

The Instructional Moves (IM) project spotlights reflective Harvard instructors using instructional moves (high-leverage teaching strategies) applicable to multiple settings and grounded in teaching and learning research. Moves are anchored in videos showcasing classrooms from across the university. The videos, which combine class footage with reflections from instructors and students, are supplemented by relevant research on the move's efficacy, tips for enacting this move in diverse settings, and related resources that facilitate deeper exploration. The resulting launch pad seeks to help university instructors learn research-based pedagogical techniques, gain deeper insight into classroom complexities, and explore resources geared toward improving teaching and learning outcomes.

The current website is focused on providing self-service, just-in-time resources for instructors, but we are currently working to make it easier for educational developers to leverage these resources in their work. This document is aimed at helping utilize IM resources in group professional development sessions, laying out three different types of possible sessions and presenting an example for each type. The types are as follows:

Type 1: Group Exploration of Website Content

This version is the most literal use of the IM resources, as the session is structured as an opportunity for the group to take a deep dive into particular aspects of the website, including analyzing particular techniques and discussing what it might look like to apply them to their own practice and content. See page 3 for the sample session.

Type 2: “Raw Videos” as Text

This type of session uses one or more select portions of unedited class footage to give instructors a common experience to explore and discuss. Instead of having much of the meaning already made for the participants (as happens when working off polished resources in type 1), the participants are more active in constructing meaning and contributing their expertise. See page 12 for the sample session.

Type 3: Demonstrating “Moves” Live

This type of session is the most loosely connected to the IM resources in terms of the in-session experience. Rather than have the activities of the session closely tied to the website itself, this type of session demonstrates the instructional moves live, building in

opportunities to deconstruct and reflect on them in real time. For example, instead of watching or discussing IM videos about building community, the participants experience a handful of moves that build community, and then have the resources to support this learning before or after the session. See page 20 for the sample session.

| Type | Some advantages | Some drawbacks |
|---|---|---|
| 1) Group Exploration of Website Content | <ul style="list-style-type: none"> ● Ready-made structure ● Helps participants learn how to draw value from the resource | <ul style="list-style-type: none"> ● Does more of the work for the participants -- can be less exciting |
| 2) “Raw Videos” as Text | <ul style="list-style-type: none"> ● Value of watching instruction and making meaning together ● Taps into expertise in the room | <ul style="list-style-type: none"> ● Facilitator needs to identify good clips, and lead a conversation that can go in many directions ● Participants often are quite critical of others’ practice |
| 3) Demonstrating “Moves” Live | <ul style="list-style-type: none"> ● Leverages the benefit of having the participants directly experience the moves ● Allows the use of the website as a “flipped” resource | <ul style="list-style-type: none"> ● Facilitator needs to be able to replicate a move with significant fidelity, and find interesting content to leverage |

Session Description

Adding *Instructional Moves* to your Pedagogical Toolkit

1:30 - 3:00 pm

Gutman Library 305 (3rd floor)

Josh Bookin, Assistant Director of Instructional Support and Development, Teaching and Learning Lab, HGSE

Candice Bocala, Lecturer on Education, HGSE

This professional learning experience will employ HGSE's newly-launched [Instructional Moves \(IM\) project](#) as a vehicle for helping participants expand their pedagogical repertoire. The IM resources showcase reflective Harvard instructors using high-leverage teaching strategies that are applicable to multiple settings and grounded in teaching and learning research. In this session, we will have the opportunity to explore and apply instructional moves related to facilitating discussions, lecturing interactively, and building community. Although the resources were designed particularly for teaching in higher education, we encourage interested educators from all contexts to attend. If possible, please bring a laptop or tablet with you to the session. Please feel free to reach out with any questions at josh_bookin@gse.harvard.edu.

Handouts needed

- Copies of the slides -- [following lesson plan](#)
- Noticings / wonderings / assertions / applications handout (two copies, one for each round) -- [see Appendix A](#)
- Handout for IM videos for round 2 with quick one sentence description -- [see Appendix B](#)

Lesson Plan

- [10 min] Intro / Framing resources
 - Welcome to the session
 - Thanks for coming; we're excited to have this time to spend with you talking about teaching in general, and IM in specific.
 - Before we dive into the content, it is important to get a sense of who is in the room.
 - Introductions (Candice & Josh go first to model brevity.)
 - Name, Harvard affiliation
 - Sentence on an element of teaching you are working on
 - Back-up: One particular element you are interested in
 - Objectives

- Agenda
- A bit of backstory about IM project, and overview of website structure
 - Began with Meira, Jal, and Matt. Seeing increased interest in and conversations about T&L around the university, but that a lot of these conversations lacked a strong connection to research-based best practices, and often were talking about teaching rather than seeing it.
 - Thought HGSE had expertise to offer in this realm.
 - Pitched by Dean Ryan and funded by HILT, we undertook Phase 1 of IM. Long process, but essentials of it are: focused on three modules (BC, LI, and FD), identified exemplary teachers, and for each: captured a whole class session, interviewed them, and interviewed some students. Created the resources that we are going to explore together.
 - We now have funding for a 2nd Phase, and this Fall have the opportunity to explore the value of our current resources, and think about how we can use our time, money and people to expand on that value. So we hope that through our interactions with you, for example, we can both provide value and get valuable feedback and ideas in return.
- Look at website
 - Start at home page -- feel free to follow along
 - Drill down to Move page of Move #1, show Rakoff page, go back to Move #1
- [35 min total] **ROUND 1: Pressing Students for Accuracy and Expanded Reasoning**
 - We are going to watch the video together, then explore the additional parts of the moves individually.
 - As we explore these resources (both video and text), please jot down what you notice and what you wonder about what you are seeing. Noticings are descriptive statements and wonderings are questions that come up for you.
 - Projector will be on website, so have them refer to handout.
 - Explore resources:
 - Together: Read blurb out loud and watch video (~7 min)
 - Participants record thoughts on handout
 - Individually: Browse tabs, and look at 1 related resource (~5 min)
 - We create a table that has a typology of resource possibilities
 - Analysis:
 - As small group: (~12 min)
 - Facilitator asks people to share what they noticed and wondered and records those on chart paper (one for each).
 - Facilitator asks: What assertions would you make about what you saw? In other words, what did you think? What was going on in this move?
 - Chart assertions
 - In pairs: (~6 min)
 - Facilitator asks everyone to pause & think individually for 1-2 minutes: how might you apply the resources about this instructional move to your work as an educator?
 - Pair: Discuss with elbow partner and try to come up with concrete examples of applying the resources in this instructional move

- Back together in large group: Facilitator asks for one or two interesting applications (~3 min)
- [35 min] **ROUND 2: Second instructional move**
 - Facilitator intro (~2 min)
 - Facilitator hands out overview sheet with 2 to 3 choices available in each of the three modules.
 - Prompt: In this round, we are going to let you choose which instructional move you'd like to explore. Please keep in mind the teaching goals you told us about at the beginning of this session.
 - First choose module. With people there, get into groups of 3-4 who agree to focus on a single move. (~ 3 min to form groups)
 - Group of 2 or 5 is fine, if need be. If group is any more than 5, split into groups of 3.
 - Same process as before, but all in those small groups:
 - Explore resources (~10 min)
 - Noticings → wonderings → assertions → applications (~15 min)
 - Each group records on chart paper and records on handout
 - Report out: What is one thing you are taking away from this exploration of the second move (~5 min)
 - "We don't have time to recount the full context of these various moves. But we are hoping to get a handful of folks to briefly share about one notable thing you are taking away from these conversations on your self-selected move."
- Conclusion (~10 min)
 - Josh and Candice summarize some big takeaway points
 - Richness of seeing examples of practice, and using them as "text"
 - Giving language to moves
 - Value of making the space for reflective practice with peers
 - Having resources to give you new ideas, particularly ones grounded in research and tailored to your context
 - Anything else that strikes us from the session
 - Do a brief survey to get data about how this format went (as we would like to replicate)
 - Preface: Phase 2 is pretty wide open. We want to get feedback from you about this session. We would also love to hear impressions you have about the site:
 - Reach out to us
 - Give feedback
 - Make a Move



