Law School’s predominantly white Federalist Society and the Black American Law Student Association.

When I walked into the event, she had not exaggerated. It was standing room only and the tension in the air was palpable. Every head in the auditorium turned to stare at me when I walked in. There was literally an audible collective intake of breath as I walked in. The doors are at the back of the auditorium, so it did not feel comfortable to have to walk to the front with that dynamic at play, but I did what I had to do. I met my opponent, greeted him cordially, and allowed him to go first. He gave all of the predictable arguments against affirmative action that were so very omnipresent and fervent at the time. The usual arguments, which will likely be familiar to you because they are still here 15 years later, were that affirmative action was terrible because it is about quotas, it puts unqualified black and female people into positions that qualified white males should be in, it takes qualified white males out of positions to put unqualified blacks and women in based purely on race and gender, and so on. The white students, who predominated the room, ate it up.

When it was my turn, I got up, and as I do at the beginning of every class, I greeted the audience, then I calmly read a Maya Angelou poem that absolutely fit the occasion. How could anyone resist a Maya Angelou poem? Then, to the (again audible) shock of everyone in the auditorium, my opening line was, "I probably agree with about 90% of what my opponent says. And I'm sure what he is saying makes perfect sense given what is in his head. But, I think we are probably dealing with different things, so let me share with you some of what is in mine and accounts for the places where we differ."

I proceeded to give the audience the background and reasoning for affirmative action, the miserable statistics on how the country had fared compared to what things would be if no discrimination was present, and so on. I simply gave them the facts that created the concept and where we were with it at that point in time. They could see from the overwhelmingly white law school they were attending that there was little chance of there being masses of unqualified black folks taking "their place" either there or in the workplace.

The audience was shocked to discover that quotas are illegal as is taking someone out of a position to put in someone of another race/gender, or admitting unqualified students. I did not make arguments. I simply gave the law. They had no idea of the reality of the concept. They had clearly only been dealing with what they had heard from their friends, family, unfriendly press, shock-talk radio, etc.

By the time I was finished, it was clear that most of them had done a complete 180 degree turn from their previous, unknowing position. What they heard from me made sense. They had simply never heard the reality of affirmative action before. Based on them now knowing the facts I gave them, it was absolutely clear they had changed their position---which is, of course, what education is created and designed to do. It informs, so that we can make better, more informed decisions. I did not argue. I did not harangue. I did not debate. I made it clear that my opponent had a right to his opinion. I simply wanted to make sure we were all dealing with the basic facts.

I'm used to going into a room and attendees' ideas changing drastically once they have been provided with facts they can trust despite the fact that they do not fit into the narrative they have in their head all their lives. However, this went beyond that. I've never, before or since, seen anything like what happened in that room in such a short period of time.

If I did not realize the incredible change in the room by the time I finished, it was made clear during the question and answer period afterwards. A white male student got up and very aggressively said that any time he sees a black student in "his" law school, he believes it is a seat that was taken away from a deserving white student and that someone white should be in it. Wait, what?! His statement was so outrageous that I had to be sure I heard him correctly, so before I responded, I repeated his statement and asked if I heard him correctly. He said I had.

Well, given what had just gone on for the past hour, this was pretty ludicrous. As I began to respond, I chuckled.

His response was instantaneous and over the top. He became very red-faced, began yelling at me, and made moves as if he was going to leave his seat and attack me. Immediately, the students in the auditorium shouted him down. Students, who had most likely felt the same way he did before I spoke, now had new insight that changed their position. I didn't have to do a thing. The entire auditorium took care of it as a group. They shouted him down, told him he was being totally inappropriate and that his

comment/question was totally out of line given what had gone on during the debate. They told him it was totally not in keeping with the event and made no logical sense. It was amazing to see.

My opponent came up to me afterwards and asked me, very seriously, to join his law firm.

Change can happen once people of good will (I realize that not everyone is, but I begin with the assumption that they are until I learn different) allow themselves to do what it is we do in academia: learn. Many of them simply do not know. Not even what is in their own heads and underlies the decisions they make. That is where we can help. Without even knowing the substantive law of employment discrimination, just allowing them to voice what is in their heads ends up taking care of a great deal of what leads to these decisions that shape the way they think about the things being discussed and end in acerbic social discourse and workplace litigation.

The idea of addressing these issues was probably made even more imperative in the wake of the elections of President Barack Obama in 2008 and Donald Trump in 2016. The election of both men to the highest office in the land brought out attitudes, positions, and actions based on, at the very least, race, gender, ethnicity, sexual orientation and disabilities in a way I had not witnessed before. Again, nothing in this paper, including the opening quote, is about politics except in the narrowest sense that it is how whoever leads the country gets to lead the country. At 67-years-old, and having been at this since I attended the March on Washington as a 12-year-old on August 28, 1963, I have seen presidents come and presidents go. There were some I agreed with more than others. I am no stranger to having someone in the White House with whom I do not agree. I even worked in a White House for someone I did not vote for. But, I have never seen someone who reached that office be so openly against virtually everything I have fought for most of my entire adult life and for reasons that do not seem rooted in politics as much as in privilege or a stunning level of ignorance.

I'm used to Democrats and Republicans being on opposite ends of the scale. I got to watch it up close as the only Democrat I knew of who was working in a Republican White House under President Gerald Ford after President Richard Nixon resigned in the wake of Watergate. But, I have never seen anyone in power except segregationists legislators, engage in such obvious actions whose impact is to incite those so inclined to voice and act on their discriminatory beliefs and feelings in opposition to what we have come to expect as the basic dignity of being an American.

The truth is, I don't care what party someone like that belongs to, it would not sit well with me for them to do what is being done to public discourse and what flows from it. So, this is not about the politics of the situation. It is about basic human rights and dignity. It is about how those attributes contribute to what shows up in a workplace and ends up resulting in decisions that run afoul of the law. I see each and every day how attitudes that people hold, often without even knowing it, result in millions of dollars, hundreds of thousands of dollars, thousands of dollars, in unnecessary legal liability for workplace decisions that turn out to be illegal. I want to do whatever I can to prevent that from happening. I want businesses to maximize their profits by having the most productive, innovative, creative, energetic, confident, involved employees they can possibly have. I want them to be aware of what they may be doing to get in the way of that.

