

COLORADO MUNICIPAL LEAGUE
ANNUAL SEMINAR ON MUNICIPAL LAW

Words Matter: Cultivating Communication & Identity Equity

Presented by J. Ryann Peyton
Colorado Attorney Mentoring Program (CAMP)



COLORADO
MUNICIPAL
LEAGUE

Agenda

- 1) Dimensions of Identity
- 2) Reflect on common “terms” in diversity, equity, and inclusion work and how those terms support and diminish identity equity
- 3) The Glossary of Inclusion
- 4) How to communicate about identity



Expectations & Ground Rules

- Approach unexpected ideas with curiosity, not argument.
- Be respectful of others' lived experiences.
- Feel free to ask questions. Progress not perfection.
- The goal is not to agree — it is to gain a deeper understanding.

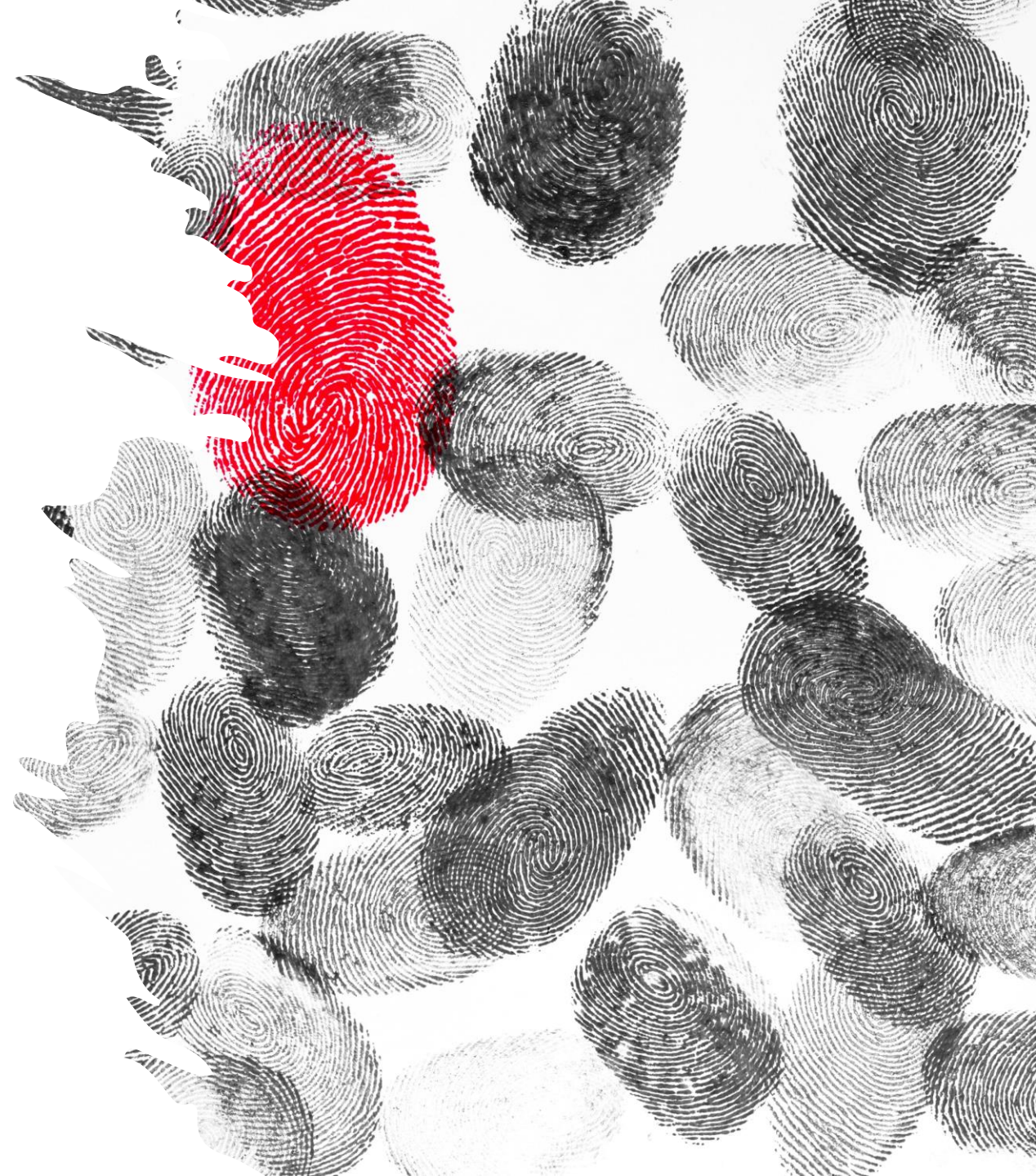




Dimensions of Identity

Dimensions of Identity

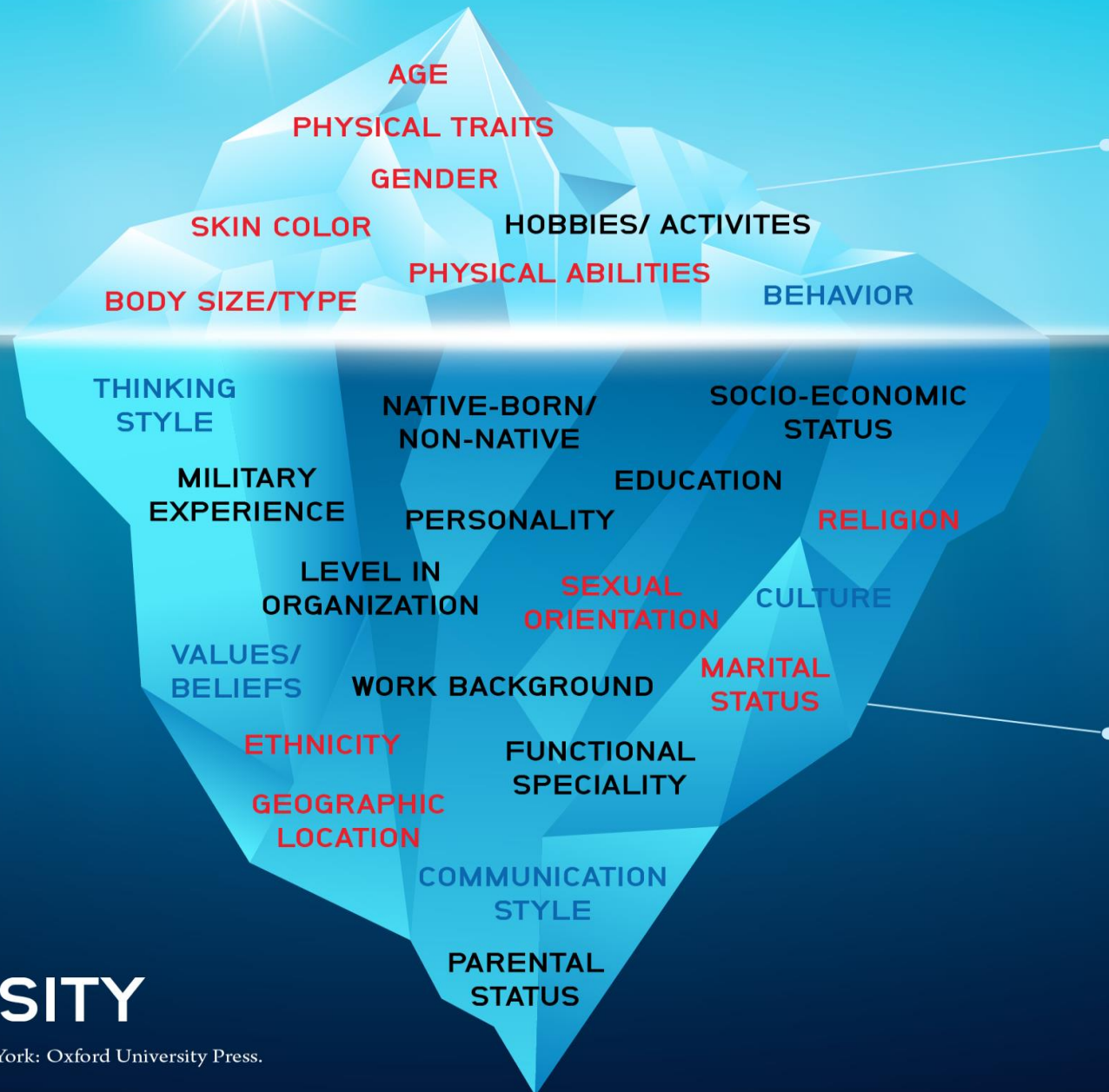
- Everybody has a complex intersectionality of identities
- Different identities have more saliency for different people
- We tend to identify most with identities of marginalization and less with those associated with privilege
- We tend to hold most knowledge and take most action around our identities of marginalization



DEMOGRAPHIC LAYER

COGNITIVE LAYER
Beliefs and behaviors

CONTEXTUAL LAYER
Opportunities and access to resources



VISIBLE DIVERSITY TRAITS

INVISIBLE DIVERSITY TRAITS

LAYERS OF DIVERSITY

Adapted from Paulus, P. and Nijstad, B., 2003. Group creativity. New York: Oxford University Press.

Gender:
Woman, Man, Transgender, Non-Binary



Sex:
Intersex, Female, Male



Race:
Asian Pacific Islander, Native American, Latin@, Black, White, Bi/Multiracial



Ethnicity:
Irish, Chinese, Puerto Rican, Italian, Mohawk, Jewish, Guatemalan, Lebanese, European-American