Adding Instructional Moves (IM) to your Pedagogical Toolkit

Josh Bookin & Candice Bocala
October 19, 2017

**Please sit at the tables,
until they are full**



tll.gse.harvard.edu | [#hgseTLL](https://twitter.com/hgseTLL)

Introductions

- Name
- Harvard affiliation
- Sentence on:
 - An element of teaching you are working on; **or**
 - An element of teaching you are interested in

Instructional Moves



Session Objectives

For you to:

- Better understand the scope of IM resources and how they can be of use to you
- Take away some pedagogical ideas that you can apply to your teaching

Instructional Moves

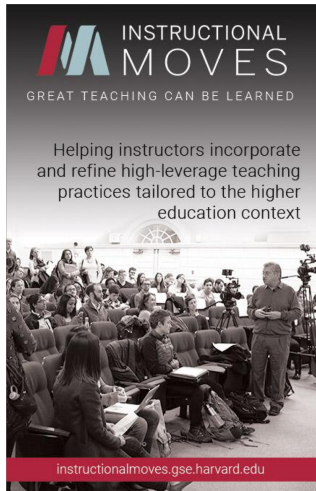


Session Agenda

1. IM Overview
2. Move #1: Pressing Students for Accuracy & Expanded Reasoning
3. Move #2: You Choose
4. Wrap-up and feedback

Instructional Moves





Project Evolution:

- Generate idea
- Establish project
- Determine Phase 1 focus
- Select faculty
- Create resources
- Strategize on Phase 2

Thank you!

- Please complete a feedback form
- Feel free to reach out to us (with questions, for IM support, etc.):
 - Josh Bookin -- josh_bookin@gse.harvard.edu
 - Candice Bocala -- candice_bocala@gse.harvard.edu
- Special thanks to:
 - HILT for their amazing support of this project
 - Jeremy Murphy, for his assistance in crafting this session

Type 1, Appendix A

Move #1: Pressing Students for Accuracy and Expanded Reasoning

Easiest way to navigate: click on Todd Rakoff on right side of footer, then click on “Move Card” with above title

- Individually: Read through the three tabs and explore one link of interest (5 min)
- In groups: (12 min)
 - 1st: Share noticing and wonderings
 - 2nd: What assertions would you make about what you saw? In other words, what did you think?
- In pairs: How might you apply these ideas to your work as an educator? (6 min)

| Noticings | Wonderings | Assertions | Applications |
|--|--|---|------------------------------------|
| What do you see in the resources? How would you describe the move? | What do you wonder about the resources? What questions come to mind? | What reactions do you have? What conclusions do you draw? | How might you use these resources? |
| | | | |

Move #2: You Choose

Easiest way to navigate: click on your instructor on right side of footer, then click on “Move Card” with corresponding title

- Explore resources: (10 min)
 - Collectively: watch video
 - Individually: Browse supplementary information
- In groups: Noticings and wonderings → assertions → applications (15 min)
- Report out: What is one notable thing you are taking away from this conversation on your self-selected move?

| Noticings | Wonderings | Assertions | Applications |
|--|--|--|------------------------------------|
| What do you see in the resources? How would you describe the move? | What do you wonder about the resources? What questions come to mind? | What reactions do you have? What conclusions do you draw? | How might you use these resources? |
| | | | |

Building Community

- 1) **Modeling Norms for Actively Listening and Building on Comments** -- Tim McCarthy, FAS
- 2) **Using the Physical Space to Support a Democratic Philosophy** -- Christina Villarreal, HGSE

Lecturing Interactively

- 3) **Taking the Classroom Temperature** -- Bob Kegan, HGSE
- 4) **Making Adjustments on the Fly to Keep Lectures “Organic”** -- Brett Flehinger, FAS

Facilitating Discussions

- 5) **Using Pre-Work to Honor Diverse Voices and Structure the Discussion** -- Jane Mansbridge, HKS
- 6) **Nurturing Voices that Challenge the Dominant Narrative** -- Christina Villarreal, HGSE

1) Modeling Norms for Actively Listening and Building on Comments -- Tim McCarthy, FAS
Powerful class discussions feel and sound conversational, not forced. They brim with incisive commentary, active listening, follow-up questions, and thoughtful rejoinders. But these characteristics of rich academic discourse do not always come naturally to students. The discussion facilitator plays a pivotal role in laying the groundwork for such authentic dialogue by both articulating expectations and personally modeling those expectations. In this video, Tim McCarthy consciously uses students' names, makes eye contact, and articulates connections between students' comments to model strong listening and responding behaviors for the class.

2) Using the Physical Space to Support a Democratic Philosophy -- Christina Villarreal, HGSE
While students certainly pay attention to their professor's verbal communication, they also pick up on nonverbal cues. Sitting in a circle with your students instead of standing over them, or empowering them to participate without necessarily waiting to be called on can foster a democratic culture where all voices matter equally. In this video, Christina “V” Villarreal explains how she purposefully arranges her classroom and uses physical cues to build a classroom community that “agentizes” her students.

3) Taking the Classroom Temperature -- Bob Kegan, HGSE

Paying close attention to what's going on in a classroom can help determine when to delve deeper on a given topic and when to re-teach something that may have been confusing. Through keen observation and "show of hands" solicitations, Bob Kegan stays attuned to the classroom's ebbs and flows. Regular "temperature-taking" allows him to adapt lesson trajectories accordingly and gain insight into student understanding.

4) Making Adjustments on the Fly to Keep Lectures "Organic" -- Brett Flehinger, FAS

A classic challenge for the lecturers is how to fit all relevant material into the timeframe of a short class period, not to mention a short semester. When a student makes an insightful point that would take the class in a new direction, instructors must decide: Do I go on a worthwhile tangent to address the student's point, or do I proceed as I had planned? In this video, Brett Flehinger shares why he allows student contributions to shape the path a class takes and how he makes strategic adjustments on the fly.

5) Using Pre-Work to Honor Diverse Voices and Structure the Discussion -- Jane Mansbridge, HKS

It's always powerful when students' original thinking plays an integral role in the structure and design of lessons. Making this thinking known and/or visible can foster a sense of ownership among students. In this video, Jane Mansbridge uses student reading responses to structure a tightly structured discussion and ensure that diverse perspectives are heard.

6) Nurturing Voices that Challenge the Dominant Narrative -- Christina Villarreal, HGSE

Students' racial and gender identities can influence the extent to which they participate in discussions. Having safe and open environments to wrestle aloud with difficult conversation topics can be both essential and empowering. In this video, Christina "V" Villarreal and her students discuss the participation dynamics in a seminar which covers challenging conversation topics.

1) Unpacking the Instructor’s Role in Discussions

Tuesday, October 9th from 12 to 1 pm (come 15 minutes early, if possible, for lunch), Eliot Lyman

How does the teaching plan facilitate or inhibit effective discussion? How do instructors leverage their expertise productively? In what ways can instructors allow students space to engage deeply with the content and each other? In this session, faculty members will watch raw classroom footage of two Harvard instructors as a springboard to exploring these questions and the implications for their own practice. [Please RSVP here.](#)

| | |
|---|--|
| <p>Video footage:</p> <p>Rakoff clip:</p> <ul style="list-style-type: none"> ● Start at 57:06 ● Fade out between 1:02:25 and 1:02:28 (or thereabouts) <p>McCarthy clip:</p> <ul style="list-style-type: none"> ● Start at 3:25 ● Fade out between 8:33 and 8:36 (or thereabouts) | <p>Materials:</p> <ul style="list-style-type: none"> ● Laptop ● Dongle ● Copy of: <ul style="list-style-type: none"> ○ Overview and resources ○ Transcripts ○ Feedback survey ○ Blank sheets of paper ○ Pens |
|---|--|