Does It Matter?

Because these issues touch on and arise out of so much of subject matter we cover in our courses it is easy enough for us to appropriately insinuate ourselves into this conversation and dynamic and hold legitimate discussions with our students as we cover our various substantive subject matter areas. These discussions can be truly meaningful, impactful, and even life-changing for our students who will go out into the workplace. I have seen it. Not once. Not twice. But, I have witnessed it over and over and over. It is not a dream. It simply takes the will to make it happen.

These are excerpts from two white students who wrote to me after taking my Maymester Employment Law class just this summer in which we begin with the exercise I will share. I have scores of such letters and have had thousands of such comments over the time I have been engaged in this work.

"I wanted to let you know that even though I came into this class with my guard up ready to get attacked, I feel like I have gained something as I walk away. I have learned to look at everyday situations

from a new perspective. Thank you for the time and effort that you put into this course, thank you for your passion for your subject matter, and most importantly thank you for being accepting of all viewpoints, even if they do not match yours. I had grown tired of being constantly attacked on campus and by friends for being a strong conservative-libertarian. Everything these days is so polarizing. It is refreshing to come to class (with a professor who does not share my political leanings) and not feel attacked every day. I cannot tell you how many times someone has ridiculed me and called me names for my strong beliefs about the second amendment, personal liberties, government spending, etc., but I do not feel that way in your class. I felt exposure to new ideas but I did not feel pressured into those ideas. That caused me to re-evaluate my position on race and gender discrimination and while I may not be at the same position as you, I feel that I understand it better now. I will definitely be on the lookout for areas of discrimination in my daily life and will say something if I see it occurring. One of the things that really spoke to me in this class was the book.⁴¹ I think that including that in your curriculum was a very good idea. It is what I feel was the turning point for me because the author acknowledged both sides of the arguments. Since I felt like I was in conversation rather than being lectured, I felt that I could recognize both sides of the argument as well. The same is true of your class. The fact that it is more like a conversation was very helpful to me, even though I did not talk as much as others. I wish the best to you as you continue to teach. Thank you again. JGD

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*Before this class, I never really found myself discriminatory, or distancing myself from others, or making simple mistakes day to day, but now I have my eyes open to the bigger picture. I can see how often these demeaning instances can occur so easily and how the smallest of choices we make can correct or avoid so many simple mistakes before they occur. I have so much more knowledge on the smallest gestures, symbols and hidden messages that so many different things hold. I plan and hope to carry the messages and lessons I have learned within your class and use it in both my life and in professional settings. So, thank you. I now understand the added value in thinking twice before my actions. I have so much that I have learned to be grateful for and it is you I should thank for that. I am glad I got this experience and I will hold it with me in the future. Thank you for everything! MC*

While these students' letters mention different aspects of the Employment Law course, what both are basing it on the information gleaned from the exercise that opened their eyes to what it is that they talk about. After the exercise, they understood the impact of the messages they had in their heads on the way they go through the world and every decision they make.

At the 2017 Academy of Legal Studies in Business conference, I was approached by my Employment Law for Business textbook publisher, McGraw-Hill, about whether I would be interested in putting together a webinar on diversity and inclusion in the workplace as part of their Workforce Readiness and Certification online event. The tag line for the event was "Preparing business students for their future." I said I would. The topic I came up with was "Putting Diversity and Inclusion Into Your Course: How and Why?" The event took place on October 20. I received very enthusiastic calls and emails afterwards from professors interested in including my suggestions in their courses. It drove me to present a preliminary working paper on the topic at my regional SEALS meeting in November 2017.

In March of 2018, McGraw-Hill made the webinar a part of their "Ideas in Education" online blog,<sup>42</sup> social media and email campaigns. I was informed a week later that the webinar was doing really well and would be expanded in its reach. I should not have been surprised (although I was) when a short while later I received an email from a colleague in my own University's Office of Student Conduct, who told me that he had received the McGraw-Hill information, viewed the webinar video, and would be using it into a course he was teaching at another institution. Given the reach of my TED Talk on D&I issues,<sup>43</sup> and the number of professors in various courses who have told me that they use it as a tool in class, I should not have been surprised.

## **Why the Need?**

As our society becomes increasingly diverse, and, inevitably our workplaces, and as inclusion is being challenged at all levels, students need exposure to these issues now more than ever. Legal Studies and other courses in the business school are a perfect place to provide this exposure. Most of our students (indeed, most of our country) have grown up in pretty homogeneous settings, so it is easy for them not to be aware, in more than a surface way, of cultures, races, ethnicities, orientations, and those differently abled than themselves. Because they have such homogeneous upbringings, despite the fact that they may even go to school with people different from themselves, grew up with Sesame Street, and are the generation that has had the most exposure to diversity, their attitudes are likely to be composed of messages that form the foundation of their decision making that tends to be exclusionary at the very least, and discriminatory at worst. These attitudes are in their head and form the basis of decisions that will later show up in a workplace.

I do an exercise with my students in which I have them write down any question about any issue relating to groups covered by Title VII and email it to me. I cut and paste them into a handout that I then distribute to the students. The students have named this the “Non-PC Questions” handout. Great name. We then discuss the questions in class as we can. It is always one of their favorite parts of class, despite the fact that when they see the handout they are absolutely shocked. Here is the latest. I am sharing this so that you can see what I mean about what is in their heads and them walking into the workplace with it and it being the foundation for decisions they will later make in the workplace.

Some professors may say they do not want to discuss diversity issues because they do not want to bring it to students’ attention. Face it. The students already have these issues in their heads. What you are trying to do is to make them aware of it and give them the opportunity to make sure that their actions reflect what they really want them to rather than what is in their head that they may not even be aware of. For instance, my students often say that they came to realize that they avoid eye contact with minorities and do not speak to them. They had no obvious negative feelings toward them but they realized they were not treating them well. Discovering what was in their head made them much more aware. If you don’t think they already have things in their heads about other races, genders, etc., take a look at my most recent Non-PC handout.

