



GEORGETOWN UNIVERSITY LAW CENTER

Date: September 13, 2021

To: Georgetown University Law Center Faculty

From: 2020-21 Academic Standards Committee

Re: Motion for New Institutional Learning Outcome, New Graduation Requirement, and Other Implementation Steps

The 2020-2021 Academic Standards Committee (Professors DeRosa, Mezey, Ohm (Chair), J. Ross, Sirota, Spann, Stumberg, and Thompson) unanimously brings to the faculty a motion to amend the Georgetown University Law Center's Institutional Learning Outcomes. The Committee proposes adding as a new institutional learning outcome (ILO) an expectation that our students will graduate with the:

Ability to think critically about the law's claim to neutrality and its differential effects on subordinated groups, including those identified by race, gender, indigeneity, and class.

The Committee also asks the faculty to approve several steps to implement the new ILO, including enhancements to existing first-year courses, and a new graduation requirement obligating JD students to complete two or more credits in courses that have been certified by the Associate Dean for Academic Affairs to advance the new ILO.

Background

The Committee Charge and Other Motivations

At the start of the last academic school year, the student bar association and several student affinity groups (BLSA, NALSA, MLSA, KALSA, LALSA, APALSA, and SALSA) petitioned the law school administration to consider curricular changes to ensure that every Georgetown Law student encounters sufficient engagement with themes of racial justice and critical race theory. (Petition in Appendix A.)

In response, Dean Treanor charged the Committee to "Consider the SBA recommendations that the law school (a) mandate a critical race theory unit in all first-year criminal justice courses, and (b) consider establishing a two-credit racial justice requirement for all full-time and part-time students."

The Committee encountered other important motivations for its work. First, the Council of the Section of Legal Education and Admission to the Bar of the American Bar Association has promulgated a [proposed amendment to Standard 303](#). Standard 303 governs what is required of an accredited law school's curriculum and is the source, for example, of our obligation to require professional responsibility, two writing experiences, and six credits of experiential education. The proposal would add a new requirement:

(c) A law school shall provide training and education to law students on bias, cross-cultural competency, and racism:

(1) at the start of the program of legal education, and

(2) at least once again before graduation.

For students engaged in law clinics or field placements, the second occasion for training and education will take place before or concurrent with their enrollment in clinical or field placement courses.

The commentary to the new proposal explains, “the importance of cross-cultural competency to professionally responsible representation and the obligation of lawyers to promote a justice system that provides equal access and eliminates bias, discrimination, and racism in the law should be among the values and responsibilities of the legal profession to which students are introduced.”

In the course of its work, the Committee learned that other law schools had enacted or were considering curricular reforms focused on mandating race-focused coursework. The University of Southern California [will require all JD students starting this Fall to take a new course](#) entitled “Race, Racism and the Law.” The University of California, Irvine [adopted a graduation requirement](#) that all students complete a course which “includes substantial content relating to race and indigeneity, structural inequity, and the historical bases for such inequity.” The UCI Law faculty also adopted a new first-year elective that would allow students to meet the new requirement in their first year of law school. We learned from colleagues that similar reforms were being considered or had been approved at the law schools of Columbia, Penn, UC Berkeley, UCLA, Ohio State, and Penn State.

Most importantly, the members of the Committee came to agree that this kind of reform is urgently needed to fulfill our mission of preparing the next generation of lawyers and leaders. The current cultural and political climate suggests that debates about race and other forms of subordination are likely to be important features of legal analysis in the immediate future and beyond, and all our students should be well-equipped to understand, navigate, and exercise leadership roles in such debates.

The Committee's Work

The Committee met at least fifteen times throughout the fall and spring and into the summer.

Serving also on the committee were skilled and expert staff: Mitch Bailin, Associate Vice President and Dean of Students; Maura DeMouy, Director, Academic Success and Deputy Title IX Coordinator; Patrick Griffith, Assistant Dean, Clinical Programs; Sarah Hulseley, Assistant Dean, Academic Affairs; Tiffany Joly, Assistant Dean, Graduate and International Programs; Emily Wack, Executive Director, Academic Affairs; and Simone Woung, Assistant Dean and Registrar. Four students also served on the committee: Halle Edwards, Christopher Godshall, Rachel Schumacher, and Maxine Walters.

The Committee met numerous times with various subsets of the faculty, staff, and students. For example, the committee met with:

- Professors who teach first-year Property Law;
- Professors who teach first-year Criminal Justice;
- Many full-time professors who teach courses that focus intensively on race and racial justice;¹ and
- Student leaders nominated by the SBA both at the start of our work and again towards the end.

In total, we consulted closely with approximately twenty-five other members of the voting faculty, more than two dozen student leaders, and many expert staff administrators and faculty Associate Deans.

The Committee built upon work by many committees in prior years.