Teaching plan:

| | |
|------------------------|---|
| <p>12:05 (10')</p> | <ul style="list-style-type: none"> ● Intro (name and what you teach) ● Goals and agenda ● Starter prompt: What is a discussion practice you employ that you are excited about? (Could be a structure -- like use of reading responses in class -- or a facilitation move -- like a technique for getting students to engage directly with each other.) |
| <p>12:15 (15')</p> | <ul style="list-style-type: none"> ● Watch videos <ul style="list-style-type: none"> ○ Intro process ○ “Gather descriptive evidence -- low-level of inference -- about the role the instructor is playing in discussion facilitation in these two clips. The transcript is available as an optional resource.” ○ Watch two video clips ● Quick individual reflection <ul style="list-style-type: none"> ○ Identify at least one example that strikes you as a moment of effective discussion facilitation, either in terms of structure or action. Drawing from the |

| | |
|----------------|--|
| | evidence and your own experience, why do you think this was an effective moment? |
| 12:30 (10') | <ul style="list-style-type: none">● Discuss individual reflections in small groups |
| 12:40 (15') | <ul style="list-style-type: none">● Share out from small groups● What are you now thinking about discussions and your own facilitation of them? |
| 12:55 (5') | <ul style="list-style-type: none">● Next steps● Feedback form |

Type 2, Appendix A

Unpacking the instructor's role in discussions

Tuesday, October 9th from 12 to 1 pm (come 15 min early, if possible, for lunch), Eliot Lyman

How does the teaching plan facilitate or inhibit effective discussion? How do instructors leverage their expertise productively? In what ways can instructors allow students space to engage deeply with the content and each other? In this session, faculty members will watch raw classroom footage of two Harvard instructors as a springboard to exploring these questions and the implications for their own practice.



teaching &
learning lab



A) Learning Goals:

1. Leverage the expertise in the room to identify a variety of effective discussion “moves”
2. Explore how one or more of these “moves” might help you grow as a discussion facilitator

B) Lightweight Norms:

- Be curious
- Maintain confidentiality
- Expect non-closure

** This session is not aimed at critiquing the practice of our colleagues, but rather to use these common “texts” as a window into exploring discussion leading, both in general and in our specific context.*

C) Prompts:

1. **While watching the videos:** Gather descriptive evidence -- low-level of inference -- about the role the instructor is playing in discussion facilitation in these two clips. (The transcript is available as an optional resource.)

2. **Individual Reflection:** Identify at least one example that strikes you as a moment of effective discussion facilitation, either in terms of structure or action. Drawing from the evidence and your own experience, why do you think this was an effective moment?

3. **Small Group Conversation:** Share thoughts from your individual reflection.

4. **Whole Group Conversation:**

- Share out from small groups
- Open-ended conversation: What are you now thinking about discussions and your own facilitation of them?

D) Recommended Follow-Up Resources:

1) Instructional Moves:

- a) [Facilitating Discussions](#)
- b) Rakoff's "[Pressing Students for Accuracy and Expanded Reasoning](#)" and "[Encouraging Students to Respond to Each Other](#)"
- c) McCarthy's "[Facilitating Student-Led Discussions](#)" and "[Knowing When to Intervene in the Student-Centered Discussion](#)"

2) Texts

- a) [Education for Judgment: The Artistry of Discussion Leadership](#) -- My favorite book on facilitating discussion in higher education. It can be read "a la carte", and I find that the three chapters by Chris Christensen are alone more than worth the price of the book.
- b) [Tools for Teaching](#) -- My favorite "soup-to-nuts" book on teaching in higher education. It has five chapters on discussion strategies.

3) Handouts

- a) [TLL tip sheet on discussion protocols](#) -- Nice to have a variety of protocols at the ready for various discussion goals.
- b) [HBS tip sheet on asking effective questions](#) -- a power-packed handout with great ideas for asking questions of all types and grain sizes

4) **Instructional coaching support with the TLL:** a variety of options, including session planning, observation & debrief, and course evaluation consultation

5) Future professional development opportunities

- a) Classroom observations and debriefs during Teaching and Learning Week (10/11 through 10/17) -- see Bridget's email to faculty
- b) "Exploring rigor and relevance in the professional school setting" -- Wed, 10/31 from 12 to 1 pm in Longfellow 207, featuring Ebony Bridwell-Mitchell and Marty West as discussants

FILM CLIP CONTEXT AND TRANSCRIPTS

Film Clip #1: Todd Rakoff

Context:

- “Legislation and Regulation”, a required first-year course at HLS to 80 students in Fall, 2016
- The students are charged to think through a particular case of potential unfair business practices in the role of Deputy General Counsel at the National Consumer Protection Agency (NCPA). As such, they need to analyze the case and recommend that the NCPA engage in either rulemaking or adjudication.
- The segment we are watching starts 57 minutes in to an 80 minute class session. The students just discussed the case in small groups, and are now coming back to discuss as a whole class.

Transcript:

RAKOFF: All right, so let's have our discussion and then I'll ask you to vote. All right, so you can have the benefit of the discussion before you decide which way you want to go. All right, let's just clear away some of the basics. All right, this is a choice we have because we can choose rule making or adjudication. We're told up in the first paragraph that we have the authority to do both of those things. If we didn't have the authority to do both of those things we couldn't do both of those things. And if the statute said we had to do one of those things, we'd have to do one of those things. Like the Occupational Safety and Health Act that we read said, basically, there's no occupational safety and health law until the Occupational Safety and Health Administration passes rules. Well, then you've got to do rule making, OK. If we do rule making or we do adjudication what procedures are we going to have to follow? Oh, no, no, no, no, no, no, no, no. Zoe?

STUDENT: If we do adjudication we have to follow the process on the board, correct? If we're going to go through the rule making process we would follow the guidelines outlined in APA. And so we would have--

RAKOFF: Just, we're getting closer. APA, I like that. Now, what would we have to do in the APA as regards rule making?

STUDENT: Well, if it was under 553 we'd have to go to the notice and comment period. And so we would--

RAKOFF: But I don't pay you to give me a sentence that says, if it were.

STUDENT: So I think it would be under 553.

RAKOFF: Why do you think that?

STUDENT: Because almost everything goes through 553. [LAUGHTER] You said if we guessed--

RAKOFF: Sort of a dartboard answer. [LAUGHTER] She's right. [LAUGHTER] She's right, but you've got give me a better reason for it. Sharon?

STUDENT: Because it's an informal process and it's not--

RAKOFF: How do you know it's an informal process? Kaye? Microphone is working its way down here. Law of gravity.

STUDENT: The statute doesn't say that you have to have a hearing. So if the statute doesn't specify, you go through notice and comment.

RAKOFF: Right. OK, the default under the APA is 553. The statute tells you you have to have a hearing on a record, then it's formal rule making. If the statute tells you nothing, then it's informal rule making, OK. And adjudication? If we do the adjudication, what do we have to do? All right. We're got down to the first row here. Brittany?

STUDENT: You have to have an on the record proceeding.

RAKOFF: And you know that?

STUDENT: Because that's what 556 and 557 say.

RAKOFF: How do you know we're in 556 and 557? How do you know it's not informal adjudication?

STUDENT: Well, I thought you said if it was formal adjudication.

RAKOFF: If it was adjudication.

STUDENT: OK Well, you either have to have it on the record or it falls into that top right box where you're following due process considerations. So you at least have to have the opportunity for both sides to be heard. And I guess whether or not it's on the record depends on what box it falls in.

RAKOFF: We can do better than that. What you said was not wrong, just not completely right. Pergeta?

STUDENT: Well, it says that you need to have a hearing on the record.

RAKOFF: Thank you. All right, the problem says you have to have a hearing on the record. It pays to read the problems, aka, exam questions, as to what they say. So if we do it through adjudication we're going to have to have a trial type hearing. And if we do it through rule making we're going to do informal rulemaking. And that's the common pattern. That's the most common choice you'd face in an agency like this. All right, now, what are the differences? That's our choice. What are going to be some of the differences between proceeding through a notice and comment rulemaking or proceeding through on the record adjudication? Kareem, start us off.