## **Race**

1. Why are some black women so rude?
2. Why do many racial and religious minorities join fraternities and sororities that are mostly of that minority?
3. Why do African Americans wear socks and shoes to the beach/lake?
4. Why are sports and activities like hunting, fishing, and recreational/competitive shooting more popular with men than they are with women? In my experience, a larger majority of white people enjoy these activities than do other ethnicities. Why is this?
5. Why do some black people throw around the N-word, (as if it is meaningless) but get angry when anyone else uses it? Disclaimer: I do not and have not thrown around the N-word, it is wrong all-together. Simply curious.
6. Is there an evolutionary explanation for why it seems that professional sports are dominated by African-American athletes, as opposed to Caucasian or Asian athletes?
7. I understand Black lives matter and all that but do you think there is genuine evidence that cops are more brutal to black and especially black men? Sometimes if they did what they were told by the cop it could have been avoided.
8. Why do black men date outside their race more than men in any other racial group?



### **National Origin/Ethnicity**

1. Why are Latin women such good lovers?
2. Why do people assume that Asians and Indians are naturally more intelligent than everyone else?
3. Why do all Koreans seem angry?
4. Why are Asians stereotyped as being bad drivers?
5. Why do Indian People commonly run so many convenience stores in the US?
6. Why do Asian people eat dogs?
7. Why do Indians tip so poorly at restaurants?

### **Gender**

1. Why do straight boys/men feel so uncomfortable sharing a bed while girls are raised with that being the norm?
2. Why are women terrible drivers?

### **Sexual Orientation/Gender Identity**

1. How can people identify themselves from a list of several different sexual orientations when there are only two genders?
2. Why do gay men usually have high pitched voices?
3. I have always wondered why lesbians dress the way they do and if these popular opinions are even accurate. It has often appeared to me, and I have heard over and over again, as if lots of lesbians choose to dress in a more masculine style than straight women do. I question if there is any meaning behind this or if this idea is false and needs to go away all together.
4. If gays and lesbians prefer the same sex, why do some lesbians date butch women who act like men and why do some gay men date men who try to look and act like women?
5. Why can't transgender people accept and embrace their gender instead of trying to change it and make people go out of their way to accommodate to their wants and needs (i.e. a third bathroom, using incorrect/non-gender specific pronouns, etc.)?

### **Religion**

1. Why do people get nervous on airplanes sitting next to Muslims of all ages?
2. Why are most American Jewish people wealthy?

### **Miscellaneous**

1. Why do we associate incest with Alabamians?
2. What exactly is cultural appropriation and why are people offended by it?

Clearly our students have received messages that form their view of the world and the role of various people in it. We do our students a disservice if we have them for four or so years before they go out into the business world and we do not prepare them for the one thing in their future that is pretty certain to occur: they are likely to find themselves in work circumstances where they must deal with others unlike themselves. This is especially so since so many of these attitudes are not confined to a particular subject matter. They transcend all sorts of groupings and ideas and will absolutely manifest themselves in issues and approaches to the subjects we discuss in our classes. If we do the exercise I will mention, we do not have to discuss these actual issues. The students will think about them on their own once they are aware of what is in their heads because of the messages they have received during their lifetime.

Since our students have likely come to us from homogeneous situations on some level and are unaware of the impact of this on their lives and workplaces, we are their bridge between that likely limited exposure to diversity and inclusion and their entry into the work world where navigating that terrain can impact their work life. Of course, many schools offer a range of programming that will address many of these issues and would be helpful and enriching for students to benefit from. However, there is no guarantee that their non-class time will have been spent expanding themselves in this way on

their own. Exposing them to some measure of what they need to know in order to be able to become aware of messages they operate with and their impact should be a business imperative. In fact, it is.

AACSB, the accrediting body of colleges of business recognizes this business imperative. AACSB now requires colleges of business to include diversity and inclusion as a part of their requirements for being accredited. According to AACSB, “Business schools have a commitment to social responsibility and creating future business and community leaders. Accordingly, AACSB strives to advance diversity and inclusion issues within the organization, its member schools, and the global business community. Recent updates to the standards for accreditation reinforce the idea that celebrating differences in people and ideas and providing a safe and supportive environment in which to do so enhances the educational experience in every business program.”<sup>44</sup>

In February of 2015, McKenzie and Co., a global management consulting firm with over 120 office and 14,000 employees around the world, released its much cited “Diversity Matters” report.<sup>45</sup> The comprehensive, data driven report found that companies in the top quartile for gender, racial and ethnic diversity are 35% more likely to have financial returns above their national industry medians; companies in the bottom quartile are statistically less likely to have above-average returns. While they understood that correlation is not causation, it believes its findings indicate that “when companies commit themselves to diverse leadership, they are more successful, better able to win top talent, improve their customer orientation, employee satisfaction and decision making and all that leads to a virtuous cycle of increasing returns.”<sup>46</sup>

And employees and applicants care. “In a 2017 survey by PwC, 54% of women and 45% of men surveyed said they researched if a company had D&I policies in place when deciding to accept a position with their most recent employer. A further 61% of women and 48% of men said they assessed the diversity of the company’s leadership team when deciding to accept an offer.”<sup>47</sup>

When you think about the breadth of the legal issues that we deal with in our courses, there is no way that we cannot find a place to appropriately have these conversations with our students.

### **The Exercise: What to Do**

You do not have to know Employment Law in order to be able to impart a measure of wisdom and guidance to your students--- and them to you. There is a really simple exercise you can do that has proved to be the simplest, most powerful tool I have ever seen in all of this area. It is called Cultural Introductions. It will seem so simple until you will doubt its impact. Until, that is, you see what happens. And it will happen with and among the students, not because you are a fount of knowledge standing there pontificating about something you feel like you know little or nothing about. I’ve done this with entire rooms of people, down to small groups, with people who know each other and people who don’t, with people who work together and with students. It ALWAYS works. We are social creatures and we love to engage at some level.

Depending on the size of your class, divide the class into groups of from 2-4 or 5 students. If you only have a few, having them pair off is fine. If you have more, you can make the groups larger. But, you want intimacy so don’t let it be over, say, 5. It doesn’t matter how many groups there are, just make sure that the students in the group are sitting so that they are all facing each other, however that has to happen. No sitting in a straight line. You need to make sure they can all see and talk to each other within the group.

