

Delaware Law School

Diversity, Equity, and Inclusion Strategic Plan

Widener University Delaware Law School is committed to diversity, equity, and inclusion. DLS denounces all forms of discrimination, hate groups, hate speech, systemic racism, white supremacy, antisemitism, and injustice. DLS will not tolerate racial hatred and racial discrimination at the law school. We pledge to transform DLS, to educate with purpose, and make racial justice a reality for our students, our alumni, and our extended legal community. We will strive to be racial justice educators and advocates. We stand for dignity of all people and transformation of our school as an agent for positive change. This document focuses primarily, but not exclusively, on race discrimination.

I. Introduction

Issues of diversity, equity, and inclusion and anti-racism are of paramount importance in law, society and higher education. Widener University Delaware Law School (DLS) is deeply committed to issues of equity, inclusion, dignity, and racial justice, not only in words, but through deliberate, constructive action now and into the future, including in recruitment, the learning environment, bar passage, and placement. Through concrete action steps described herein, with partnerships and collaborations extending through every level of, and with greater levels of communication, transparency, and accountability, we will strive to create a law school environment that is respectful of our students and that is diverse, inclusive, and free from any forms of racial harassment, hatred, or discrimination.

The plan outlined below is the first of many subsequent steps DLS will take to progressively realize the goals enumerated in this document as we involve the entire law school community. DLS realizes that creating and sustaining impactful change will be an ongoing process, one that cannot be resolved quickly or easily.

The faculty and administrators of DLS recognize the dedicated group of alumni who demanded equity from the Law School, and who provided insights, suggestions, and ideas, working with the Law School to shape a responsive Strategic Plan for Diversity, Equity, and Inclusion.

II. Transparency

DLS will publish comprehensive records of incidents that impact diversity, equity, and inclusion at the Law School. Records will be published on or before August 1 of each calendar year, reflecting the records of the preceding academic year. The reporting practice will commence on or before August 1, 2021. The reporting protocols will parallel and be in alignment with the requirements of the federal Clery Act, 20 U.S.C § 1092(f). The records will be available on the law school's website.

III. Strengthening the Discrimination and Harassment Provisions in the Student Handbook and Inclusion of Anti-Slur and Epithet Provisions

A. Clarify Student Handbook Language

The language of the current DLS Student Handbook lacks sufficient clarity and specificity on matters relating to discrimination and harassment, particularly as to discrimination and harassment on grounds other than sex. As a result, DLS will proceed, through its normal process, to revise the Student Handbook to create an enhanced policy to address discrimination and harassment.

- i. For example, the current DLS policy on “Equal Opportunity, Harassment, and Nondiscrimination” incorporates the Widener University policy, currently attached as an Appendix to the DLS Student Handbook, which provides in pertinent part:

“Widener University is committed to establishing and maintaining a safe learning, living, and working environment where healthy, respectful, and consensual conduct represents the campus cultural norm. To that end, this policy prohibits sexual and gender-based harassment, sexual assault, sexual exploitation, relationship and

interpersonal violence, stalking, and discrimination on the basis of sex, gender, pregnancy status, age, race, national origin or ethnicity, religion, disability, status as a veteran, sexual orientation, gender identity, marital status, or genetic information, or any other category protected by applicable law. The policy also protects against retaliation against an individual for making a report of conduct prohibited under this policy.”

- ii. To improve specificity and clarity in the Student Handbook, language of the following nature may be considered as additions to the DLS Student Handbook in Part Two of the Student Code of Conduct section of the Handbook, as a new section numbered 202A:

Draft Language for new Section 202A. Discrimination and Harassment

(a) Purpose

The Law School recognizes its responsibility to educate and train students so that they shall aspire to meet the expectations of ethical conduct and professionalism demanded by the legal profession. Consistent with the Law School’s culture as a learned community grounded in values of respect for human dignity, the Law School strives to be an intellectual and residential community in which all members can participate fully and equally, in an atmosphere free from all manifestations of bias and from all forms of discrimination, harassment, exploitation, or intimidation. As a professional and intellectual community, the Law School deplors and prohibits expressions of hatred directed against any individual or group.