Film Clip #2: Tim McCarthy

Context:

- “Stories of Slavery and Freedom”, a undergraduate History and Literature seminar with 16 students in Fall, 2016
- The two-hour class was focused on exploring the notions of what it meant to be free as a Black person in early 19th century America, drawing on autobiographical slave narratives by both Frederick Douglass and William Grimes.
- For each session, two students work with Professor McCarthy (drafting a plan, meeting with McCarthy in advance, etc) to serve as discussion provokers, tasked with directing and energizing the conversation. Jeremy, the first person to speak in this tape, is one of the provokers.
- The segment we are watching starts in the fourth minute of a two-hour class, and the provokers have just introduced the session and built up to their first question, which is where this clip begins.

Transcript:

JEREMY: OK. I guess we'd like to start by just getting your guys' thoughts on what these passages reflect about Douglass's experience and the desire of white people at the time to limit black people from gaining skills or et cetera. I just want to get your thoughts on things that struck you in these passages or anything else that seems related to that from the readings.

STUDENT: Well, in the second paragraph that you guys pointed out there's one line that kind of summarizes the point that came up in one of the essays we read towards the beginning of the semester about how the new US tried to deal with issues of class by sort of pacifying lower class white people by introducing this thing of race. So when it says on page 580-- sorry, I just lost the sentence. But that they would-- oh, yes. "And, taking advantage of Mr. Gardner's necessities, they broke off, swearing they would work no longer, unless he would discharge his black carpenters." So that sort of puts the ultimatum and just makes an ultimatum out of it. It's like either you choose the white workers or you choose the black workers. But there is no way-- the white workers will revolt, unless you suppress the black workers.

MCCARTHY: Yeah.

STUDENT: Well, in your email you said we'd be thinking about this in terms of the election and the results of the election. I think this like anxiety and sense of replacement is really important too. Like the fact that the white workers seem to interpret inclusion of black workers as their exclusion. And this idea that there can't really be both at the same time, and that we have to choose between one and the other. That's quite sad.

STUDENT: Oh, and I think both passages, when taken together, would have implicitly recognized the potential for blacks to be equal, and not, if he's allowed to read, he has the potential to gain all the skills of a white person, which is why it says in the second passage, "Poor white men will be thrown out of employment." So in bringing them up to their potential privilege for white humanity, as we were talking about last week, it described in that context that they have the ability to be equal. And that's why the white men will never let them be equal.

STUDENT: I think also the idea of displacement leverages the idea of race as something-- or the idea of economy, I guess-- as something that there's only a certain amount of the pie. Or there's only a finite amount of pie to go around, which limits the question of where are the other jobs, or how do we revitalize the economy to make room for everyone, and to give everyone a place in the American system or the American dream? Rather, it is like this idea of either/or of fighting each other rather than fighting a system, or fighting a leadership.

MCCARTHY: Does that seem to be pre-existing? A number of you have pointed out to this idea that there's a finite amount of equality, or a finite amount of freedom, or a finite amount of opportunity. And you pointed out that there's an either/or, right? That there's a sense that both can't coexist. Both can't happen at the same time-- black freedom, white freedom, black opportunity, white opportunity. But in both of these passages there seems to be a preexisting assumption that that's the reality that exists-- that these two things are incompatible, or they can't be coexistent. Where does that come when you see that there? Yeah.

STUDENT: I don't know if I see that. I see that from the white perspective. But it doesn't seem that Douglass is writing it as if he believes that black equality would mean the end of white--

MCCARTHY: No, I was talking about the white folks who are trying to foreclose those opportunities, whether it be literacy or whether it be employment. Like there is a preexisting sense that white opportunity, freedom, and inclusion presupposes the exclusion or denial of rights to black people.

STUDENT: Well, I wonder how much of this preexisting supposition is tied to a lot of rhetoric that...

Overview:

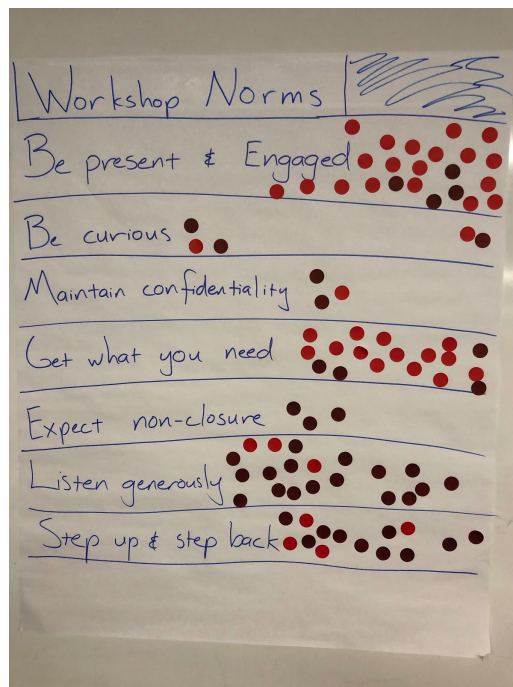
This lesson plan was created for a five hour workshop (composed of four 75-minute sessions) with a group of relatively seasoned educators (averaging 6 years of teaching) from another country who taught students of all ages a variety of different subjects. Instructional Moves was the main resource and the organizing structure for this workshop, as the session topics were our three existing modules and the fourth module (“Teaching through problems”) currently under development. Rather than have the activities closely tied to the website itself, the workshop was crafted to demonstrate the instructional moves live, building in opportunities to deconstruct and reflect on them in real time. For example, instead of watching or discussing IM videos about lecturing interactively, I actually lectured interactively on key aspects of learning theory.

Pre-work:

- Read [McKeachie and Svinicki \(2013\)](#), ch.5 on discussions
- Explore IM website for 60 minutes total, including:
 - [Using IM](#)
 - [Homepage](#)
 - [Building Community](#)
 - [Kegan move page](#)

| | |
|---|---|
| To do: <ul style="list-style-type: none"> ● Make norms sheet ● Prep random number generator ● Check polls | To bring: Materials: <ul style="list-style-type: none"> ● Laptop ● Dongle ● Norms sheet, tape, and colored stickers ● Simulations sheet, yellow cubes, prizes ● Copy of: <ul style="list-style-type: none"> ○ Slides ○ One pager on learning theory -- see appendix A ○ Facilitating discussion handout -- see appendix B ○ Feedback survey ○ Blank sheets of paper ○ Pens |
|---|---|

- Intro to the four sessions, and of session #1 (10 min, @ 9 am)
- Intro (me, you, IM) = (10 min, @ 9:10 am)
 - My background (2 min)
 - Taught MS and HS for 7 years, including test prep for SAT
 - Taught economics at Harvard on and off for the last 12 years
 - Main role during the last decade is as an instructional coach with faculty and TFs
 - Slide with their background
 - IM project background
 - Created as a way for the Ed School to contribute to good teaching at Harvard; decided to open it up beyond
 - Great teaching can be learned; evidence matters; context matters; seeing good practice matters
 - Instructors asked us to begin with the essentials: community, lecturing, discussion leading
 - We are now creating that more advanced module focused on “Teaching through Problems” -- how to bring the real world into the classroom in exciting and powerful ways
 - Our time together will follow this outline.
 - And we will focus more on embodying these teaching strategies live, as opposed to relying on IM resources. More dynamic, and complimentary. But we will weave IM in throughout, and as follow-up.
- Pre-survey (read for 3 min, discuss for 4 min, report back for 7 min = 15 min, @ 9:20 am)
 - I created a pre-survey, including open response questions on what they considered teaching strengths and what they thought of as key areas for growth. I created a two-pager that summarized and categorized these strengths and areas for growth, and we discussed them as a group to think about what we could learn from each other and the breadth of what we wanted to work on as a group.
- Norms (maybe light modification from NFTI) with stickers activity (~10 min, @ 9:35 am)
 - Co-create norms
 - Re-visit norms -- one-minute paper, mid-semester feedback



- Watch [Kegan video on risk taking](#): (4 min for video, 3 min for silent reflection, 8 min for sharing = 20 min, @ 9:45 am)
 - Observations / insights?
 - Questions / concerns?
 - Implications / action steps?
- If time, questions
- Poll about pace and clarity of class
- **Finish around 10:10 am**
- **Break until 10:20 am**