- In formulating the implementation details for the first-year curriculum, the Committee built upon the work of the past several years looking at potential first-year curriculum reforms. The Chair and several members from last year's first-year curricular reform committee were on this Committee.
- The Committee also built on the work of the 2016-2017 Committee that adopted our first (and current) set of ILOs. Again, the Chair and several members from that committee were on this Committee.

The Committee unanimously adopted the motion. A straw poll of the nonvoting staff and student members was also unanimous.²

¹ We compiled the initial list of invitees by searching for the terms “race” and “racial justice” in the curriculum guide. We supplemented this list by asking several staff administrators and faculty Associate Deans to recommend other invitees.

² One staff member abstained from the vote because she had missed most of the meetings while on leave.

Rationale

Although the roiling events in our nation over the past five years and the thoughtful student petition were the catalysts for this proposal, this motion builds on trends and developments in legal education dating much further back.

To be clear, we do not bring this motion as a grudging act of compliance with our accrediting organization or to copy what our peers are doing. We cite the proposed new standard and the acts of other schools to highlight the national conversation about the need to bring race more fully into the law school curriculum. At Georgetown Law, we often lead rather than follow important trends in legal education, particularly when those trends touch on our unique institutional commitment to social justice. We believe we have an opportunity to do so when it comes to race and racial justice in the curriculum, by putting a distinctively Georgetown stamp on a particular type of approach, forging a path for others to follow.

Georgetown has long placed importance on training future lawyers to engage in critical thinking. It is a point of significant pride that we have done more than play lip service to this idea. For example, the idea of critical engagement with legal theory and doctrine is a cornerstone of Curriculum B, and students and professors have long considered ways to bring this theme more systematically into Curriculum A and throughout the upper level curriculum.

Additionally, our current Institutional Learning Outcomes, adopted by the faculty in 2017, embraced a commitment to give our students the “[a]bility to engage in critical and strategic thinking.” Our Committee came to see our current proposal as building upon that earlier ILO, expanding on comments made about the ILO at the time of original adoption, and further implementing the aspirations embedded in the preamble to the ILOs.

Part of the critical thinking we prize in legal education already includes thinking carefully about law’s own claims to neutrality with respect to processes, fora, decision-makers, and treatment of those who appear in its tribunals. We aspire to produce graduates who understand both law and justice, and understanding justice entails appreciating different theories of justice, identifying when law has been an aide or an obstacle to justice, and participating in legal efforts to distribute justice more evenly or fight instances of injustice.

Given the history of our nation and the way this history has been contested in recent years, we feel an obligation to educate lawyers who are not only culturally competent but sensitive to race, racism, and other forms of structural inequality. Our colleagues who teach Property and Criminal Justice told us they agreed that it

is irresponsible to teach those subjects without adequate attention to race, slavery, and power.

Similar themes have been raised by others. For example, an [August 2020 letter signed by 150 law school deans](#), including Dean Treanor, stated that “preparing law students to be lawyers requires that they should be educated with respect to bias, cultural awareness, and antiracism. Such skills are essential parts of professional competence, legal practice, and becoming a lawyer.”

Along similar lines, a [comment submitted to the ABA by the Law School Admission Council](#) regarding the proposed amendments to Standards 206 and 303 argued:

Now, more than ever, legal education and the profession need to take proactive steps to demonstrate our ongoing commitment to equal justice and equal opportunity. After a year in which the systemic injustices and inequities faced by individuals from marginalized identities have been the focus of national conversation — from the murders of George Floyd, Ahmaud Arbery, Breonna Taylor, and others, to the disparate negative health outcomes and disproportionate COVID-19 fatalities experienced by Black and brown people, to the disturbing increase in violence against individuals who identify as Asian, Asian-American, and Pacific Islanders — the need to strengthen our efforts to combat racism and promote diversity across our entire legal system is abundantly clear. The changes proposed to Standards 206 and 303 represent an important response to the urgent call for action at this critical moment.

Proposal

The Committee proposes to amend the Georgetown University Law Center's Institutional Learning Outcomes to add a new institutional learning outcome (ILO). The new ILO sets forth the Law Center's expectation that our students will graduate with the:

Ability to think critically about the law's claim to neutrality and its differential effects on subordinated groups, including those identified by race, gender, indigeneity, and class.

For context, Appendix B lists all of the ILOs, including the new proposal.

In addition, the Committee proposes several concrete implementation steps, including some that would amend the Student Handbook.