Age:
Young Adult, Middle-Aged Adult, Elderly



Social Class:
Poor, Working Class, Lower-Middle Class, Upper-Middle Class, Owing Class, Ruling Class



Religion/Spirituality:
Hindu, Muslim, Buddhist, Jewish, Christian, Pagan, Agnostic, Faith/Meaning, Atheist, Secular, Humanist



Sexual Orientation:
Lesbian, Gay, Bisexual, Pan-Attractional, Heterosexual, Queer, Questioning



Physical, Emotional, Developmental (Dis)Ability :
People with disabilities (cognitive, physical, emotional, etc.), Temporarily able-bodied, Temporarily disabled, Non-disabled, Neurodivergent, Neurotypical



Nation(s) of Origin and/or Citizenship:
United States, Nigeria, Korea, Turkey, Argentina



Tribal or Indigenous Affiliation:
Mohawk, Aboriginal, Navajo, Santal



Body Size/Type:
Person of Size, Smaller Body, Large Body, Smaller Size, Straight Size

Legal Profession Dominant Social Groups/Identities

Western/American

Male

White or White Identified

Cisgender

Heterosexual

Non-Disabled

Upper-Middle Class

Neurotypical

**Which of these
dominant
identities apply
to you?**

Dynamics of Power & Privilege

Social groups are afforded different status in the United States based on multiple historical, political, and social factors and identities.

- This affects the abilities of people in different identity groups to access resources and opportunities.

Some people have greater access to power and resources based on membership in their social group or identity.

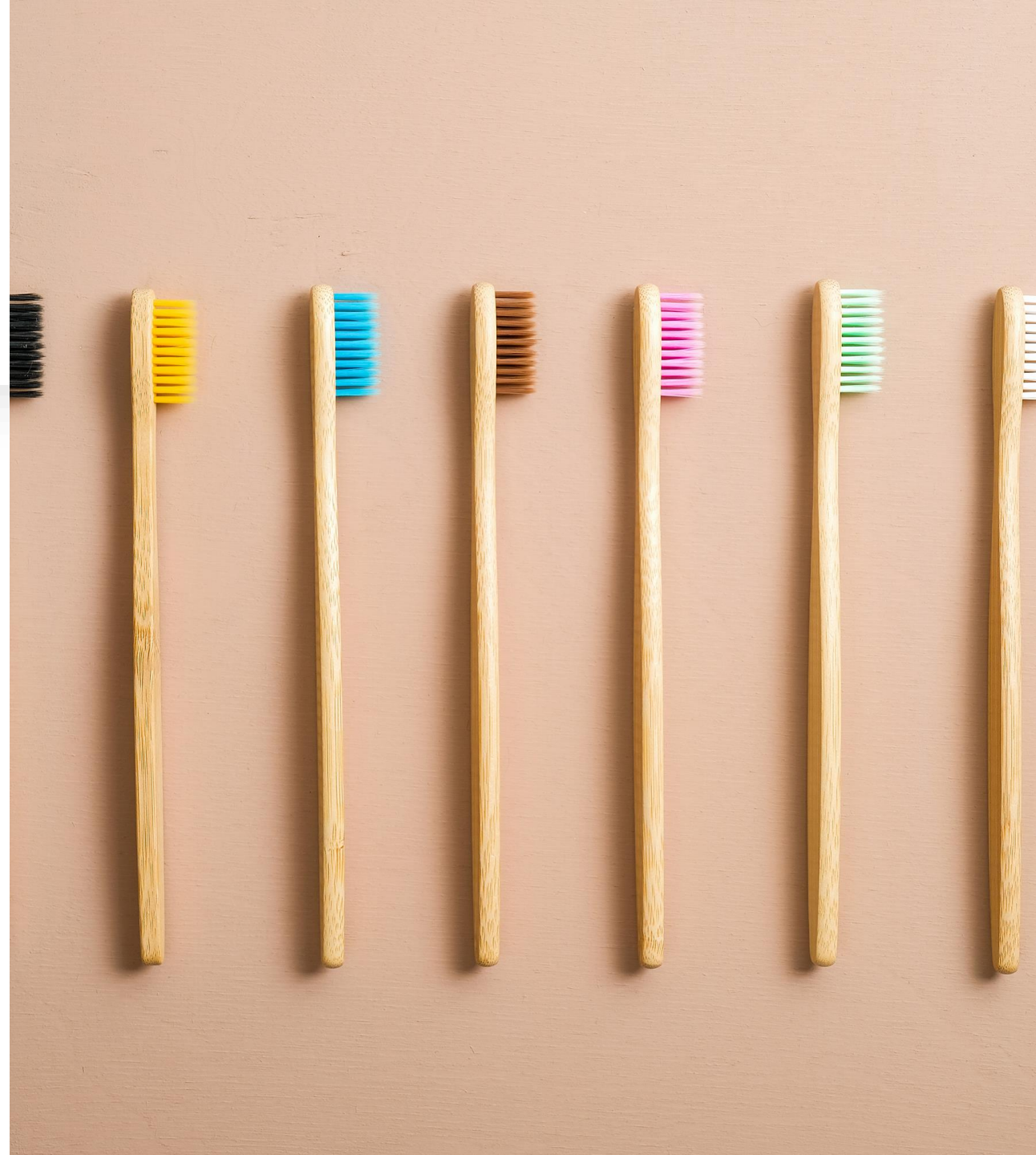
- **Determining who has privilege is complex:**
 - Everyone has some level of privilege over another
 - Some may be given privileges because they are **assumed** to be members of an advantaged identity group