Session #2: Lecturing Interactively

- Intro, agenda, and poll (10 min, @10:20)
- Three key aspects of lecturing interactively (5 min, @10:25)
- Research-based principles (10 min, @10:30)
 - Talk briefly about the learning sciences
 - Read one-pager
- Preconceptions (10 min, @10:40)
- Depth over breadth / peer instruction (25 min @ 10:50)
- Appropriate scaffolding (10 min, @11:15)
 - Draw ZPD
 - Go back to rope problem
 - Talk about graph
- Frequent and timely feedback (15 min, @ 11:25)
- One minute paper -- plus and delta of the morning sessions
- **Finish at 11:40 am**

Session #3: Facilitating Discussions

- Report back on plus and deltas (5 min)

| | |
|---|---|
| <p>Video footage:</p> <p><u>Rakoff clip:</u></p> <ul style="list-style-type: none"> • Start at 57:06 • Fade out between 1:02:25 and 1:02:28 (or thereabouts) | <p><u>McCarthy clip:</u></p> <ul style="list-style-type: none"> • Start at 3:25 • Fade out between 8:33 and 8:36 (or thereabouts) |
|---|---|

| | |
|---------------|--|
| 2:00 (5') | <ul style="list-style-type: none"> • Facilitating discussion overview |
| 2:05 (10') | <ul style="list-style-type: none"> • Pair share: Share out a few ideas |
| 2:15 (20') | <ul style="list-style-type: none"> • Watch videos <ul style="list-style-type: none"> ○ Prompts ○ Noticings and wonderings ○ Intro video and watch |
| 2:35 (20') | <ul style="list-style-type: none"> • Share noticings • Share wonderings |
| 2:55 (15') | <ul style="list-style-type: none"> • Share out from small groups • What are you now thinking about discussions and your own facilitation of them? |
| 3:10 (10') | <ul style="list-style-type: none"> • Q&A |

- **Ends at 3:20**
- **Break until 3:30**

Session #4: Teaching Through Problems

- Overview (5 min, @ 3:30)
- Simulation (40 min, @ 3:35 pm)
 - I lead them in a 40 minute simulation game and debrief that demonstrates key economic principles including scarcity, tragedy of the commons, supply & demand, private property, competition, game theory, etc.
 - We then discuss how simulations can be powerful learning experiences, and what needs to be in place for that to happen
- Wrap-up (25 min, @ 4:15 pm)
- Evaluations (5 min, @ 4:40 pm)

Leveraging High-Quality Teaching to Improve Student Learning

Josh Bookin

josh_bookin@gse.harvard.edu

December 1st, 2018

Agenda of our four sessions

Between 9 and 11:45 am:

- Session #1: Intro, and Building Community
- Session #2: Lecturing Interactively

Between 2 and 4:45 pm:

- Session #3: Facilitating Discussions
- Session #4: Teaching Through Problems & Wrap-Up

Goals for the Day

- 1) Examine key principles of effective teaching
- 1) Explore high-leverage teaching strategies
- 1) Begin applying this new knowledge to your own teaching context
- 1) Identify resources and practices to continue this growth as teachers

2

Session #1: Introductions, and Building Community

3

4

Session #1 Agenda

- 1) Introductions (me, you, Instructional Moves)
- 1) Building Community overview
- 1) Getting to know each other
- 1) Establishing clear expectations
- 2) Encouraging risk taking

5

1) Introductions

- A little about me
- A little about you (from the 25 respondents to the pre-survey):
 - Years teaching: Average of 6.3, with standard deviation of 2.2
 - Majority teach English, but also Physics, Geography, GRE, GMAT
 - Who you teach:

| Ages of students | # of Participants who Teach |
|------------------|-----------------------------|
| 0-13 | 9 |
| 14-18 | 15 |
| 19-22 | 10 |
| 23 and above | 7 |

6

1) Introductions (continued)

Introducing the Instructional Moves (IM) Project



7

2) Building Community Overview

- Huge importance of psychological safety
 - Feel known and appreciated
 - Clarity on purposes and practices
 - Empowered to take risks, even be wrong
- Balance of caring and challenging
- Peers can learn so much from each other – how can we create conditions for this to happen?
 - Know each other
 - Listen to each other
 - Fulfill the promise of diversity

8

3) Getting to Know Each Other

- Getting students to submit a pre-survey
- Bringing the results of the pre-survey into class in a meaningful way
 - Take 4-5 minutes to read handout, with the following question in mind: “What stands out to you about the group’s responses?”
 - Discuss in pairs
 - Report back to group

9

4) Establishing Clear Expectations



Ex: Creating norms, and making them come alive

10

4) Establishing Clear Expectations

For the norms:

- Put a **red sticker** next to the norm to which you would particularly like to commit yourself
- Put a **purple sticker** next to the norm to which you would particularly appreciate if other members of the group committed themselves

5) Encouraging Risk Taking



11

5) Encouraging Risk Taking (cont.)

- Watch the following video
- After watching, we will discuss:
 - a. Your observations / insights?
 - b. Your questions / concerns?
 - c. Potential implications for your own teaching?

12

The pace of this first session has been:

Much too slow

A bit too slow

Just right

A bit too fast

Much too fast

Start the presentation to see live content. Still no live content? Install the app or get help at PollEv.com/app

I am able to understand the English in the presentation:

Only slightly

Quite a bit

Mostly

Completely

Start the presentation to see live content. Still no live content? Install the app or get help at PollEv.com/app

Session #2: Lecturing Interactively

13

1) Introductions (continued)

Revisiting our agenda:

- Session #1: Intro, and Building Community
- Session #2: Lecturing Interactively
- Session #3: Facilitating Discussions
- Session #4: Teaching Through Problems & Wrap-Up

1) Introductions (continued)

Revisiting our agenda:

- Session #1: Intro, and Building Community
- **Session #2: Lecturing Interactively**
- Session #3: Facilitating Discussions
- Session #4: Teaching Through Problems & Wrap-Up

14

Session #2 Agenda

- 1) Lecturing Interactively overview
- 2) Research-based principles of effective instruction
- 3 to 6) Expanding on four of the principles

On average, traditional lecturing leads to less student learning than discussions?

Strongly disagree




Somewhat disagree

Somewhat agree

Strongly agree

15

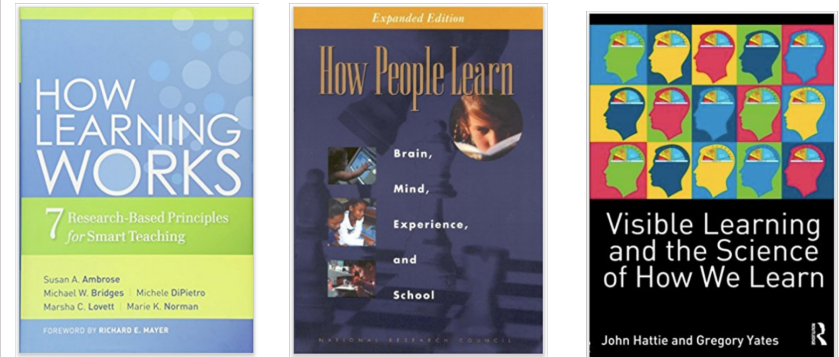
1) Lecturing Interactively Overview

| | | |
|--|---|---|
|  <p>ENGAGING STUDENTS</p> <p>Learn strategies designed to spark and sustain students' interest throughout entire class periods</p> <p>Learn More</p> |  <p>SCAFFOLDING NEW MATERIAL</p> <p>Learn to gradually build up to more challenging course material and better support students in the learning process</p> <p>Learn More</p> |  <p>DEEPENING UNDERSTANDING</p> <p>Learn to help students apply thinking to new contexts, situations, and problems, giving them practice in discipline-specific behaviors</p> <p>Learn More</p> |
|--|---|---|