Tell the students that you want them to go around to each of the people in the group and have them give 1) their name; 2) where they were born and where they grew up; 3) their basic socio-economic status (SES) growing up. I tell my students I’m not collecting W-2s, I just want them to give their group a sense of their general SES. Dirt poor? Filthy rich? Middle class?; 4) the messages they received about the things that will be listed on the board. Before I list these things, I tell the class that I am not asking them to tell the group members what their opinion is about these things that will be listed. I am asking what their messages were growing up about them. I then ask where we get messages from. They call out all sorts of things like music, books, friends, parents, teachers, ministers, TV, social media, etc. I tell them I want them to think broadly about their messages.

I give them the example of standing in the check out counter of the grocery store when my 3 daughters were growing up and looking at the magazine covers and asking them questions like if a Martian dropped down right here in front of the magazine stand, what would he be able to tell about the people that live here just by looking at the magazine covers. Before I tell them what my daughters said, I ask the students the question. What would the Martian be able to tell about the people on Earth? They say things like they're thin, beautiful, blonde, have straight teeth, have nicely styled hair, they're mainly female, etc.

I tell them it's exactly what my daughters said---and they are now 40, 38 and 30. I tell them I'm telling them this to let them see how broadly they have to think about how omnipresent and insidious the messages are. It can be a magazine cover, a billboard, something played on the radio, something on a church fan, a sign you pass by in a store window—we get messages from all of that, not just what we're told by our parents or friends or religious leaders and teachers. I tell them to think broadly, then tell their group members what the overall message is they receive about the topic they are discussing. If you had to put it in a sentence, what would it be? Then go on to the next topic and discuss that.

Actually, the group can choose whether they want to all discuss one topic together then move on to the next topic, or have each person discuss all topics then move on to the next person who will discuss all topics. I tell them they have about a minute or two to tell their messages about each topic. I tell them they don't need to write anything down. I want them to engage with each other.

I also tell the students that it can be difficult at first to voice what the messages are because they will fear saying things out loud that they may not be used to voicing, or they may fear that people will think it is opinions they themselves hold. I tell them to remember that this about messages that came to them from all over, not about what they think or even what only their parents told them. I tell them not to let their group members get away with only coming out with "PC" answers about what their parents taught them. We have a tendency to get protective of our parents and grandparents and try to defend them. That is not what this is about. What their parents told them was only one message but there were many others. Even with the messages they received from their parents, I tell them they are selective about what they choose to take in because their parents told them things like not to drink or smoke or do drugs or have sex, but in all likelihood, their peer group had more of an impact on that decision. They have to remember how the messages came from all over and they came TO them. They had no control over what comes to them. They didn't put up the billboard or create the music.

So, I make it clear that this is about messages they received from all over, and they are trying to boil the messages down to the predominant message they received and share it with the group.

Then, on the board, I list the topics: race, gender, religion, disabilities, sexual orientation, appearance (including height, weight, hair, teeth, looks, etc.), ethnicity/national origin, and tell them they can begin. Determine the time by dealing with 2 minutes times the number of topics times the number of students in the group.  $6 \text{ topics} \times 2 \text{ minutes} = 12 \times 3 \text{ students} = 36 \text{ minutes}$  and go from there.

Begin timing them. I stay in front of the room, away from them, as I have found that my walking around changes the dynamic and interrupts their flow. I want them talking to each other authentically and honestly. If they will do that better if I am not beside them, then I am willing to stay away.

As for timing, you will quickly see that the truth is, you told them they have 2 minutes for each topic, but they will take much longer. I leave that to your discretion. If it is like it has been for me in hundreds of times of doing this, no one has ever done this type of thought process before and once they get started, it is hard for them to stop. They realize there is so, so much, so many messages and they had never thought about them in this way before.

I have gotten to the place where I just listen to the room. That is my best judge. The room will start off sort of slow as the students hesitantly begin their foray into this venture with strangers, then, as things become more relaxed and they get the hang of it, and their thoughts start to flow, things will begin to get really loud as they truly begin to share, then, at some point you will hear the cacophony begin to lessen. Around that time I check with them to see if anyone needs any more time, and if so, I give them a few more minutes, if not, I call it and we begin the next phase.

In this phase, you are going to go through each of the topics and ask what messages the students received growing up about them. I begin with the “safer” more “comfortable” topics like disabilities. At first, everyone tends to talk about their messages were that they were to be kind and nice and helpful to those with disabilities. Then I ask if that is what happened on the playground or when it was time to invite them to a party. Then, the real talk begins. They say no, and they the differently abled kids were teased, and so on. They hadn’t even thought about inviting them to the party.

Usually someone has had a family member, friend or neighbor who had a disability and they share that they saw it quite differently because of that. We talk about that. We talk about the reality that if you know someone in a marginalized group, your opinion tends to be different than someone who does not know anyone. They will often say they never really think about it because the person was like anyone else except they did something different.

I will usually have pretty touching stories from someone that it is clear makes the entire room think about their own ideas and attitudes in a different way because of what they heard. You will see the light bulb moments happen right in front of you. You can see the students thinking about things differently as these experiences are shared.

We also talk about the concept of conflicting messages. The idea that your parents told you to be nice to disabled folks, but your playmates teased them and you wanted to be part of that social group. We discuss the fact that we are all social creatures and want to fit in. I ask them what the worst thing is, short of death, that our society has to offer to someone who has transgressed our rules. They finally realize that it is solitary confinement. Loss of social interaction. It is that strong. So, it makes sense that they would want to be part of a social group and sometimes it means doing things we may not feel good about and that go against what we were taught.

I never judge anyone’s behavior. That is an extremely important piece of this exercise. Ultimately, what we’re trying to do is to get people to see what is in their head and let them do the work of examining what that is and what they want to do about it. If they feel judged, no one will want to say anything. It’s not our place to judge anyway.