**QUIT YOUR WHINING
IT'S THE SAME DISTANCE**



The Psychology & Danger of “Othering”

- Othering is not about liking or disliking someone. It is based on the conscious or unconscious assumption that a certain identified group is either an in-group or an outgroup.
- Those who hold identities different from the dominant norms of the legal profession are expected to monitor and adapt their presentation to approximate as closely as possible to accepted professional norms.
- Othering can lead to the “-isms”, prejudice, disparate treatment, etc.





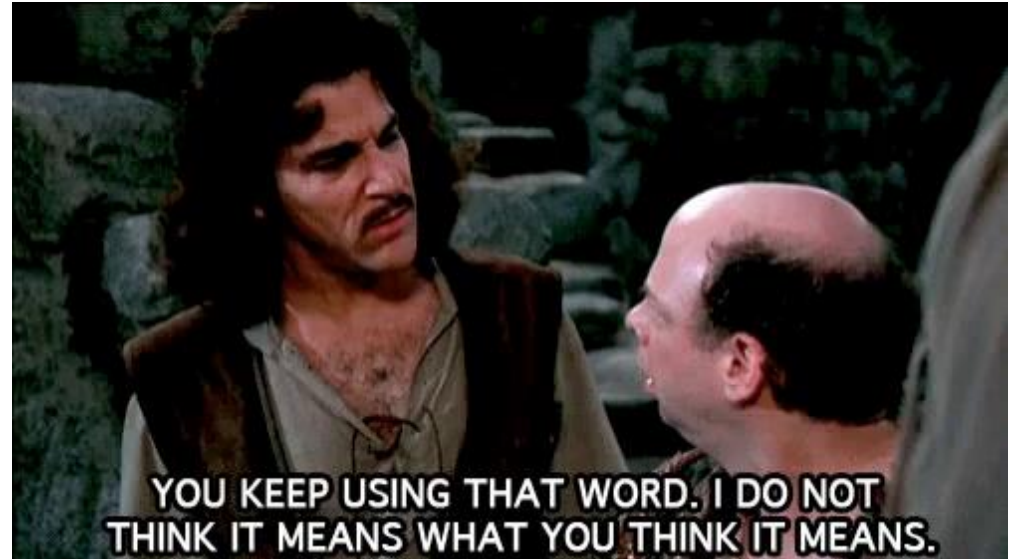
Equitable

Language &

Reframing

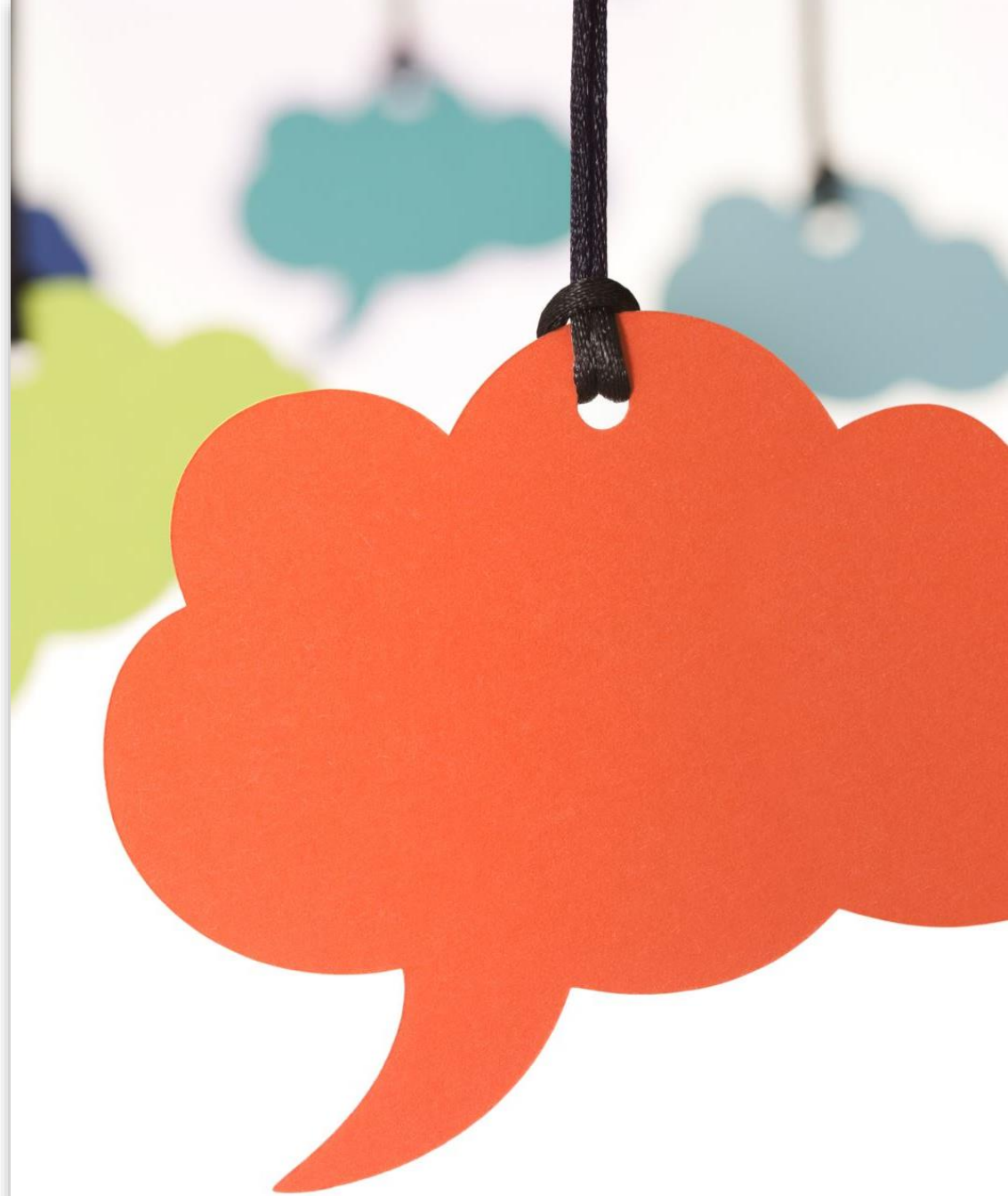
Embedding equity in our work means we must consider the framing that language creates.