16

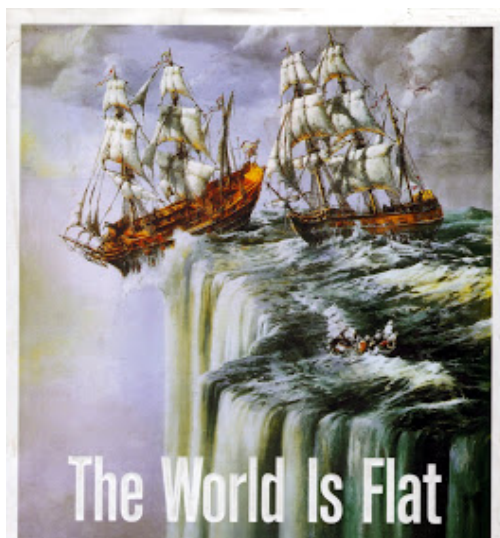
2) Research-Based Principles

Research-Based Principles of Effective Teaching:



17

3) Engage Preconceptions



18

3) Engage Preconceptions (continued)

- **“Preconception”**: Conception / understanding a student brings regarding a particular topic
- Danger of not engaging preconceptions: <https://www.youtube.com/watch?v=Biy0FrFq148>
- Two parts to “engaging”:
 - Make preconception(s) visible
 - Facilitate building upon and making connection to (if correct) or modifying / replacing (if not)
- **Ex**: Poll on lecturing vs discussion leading

19

2) Privilege Depth Over Breadth

- Goal is mastery of knowledge / skills
- Facilitate mastery by:
 - Working towards deep understanding
 - Fostering connection between concepts
 - Providing varied opportunities to apply concepts

- **Ex:** Peer instruction



20

The average (arithmetic mean) of 4 different positive integers is 25. (A positive integer is a whole number, like 1, 2, 3, etc.) If the largest integer is 30, what is the least possible value of the smallest integer?

1
5
10
13
20

Start the presentation to see live content. Still no live content? Install the app or get help at PollEv.com/app

The average (arithmetic mean) of 4 different positive integers is 25. (A positive integer is a whole number, like 1, 2, 3, etc.) If the largest integer is 30, what is the least possible value of the smallest integer?

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5
10
13
20

Start the presentation to see live content. Still no live content? Install the app or get help at PollEv.com/app

Imagine a long rope wrapped around the earth at the equator. (Assume for this question that the equator is a perfect circle.) If we were to add **one extra meter** to that rope at some point and then evenly pull the rope out from the earth's surface in order to retain a circular shape around the center of the earth, how far from the ground would the longer rope be? (Hint: Your intuition might lead you astray, but geometry should help.)

1. Less than 1 cm
2. Approximately $1/50^{\text{th}}$ of a meter
3. Approximately $1/6^{\text{th}}$ of a meter
4. Approximately $1/3^{\text{rd}}$ of a meter
5. Approximately 1 meter



21

Imagine a long rope wrapped around the earth at the equator. (Assume for this question that the equator is a perfect circle.) If we were to add one extra meter to that rope at some point and then evenly pull the rope out from the earth's surface in order to retain a circular shape around the center of the earth, how far from the ground would the longer rope be? (Hint: Your intuition might lead you astray, but geometry should help.)

- Less than 1 cm
- Approximately 1/50th of a meter
- Approximately 1/6th of a meter
- Approximately 1/3rd of a meter
- Exactly 1 meter

Start the presentation to see live content. Still no live content? Install the app or get help at PollEv.com/app

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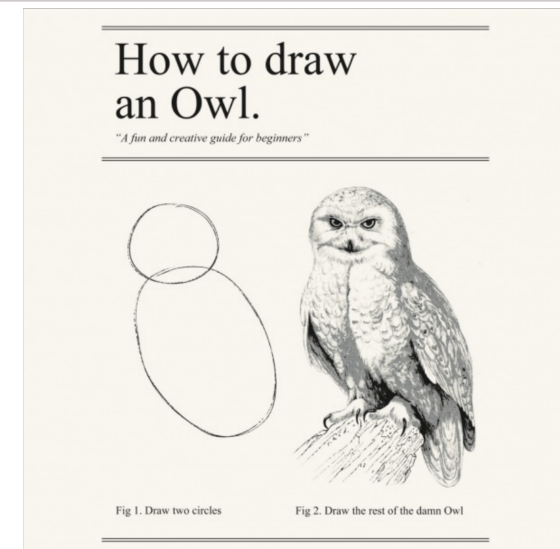
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Start the presentation to see live content. Still no live content? Install the app or get help at PollEv.com/app

3) Provide Appropriate Scaffolding



3) Provide Appropriate Scaffolding



3) Provide Appropriate Scaffolding

- Sweet spot of learning: challenged but not overwhelmed
- Ways to “differentiate” scaffolding (different support for different students)
- **Ex:** Different options & / or hints for working on a problem during the session

23

Imagine a long rope wrapped around the earth at the equator. (Assume for this question that the equator is a perfect circle.) If we were to add **one extra meter** to that rope at some point and then evenly pull the rope out from the earth’s surface in order to retain a circular shape around the center of the earth, how far from the ground would the longer rope be? (Hint: Your intuition might lead you astray, but geometry should help.)

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3. Approximately $1/6^{\text{th}}$ of a meter
4. Approximately $1/3^{\text{rd}}$ of a meter
5. Approximately 1 meter



3) Provide Appropriate Scaffolding

Sample Question on Taxes (from Intro Econ):

- 1) On the next slide, draw a market with **an elastic supply and a perfectly inelastic demand**. A **tax is placed on consumers**. Clearly label the following on your graph:
 - Before-tax and after-tax equilibrium price and quantity
 - Real after-tax price the consumers pay and the sellers receive.
 - The relative consumer and producer burdens, as well as the overall size of the per-unit tax.
 - The amount of revenue gained by the government
 - The amount of deadweight loss

24

4) Provide Frequent and Timely Feedback



25

4) Provide Frequent and Timely Feedback

- Very important component of facilitating effective knowledge building
- Intimately tied to “checking for understanding”
- **Ex:** What are some concrete strategies you might use that employ one of these four tenets?

26

1) Engage preconceptions

2) Depth over breadth

27

3) Provide appropriate scaffolding

4) Provide frequent & timely feedback

28

Delta Feedback

Content:

- How to improve the quality of questions you ask
- How do you start incorporating active learning
- How do we make diversity a good thing
- How do we create a psychological safe environment for everyone
- How to encourage risk taking, especially in s shy child

Pedagogical choices:

- Additional examples (x7)
- More concrete examples – some ideas are difficult to understand
- More tips for brining tenets into practice
- Longer opportunities for discussion
- Write out and / or define difficult words (x3)
- Slow down a bit
- More time to discuss (x2)
- More time on discussion (x2)
- People are a bit shy... but I'd say they are more than capable... please feel free to nominate.”
- More interesting
- Not math again ☺

Session #3: Facilitating Discussion

29

Session #3 Agenda

- 1) Facilitating Discussion overview
- 2) Video as text

30

1) Introductions (continued)

Revisiting our agenda:

- Session #1: Intro, and Building Community
- Session #2: Lecturing Interactively
- **Session #3: Facilitating Discussions**
- Session #4: Teaching Through Problems & Wrap-Up

1) Facilitating Discussions Overview



FRAMING THE DISCUSSION

Learn to delineate discussion boundaries, develop discussions more purposefully, and design discussion-based activities that get at deeper meaning

[Learn More](#)



BALANCING AND PACING

Learn to expand and diversify participation while developing a heightened sensitivity to discussions' broader trajectories

[Learn More](#)



RESPONDING TO STUDENTS

Learn to address and manage student contributions while rethinking how to use your own voice more purposefully

[Learn More](#)

31

1) Facilitating Discussions Overview

In pairs, discuss one or both of the following:

- Do you have a favorite technique or style for leading discussions?
- What is something specific about leading discussions that you are nervous about or trying to improve on?

32

2) Video as Text

Unpacking instructor's role in the discussion:

Watch two video clips to explore the following questions:

- How does the teaching plan facilitate or inhibit effective discussion?
- How do instructors leverage their expertise productively?
- In what ways can instructors allow students space to engage deeply with the content and each other?



32

2) Video as Text (continued)

- While watching these videos, write down: What do you **notice** about this class? (Be descriptive of what you see and hear...)
- After the videos, take a few minutes to write down: Based on your noticings, what do you **wonder** about these classes? (What questions does it raise for you?)

