Promoting Diversity in Public Health Law through Online Education

*Kimberly Cogdell Boies*

**Introduction**

My curriculum project for the faculty fellowship program known as *The Future of Public Health Law Education* had three components: (1) a two-credit public health law survey course taught in spring semester 2015, (2) a one-credit course that was taught during intersessions before and after the spring semester and that specifically focused on public health issues involving health disparities in vulnerable populations, and (3) summer internships in public health law. In developing the two classroom courses, my primary goals were both to incorporate discussions of diversity in the teaching of public health law and to expand access to these courses for diverse students by offering them synchronously online and during our law school’s one-week intersessions. My goal in creating summer internship opportunities was to allow diverse students with a background in public health law after taking one or both of these courses to experience the real world of public health law practice and to share their diverse perspectives with established practitioners in the field.

The Need to Promote Diversity in Public Health Law

One of the greatest challenges in the public health law field is the lack of diversity among its practitioners. While I knew that there were few people of color actively involved in the field, it was brought home to me when participated in the summer institute for the fellowship program, where I was the only person of color. The lack of diversity in public health law adversely impacts public health policymaking and the implementation of health policy because the perspective of the communities served is often not represented in the process. This is especially important because many public health law and policy initiatives target diverse populations. The community of public health law scholars, practitioners, and fellows involved with this program are very dedicated to the goals of improving population health for all. This commitment was demonstrated time and time again throughout the fellowship. Yet, it may be nearly impossible to fully conceptualize the health and socioeconomic challenges faced by diverse populations if one has not personally experienced them.

Race is a particularly difficult subject to address in this country. Countless incidents of disparate treatment and discrimination against minorities, particularly Blacks and Latinos, occur each year. Health disparities and health inequity persist in minority groups as well. The national discussion of police aggression towards minorities illustrates that many times those outside of minority groups cannot comprehend how pervasive discriminatory acts are and how they influence the daily lives of minorities. For example, stop-and-frisk laws unequally enforced by targeting Black and Latino males create an ever-present stress in the lives of these men which negatively affects their health.

Similarly, seemingly innocuous public health policy may have unintended negative consequences to minorities as a class. For example, on a field trip during the fellowship program’s summer institute, we
learned that a local public health ordinance was more vigorously enforced against poor Latinos than was a public health ordinance that primarily affected affluent white tourists. The latter ordinance banned smoking within a certain distance of buildings in town. However, because of the layout of the main streets in relation to commercial buildings, the ordinance operated as a complete ban on smoking because the only place permissible to smoke would be in the middle of a high traffic street. This ordinance impacted affluent white vacationers who contributed to the local economy of the area. Second-hand smoke and the health effects of smoking were the public health concerns in this case. The other local ordinance dealt with the number of individuals who could live in one dwelling. This ordinance affected Latino workers in the hospitality industry who did not earn wages sufficient to live in the area where they worked. They lived together in poor conditions because in many cases, that was the only housing that was available in their price range. Sanitation and hygiene were major public health concerns here. The vacationing smokers received warnings and sometimes no punishment or enforcement against them of the smoking ban. The Latino workers, however, were displaced from their apartments and a remediation plan was pursued to clean up the apartments, making them less affordable.

Both ordinances had good intentions, yet the minority group had a more negative treatment and outcome. The lack of diversity among policymakers and public health practitioners can mean that in discussions before public health policies are adopted and enforced, potentially disparate or negative unintended consequences may not have been considered because no one in the discussions had the personal experiential context to recognize them.

**Turning a Challenge into a Teaching Opportunity**

Recognizing the challenge that there are not enough people of color involved in public health law early in my curriculum planning helped me to shape how I created and delivered the two classroom courses. I knew that I wanted my classes to be accessible to as many diverse students as possible, which would provide an opportunity for them to learn about the public health law field and to bring their diverse perspectives to it.

Some students work to support themselves and their families while attending law school. To fully address the needs of the student body, a wide range of academic and student support services are offered. The curriculum has a higher number of required courses than most law schools, which creates a challenge for students interested in specializing in a particular area.

