



Office of Diversity, Equity, Inclusion & Experience

GUIDELINES FOR DISCUSSIONS AROUND THE IMPACT OF RACE IN SOCIETY AND THE WORKPLACE



Massachusetts Trial Court

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INTRODUCTION

The openness and ability to discuss the impact of race and racism in the workplace is important, particularly for us as Trial Court employees. For some of us, these types of conversations are not new and unfold in numerous ways in our daily lives. For example, some Trial Court employees of color may be struggling to balance personal and professional realities that prevent them from openly sharing how traumatic events have impacted them and their families. For others, discussing the impact of race and racism both in the workplace and at home is neither commonplace nor comfortable.

Simply having race-related conversations can be challenging even during “normal” times, yet these conversations are always an important opportunity for all of us, regardless of title or position, to take an active part in addressing systemic racism, inequities, and injustice.

Given our contentious history with race and racism, we understand that having these discussions can be challenging, particularly for those who are experiencing trauma and disruption in their lives. According to the American Psychological Association (APA), “discussing issues of race can be challenging for everyone involved, especially when participants represent multiple racial groups.¹” The following sections offer us several tips on how to start the conversations about race and racism, how to build engagement and sustain those conversations, and court-specific scenarios that we may encounter in engaging our colleagues.

¹ <https://www.apa.org/education/undergrad/diversity/>

SECTION I: HOW TO START THESE DISCUSSIONS

One of the most important elements in starting a discussion around race, racism, and racial inequities is to **begin the conversation**. The fear of saying the wrong thing or sounding racist, or the fear of offending or hurting others often prevents us from engaging in these topics. Allowing these fears to prevent us from having these necessary conversations interferes with our ability to experience genuineness in our relationships, and inhibits the opportunity to share our thoughts and feelings; both of which can impact our engagement with each other and those we serve. Acknowledging our fears and concerns around discussing race, racism, and systemic inequities is an important step in broadening our capacities to learn, to be open, and to honestly engage with one another.

It is normal for employees to have a variety of feelings associated with the current racial trauma and turmoil the country is experiencing. During this time, many individuals are suffering great personal and professional angst and struggling with their feelings such as anger and despair. Even though many of us are experiencing these feelings, we must take the opportunity to learn from each other. In fact, when discussing racial literacy, Lani Guinier, the first woman of color to be granted tenure at the Harvard Law School, said, “it is about learning rather than knowing.” We must recognize that we all make mistakes in these conversations, and so approach them with honesty, openness, and the willingness to learn from one another. Regardless of title or position, we all have the authority and responsibility to create space for ourselves and our colleagues to share concerns. We all have a voice and every voice is important. The TC needs everyone’s perspectives and viewpoints.

These discussions should not be about solving systemic racism and inequities, but about creating opportunities for people to share their different thoughts and feelings in safe and respectful ways. People bring different experiences and perceptions to these discussions. We must come from a place of compassion as the vehicle toward building empathy and understanding.

One of the goals of these conversations is to build bridges across our different racial experiences. To do that though, we must recognize that some employees may not want to talk about issues of race, while others may be willing to speak about how they have had negative experiences based on race in their personal and professional lives. To achieve the goal of building bridges, we must recognize our own thoughts and feelings before we enter the conversation so that we can identify our own triggers and be open to learning even if we don’t agree or understand. The following tips will assist you in starting these important conversations.

PREPARE YOURSELF

Ask yourself the following questions:

- What is my understanding of the issues of race?
- Why is it important for me to have conversations about race?
- Do I have any concerns or fears around discussing race-related issues?
- Where might I need more support, resources, and information (i.e. am I comfortable doing this on my own or will I need assistance?)

Schedule some time and space to have conversations with your team:

- Consider regular team meeting time slots
- Recognize that some do not want to talk or reveal negative experiences
- Recognize that your intentional choice to start a conversation is a step in the right direction toward creating a safe space and building trust

ONE-ON-ONE

- If you think you need to connect with someone individually, be intentional to reach out and do so
- If you sense someone needs support or someone reaches out to you, you should intentionally engage with that person to explore their ideas, concerns, or fears around race-related matters
- Provide support and assist in making a connection for resources both internal and external
- If someone doesn't want to talk when you initially reach out, you may want to follow up with that person at a different time. Ask permission to follow up with them later