A significant part of equity-centered communication involves simply taking a moment to reflect on whether a word or phrase actually means what we are trying to say.



Equitable Language & Reframing

- **Accurate vs. Inaccurate Language**
 - Mean what you say & say what you mean
- **Specific vs. Unspecific Language**
 - Careful with the “catch-all” terms
- **Objective vs. Subjective Language**
 - Is your language based on fact or your perception?



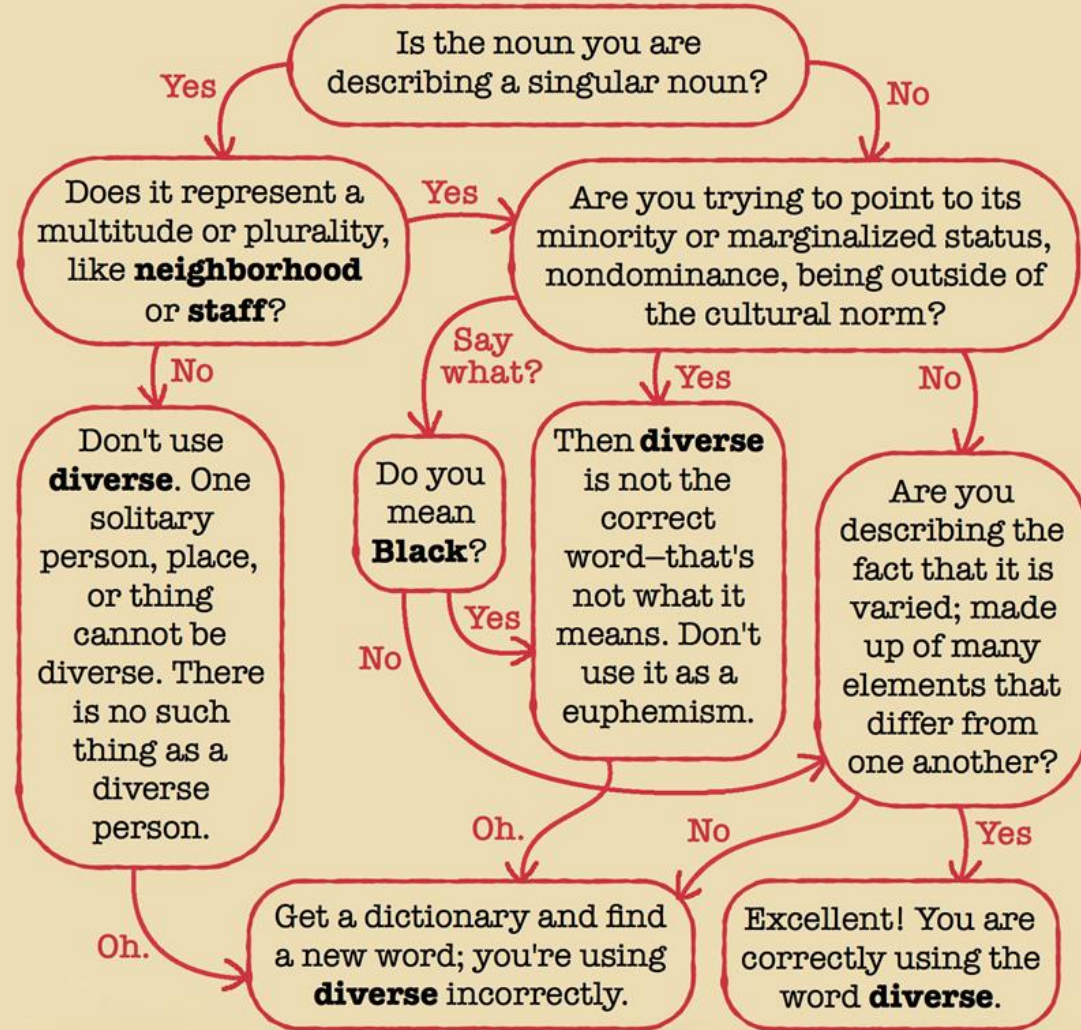
Accurate vs. Inaccurate Language

- *“Diverse”*
- *“Cultural Competency”*
- *“Non-White”* or *“Minority”*



The Dehumanizing Definition of “Diverse”

Should I Use the Adjective **Diverse**?



Cultural Competency

- Can perpetuate stereotypes as people strive to become "competent" in identities that are not their own by using simplified checklists or reference guides.
- More accurate = ***Cultural Humility***.
- Acknowledges that while we can never truly be an expert in another person's experience, we should still strive for ongoing learning, self-reflection, and skill-building to surface the individual needs and preferences of the person in front of us.





- Traditional DEI framing implicitly suggests there is a **default norm or standard** that “others” can be incorporated.
 - To be **diverse** is to be non-white.
 - Pursuing **equity** is about having access to and being equal to white dominant culture.
 - To seek **inclusion** is to desire entrance to a space that uses white values as the standard.
- Avoid language that **establishes one group of people as the norm** like calling everyone who isn't white “non-white” or “minority.”

Specific vs. Unspecific Language

- *“Race”*
- *“Underrepresented”*





- **Race is a social construct.**
- The genetic diversity that exists across the entire human race is very, very small, and race isn't even a good proxy for what diversity does exist.
- Race becomes an imprecise shorthand for **skin color** and tends to reinforce stereotypes about genetic differences that don't exist.