**Synchronous Distance Education**

The first solution to the challenge of how to increase exposure to public health law for a diverse group of students was my decision to offer both courses online. Online courses provide increased accessibility for students with various time constraints and non-traditional schedules. As law schools face challenges with enrollment, curriculum, and changes in the model for legal education, distance education has become a growth area in the legal academy. There are two basic models of distance education: (1) asynchronous, in which students log on to the class individually and are not logged on together, and (2) synchronous, in which students log on to the class session at the same time.

Law school distance education courses involve either an asynchronous or a synchronous delivery model.
Asynchronous courses involve the creation of online modules and/or pre-recorded lectures, a discussion board with questions, and interaction with the professor. The courses sometimes include virtual office hours or special sessions where the professor can have live chat via typing. This model is flexible because faculty and students log on to make discussion board posts and ask and answer questions at their convenience within the parameters set by the course. However, this model does not fully support in-person discussions like those in live classrooms, which is essential to the learning process in legal education.

Accordingly, I used a synchronous model for my courses. This model provides the closest in-person experience to a live classroom that is currently available via distance education. There is a set course time. Students must log on and be present at the start of the course and throughout the class meeting period. The professor can see each student, and students can see the professor and their classmates on their computer screens. Each participant’s computer screen is divided into a number of boxes that matches the number of participants. The professor can also set up the course so that each student’s name is located in the box with his or her real-time picture.

Because this is a live course, the professor can see when students raise their hands. The professor can also see if students walk away from their computers. The students can see any content the professor shares, such as a presentation or video. If another student in the course is speaking, that student will be highlighted for everyone so that other students know who is the speaking student, which allows for students to get to know each other. In a seminar-sized class, the size of the student picture is large enough to see facial expressions, which allows the professor to read the class and determine if more explanation or discussion is needed about a particular topic. Overall, this synchronous model allows meaningful interaction among the professor and students comparable to an in-person classroom.

Engagement with Course Content through Students’ Personal Experiences

One of the biggest surprises of this project was the fact that the students had so many of the experiences that were discussed in the two courses. For example, our first case study in the public health law survey course involved a writing assignment on an Ebola-like outbreak. One of my students was from Liberia, and her family still lives there. She was able to give personal insights about her and her family’s experiences of an actual Ebola outbreak. The tone of the discussion changed immediately after the student talked about these experiences because the public health threat posed by a highly contagious and often-fatal disease had become more real to the other students. Although the students were not physically in the same location for this discussion, they felt comfortable sharing and really connected with me and each other. The rapid spread of Ebola these past few years has particularly affected minorities. The lack of diversity in the public health field has created challenges in implementing an effective strategy to combat the outbreak. Within my classroom, we were able to discuss the distrust of public health workers caused by past discrimination and questionable practices committed against minority communities.

During our discussion of tobacco regulation in the survey course, one group of students found an informative video clip of the development of e-cigarettes and other vapor products. At the conclusion of the discussion on the reading and the group presentation, two students in the class said that they actively used e-cigarettes. This led to an excellent discussion of perceptions about using these products as well as why regulation is needed. Sometimes online education is seen as disconnected, but in these courses, my students shared very personal experiences, and the class space was respected. Alcohol and tobacco are readily available in poor minority neighborhoods. The lack of public health policies to regulate e-cigarettes may disproportionately impact communities of color.

Another example from my survey course illustrates how course content and students’ personal experiences came together to deepen learning. The class focused on the Supplemental Nutrition Assistance Program (SNAP). Students conducted individual research and watched a video of someone participating in the SNAP Challenge, during which celebrities try to live healthily and eat healthy foods using only the amount of money that a SNAP recipient would receive to buy food. After discussing the program and allowing the students to discuss their research, a student in the class discussed her own experiences receiving SNAP benefits. Another student also discussed personal knowledge about abuse of the SNAP program in her home community. This was a particularly poignant class discussion. The first student talked about living in poverty and the challenges of relying on food assistance. This very powerful example demonstrated that important and difficult conversations can occur in an online class.