TEAM DISCUSSIONS

- Inform the team ahead of time of your intention to discuss the topics of race and racism and ask for their suggestions around approach, ideas for prompt questions, any concerns
- First discussion should focus on creating space for people to share openly and honestly
- It may be important to intentionally check in with your employees of color. Share why you want to have this discussion (can be admission that this is new and uncomfortable) and offer the opportunity to help inform the conversation
- Share guidelines for effective dialogue ahead of scheduled conversation
 - Communicate honestly, respectfully
 - Use I-Statements
 - Use supportive listening
 - Listen beyond what is already known
 - Respect confidentiality
 - Check assumptions
 - Expand your comfort zone to include more discomfort
 - Find commonalities and recognize different backgrounds and experiences

SECTION II: HOW TO BUILD ENGAGEMENT IN THESE DISCUSSIONS

Once we've started the conversations, it's important that we find ways to continue them and to bring people into those discussions in healthy and productive ways. Discussing race, racism, and systemic inequities is difficult, so when considering how we can promote engagement, it's important to think about what it would be like for the team to be engaged in the conversation, recognizing that people come to the conversation with different experiences and comfort levels. This does not suggest we rely on our employees of color to start these discussions. Our expectation is that as an organization, we all have an interest in the healthy and productive outcomes of these conversations, so regardless of your role, title, or social identity, we must find ways to build engagement around race and systemic racism. Racism exists in the justice system, as it exists in society, we must use this opportunity to right these centuries of wrongs.

HOW TO BUILD ENGAGEMENT

- Before thinking about building engagement across the team, we must first think about how we ourselves, will stay committed and engaged in the topics of race, racism, and systemic inequities
- Start carefully, recognizing that everyone approaches these conversations of race with different experiences and comfort levels
- Use inviting language that encourages participation and reflection
- Continue to reference the guidelines to ensure effective, open, and honest dialogue
- Open or lead with how these conversations align with the Trial Court's shared values of justice and inclusion
- Acknowledge the discomfort around these conversations; remember, it's a journey and not a sprint
- Model that it's OK to have discomfort and make mistakes and remain respectful and open to learning from each other
- State that while you may not be an expert, you are a caring and willing participant who's ready to learn
- Model openness by stating that you will be working on listening and trying to build empathy for others' different racial experiences
- Remind all participants to be respectful of speaking time to allow everyone the space to contribute
- Be respectful of people's time – if you say one hour, try to end on time and offer additional space/time for those who would like to continue the conversation, or for those who would rather speak one-on-one
- Seek feedback on the conversation (how did it go? Takeaways? What has been helpful? How can the next conversation be improved?)
- Reiterate your commitment to race-related conversations and encourage others to do the same
- Thank everyone for their participation

SECTION III: HOW TO SUSTAIN THESE DISCUSSIONS

Each Trial Court employee has an important role in sustaining race-related conversations. Facilitating a discussion with your team and colleagues is important, but in order to achieve sustainable change, we must avoid the one-and-done approach and systemically embed these conversations in our daily work. To do that, we must be respectful of our colleagues and their experiences, be open to learning about our own biases and how they impact our ability to openly contribute and listen, consider our intentions in participating in race-related conversations, and embrace the experience and opportunity to learn more about our colleagues. The following tips offer some direction in how we can sustain the conversations of race, racism, and systemic inequities.

HOW TO SUSTAIN THESE DISCUSSIONS

- These discussions should not be a one-time occurrence. Find ways to regularly incorporate into team operations
- Adopt changes based on feedback received
- Continuously seek feedback to sustain engagement around race-related conversations
- Between discussions, find ways to stay connected with your team regarding race-related topics
- Appreciate, recognize, and thank the team for their continued sharing and participation
- Remind the team that one of the short and long term goals of these conversations is to build our capacities for greater empathy and understanding
- Following these conversations, if someone comes to you with a concern or complaint, you should use your listening skills to learn more about their concerns
- If you feel uncomfortable in addressing or responding to concerns, you can reach out to the Office of Diversity, Equity, Inclusion, and Experience, the Office of Workplace Rights and Compliance, or to Human Resources to support you in your leadership and ability to support your team
- Ultimately, the intention of these conversations is to make genuine change toward more equitable and inclusive work environments, processes, etc.

SECTION IV: ADDRESSING SPECIFIC SCENARIOS

Discussing race, racism, and racial inequality is bound to provoke strong thoughts and feelings. This section offers some specific ideas for responding to a variety of scenarios that you may encounter.

How do I respond if I feel I have a number of employees who view the topic of race and race-related issues as off limits, intimidating, impolite, frightening, etc., either from their own life experiences or out of concern about the viewpoints of their coworkers?

Suggested Response: Model supportive listening and recognize and appreciate employees for their honesty. Keeping the conversation going is an important goal. Ask them to share more about their feelings. Assure them that they are by no means alone in experiencing these kinds of challenges to speaking openly about topics of race. You can share some of your own feelings about speaking openly about race-related issues. Encourage staff that although we may be challenged to engage topics of race, we must continue to build our own capacities to have these discussions involving race.