- The term “**underrepresented**” is used to reference the low participation rates of ethnic and racial communities in law relative to their representation in the U.S. population.
- But, when we use this term, we don’t acknowledge that these communities have been systemically and historically excluded from economic, political, and cultural participation
- Consider using the phrase “**historically marginalized**” or “**historically excluded.**”

Objective vs. Subjective Language

- “Race”...again
- “Preferred...”

The infographic is split into two vertical panels. The left panel has a dark blue background with the word 'SUBJECTIVE' written in large, orange, slanted letters at the top. The right panel has a light blue background with the word 'OBJECTIVE' written in large, orange, slanted letters at the top. In the center, between the two panels, is a yellow and black comic-style explosion containing the letters 'VS'. Below the 'SUBJECTIVE' header, there are three light blue rounded rectangular boxes. The first contains the word 'Adjective'. The second contains the text “Based on opinions, beliefs, or feelings”. The third contains two examples, each preceded by a small yellow pencil icon: “Beauty is *subjective*.” and “The taste of food is *subjective*.”. Below the 'OBJECTIVE' header, there are three dark blue rounded rectangular boxes. The first contains the word 'Adjective'. The second contains the text “Based on facts and measurable data”. The third contains two examples, each preceded by a small yellow pencil icon: “We made an *objective* decision based on data.” and “The report presented an *objective* analysis.”. In the bottom left corner of the infographic, there is a small white logo consisting of the letters 'LT' above a wavy line.

SUBJECTIVE VS **OBJECTIVE**

Adjective

“Based on opinions, beliefs, or feelings”

• Beauty is *subjective*.

• The taste of food is *subjective*.

Adjective

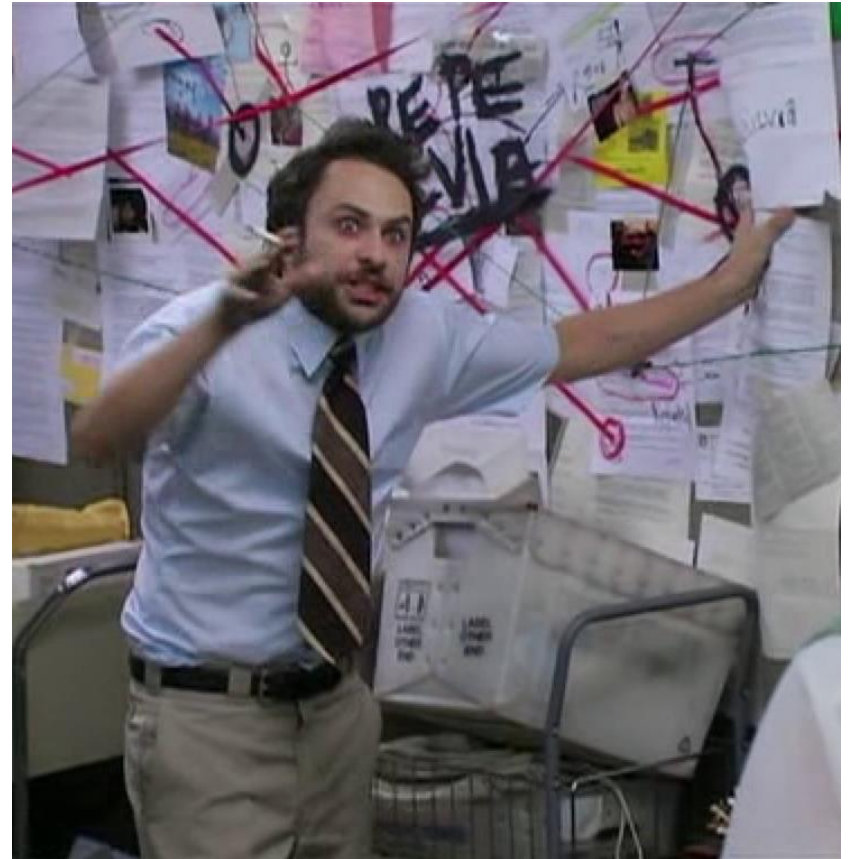
“Based on facts and measurable data”

• We made an *objective* decision based on data.

• The report presented an *objective* analysis.

LT

-
- **Race (or any demographic domain) as a social determinant of outcomes.**
 - When we position race (or gender, sexuality, etc.) as a social determinant of outcomes— **rather than racism, sexism, or homophobia**— we inadvertently put the blame on marginalized groups for the inequitable outcomes they face.
 - **Using the term “preferred” in conjunction with pronouns and gender identity** insinuates that there is a choice in their use.



A magnifying glass with a black handle and a silver rim is positioned on a wooden surface. The handle of the magnifying glass extends towards the bottom left. Scattered around the magnifying glass are numerous white, three-dimensional letters of various sizes and orientations, including 'S', 'T', 'L', 'C', 'H', 'D', 'E', 'F', 'G', 'K', 'A', 'M', 'N', 'O', 'P', 'Q', 'R', 'U', 'V', 'W', 'X', 'Y', 'Z'. The background is a dark wood grain.

The Glossary of Inclusion

Talking About Disability

Avoid words that can suggest or perpetuate undesirable stereotypes

e.g. “able-bodied” and use “non-disabled” instead

Avoid condescending euphemisms

e.g. “differently abled”

A disability does not connote illness

People with disabilities should only be referred to as a “patient” when discussing care by a health care professional

Use language that emphasizes the need for accessibility

Consider “accessible parking” instead of “handicapped parking”

Talking About Neurodivergence



- **Neurodiversity is NOT the same as Neurodivergent**
 - Neurodiversity refers to a general diversity of minds. It includes people who are neurotypical and neurodivergent.
 - Neurodivergent describes an individual whose way of thinking falls outside of society's defined version of typical.
- Neurodivergent people may have a diagnosis or label like autism, dyslexia, or ADHD.

Are you talking about race, ethnicity, or nationality?