Intersection

My second solution to the challenge of bringing public health law issues, particularly issues of health equity affecting minority communities, to a diverse student
body was to hold the vulnerable populations course during an intersession. My law school had never before offered an intersession between regular semesters, nor had the university offered an intersession in any other program. In my capacity as the distance education coordinator for the law school, I wrote the proposal for the creation of an intersession and worked with various entities at the university level (Provost’s office, financial aid, student accounting, registrar, etc.) to systematically bring each unit on board with creating the intersession. This process occurred during the summer and fall semesters of the fellowship year. The first intersession began during the week before the spring semester of 2015, and the second intersession was held during the week after that spring semester. I offered the vulnerable populations course during both intersessions.

Creating an intersession addressed the problem of many students not having room in their schedules to take specialty courses. The courses were geared to second-year students to prepare them for internship placements in public health law. In the second year of law school at NCCU, students often load their schedules with bar exam-tested courses to provide a firm foundation going into the third year. Many of their second-year courses are required. NCCU School of Law offers numerous clinical opportunities, and prerequisites for these clinics must be taken during the second year to enroll in the year-long clinic courses during the students’ third year. If a student takes one four-credit required course and three three-credit required courses, including both substantive and professional skills courses, this leaves little time for other courses.

Another advantage of the intersession course is that I taught it, on an intensive basis, in the evening over the course of one week. Additional flexibility by offering the vulnerable populations course during the intersession was gained for some students who could reduce their spring course load by taking an elective course before the spring semester started. Allowing the students to take the course during one of the intersessions also meant that those students whose schedules were completely full during the spring semester would be able to take the course.

One of the challenges with having a course during the intersession is that it must be fully completed before the semester begins. Intersession courses cannot interfere with the next semester. This limited the types of assessments that could be done. The vulnerable populations course would have lent itself well to a research paper, but that could not be completed in the weekend after the course was offered. Consequently, students were assessed during the course through each two-hour class period related to the assigned reading. In addition, the students worked in groups, and each group gave a presentation one night of the course that factored into their grades. The final assessment of student performance was an online exam. Despite this limitation in assessment options, the accessibility of the course for a wide variety of students and the benefits it provided made it a minor sacrifice.

Offering courses outside of the general curriculum format of three credits over 14 weeks creates flexibility for non-law students to enroll in courses. The one-week duration of an intersession course opens up possibilities for future multi-disciplinary and cross-institutional enrollment, as I am hoping to have in the future. The short time frame can also bring students into the discipline who would be hesitant to sign up for a full-semester course.

Diversity in Public Health Law Teaching
Providing the opportunity for discussions of diversity in public health law was central to each of the fellowship courses. The vulnerable populations course addressed diversity directly. The course began with defining who are the vulnerable. Once students had a firm understanding of what groups we were referring to, the discussion moved to why these groups are vulnerable. We engaged in robust discussions about the social determinants of health, actual and perceived discrimination, and environmental racism throughout the course. We also identified the health outcomes associated with being a member of a vulnerable population. Finally, we explored legal and public health policy strategies to reduce health disparities experienced by vulnerable populations. These discussions occurred after students had read substantive material related to each section of the course.

I created a case study focused on the Affordable Care Act and focused on patient-centered medical homes and accountable care organizations. Although it is a health insurance problem, the questions associated with the case study targeted vulnerable populations (diabetes patients and children with asthma) and addressed the public health perspective on the provision of health care. The students enjoyed advising the client through the memo about how the case study organization should proceed in order to maximize population health and provide preventive care.

Benefits of the Curriculum Project
For Students in the Two New Courses
Public health law encompasses many different substantive areas. The two classroom courses were refreshing for the students because they could see how different areas of the law are connected and can
work together to address issues that are important to them. The discussions of diversity and vulnerable populations using public health law in the context of federalism, civil rights, international law, and insurance allowed the students to interact with these difficult concepts in a new way. This sometimes does not happen in other courses because studying the subject matter in one legal field may not force students to consider how other legal fields may also contribute to solving a client’s problems. The in-class experiential learning activities provided the students an opportunity to utilize the variety of skills and subject-matter knowledge they have been learning throughout their law school education.