How do I respond if one of my staff members comes to me and shares that they are very hesitant to discuss issues of race and racism out of fear about saying the “wrong” thing?

Suggested response: You can ask them to share more about what they mean by saying the “wrong” thing. Model supportive listening and recognize and appreciate them for their honesty. Assure them while it is important to be respectful in talking about race and race-related issues, that there is no “perfect” way to share your perspective. What’s important is that people are able to listen to each other, learn more about the different life experiences people have based on race, and through this dialogue, build a better, more informed relationship.

How do I respond and intervene effectively in discussions between employees that become heated over issues of racism and racial injustice?

Suggested response: You need to respond. Encourage the employees to step back for a moment and regroup. Remind them that having different perspectives and racial experiences is normal, but basic respect and civility must be maintained. Remind them that being focused on proving one person’s viewpoint as legitimate over the other is shortsighted and counterproductive. The goal needs to be an increased understanding and to learn more about the different life experiences people have based on race. In the end, it is important not to be a bystander. If you see or hear something, say something.

How do I respond when a trial court employee makes an inappropriate racial comment?

Suggested response: You need to respond. If you don’t speak up, you’re signaling that this is OK to make inappropriate racial comments. If you do speak up there’s a better chance this individual will check their behavior in the future. Immediately accusing a person of being racist can solicit a defensive reaction. Instead, challenge the comment respectfully - “What did you mean by that comment?” It can be helpful to let the individual know how the comment made you feel. You might

say, "It might not have been your intention, but that I want to tell you that your comment was hurtful and inappropriate." In the end, it is important to engage both the employee and their comment.

How do I respond and engage employees in these conversations who may live and work in places that lack ethnic and racial diversity and who may view recent events as far removed from their own lives and therefore not applicable to them?

Suggested response: Recognize and appreciate employees' views. Ask them to say more about why they feel that race-related issues are not applicable to them. Once hearing them, share their feelings, thank them for their honesty and emphasize our shared commitment to the fair and impartial administration of justice for all in a safe and dignified environment. Remind them that each employee plays a role in achieving this mission. State that the court seeks to be "sensitive and adaptive to cultural, racial, ethnic, gender, class, and language differences," is dedicated to "addressing bias, embracing diversity, equity, and inclusion, and eradicating discrimination," and committed to the court being a place where "all employees and all users of the court system are unfailingly treated with dignity and respect." Ask for these employees to reflect on their role in advancing this mission and vision. Don't let the conversation be a one-time occurrence, but look to find time to return to the topic. Finally, remind the employee that although they may not be able to see how race impacts their daily lives, that these racial experiences are real for court users and employees.

How do I respond as a white supervisor who has rarely had discussions about race or racism with my employees of color? How do I share my concern for staff who are from the Black/Latino communities? I hesitate to just jump in. What should be my approach?

Suggested response: The sense of caution and care here is wise and respectful. Let your team know that you will be checking in with everyone. You could then proceed to share some of your own feelings about current events and relate it to our roles in the justice system. It's important that this is not a one-time occurrence. You need to continue to build a stronger relationship between your different racial identities and experiences.

How do I respond to employees who thinks there is a double standard for white Judges and Clerk Magistrates making inappropriate racial statements - that such conduct will be dismissed as, "Oh, that's just how Judge Smith is!"

Suggested response: You need to start by recognizing the impact on this employee. Engage in a conversation by asking this person to share their thoughts regarding what they think is the double standard. Appreciate those thoughts and feelings. Encourage employees to bring these observations to the attention of the Administrative Office or to the Office of Workplace Rights and Compliance. Remind them that you can be a source of support for them through the process.

How do I respond to an employee of color who is concerned that the issue of race will be put back on the shelf with little to no accountability for court leadership's lack of attention to race-related challenges?

Suggested response: Begin by thanking them for sharing their concerns and validate their thoughts and feelings. State that you hear that this is a challenge and that you would like to talk about this further with them. Commit to exploring potential solutions and seeking their feedback with the goal of raising these concerns with local court leadership.

For Further Consideration:

As stated in the revised Personnel, Policies, and Procedures Manual, the Trial Court accepts, respects, and welcomes, individual differences and supports the unique contributions of each individual as it seeks to create a work environment that maximizes the potential of all employees. If you think that you have experienced a work environment that challenges your ability to contribute to the success of your department and the court, please reference Section 5 of the Personnel, Policies, and Procedures Manual or reach out to the Office of Workplace Rights and Compliance for assistance.

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www.Mass.Gov/Orgs/Trial-Court-Office-of-Diversity-Equity-Inclusion-Experience