	Race	Ethnicity	Nationality
Meaning	Physical characteristics that define a person as being a member of a specific group	Cultural characteristics that define a person as being a member of a specific group	The legal sense of belonging to a specific political nation state
Basis of Identification	Physical characteristics such as skin color	Language, accent, religion, styles of dress, hairstyles, social customs, food and dietary preferences or restrictions	Birth or migration
Represents	Genetics	Heritage	Citizenship (sometimes)
Arises From	Inherited physical differences	Ethnic background	Geographic location
Examples	Black	Italian	American

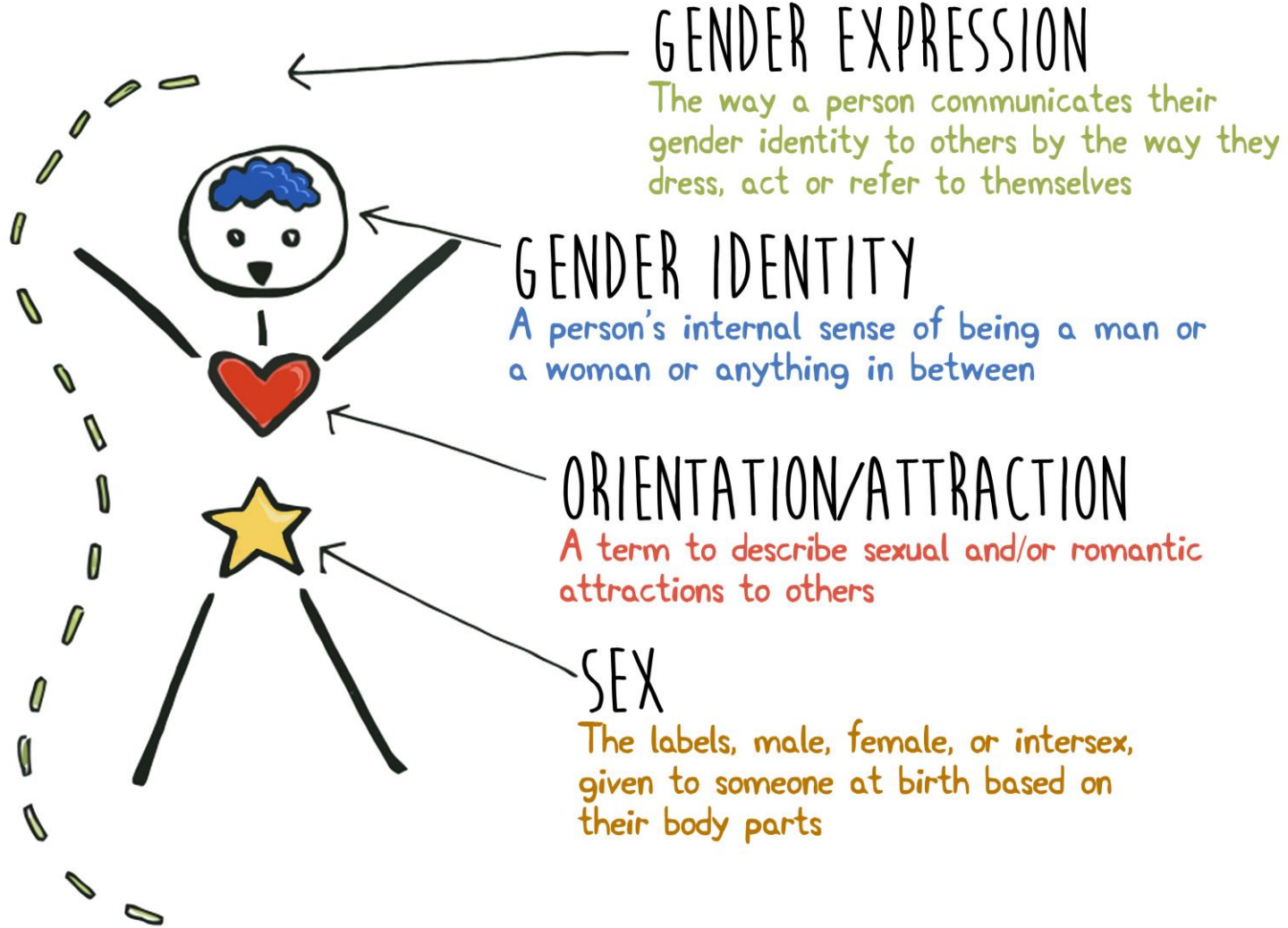
People of the same race can be of different ethnicities.

People can share the same nationality but be of different ethnic groups and people who share an ethnic identity can be of different nationalities.



- **Black:** Should not be used interchangeably with *people of color* or *BIPOC*. *African American* is also acceptable, though *Black* can be more inclusive, as it acknowledges differences of geography, heritage, and culture.
- **Indigenous:** When referring to the totality of people whose ancestors lived within what is now the US, *Indigenous People* is often preferred over *Native American(s)* or *American Indian(s)*.

- **Latino, Latina, and Latine** describes a person with origins from anywhere in Latin America (Mexico, South and Central America) and the Caribbean.
- **Hispanic** describes a person who is from or has ancestors from a Spanish-speaking country or territory.
- **Spanish** refers to both a language and a nationality. A common mistake is calling a Spanish-speaking person Spanish. A person who speaks Spanish may be Hispanic. A person who is from Spain or has family origins in Spain is Spanish.



GENDER EXPRESSION

The way a person communicates their gender identity to others by the way they dress, act or refer to themselves

GENDER IDENTITY

A person's internal sense of being a man or a woman or anything in between

ORIENTATION/ATTRACTION

A term to describe sexual and/or romantic attractions to others

SEX

The labels, male, female, or intersex, given to someone at birth based on their body parts

I'm a woman, and I was assigned male at birth.

Trans Woman

I'm a man, and I was assigned female at birth.