I begin with the assumption that if we are people of good will, when we know better, we do better. This is the part where they are learning what is in their head. They then privately do the work of examining what their messages are and whether they have been operating with messages they didn’t realize were in their heads. Becoming conscious of those messages is a huge step. You don’t need to beat them up about it. Believe me, they will do that all by themselves.

Sexual orientation I do pretty early on because, like disabilities, they tend to think it is pretty cut and dried. And, like religion, it isn’t quite what they thought it was. My experience has been that students say their messages are that it is fine to have a sexual orientation other than what is considered the norm, but they realize that even saying that heterosexuality is the norm is a message they have heavily received. As we discuss their messages more, it tends to get less surfer and more authentic---especially if you create a safe space for them to explore these topics.

Students realize that despite the rather new phenomenon of acceptance of LGBT individuals, there is still a lot of negativity toward them. We talk about why they think this and what the messages were about it. It gives them a chance to see how negative messages are created and transmitted and where they fit into that equation. We examine the things they say people say in negative messages and actions to see if make sense. Like resenting an employee having a photo of their same-gender loved one on their desk and realizing that the reasons it is there is for the same reason it is for everyone else: to have a reminder of someone they care about around them at work, rather than to try to broadcast that they are gay or to try to “push it on other people.” They talk about growing up as kids and playing “smear the queer”<sup>48</sup> or saying “that’s so gay.”<sup>49</sup> They realize how awful this really is without anyone in the room actually saying it was mean and awful. Just discussing it in this way has always made people see their messages quite clearly as negative about LGBT individuals, despite the initial comments about them being accepted.

I usually do religion next. I am in the south. It is the Bible Belt. Virtually everyone has religion somewhere in their lives. But, it is the same pretty much everywhere I have done this. After all the discussion about the messages they have received about religion, the basic message ends up being that the

U.S. is a Christian country and if you are not not only Christian, but a particular kind of Christian (for instance, in the south, it tends to be heavily Baptist denominations), then you receive the message in some way that you are not okay.

It is always valuable to have students from religions other than Christian or Baptist, such as Jews, Muslims, Catholics, Sikhs, Buddhists. They do a great job of contrasting their religious beliefs and practices and making students realize how important they are to them and how similar the basic beliefs are. They also do a great job of showing how religion plays such a different role for some of them but one that is just as precious to them as the majority's (Christians) is to them. At times even more so because it may be that it comes with requirements that go beyond what Baptists or Christians do. For instance, some denominations basically involve being a good person and going to church on Sunday, while Jews, for instance, have a different Sabbath, eating rules that must be adhered to, etc., or Muslim have the five times a day prayer and ablutions and hijab. Students are fascinated once these things come out in the discussion. My experience is that they leave with a much deeper understanding of the role religion plays in people's lives and how stupid they feel for thinking it is weird to be another religion (their characterization, not mine).

I usually then go for the first really fun one of gender or appearance. Students really get into this when thinking about the myriad of messages they have received about how women are supposed to look, how much less this matters with men, how hair, height, weight, etc., all plays into it. I tell them research shows that taller men are hired more often and make more money, that good looking people earn more, etc. As they discuss their messages, they begin to see how much they are prisoners of these messages even though they had never, ever really thought about it. Male students see how ridiculous (their term, not mine) the burdens are that are placed on women, how much they are held to an unreasonable and impossible standard of beauty, while men aren't. They also see that they are the ones doing it. They'd never thought about that before. They also realize the impact that can have in a workplace on who gets hired, promoted, raises, etc.

The appearance will also have a lot of the issues of gender arise. My experience with thousands of people has been that the overwhelming messages about gender tend to be about women and how they should be homemakers, and men are to be the breadwinners, even though we are in a college classroom with many women in it and many students' mothers worked outside the home. I don't need to say a word before they realize how heavy that is. Each in their own way. Males understand how unreasonable it is, and females understand that they never really thought about what they were walking into as women who wanted to work and have a family. Both realize that if they walk into a workplace with these idea which they didn't even realize were in their head, it will show up in who gets promoted, raises, disciplined for taking off for the kids, lauded for going to their kids' games, etc.

The students have a lot of fun with these issues because they both have heavy gender issues that reflect a lot of what they thought they already knew as college students, but it turns out, there were underlying assumptions that they had no idea were there. They understand the implications for things like criminal where my male students realize that although they planned to be totally committed parents, they will be thought of as secondary to their wife, the mother; when it comes to getting loans, buying a car, building a house, they realize that yes, women do it, but ultimately, the messages have overwhelmingly been that these are things for men to take on. It is pretty amazing what they come to realize as the messages get shared and it dawns on them that it is exactly what is in their head and they did not realize it, and did not like it.

I usually save ethnicity for next to last. It is always the case that the messages about ethnicity/national origin have centered around the issue of undocumented workers ("illegal aliens") and that is always Mexicans. Of course, this varies based on location/region. We discuss how all brown people who are of some sort of Spanish descent being painted with the Mexican brush, even though they may be from the U.S. or Honduras or Spain. They talk about the messages about these folks being illegal and rarely thought of as being legal and here in the US for generations.

Students also realize that do not receive messages about Europeans being illegal. They don't think about, for instance, French or Canadians as undocumented even though they may well be, and they don't

think of them as having ethnicity. They realize their messages have been that ethnic deals with brown people, but others are thought of as “internationals” or simply as “foreigners.” Much like you saw in the Non-PC Questions handout, they talk about messages that Asian students are smart, Indians own nail shops, gas stations and motels, about Hispanics having so many children, traveling in such large groups to place like the grocery store, about them being both lazy as well as hard working. We discuss whether these messages makes sense. Once the messages are out on the table, they realize they rarely make sense as a way to characterize all members of a group. We also talk about the damned-if-you-do-, damned-if-you-don’t nature of the lazy vs. hardworking message.

I usually save race for last. I have found that students tend to be so hesitant to talk about race in public until the discussions about the other topics first makes them more comfortable to discuss race. Once they have seen that this exercise really does not judge and is truly about the messages that come to you, they are willing to be more honest, open and authentic. They talk about messages that they have received that being white is better, that blacks are violent, commit more crimes, are rude, loud, mean, lazy and poor---just as you saw reflected in the Non-PC handout. They contrast their messages to the experience they have had with members of these groups and rarely do they line up together. They have generally never, ever had an open conversation about race before. It is always a discussion held behind closed doors with their friends or family, so they have never had the occasion to actually receive input about the messages---or even think about the messages in a logical way. They simply took what they heard as truth without giving it a second thought. We talk about how they manifested the messages.