Secondly, the project was beneficial to NCCU students because it allowed them to take a course during the intersession that satisfies a requirement for the “Justice in the Practice of Law” certificate program. Many students come to NCCU School of Law because of our mission to provide opportunities for law school students and lawyers to serve the underserved. Therefore, many of my students want to learn about how the law impacts marginalized populations. The vulnerable populations course gave the students an opportunity to study issues that are important to them outside of the normal semester. Some students took the class to have a lighter course load in the spring or to add to their number of credits to graduate early.

**Internships**

The project also provided two internships for current students to take during the summer. Initially, I intended to seek to establish internships in health departments around the state. However, after meeting with public health experts during the summer institute and conducting additional research, I learned that most public health departments in North Carolina do not have their own on-site attorneys. This made it problematic for the health departments to serve as field placements with academic credit for law student interns because ABA accreditation standards could be interpreted as requiring or preferring that students in field placements be supervised by on-site attorneys.18 Flexibility was important in developing these internships, and I sought to find internship sites that did provide supervision by attorneys. With information I gained and the professional connections I developed through the fellowship program, I was able to secure internships in the general counsel’s office at the Centers for Disease Control and Prevention (CDC) in Atlanta, Georgia, and with a lawyer/bioethicist at the National Institute of Environment Health Science in Research Triangle Park, North Carolina. These internships were not for academic credit, and the students received stipends from NCCU to support their internships.

After taking the public health law courses, these students were equipped with the substantive public health knowledge to work in a public health law setting. They brought their individual diverse perspectives, which were acknowledged and honed in the classes, to their internships. These internships allowed students with a foundation in public health law from the classes to go directly into a public health agency and gain meaningful experience. I am also planning another internship with the CDC’s Public Health Law Program, expanding the opportunities for my students in the future.

**Future Plans and Next Steps**

There are significant opportunities at our law school for both community partnerships and interdisciplinary collaboration. This year was dedicated to my developing the courses and moving them through the process of approval so that they could be offered during the spring semester and during the winter and summer intersessions. In the future, given the time and opportunity to submit the courses for approval through the university process for non-law programs, the courses could be offered to master’s level students in the nursing department.

My goal was to increase diversity in public health law. The first step to increasing diversity in public health law is to educate and train more people with diverse backgrounds. My students have the personal, substantive, and experiential background to make the most of these internships and provide meaningful contributions to the public health law community from diverse perspectives. I have no doubt that each student who participated in one of the classes was changed by the experience. Though they may not all go on to practice public health law, their perspectives have been broadened and their voices are a little stronger about issues that matter. The content they learned in the courses makes them more effective at advocating for the vulnerable and diverse groups that public health law often serves.

I encourage my colleagues and readers of this essay to look around your classrooms and boardrooms and law practices engaged in the work of public health law. If the group lacks racial diversity, be the change agent that corrects this. I believe that making this small change will increase the impact of your work. I was changed by the fellowship experience and implementing my curriculum project for it. I recognize that instead of waiting for someone else to be the voice in the room, many times that voice is my own and that I must embrace this. Diversity matters.
References
2. The syllabus for the public health law survey course may be found at Network for Public Health Law, “Public Health Law Faculty Teaching Resources,” available at <https://www.networkforphl.org/faculty_teaching_resources/> (last visited January 8, 2016) (this site is password protected; faculty may request a password from the Network on the site) (see “Public Health Law Seminar” in the Syllabi section of this website).
3. Id., at “Vulnerable Populations” in the Syllabi section of this website.
11. See Network for Public Health Law, supra note 2, at “Synchronous Distance Education Demonstration from Public Health Law and Vulnerable Populations Course” in the Video Clips and Other Audio Visual section of this website.
15. In order for the class to approach the material in a uniform way, vulnerable populations discussed in the course focused on racial minorities and individuals with low socio-economic status.
16. These readings are outlined in the syllabus for the course; see Network for Public Health Law, supra note 2.
17. Network for Public Health Law, supra note 2, at “Ebola Hypothetical” in the Case Studies section of this website.