(b) Conduct Prohibited

- (i) General Prohibition.** *Delaware Law students are prohibited from engaging in sexual and gender-based harassment, sexual assault, sexual exploitation, relationship and interpersonal violence, stalking, and discrimination and harassment on the basis of sex, gender, pregnancy status, age, race, national origin or ethnicity, religion, disability, status as a veteran, sexual orientation, gender identity, marital status, or genetic information, or any other category protected by applicable law.*
- (ii) Offensive or Degrading Remarks, Slurs, Insults and Related Activity.** *The Law School will explore, through its normal process,*

options for improvement in the prohibited conduct language in the Student Handbook. Examples of such prohibited conduct include, but are not limited to:

- *Racial slurs, and derogatory remarks about a person's accent*
- *Physical assault or stalking;*
- *Displays or electronic transmission of derogatory, demeaning or hostile materials directed at persons within the DLS community; and*
- *Unwillingness to train, evaluate, assist, or work with a person in the Law School community because they are a member of a protected class.*

(c) Required Signed Acknowledgement

Upon commencing matriculation at DLS, students will be provided with a copy of Section 202A and be required to sign an acknowledgement of their understanding of its terms and an agreement to abide by its provisions. This form and acknowledgement will be provided to entering first-year JD students during the first-year orientation, and to other JD students (such as transfer students) or students in programs conducted by Delaware Law School faculty.

B. Review of Sanctions

Sanctions are currently included in the Student Code of Conduct under Section 204. The Standing Committee on Diversity, Equity, and Inclusion will review the Available Sanctions within Section 204 of the Student Code of Conduct for a determination of whether additional sanctions should be included that are appropriate for violations of the new Section 202A. Recommendations for additional sanctions will be made before publication of the 2021-2022 Student Handbook.

IV. Annual Surveys, Reports, and Records

A. Conduct Annual Survey

DLS will conduct a Diversity, Equity, and Inclusion Student Climate Survey, in the final week of March of each academic year. This time period has been chosen to permit first-year students to have accumulated a reasonable

period of experience within the DLS community, while remaining respectful of the pressure of semester-end exam preparations that commence in April. The first survey will be conducted in the final week of March, 2021 and the first report will be published by May 30, 2021.

B. Year-to-Year Comparisons of Survey Data

Each year, DLS will publish year-to-year comparisons of survey data. The publication of this information and year-to-year comparisons will occur each year following collection and compilation of the material, and no later than May 30th of each year. Each year, survey results will be studied by the Standing Committee on Diversity, Equity, and Inclusion or its authorized designee(s) and the Standing Committee will consider measures to address issues identified in the survey.

C. Misconduct Records

DLS will continue its practice of maintaining records of misconduct incidents in student, faculty, and employee files. Release of such information will be governed by privacy and confidentiality provisions imposed by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and other applicable federal, state and local laws and Widener University and Delaware Law School policies.

D. Publication of Diversity Admissions Status

DLS will publish in December of each year, a report on the diversity of the student body, tracking the data submitted in October of each year to the American Bar Association. This reporting will commence in December 2020.

E. Annual Diversity, Equity, and Inclusion Report

In June of each calendar year, DLS will publish an annual report on Diversity, Equity, and Inclusion compiling all data otherwise provided for reporting in this Strategic Plan, and additional elaborative narrative as appropriate. This will commence in June 2021. The Assistant Dean for Diversity, Equity, and Inclusion will have responsibility for providing this report.

V. Training

A. Diversity, Equity, and Inclusion Training for Student Organization Leaders

DLS will conduct annual Diversity, Equity, and Inclusion Training for leaders of all registered student organizations, including training on cultural competency, implicit bias, and anti-racism. Training will commence in spring 2021. Training will be the responsibility of the Associate Dean for Student Affairs and the Assistant Dean of Diversity, Equity, and Inclusion.

B. Training for Employees

DLS will require Diversity, Equity, and Inclusion training for Faculty, Adjunct Faculty, and Administrative Leadership, including training on cultural competency, implicit bias, and anti-racism. This requirement shall commence effective spring 2021.

All DLS faculty are and will be bound by the policies and procedures of the University's Equal Opportunity, Harassment and Nondiscrimination Policy.

VI. Standing Committee on Diversity, Equity, and Inclusion

A. Creation of Standing Committee

DLS will create a Standing Committee on Diversity, Equity, and Inclusion. The Committee will be constituted by the Dean/Administration, in the ordinary process, in consultation with the Faculty Executive Committee. The Standing Committee on Diversity, Equity, and Inclusion will include the following members: 1) five members of the Faculty of Law, 2) two administrators, 3) two student representatives, at least one of whom shall be a representative from BLSA, to be chosen by the Faculty Executive Committee and the Administration from the leadership of student organizations, and 4) two Alumni Representatives chosen by the Faculty Executive Committee and the Administration after solicitation of interest from alumni. This Committee will be constituted and commence operations by November 30, 2020.