Implementation steps

The law school administration, faculty, and staff will take the following steps to implement the new institutional learning outcome:

1. First Year Curriculum

The new institutional learning outcome should be advanced throughout the entire first-year curriculum in order to provide foundational knowledge for each student's legal education. As one step, the Associate Dean for Academic Affairs, in close consultation with the Associate Dean for Equity and Inclusion, will identify first-year professors who substantially advance the new ILO in the way they structure and teach their courses. Then, the administration will arrange section schedules to ensure that every first-year student takes a course with at least one of these professors in the first year after the adoption of this proposal. (This would not cover transfer students.) In subsequent years, the administration will strive to ensure that every first year student has multiple such courses. The hope is that eventually all mandatory 1L classes will rigorously engage the new ILO.

2. New Graduation Requirement

All students matriculating as first-year students in Fall 2022 or later must earn a passing letter grade in an upperclass or elective first-year J.D. course of two or more credits that has been certified to substantially advance the ILO, meaning one that focuses on the importance of questioning the law's neutrality and critically assessing the law's differential effects on subordinated groups, including those identified by race, gender, indigeneity, and class. We will draw from three categories of courses to meet the requirement at the outset: (a) upperclass courses

already offered; (b) new first-year electives; and (c) new upperclass courses designed with the graduation requirement in mind.

To ensure that the requirement is rigorously and meaningfully observed, we will model the procedures for designating courses as satisfying the new ILO on the procedures in place for satisfying the Experiential Learning graduation requirement, which require a detailed examination of the course's syllabus and structure and the approval of the Associate Dean for Academic Affairs in close consultation with the Associate Dean for Equity and Inclusion.

First-year electives designed to incorporate the ILO will be offered as a third category of first-year elective, alongside some of the current courses in legislative/regulatory law and international/comparative/transnational law. The Associate Dean for Academic Affairs and staff of the Office of Academic Affairs will identify full-time professors for the new electives. We will continue to offer six or seven first-year electives each year, split roughly equally between the three different subjects.

3. Measurement

The Dean will charge the Learning Outcomes Committee (including students), working in conjunction with the Associate Dean for Equity and Inclusion, to develop means for measuring how well the Law Center currently fulfills this outcome. For example, the Committee might survey all professors to see how courses in our current curriculum advance this learning outcome. This will provide a methodology for measuring and a baseline against which to compare future developments.

In addition, the Dean will charge the appropriate committee to consider new course evaluation questions focused on measuring how well courses advance the learning outcome.

4. Commitment of Institutional Resources

The Dean shall commit significant institutional resources to support curricular development to advance the new institutional learning outcome. For example, the Law Center should provide faculty, students, and staff with new resources including, but not limited to:

- An online repository of course materials and guides to help faculty incorporate race, racial justice, gender justice, conquest and colonialism, critical race and feminist legal theory, implicit bias research, etc. into courses as appropriate.

- Additional teaching relief or research leaves to give select professors time to develop and gather teaching materials, and to share these materials with other faculty members.
- Support to invite national leaders in inclusive pedagogy to visit Georgetown to work with the faculty on curriculum design.
- Teach the teacher and other training sessions led by internal and external experts to inspire new pedagogical approaches.

Paul Ohm (chair)

Mary DeRosa

Naomi Mezey

Julie Ross

Rima Sirota

Gerry Spann

Robert Stumberg

Robert Thompson

Appendix A: SBA and Affinity Groups Petition



July 26, 2020

**Resolution 2020–2021–9: Calling for Academic Racial Justice
Requirement for Students, Mandatory Faculty Training on Implicit
Bias, and Bias Reporting System**

WHEREAS the murders of Ahmaud Arbery, Breonna Taylor, George Floyd, Tony McDade, Oluwatoyin Salau, and countless other Black Americans have shocked the American conscience into confronting pervasive white supremacy;

WHEREAS the legal community is uniquely equipped and necessarily compelled to fight for a just and equitable world, as Dean Treanor recognized in his community-wide email on June 1, 2020: “In this time of loss, we must reaffirm our core commitments as a community and as individuals. We must recommit to the struggle for the equal treatment of all people and to the fight against racism in all its forms;”

WHEREAS on June 18, 2020, President DeGioia announced that going forward, Georgetown University would recognize Juneteenth as an annual University holiday, expressing the “urgency” of building “a more inclusive community and [providing] a context that supports the flourishing of our Black students, faculty, staff, and alumni;”

WHEREAS the 2019 Sexual Assault & Misconduct Campus Climate Survey revealed that 31% of law students reported experiencing some type of harassing behavior in the previous academic year, and 14.6% of law students reported the harasser was a faculty member or instructor;

WHEREAS in May 2019, a Georgetown Law professor based a final exam hypothetical on the Ethiopian Airlines crash that killed beloved third-year student Cedric Asiavugwa, calling the airline “Au Revoir Airlines”;

WHEREAS members of the Student Bar Association, Black Law Students’ Association, and other campus organizations have consistently raised concerns about the behavior of faculty and students when discussing race and criminal justice;

WHEREAS during the 2019-2020 school year, members of the Black Law Students’ Association reported an incident of overt racism on campus¹ that went largely unaddressed;

¹ A professor’s property, labeled with the phrase “Black Lives Matter,” was defaced by a member of the Georgetown Law community who used a black marker to cross out the word “black.” In response, the Black Law Students Association met with Dean Bailin, the only result of which was a campus-wide email condemning the act. No further action was taken to prevent or deter future racially hostile acts from occurring.