Once they realize what is in their head, they feel ashamed. I make sure to tell them not to. They were messages they received. They didn’t have any control over the messages that they did not even realize they were receiving. However, I do make clear that once they know what their messages are they have control over what they can do now that they realize the messages are there.

I have found it really helpful to the students if I explain a few things about how we know what it is we come to know and operate with in the world. For instance, I ask them if they know what a threshold is. Some have a general idea or know where it is but not what it is for. So, I tell them about when floors were made of dirt, thresh from the wheat stalks was put on the floor to keep the dust in place. But, it often got moved outside when the door was opened. So, people began putting a piece of wood at the door to hold the thresh in. I tell them that we no longer have dirt floors, but we still have thresholds even though few people know what a threshold originally was.

I also ask them what the most popular month is for weddings or why there are flowers. They usually say the month is June and because flowers are beautiful. I ask if they know why June. They say because the weather is nice. I tell them that is true, but it started out at a time when people took very few baths. By June, the weather was warmer (which actually meant more body odor), but flowers were in bloom and could be put in the church to cut down on the smell of all the bodies gathered there for the wedding.

In both these situations, thresholds and June weddings with flowers, we do these things, but we have long forgotten why. They simply get passed on because that is what people before them did. And unless there was technology to change something like going from a quill to a pen to a typewriter to a computer, then often what was always done remained the same. Just like these things get passed down, attitudes and ideas about people get passed down from one generation to the next or from one person to the next and before you know it, like flowers at weddings, it is simply the reality. It’s what one does. If that is reinforced by things like what you see around you, even more so. If you grew up thinking blacks were violent, and you became a news person, you are likely to choose stories that reinforce that idea of your “reality” which is only going to reinforce it to the public who now sees newscasts reporting on blacks and crime.

Confirmation bias sets in and what you notice is what you have in your head so it becomes reality. If all of our friends are like us and they all think like we do, our reality becomes an echo chamber and we take what we hear all around as reality, whether it is actually reality or not. A good example is blacks and drug arrest. The Justice Department found that blacks and whites do drugs at about the same rate, but blacks were arrested four times more than whites.<sup>50</sup> If those making the arrests or prosecutions think of blacks as more likely to do drugs or commit crimes, they are more likely to arrest them and prosecute

them. What is initially in the officers' heads leads them to be more likely to see the action by one group as one thing, and another group as something else. What is in our head matters.

## MISCELLANEOUS MATTERS

You can offer this exercise at any time you see fit. Doing it near the beginning of the semester has several benefits. It is a great ice breaker. My students often refer to this exercise in their journals as the thing that really made them feel connected both to their classmates as well as feeling open to learning better in the course. If done at the beginning of the semester, it also serves as a common bonding reference point that can constantly be referred back to when issues arise that may be relevant. As news stories arise, the stories can serve as a basis for going back to the exercise and analyzing what happens through that lens.

For instance, this past spring semester several of the events in the headlines took place and made national headlines that were well worth a conversation in class, even if it no more than to ask, 'So, class, what do you think is going on with all these people suddenly calling the police on black people doing normal, everyday things? What's that about? What messages do you think they are working with? I also find it helps students even in my course that is primarily a contracts course, to bring more to their study and analysis of that subject matter to have conversations, in context, about these events as they arise, to that stretch their minds and make them think about their subject matter more critically and expansively.

Although I put a list of several areas on the board for the groups to discuss, I have done it with as little as one topic. You can see what works best for you. In a class such as Employment Law where we will be discussing these topics all semester, I use all of them. However, I have done it in a one-hour session with one topic and it was just as powerful. They get the message and they see that it is easily applicable to thinking about their messages for a full range of topics.

You can also vary things by allowing the students to literally only give one sentence to sum up their messages about a topic. I have tried that and it has its place. It gets the job done, but if you want to have students really engage with each other, it does not accomplish this. The journey of self discovery and the discovery that comes from engaging in the process of thinking about it, talking about it, having something someone said remind you of something in your own life that you forgot about is an important tool.

It is often the case that this has not taken place all in one class session. It really is okay if the students do the group discussion part one day and in the next class, move on to the class discussion. I prefer to take care of it all at once, but I have had it go on for as long as three class sessions without diminishing the value of the exercise. It is really important to me that students have the opportunity for the exploration process. If it is clear to me that this is being really beneficial for that, then I allow it to continue.

Feel absolutely free to vary or alter this as it seems to work best for you. The most important thing is to create a safe, nonjudgmental space for students to explore the messages they have received. You don't have to preach to them. The exchange of ideas being actually stated in a public, classroom setting is tremendously important and empowering for them. I have the benefit of seeing students' reactions in their journals and in evaluation forms in presentations that I have done over the years. What people take away from it is absolutely transformative. Students frequently say that these discussions made them realize that this is what they thought college was going to be like before they got here, really exchanging ideas and learning things that expanded how you thought, but most classes do not. Once they engage in this activity, especially at the beginning of the course, it opens their minds to the subject matter in a much more beneficial, broader way.

Hands down, my favorite, most impactful encounter with this exercise which I have done with thousands of people over the years, was with an older white male employee who spoke for his group. I was doing a series of 12 sessions for a government agency over a course of several weeks, in Atlanta. In this particular session, this gentleman who volunteered to report for his group got up and said he was from south Georgia. South Georgia is the more rural part of the state. This told me that he came from an area with a long history with agriculture, slavery and its aftermath, civil rights, and vestiges still present

today. He said that he was about to retire. That told me that he would have been old enough to have been aware of the civil rights strife that occurred in the specific place he told us he was from. So, imagine my surprise when we got to his report on the race topic and I asked about his messages and he told me he had none. Given what I gathered from what he had said, I knew it was virtually impossible for him not to have received any messages about race. So, I asked if he was sure. He said, yes, he was sure. Then he said, “We didn’t allow black folks to live in our town, so I didn’t receive any messages about race growing up.” He was quite serious. He was startled when the room erupted into laughter.