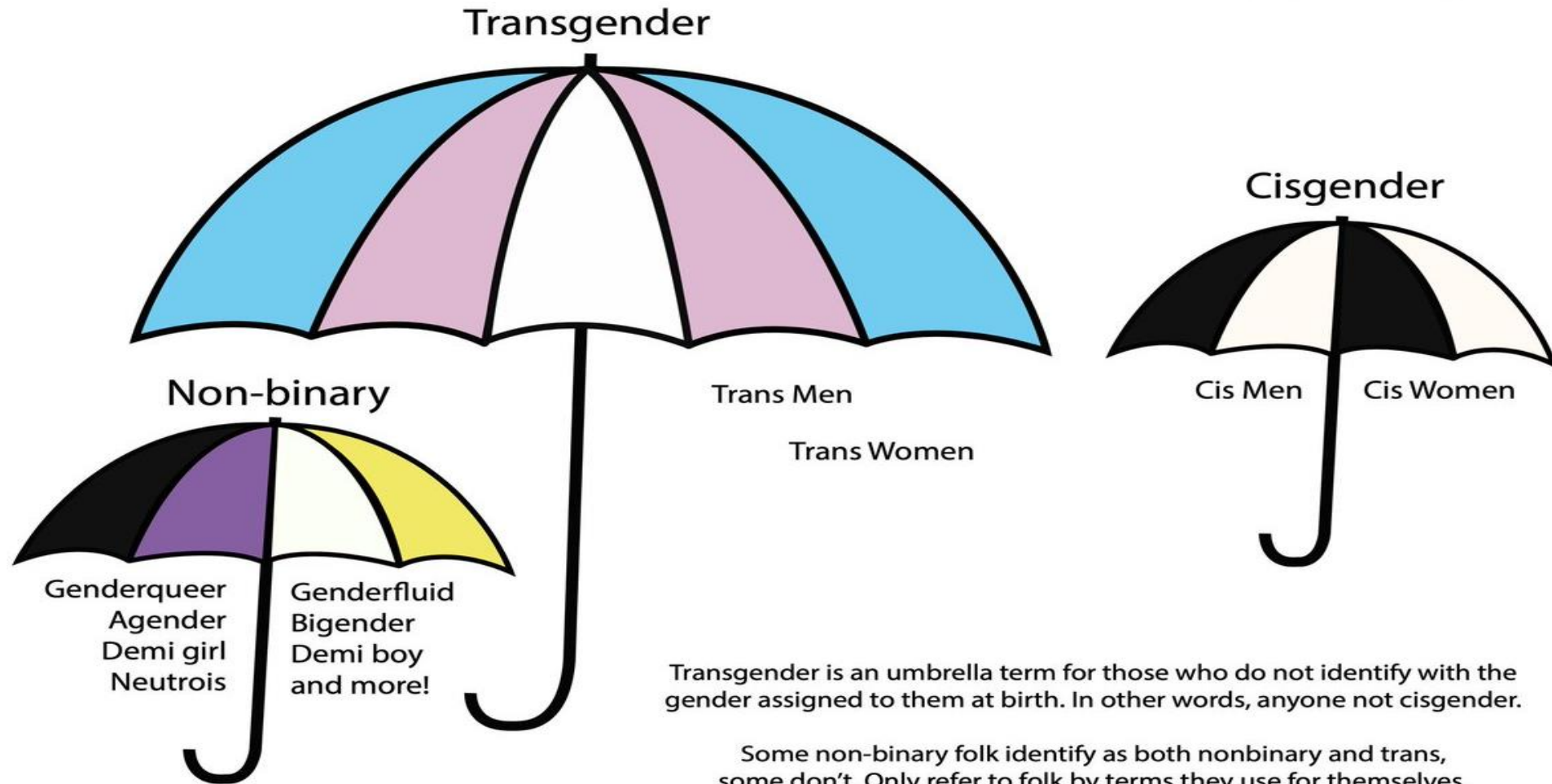
Trans Man

Non-binary and gender-diverse people experience their gender identity as outside of the binary of man and woman

Non-Binary people

Gender Diverse People

Transgender is an Umbrella Term



Transgender is an umbrella term for those who do not identify with the gender assigned to them at birth. In other words, anyone not cisgender.

Some non-binary folk identify as both nonbinary and trans, some don't. Only refer to folk by terms they use for themselves.

While some transgender people are non-binary, many transgender people have a gender identity that is either male or female, and should be treated like any other man or woman.

queer • /kweer/

Isn't queer a bad word?!?

- Lesbian, gay, bisexual, and transgender people may all identify with the word queer. Queer is sometimes used to express that sexuality and gender can be complicated, change over time, and might not fit neatly into either/or identities, like male or female, gay or straight.
- The word “queer” has history to it that’s hurtful — “queer” used to be (and sometimes still is) used to put down or disrespect LGBTQ people. But more and more, people use the word with pride to identify themselves.
- So don’t call someone “queer” unless you know they’re cool with it.
- The best thing to do is ask what labels people prefer.

Pronouns

Subjective	Objective	Possessive	Reflexive	Examples
He	Him	His	Himself	The book is his. He identifies outside a gender binary.
She	Her	Hers	Herself	The book is hers. She identifies outside a gender binary.
They	Them	Theirs	Themselves	The book is theirs. They identify outside a gender binary.
Ze (pronounced "zee")	Hir (pronounced "here")	Hirs (pronounced "heres")	Hirself (pronounced "hereself")	The book is hirs. Ze identifies outside a gender binary.
Name Only				
Choose Not to Disclose				

Talking About Gender and Sexuality

1

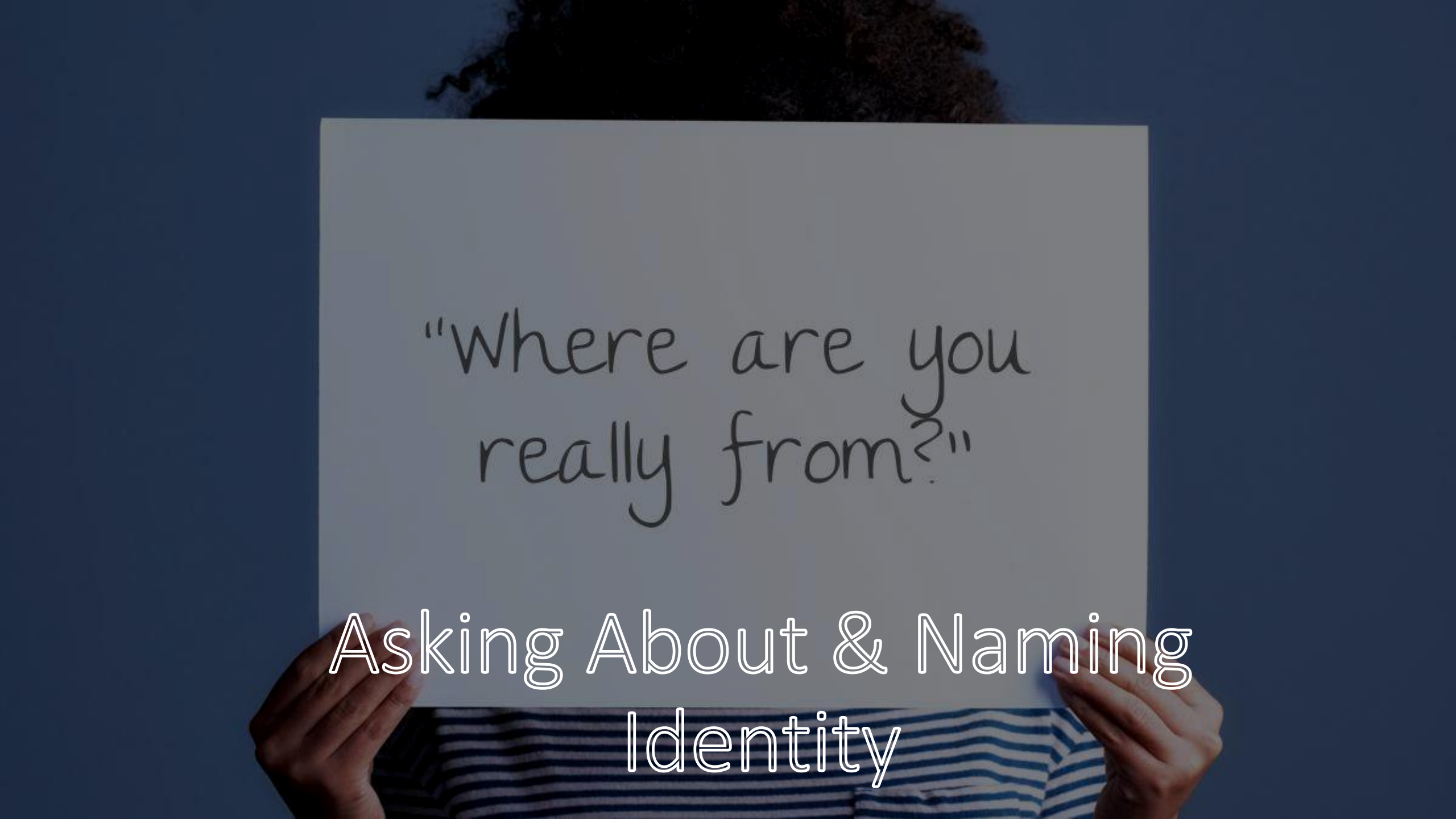
Avoid confusing sex with gender.