33

2) Video as Text

The Ladder of Inference

I take: actions

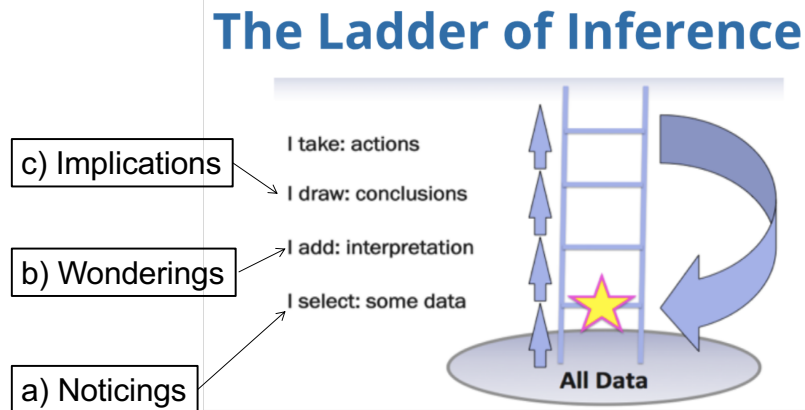
I draw: conclusions

I add: interpretation

I select: some data



2) Video as Text (continued)



34

2) Video as Text (continued)

Film Clip #1: Todd Rakoff

Context:

- “Legislation and Regulation”, a required first-year course at HLS to 80 students in Fall, 2016
- The students are charged to think through a particular case of potential unfair business practices in the role of Deputy General Counsel at the National Consumer Protection Agency (NCPA). As such, they need to analyze the case and recommend that the NCPA engage in either rulemaking or adjudication.
- The segment we are watching starts 57 minutes in to an 80 minute class session. The students just discussed the case in small groups, and are now coming back to discuss as a whole class.

35

2) Video as Text (continued)

Film Clip #2: Tim McCarthy

Context:

- “Stories of Slavery and Freedom”, a undergraduate History and Literature seminar with 16 students in Fall, 2016
- The two-hour class was focused on exploring the notions of what it meant to be free as a Black person in early 19th century America, drawing on autobiographical slave narratives by both Frederick Douglass and William Grimes.
- For each session, two students work with Professor McCarthy (drafting a plan, meeting with McCarthy in advance, etc) to serve as discussion provokers, tasked with directing and energizing the conversation. Jeremy, the first person to speak in this tape, is one of the provokers.
- The segment we are watching starts in the fourth minute of a two-hour class, and the provokers have just introduced the session and built up to their first question, which is where this clip begins.

36

2) Video as Text (continued)

- While watching these videos, write down: What do you **notice** about this class? (Be descriptive of what you see and hear...)
- After the videos, take a few minutes to write down: Based on your noticings, what do you **wonder** about these classes? (What questions does it raise for you?)
- **In groups of 3-4:**
 - Spend 5-7 minutes sharing noticings
 - Spend 6-8 minutes sharing wonderings

2) Video as Text (continued)

Open discussion:

- What are some of your key noticings / wonderings?
- Does what you observed have any potential implications for your own practice?

Session #4 Agenda

- 1) Teaching Through Problems overview
- 2) Economics simulation
- 3) Wrapping Up

Session #4: Teaching Through Problems, and Wrap-Up

1) Teaching Through Problems Overview

- More innovative pedagogies that bring in real-world applications
- Types include:
 - Case studies
 - Problem-based learning
 - Consultancies
 - Simulations

2) Economics Simulation

“What is economics?”

Take a minute or so to record your current thoughts on how to define it

44

Rules of Game #1:

First Round:

- ❖ Lasts for five seconds
- ❖ Free to grab tokens from “go” to “stop”
- ❖ Tokens remaining on surface are doubled

Second Round:

- ❖ Also last five seconds
- ❖ Free to grab quarters from “go” to “stop”
- ❖ No third round

What you win:

- ❖ Each token is one “ticket” for winning the “lottery”

45

Rules of Game #2:

First Round:

- ❖ Lasts for five seconds
- ❖ Each person is assigned a specific grid
- ❖ Free to grab tokens **only in your own grid** from “go” to “stop”
- ❖ Tokens remaining on surface are doubled

Second Round:

- ❖ Also last five seconds
- ❖ Free to grab tokens **only in your own grid** from “go” to “stop”
- ❖ No third round

What you win:

- ❖ Each token is one “ticket” for winning the “lottery”

46

2) Economics Simulation (continued)

What might this have to do with microeconomics?

Some ideas:

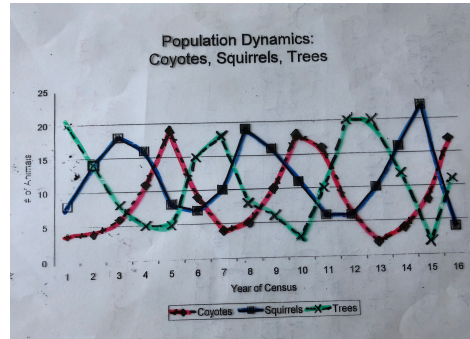
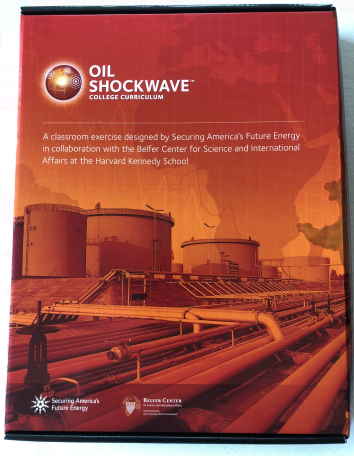
47

2) Economics Simulation (continued)

Polished

vs

“home-made”



48

3) Wrap-Up

Based on what we have experienced together today, what are:

- Your observations / insights?
- Your questions / concerns?
- Potential implications for your own teaching?

- Take 5 minutes to reflect individually
- In groups of 3-4, spend 5 minutes on each of the 3 topics
- Whole group share out

49

3) Wrap-Up

Based on what we have experienced together today, what are:

- Your observations / insights?
- Your questions / concerns?
- Potential implications for your own teaching?

- Take 5 minutes to reflect individually
- In groups of 3-4, spend 5 minutes on each of the 3 topics
- Whole group share out

49

3) Wrap-Up



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50

Type 3, Appendix A

Eight Tenets of the Learning Sciences

- Learning Sciences: interdisciplinary field; combines education, psychology, philosophy, sociology, and a variety of natural science disciplines; emerged in the 1970s
- Constructivism: widely agreed upon theory of learning: learners are active agents who construct their own knowledge
- Goals of Education: help people become self-sufficient, lifetime learners who have the skills to thrive in the 21st century knowledge economy

Accordingly, here are eight research-based tenets of effective teaching:

1. Engage preconceptions: students are not blank slates; students' prior knowledge must be made visible, such that misconceptions can be identified and corrected and that correct knowledge can be engaged and built upon; teaching that does not engage preconceptions will lead to learning that is at best inert and fragile
2. Privilege depth over breadth: knowing extensive facts and procedures is necessary, but not sufficient, for expert practice; students need a deep understanding of complex concepts; they also need many opportunities to practice applying this knowledge flexibly and creatively
3. Provide appropriate scaffolding: people learn best when they are challenged but not overwhelmed; scaffolds support learners as they try to construct new knowledge; a scaffold should fade away when they it is no longer essential; computers are a great way to provide individualized scaffolding
4. Provide frequent and timely feedback: students create knowledge more quickly and robustly if they are given frequent and timely feedback on their performances; receiving feedback is an important means of fostering metacognition (see below)
5. Utilize working in groups: benefits of working in groups are very well-established; some reasons for its effectiveness: requires active learning, engages preconceptions, provides scaffolding, and generates frequent feedback
6. Establish real-world connections: leveraging real-world connections tends to increase student engagement, help with knowledge acquisition, and increase the likelihood that students can and will apply knowledge in diverse contexts
7. Foster metacognition: metacognition includes knowing your own learning strengths and weaknesses, monitoring your on-going understanding and performance, and regulating your actions in an effort to maximize effectiveness; these skills are essential for completing complex tasks, as well as for being self-sufficient learners
8. Create a encouraging environment for learning: a learning environment that is not a safe place to take academic risks will hamper many of the above tenets, particularly sharing preconceptions, working productively in groups, and being open to feedback

**If you are interested to learn more, a good place to start would be reading chapter 1 of How People Learn, available for free on the web (Google "How People Learn")*

Type 3, Appendix B

Unpacking the Instructor's Role in Discussions: Context and Transcripts

Film Clip #1: Todd Rakoff

Context:

- “Legislation and Regulation”, a required first-year course at HLS to 80 students in Fall, 2016
- The students are charged to think through a particular case of potential unfair business practices in the role of Deputy General Counsel at the National Consumer Protection Agency (NCPA). As such, they need to analyze the case and recommend that the NCPA engage in either rulemaking or adjudication.
- The segment we are watching starts 57 minutes in to an 80 minute class session. The students just discussed the case in small groups, and are now coming back to discuss as a whole class.