He quickly realized why and began to laugh himself.

He had just told us the biggest message of all: that black folks were so unwanted and considered so undeserving and subhuman, that they were not even allowed to live in his town. And he never realized it was a message that was in his head and that he operated with every day of his life. Not until that moment. His face got really serious and he said he was about to retire and he knew that he must have hurt so many black people in his career and all without even realizing it because he never even realized the messages he had in his head about race. It was a powerful sobering moment that no one in that room will ever forget. Our messages are there. We use our messages every minute of every day. Our messages matter. We need to know what they are.

## CONCLUSION

There are many reasons that our students should be exposed to conversations about what is going on in the country regarding marginalized groups and legal issues arising therefrom. As law professors, we are uniquely situated to discuss these issues with our students and do so in a way that brings greater understanding to them about the decisions that are made that result in these situations.

As you can see, the exercise I provided is one that requires very little knowledge on the part of the professor. You are moderating a discussion rather than lecturing on a substantive subject matter. As you moderate, I have no doubt that your experience and wisdom will guide the discussion and make sense of what the students say. It is what you do every day in class. But, it is really the students who do the heavy lifting. Simply by providing the opportunity, the safe space, and permitting the free exchange of ideas that students already have in their heads, you have done the students the service of laying the groundwork for them to make better decision that are less likely to result in legal liability. It is an extra added bonus that once students see what is in their head, they inevitably change how they see the world, their place in it, the actions that go on around them, and how they can impact them for the better even in the smallest of ways, like not averting their gaze when a minority is nearby, or including them in a conversation, or hearing the news in a more balanced way.

I want to close by sharing with you a few of my recent notes from students to show you what is possible. I consistently receive notes from students years later about the impact this exercise had on them, how it impacted their spouses, their children, their walk in the world. They donate to my Building Bridges Diversity & Inclusion Scholarship because they realize the value of what they received and want to contribute. They take jobs engaging in the work. They work in their workplaces and communities because of it. In these notes I include here from recent students, their words do a better job than I ever could to tell you the impact of what this learning does for them. The last is rather lengthy, but what the student had to say is worth it. All were out of the blue, from white males. I’ve only edited out the information not here relevant.

- a. At first, I was hesitant to even sign up, as 8:00 AM courses are not my strength, but I ended up learning so much. My growth as a person was something I have never experienced in a college course, and I feel as if I have also learned how to spread that growth. I have had many conversations already about what I have heard and experienced, and feel as if I have also discovered the right way to approach my peers with what I have learned. It is very important to remember that everyone is entitled to their own opinions, and that not everyone will be open to hearing truth. You did such a good job of not forcing anything on anyone in the class,



- but instead just exposing perspectives that people may not have seen or experienced before. All of the assignments were intentional, and I appreciated all of the different groups that I was able to think about, from disabilities to race. Going into the professional world, I am glad to have received all of the knowledge about employment law as well. There are many aspects that employers and employees don't consider about the workplace, and I feel much more prepared for the professional world now. Thank you again for the great year, and I hope you continue to have great success in future semesters! DC
- b. This class did just what you said it would; it changed the way I see the world and it challenged the reality I live in. I forced me to look at things I've never before considered but desperately needed to. My biggest take away is the simple mantra you repeated several times: you don't have to agree with someone, but you do need to treat them like a human being. It's a simple sentiment that is often times harder to live out than it should be, but I'm pledging to do all I can to ensure that I live out the spirit of this class as I graduate and go out in to the world. JL
- c. I do want to let you know I really did enjoy your class. It challenged a lot of things that I've been taught directly or indirectly growing up, and I can truly say you changed my mind on a LOT of things. I got the opportunity to correct two people working in admissions (from Georgia that I met at one of our open practices) where one man essentially said the girl was the pretty face assuming she couldn't be a badass business woman first who happened to be young and pretty. Without your class, I would have had no clue the kind of implications that could have on her or society. But NOW I feel more educated and empowered to love people out of their way of thinking like you did with me this semester. To put it simply I love your class and am fired-up about equality now and what I can do to help. JB
- d. Dear Dr. Bennett-Alexander,

I am an honest person so I will be writing an honest and open letter, but please know it comes from nowhere but a place of love. Thank you for aggravating me. I would roll out of bed and make my way to your class each Tuesday and Thursday just to not know exactly what we may be doing that day. I knew when assignments were due but other than that I did not really know a schedule. I would sit and listen to articles or lectures about issues within the law, but more importantly in our society. We would discuss and it was easy to distinguish between right and wrong, but sometimes opinions would be shared that made me uncomfortable and aggravated. I would feel as if I was being grouped into a section of society that spreads hate and doesn't care for anybody but themselves. I would sometimes feel that I was assumed to be part of a socioeconomic group just because of how I looked or the aspirations I have in life. It was sometimes difficult to just sit and feel attacked or have my beliefs attacked and even sometimes the values I was raised with attacked. I never felt as if I got a chance to explain where I was coming from.

However, I had a realization about half way through the course and it was centered around why I wanted to explain myself. Just because I felt that a lot of the things said didn't include me didn't mean it didn't have to do with people who looked like me. I was told before coming to college by one of my closest mentors to speak less and listen more; and throughout your class I listened, I learned, and most importantly I evolved. I know I am a good person but I realized just treating others respectfully and equally wasn't enough. I learned that I had to be proactive in my life to speak up because when I see someone that looks like me doing something I would never do it is important to say something. This is what lead me to my favorite moment of the overall class experience.