B. Standing Committee Charge

The Standing Committee on Diversity, Equity, and Inclusion shall receive an annual charge from the Faculty and the Dean. For the 2020-2021 academic year, the Committee shall:

- i. Organize listening sessions where members of our law school community hear each other's stories in order to build trust, empathy, and mutual respect as the foundations of community;
- ii. Conduct regular audits of all law school departments and programs, including the demographics of the student body (including admissions and retention of students), faculty, staff, and administration; and the rates of participation and inclusion of students of color in honors organizations, merit-based scholarships, externship opportunities, and other leadership opportunities.
- iii. Implement the training of faculty and of student leaders discussed above;
- iv. Work with the Associate Dean of Student Affairs to conduct the Student Climate Survey;
- v. Work with the Dean, Associate Dean of Student Affairs and the Associate Dean of Academic Affairs to create a “Response Plan” should an incident of racial harassment or discrimination occur. (The “Response Plan” is separate from any Student Code of Conduct investigation or sanctions. It instead will seek to ensure that students impacted feel safe and continue to feel a part of the law school community. Such a plan may include bringing in speakers, consultants, or additional counselors.) In the wake of any incident of racial harassment or discrimination, the Standing Committee shall review in advance, any issued statement or comment from DLS.
- vi. Ensure compliance with this Strategic Plan and make recommendations to update this Strategic Plan on Diversity,

Equity, and Inclusion after reviewing the results of the audit and the Student Climate Survey, and as deemed appropriate.

VII. Assistant Dean for Diversity, Equity, and Inclusion

A. Creation of Position

As quickly as University approval is secured, DLS will create a new position for an Assistant Dean for Diversity, Equity, and Inclusion. Filling this position as soon as possible will be the law school's highest hiring priority.

B. Participation of Assistant Dean for Diversity, Equity, and Inclusion

The Assistant Dean for Diversity, Equity, and Inclusion will participate *ex officio* on standing committees or departments of the Law School that include diversity, equity, and inclusion within the department's portfolio of responsibilities, including those departments or committees responsible for admissions, financial aid, student academic affairs, academic support, and faculty appointments.

VIII. Comprehensive Plan for Promoting Cultural Competency in the Curriculum

A. Develop Comprehensive Plan

The Associate Dean for Academic Affairs will liaison with the Standing Committee on Diversity, Equity, and Inclusion and the Assistant Dean for Diversity, Equity, and Inclusion (when hired) to develop a comprehensive plan for enhancing the coverage of diversity, equity, and inclusion issues within the law school curriculum. This Comprehensive Plan will be developed and published no later than December 1, 2021.

B. Enhance the Curriculum

The DLS Faculty is committed to the enhancement of curriculum and course offerings germane to diversity, equity, and inclusion matters. DLS

commits to the provision of one or more course offerings related to diversity, equity, and inclusion, such as courses in Critical Race Studies, Immigration Rights, or Equality and the Law, in the spring and fall semesters. This commitment will begin effective January 1, 2021. The Law School Faculty will also provide training and education for faculty on how to incorporate issues germane to race, diversity, equity, and inclusion in courses throughout the curriculum.

IX. Counselors Trained in Diversity and Inclusion

The law school Standing Committee on Diversity, Equity, and Inclusion, in consultation with the Associate Dean for Student Academic Affairs, and the Assistant Dean for Business Administration, will meet and confer and propose a recommendation to the Dean of the Law School regarding the provision of part-time counseling services on matters relating to diversity, equity and inclusion.

X. Law School Practicum Courses and Pro Bono Service Credit on Social Justice Issues

In the summer of 2020, responding to the killing of George Floyd, DLS commenced two social justice summer programs. One program offered curricular credit for summer experiential and research activities related to social justice issues. The second offered pro bono service credit, and credit toward experiential learning requirements, on matters relating to social justice issues. The academic credit requirements were administered by the Dean of the Law School. The pro bono requirements were administered by the Dean of the Law School and the Director of the Public Interest Resource Center.

These experiential social justice curricular and pro bono service offerings will continue throughout future academic years, with a special emphasis on summer curricular and pro bono service opportunities. One such initiative, DLS's Medical-Legal Partnership/ the Health, Education, and Legal assistance Project (HELP) has been awarded a Health Equity Grant of \$40,000 by New Castle County, to study the impact of the COVID-19 pandemic on the County's vulnerable communities and develop mitigation plans for legal advocates and other advocacy groups. This grant, provided through federal CARES Act funding, will allow HELP's research group to

continue work initiated this summer, when the group examined the disparate impacts of the pandemic on Black Delawareans. The results of that study appeared in July's issue of the *Delaware Journal of Public Health*. HELP will now update that study of racial disparities, as well as examine the impact on low-income County residents and residents with disabilities.