Transcript:

RAKOFF: All right, so let's have our discussion and then I'll ask you to vote. All right, so you can have the benefit of the discussion before you decide which way you want to go. All right, let's just clear away some of the basics. All right, this is a choice we have because we can choose rule making or adjudication. We're told up in the first paragraph that we have the authority to do both of those things. If we didn't have the authority to do both of those things we couldn't do both of those things. And if the statute said we had to do one of those things, we'd have to do one of those things. Like the Occupational Safety and Health Act that we read said, basically, there's no occupational safety and health law until the Occupational Safety and Health Administration passes rules. Well, then you've got to do rule making, OK. If we do rule making or we do adjudication what procedures are we going to have to follow? Oh, no, no, no, no, no, no, no, no. Zoe?

STUDENT: If we do adjudication we have to follow the process on the board, correct? If we're going to go through the rule making process we would follow the guidelines outlined in APA. And so we would have--

RAKOFF: Just, we're getting closer. APA, I like that. Now, what would we have to do in the APA as regards rule making?

STUDENT: Well, if it was under 553 we'd have to go to the notice and comment period. And so we would--

RAKOFF: But I don't pay you to give me a sentence that says, if it were.

STUDENT: So I think it would be under 553.

RAKOFF: Why do you think that?

STUDENT: Because almost everything goes through 553. [LAUGHTER] You said if we guessed--

RAKOFF: Sort of a dartboard answer. [LAUGHTER] She's right. [LAUGHTER] She's right, but you've got give me a better reason for it. Sharon?

STUDENT: Because it's an informal process and it's not--

RAKOFF: How do you know it's an informal process? Kaye? Microphone is working its way down here. Law of gravity.

STUDENT: The statute doesn't say that you have to have a hearing. So if the statute doesn't specify, you go through notice and comment.

RAKOFF: Right. OK, the default under the APA is 553. The statute tells you you have to have a hearing on a record, then it's formal rule making. If the statute tells you nothing, then it's informal rule making, OK. And adjudication? If we do the adjudication, what do we have to do? All right. We're got down to the first row here. Brittany?

STUDENT: You have to have an on the record proceeding.

RAKOFF: And you know that?

STUDENT: Because that's what 556 and 557 say.

RAKOFF: How do you know we're in 556 and 557? How do you know it's not informal adjudication?

STUDENT: Well, I thought you said if it was formal adjudication.

RAKOFF: If it was adjudication.

STUDENT: OK Well, you either have to have it on the record or it falls into that top right box where you're following due process considerations. So you at least have to have the opportunity for both sides to be heard. And I guess whether or not it's on the record depends on what box it falls in.

RAKOFF: We can do better than that. What you said was not wrong, just not completely right. Pergeta?

STUDENT: Well, it says that you need to have a hearing on the record.

RAKOFF: Thank you. All right, the problem says you have to have a hearing on the record. It pays to read the problems, aka, exam questions, as to what they say. So if we do it through adjudication we're going to have to have a trial type hearing. And if we do it through rule making we're going to do informal rulemaking. And that's the common pattern. That's the most common choice you'd face in an agency like this. All right, now, what are the differences? That's our choice. What are going to be some of the differences between proceeding through a notice and comment rulemaking or proceeding through on the record adjudication? Kareem, start us off.

Film Clip #2: Tim McCarthy

Context:

- “Stories of Slavery and Freedom”, a undergraduate History and Literature seminar with 16 students in Fall, 2016
- The two-hour class was focused on exploring the notions of what it meant to be free as a Black person in early 19th century America, drawing on autobiographical slave narratives by both Frederick Douglass and William Grimes.
- For each session, two students work with Professor McCarthy (drafting a plan, meeting with McCarthy in advance, etc) to serve as discussion provokers, tasked with directing and energizing the conversation. Jeremy, the first person to speak in this tape, is one of the provokers.
- The segment we are watching starts in the fourth minute of a two-hour class, and the provokers have just introduced the session and built up to their first question, which is where this clip begins.

Transcript:

JEREMY: OK. I guess we'd like to start by just getting your guys' thoughts on what these passages reflect about Douglass's experience and the desire of white people at the time to limit black people from gaining skills or et cetera. I just want to get your thoughts on things that struck you in these passages or anything else that seems related to that from the readings.

STUDENT: Well, in the second paragraph that you guys pointed out there's one line that kind of summarizes the point that came up in one of the essays we read towards the beginning of the semester about how the new US tried to deal with issues of class by sort of pacifying lower class white people by introducing this thing of race. So when it says on page 580-- sorry, I just lost the sentence. But that they would-- oh, yes. "And, taking advantage of Mr. Gardner's necessities, they broke off, swearing they would work no longer, unless he would discharge his black carpenters." So that sort of puts the ultimatum and just makes an ultimatum out of it. It's like either you choose the white workers or you choose the black workers. But there is no way-- the white workers will revolt, unless you suppress the black workers.

MCCARTHY: Yeah.

STUDENT: Well, in your email you said we'd be thinking about this in terms of the election and the results of the election. I think this like anxiety and sense of replacement is really important too. Like the fact that the white workers seem to interpret inclusion of black workers as their exclusion. And this idea that there can't really be both at the same time, and that we have to choose between one and the other. That's quite sad.

STUDENT: Oh, and I think both passages, when taken together, would have implicitly recognized the potential for blacks to be equal, and not, if he's allowed to read, he has the potential to gain all the skills of a white person, which is why it says in the second passage, "Poor white men will be thrown out of employment." So in bringing them up to their potential privilege for white humanity, as we were talking about last week, it described in that context that they have the ability to be equal. And that's why the white men will never let them be equal.

STUDENT: I think also the idea of displacement leverages the idea of race as something-- or the idea of economy, I guess-- as something that there's only a certain amount of the pie. Or there's only a finite amount of pie to go around, which limits the question of where are the other jobs, or how do we revitalize the economy to make room for everyone, and to give everyone a place in the American system or the American dream? Rather, it is like this idea of either/or of fighting each other rather than fighting a system, or fighting a leadership.

MCCARTHY: Does that seem to be pre-existing? A number of you have pointed out to this idea that there's a finite amount of equality, or a finite amount of freedom, or a finite amount of opportunity. And you pointed out that there's an either/or, right? That there's a sense that both can't coexist. Both can't happen at the same time-- black freedom, white freedom, black opportunity, white opportunity. But in both of these passages there seems to be a preexisting assumption that that's the reality that exists-- that these two things are incompatible, or they can't be coexistent. Where does that come when you see that there? Yeah.

STUDENT: I don't know if I see that. I see that from the white perspective. But it doesn't seem that Douglass is writing it as if he believes that black equality would mean the end of white--

MCCARTHY: No, I was talking about the white folks who are trying to foreclose those opportunities, whether it be literacy or whether it be employment. Like there is a preexisting sense that white opportunity, freedom, and inclusion presupposes the exclusion or denial of rights to black people.

STUDENT: Well, I wonder how much of this preexisting supposition is tied to a lot of rhetoric that...