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STUDENT BAR ASSOCIATION
2020-2021 HOUSE OF DELEGATES



WHEREAS Georgetown Law faculty have received inconsistent training regarding implicit bias, microaggressions, harassment, and classroom climate in recent years;

WHEREAS Georgetown University implemented a “Diversity Requirement” in April 2015, requiring all undergraduates starting with the Class of 2020 to take two courses cross-listed under the category “Engaging Differences” before graduating,² yet Georgetown Law students are not required to meaningfully engage with the intersections of race and the law before graduating;

THEREFORE; be it resolved that:

- Georgetown Law should mandate a critical race theory unit in all first-year criminal justice courses and require training in preparation for teaching this unit with the opportunity for diverse faculty to provide input. Georgetown Law should also establish a student-faculty committee for the 2020-2021 academic year that will determine how to establish a two-credit racial justice requirement for all full-time and part-time students starting with the Class of 2023, similar to the academic requirement for undergraduates on Main Campus.
- Georgetown Law should mandate annual, expert-led faculty training on implicit bias, harassment, and microaggressions. We recommend offering faculty training twice a year so that professors only teaching during one semester are still able to participate; however, professors would need only participate once a year to satisfy the training requirement. Tenure-track faculty should be required to participate in live training, and adjuncts may participate asynchronously by watching a recording.
- Georgetown Law should implement a reporting system that allows students to document bias-related incidents in the classroom. This reporting system could be modeled off of the Main Campus Bias Reporting System administered by IDEAA, and is a natural follow on from the 2019 Cultural Climate Survey as it would allow the Law Center to continue gathering data about bias incidents in real time. We recommend aggregating and anonymizing the annual data and publishing it to the Law Center community for transparency.

Respectfully submitted,
Olivia Hinerfeld
SBA President, 2020–2021

Jade Baker
Day Vice President, 2020–2021

² Molly Simio, *MCEF Votes in Favor of Diversity Requirement* (April 24, 2015), <https://thehoya.com/mcef-votes-in-favor-of-diversity-requirement/>; see Georgetown Core Curriculum (last accessed June 28, 2020); <https://provost.georgetown.edu/academicaffairs/core-curriculum/#:~:text=All%20Georgetown%20students%20are%20required,one%20domestic%20and%20one%20global.>

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Maxine Walters
Black Law Students Association President, 2020–2021

Jeremy Penn & Tooba Hussain
SBA Diversity Co-Liaisons, 2020–2021

CJ Morrison
Native American Law Students Association President, 2020–2021

Nabintou Doumbia & Ibad Jafri
Muslim Law Students Association Co-Presidents, 2020–2021

Hyunjin Kim
Korean American Law Students Association President, 2020–2021

David E. Peraza
Latin American Law Students Association President, 2020–2021

Isabel Yu
Asian Pacific American Law Students Association President, 2020–2021

Neal Patel & Pooja Dubey
South Asian Law Students Association Co-Presidents, 2020–2021

Appendix B: The new institutional learning outcome in context

<https://www.law.georgetown.edu/admissions-aid/aba-required-disclosures/institutional-learning-outcomes/>

Institutional Learning Outcomes

After a series of faculty meetings and learning sessions, the faculty approved the following institutional learning outcomes in February 2017:

Georgetown University Law Center is committed to providing all students an intellectually rich education that combines theory and practice, and embraces the values of cultural competence, social justice, serving the public good, and educating the whole person. Georgetown Law's curriculum is founded on extraordinary scholarship and robust experiential educational opportunities and equips our students to practice in today's quickly evolving legal landscape. Our specific institutional learning outcomes are as follows:

1. Knowledge of substantive and procedural law, including the influence of the administrative state, political institutions, and other academic disciplines
2. Ability to engage in legal analysis, including the analysis of case law, constitutions, statutes and regulations, legal instruments and sources, and the application of law and theory to fact
3. Ability to conduct legal research
4. Ability to communicate effectively in the legal context, orally and in writing
5. Ability to use problem-solving and collaborative techniques in the legal context
6. Ability to engage in critical and strategic thinking
7. Understanding of the rules, ethics, and values of the legal profession, such as honesty, civility, work-ethic, and the centrality of a commitment to one's clients and to the legal system
8. Ability to think critically about the law's claim to neutrality and its differential effects on subordinated groups, including those identified by race, gender, indigeneity, and class.