2

Consider appropriateness of using “male” and “female” as nouns. Avoid using adjectives to describe sexual orientation or gender identity as nouns. For example, she is “transgendered.”

3

Avoid binary terms (e.g. “opposite sex” or “opposite gender”) to compare or describe sex or gender.

A person with dark curly hair is holding a white rectangular sign in front of their face. The sign has a handwritten question in black ink. The person is wearing a blue and white striped shirt. The background is a solid dark blue color.

"Where are you
really from?"

Asking About & Naming
Identity



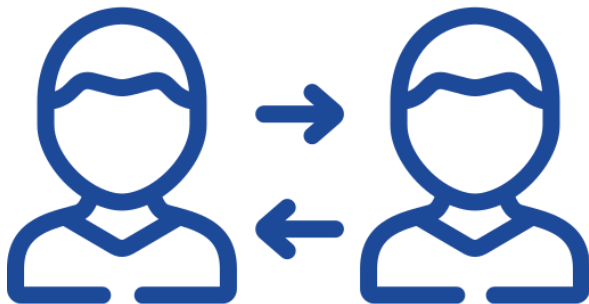
The Problem with “Where are you from?”

- This is a question we all ask — and get asked — very often.
- It may be a question that’s asked out of curiosity, but it has the potential to trigger something very personal: A person’s sense of belonging.
- For those who already feel “different” in a given space, being asked where they’re from carries implicit assumptions about their race, caste, ethnicity, nationality, etc.
- Often, it translates into: You don’t *seem* to (already) belong here.

Identity Anxiety

- The heightened levels of stress and emotion that we confront when interacting with people of different identities.
- Those from a non-dominant group fear they will experience discrimination, hostile treatment, or invalidation.
- Those from dominant groups fear their words or actions will be perceived as racist, sexist, homophobic, etc.

Shortened
Interactions



Avoidance



Inability to Connect



Three Forms of Microaggressions



Microassaults: Conscious and intentional discriminatory actions.

Name calling
Avoidant behavior



Microinsults: Verbal, nonverbal, and environmental communications that subtly convey rudeness and insensitivity that demean a person.

“You’re so articulate”
Mispronouncing names
Misgendering



Microinvalidations: Communications that subtly exclude, negate or nullify the thoughts, feelings, or experiential reality of a person.

Colorblindness
Denial of the “-isms”
“special treatment”

How to Ask Someone About Their Identity

Bring it up the right way.

Hint! Do not do this:

- -Hi, my name's _____.
- -Nice to meet you, I'm _____.
- -Cool. So, like, what is your ethnicity/gender identity/sexual orientation/disability, etc.?

Also

"No, but where are you *really* from?"

wrong...

"But like, where are your parents from?"

"Let me guess where you're from!"

Naming anything about someone as "exotic."

"What are you?"

"What's wrong with you?"

Don't ask at all.

- Seriously, the *best* way to find out is to let someone volunteer the information through the relationship building process.

“Tell me more about yourself” or “I’d love to hear more about how you grew up, your culture, traditions...” (At the appropriate time and place)

- Being curious about someone's identity is perfectly fine, but just be aware that how and when you ask it has an impact on people, and if you’re a jerk about it, the impact is othering.
- Ask yourself *why* you're doing it before you question someone about their background.
- Chances are, if you're asking just to ask, you just shouldn't.

Curiosity & Intent Matter

- Learn *who* someone is rather than *what* they are.
- **Avoid the verbal guessing game.**
 - Trying to figure out someone's ethnicity or gender identity based on their appearance might be fun for you, but not for the other person.
- **Don't reduce people to a representative of a larger group.**
 - This applies for people from the same country, of the same complexion, the same sexual orientation, or gender identity.



Curiosity & Intent Matter

Avoid

Focusing on the person's physical appearance.

Never touch or comment on someone's hair, skin, or genitals.

Understand

That each person will react differently to questions about identity.

Have

Awareness of existing (unequal) power structures.



Steps to Using Equitable Language Personally



Is my language reinforcing a harmful stereotype or value judgment?

Avoid words like "victim" or "sufferer" when describing a physical or mental condition that someone lives with. They may not in fact see themselves as someone who suffers.



Am I asking how someone wants to identify rather than assuming by looking at them?

Instead of gendering a person, ask what their personal pronouns are and what identities are relevant to their perception of the engagement with you.



Am I focusing on the person rather than the label?

Change "she's OCD" to "someone who lives with obsessive compulsive disorder."



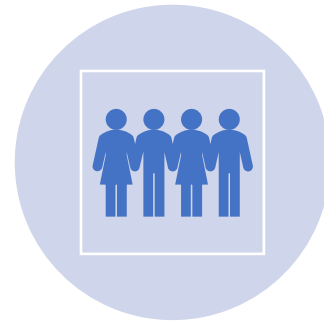
Is this person's identity relevant to the conversation I'm having?

Do not use "female lawyer" or "Black lawyer" to describe coworkers if, in the same conversation, you wouldn't feel comfortable calling coworkers "male lawyers" or "white lawyers."

Steps to Using Equitable Language in an Organization



Is the language we're using precise and specific enough? How might it obscure potential oversights?



Who is involved in the deciding what language we use? Are we centering the preferences of our target populations and the most historically marginalized groups?



What language will be the clearest to the groups we're hoping to engage? How do we meet people where they are and use terms that folks understand?



Does our language help us prioritize the efforts that will be most meaningful for our equity goals, allowing us to best serve our workforce, clients, and community?

Thank You!

www.coloradomentoring.org

J. Ryann Peyton, Director
Colorado Supreme Court

303-928-7750

r.peyton@csc.state.co.us



COLORADO
MUNICIPAL
LEAGUE