XI. Admissions Pipeline to Promote Diversity in Delaware Law Admissions and the Legal Profession.

DLS is committed to the achievement of enhanced diversity in law school admissions, and in the legal profession. The Law School welcomes additional insights, proposals, and recommendations to improve upon diversity initiatives and will examine its current efforts while seeking ways to further the goal in increasing diversity of the student population. DLS will examine how it can take steps to further retain students of color and other underrepresented groups.

See: <https://delawarelaw.widener.edu/about/consumer-information/> for DLS's most up-to-date data about its admissions information as it pertains to diversity of its student body.

The Dean of the Law School represents DLS on a task force partnership with the Chief Justice of the Delaware Supreme Court and the leadership of Delaware State University to enhance pipelines from middle and high schools to Delaware State and ultimately to admission to DLS. The objective of this partnership is to enhance diversity at the Law School and by extension the Delaware bar and bench.

XII. Promotion of Diversity, Equity, and Inclusion in Student Honor Societies

The Standing Committee on Diversity, Equity, and Inclusion, the Associate Dean for Academic Affairs, the Associate Dean for Diversity, Equity, and Inclusion (when hired) and the faculty sponsors of Student Honor Societies will develop a plan, in consultation with all leaders of all Student Honor Societies, including the Widener Law Review, the Delaware Journal of Corporate Law, the Transactional Law Society, and Moot Court Honor Society, to promote and increase diversity, equity, and inclusion in Student Honor Societies and to eliminate implicit bias in the selection of students

participating in those organizations. All governing by-laws, admissions processes, and scoring rubrics should be reviewed as part of the plan.

The plan will require that each Honor Society Board 1) integrate workshops on diversity into orientation for new members; 2) provide ongoing training for members on the importance of diversity in legal scholarship; and 3) create a Board position dedicated to diversity, equity, and inclusion. The faculty sponsors of each organization will work in conjunction with the Board to implement the plan. The Diversity, Equity, and Inclusion Board member should 1) serve on the Executive Board; 2) review the policies, practices, and procedures of the organization to ensure that the organization promotes diversity in the selection of members and in the selection of scholars and other participants in publications and events sponsored by the organization; and 3) report annually to the faculty on the demographic information of the Honor Society.

XIII. Deans' Forums Programming on Diversity, Equity, and Inclusion

DLS will continue to sponsor Deans' Forums on Diversity, Equity, and Inclusion. In the fall semester of 2020, the seven forums, conducted on alternating Thursdays throughout the semester, included the following topics: (1) "Letter from a Birmingham Jail"; (2) "Speaking Truth to Memory: Lawyers and Resistance to End of White Supremacy"; (3) "COVID-19 and Public Health"; (4) "Who Me? I'm Not a Racist! – The Truth about Implicit Bias and Microaggressions"; (5) "Dignity Rights"; (6) "Race and the Death Penalty"; (7) "Discrimination and Racism in Property Law."

Deans' Forums on these and related issues will continue on a monthly basis in the spring 2021 semester. The subjects to be covered in each forum will be determined by the law school faculty, in consultation with the Deans and the Standing Committee on Diversity, Equity, and Inclusion. By May 2021, the Standing Committee on Diversity, Equity, and Inclusion will make recommendations for forums, speakers, and other programming for the 2021-2022 academic year.

XIV. Delaware Law Engages

DLS will create a Delaware Law Engages program. Each August the Standing Committee on Diversity, Equity, and Inclusion will select a book or film, or other media

format that all incoming students will be required to read, watch, or listen to as part of the first-year orientation and curriculum. Throughout the year, DLS will sponsor programming centered around the selection. Faculty, administrators, and student leaders will engage the student body in group discussions and faculty will also be encouraged to incorporate readings from the book or clips from the film into their required class assignments. If feasible, the author of the book or other related party will be invited to campus to speak and meet with students. The Standing Committee on Diversity, Equity, and Inclusion will pilot such a program in the spring 2021 semester.

XV. Diversity, Equity, and Inclusion Institute

DLS is committed to creating an institute dedicated to Diversity, Equity, and Inclusion. The specifics of the institute, including its focus and its structure, will be decided by the faculty in conjunction with the Dean and with the Associate Dean of Diversity, Equity, and Inclusion.