G-Day is a big event for all UGA fans and we have a huge fan base from far and wide. I watched the game at a bar with some of my friends and we were having a good afternoon and evening. Long story short it was around 11:15pm and I was going home to relax because I

had to be up early the next morning to work on an assignment. However, I was hungry. I made my way to one of my favorite places, Barbaritos. I was by myself because the rest of my friends decided they wanted to stay out for the remainder of the evening. The line was almost out the door but I was in no hurry and really wanted my spicy chicken bowl. It was finally my time to order and I told the gentleman what I wanted and moved along to the sides. I was asked if I wanted guacamole and sour cream but as much as I did, this college student is on a real tight budget until he starts working in June. I moved on and then it happened. There was a group of three guys behind me and like I said UGA fans come from all over and I knew they were from South Georgia because of their accents and dress. They too were asked if they wanted guacamole or sour cream and then their reply was, “No I don’t want none of that damn Mexican shit. Those beaners can keep it behind the wall with their drugs.” I can’t make that up. This crowded restaurant seemed to continue moving and I assumed I would hear a gasp or some silence because of what was just said but everyone kept going along with their meal.

I looked at the Hispanic gentleman behind the counter waiting for his reply and I could tell he was shocked and he mustered up a passive response. He simply said, “But sir this is a Mexican restaurant.” His level of self-control was unbelievable. I almost wanted him to reach over the glass and smack the group of three laughing at their ill-advised joke. Here comes your influence. Old me would have gotten aggressive and told them to \*bleep\* off and to watch their \*bleeping” mouths. However, what would that accomplish in the long run? Sure it is great I am standing up for not just the man behind the counter but a whole nationality, but what would stop it from happening again. I took a few seconds and mustered up some courage, it would have been much easier with my friends to back me up, and calmly asked the guy why can’t you just say no to the toppings. I followed up with that’s such an unnecessary dig at some really great people. He and his friends laughed off my comments and came back at me and said “You must be one of those queer Hillary supporters”.

Now, this is when I knew I could really make a difference because again they are all wrong and I am actually a Republican. It was such an opportunity to make a difference moving forward. I brushed off their comment and told them a little about me. I am a rather conservative Republican, I support the 2nd Amendment, and I study business at UGA. I am also in a long term relationship with a Mexican immigrant, have a gay roommate, and took part in a Women’s March. I was able to in just a few short minutes talk to these guys and learn that they didn’t know better. It was like that story you told us about parents boycotting “What Lesbians Do” or something like that when it was just a film of gardening and knitting and going on a walk. These guys really didn’t know anything. The employee behind the counter quietly listened and went to the manager. They offered to give me my meal for free and thanked me for taking a stand. I told them how much I appreciated it, but to just charge me full and take it as a tip. I also told them I wanted to pay for one of the guy’s meal behind me and they were shocked. I told them that I think it might leave a lasting impression. I know I didn’t change any of this guy’s opinions, but I was hoping to just be a lingering thought in his head. I got my salsa and left.

However, I said one last thing to the group of guys and I was proud of myself for it. I told them that they don’t want anyone infringing on their rights, but they refuse to treat anyone else like they have any at all. I followed with, our world has too much hate and our parents have created too many problems for us to just to keep down that path. My last line was that sometimes we need to love a little more and always Go Dawgs.

I don’t know why I felt so proud. I got home and texted my girlfriend and told her about the moment and how I felt good for handling it so well. I told her that “I think it was because of the professor I told you about that makes me write all those papers.”

You see Dr. B.A. I found myself aggravated a lot of the times because it took me awhile to understand what you were trying to teach us outside sharing individual opinions. It took

me awhile and I might still not have it. However, I know I can keep working. I am so confident to avoid liability in the workplace and be a leader, but I am also excited to see the impact I can make outside of just work. Fighting hate with anger and intimidation was usually my response and making people feel like their horrible people. However, now I handle things in a calmer manner and talk it out. I mentioned in the story that I don't think I changed their opinions and beliefs, but maybe next time they feel like saying an unnecessary racial slur or to throw out a derogatory word they'll think back to the guy in Barbaritos on G-Day and what he said. If anything I hope, I got them thinking so that maybe they'll do some research on their own and become more educated.

I thank you for helping to give me those tools and that confidence. I also am thankful for you helping to create that self-awareness to take a stand for all things and in all circumstances. Words matter and they can make a huge impact. I am happy that I was able to attend your class each Tuesday Thursday and I was happy I got a little aggravated. The aggravation got me thinking and got me doing research. I know I will never agree with everyone all of the time but I will be damn sure to respect people. I feel inspired to move on and spread the love and get people excited about diversity and learning about other cultures and other people. It is like that guy said in class about the drag show being one of the best nights out in a long time. I am excited to be a catalyst for those moments and try and bring different groups with different opinions together to see that everyone is just living their life trying to make the most of every second.

You are a passionate force at this university and I hope you continue to make differences because there are a lot of people that need it. I hope we are able to keep in touch and I will get to make you proud with an impact I can make in my community one day. Thank you for what you do. Thank you for helping me. Thank you for giving me a moment on G-Day I, and those guys, will not forget. And most importantly thank you for aggravating me. Love, CL

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36. Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A. §2000e-2(a) states, in pertinent part:
  - (a) It shall be an unlawful employment practice for an employer—
    - (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or
    - (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.
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39. Until, that is, it was discovered that he had been having a 14-year relationship with his secretary
40. Further, she said that the black students were worried about whether I would be able to handle the debate, given the circumstances. She assured them that would not be a problem.
41. One of my assigned readings is “Under Our Skin: Getting Real About Race. Getting Free of the Fears and Frustrations That Divide Us,” by UGA alum and NFL player, Benjamin Watson, one of my former Employment Law students who was moved to write a Facebook post that morphed into the book after yet another a police officer was acquitted after fatally shooting an unarmed black citizen.
42. I delivered a TED Talk in March 2015 at TEDx UGA on Practical Diversity in which I discuss many of the issues underlying workplace discrimination claims and how to avoid them using some of the information I provide in this paper. The TED Talk has received nearly 60,000 views at this time. <https://www.mheducation.com/highered/ideas-new/why-and-how-to-incorporate-diversity-with-dawn-bennett-alexander.html>
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48. In this game, the group has someone who is “it” who is considered “the queer” and has to be captured and dealt with. I’ve heard variations of it that had the person pummelled or the “”queer” has a ball and must be captured. Apparently, it is mostly played by males as they are growing up. It may be regional.
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50. Urbina, I. (2013, June 3). Marijuana Arrests Four Times More Likely for Blacks Federal Data Suggests. *The New York Times*.