

Chapter 1 : Institutional Injustice – Disrupted Physician

Sam, I know too well the tragedy of institutional injustice. However, I'm still waiting, some what impatiently, for the righteous judgement. Only a few weeks ago, at the deepest and darkest point in an 18 month journey I wrote this essay.

I have been asked to write a guest blog and whole heartedly agreed. Unfortunately, most physicians have no idea about many of the legal aspects that surround our careers, nor do they have any idea the power a hospital or PHP can wield. On the outside, this act looked like a good thing because it tried to reign in escalating medical malpractice cases, and to protect people from those physicians. Quite generally, it allows physicians to be reviewed by their peers without the threat of civil litigation by the physician being reviewed. There are many points that have to be met in order for a peer review organization to stand behind HCQIA and earn its immunity. Again, unfortunately, because of this immunity, doctors can become the victim of a Sham Peer Review. *The Power of Immunity and Abuse of Trust*. While the book duly notes that it is very hard for physicians to fight back against a perceived sham peer review, it is not impossible. There are a multitude of reasons why a doctor might be targeted, for example, professional jealousy or competition. In the second chapter of his book he outlines 12 signs that you may be a victim of a sham peer review. In my story, I was able to check off 10 of the 12 warning signs. Four staff members, who were kept anonymous from me, accused me of throwing an instrument and later that same day, striking a patient. The instrument I was accused of throwing was a retractor. We were doing an arthroscopic case and thus no retractors were being used. All I can guess is that when we converted to an open procedure, I may have gently tossed the arthroscopic cannula onto the back table. The second accusation, again most heinous, was in a large man who was having hand surgery under a Bier block with sedation. He repeatedly moved and fidgeted, at one point sitting bolt upright on the operating table. I forcibly grabbed his wrist, still attached to a lead hand, and placed it firmly on the operating table, making a thudding sound. I certainly did not strike this patient, that violates my personal rules of honor and integrity. Mind you, these events supposedly took place in November of This is where it is very important to know the bylaws or to review them should you find yourself in a similar position. Under the bylaws I was to have been notified in writing and provided with details concerning the accusation. Yet, I received only a phone call and then was not told any details of the accusations. Additionally, as a first time report, this should have gone to the head of the surgery department, not directly to the MEC. It should have been handled internally. This was the first violation of their bylaws. In North Carolina, failure to follow your bylaws is considered a breach of contract. From this point on they were violating my rights of due process. Because of the violations of their bylaws, due process, and their breach of contract, they have no right to stand behind the immunity of HCQIA. I wish I knew then what I know now. I should have looked at my bylaws and hired counsel before attending a meeting with the MEC. I did ask about having a lawyer present but I was told that would not be allowed, which is probably true under the bylaws, but certainly is another personal violation of representation. I presented myself to the MEC and gave my side of the story but I was rebuffed. They investigated and told me they believed my accusers, the same accusers that DID NOT show up to my fair hearing eight months later. The oxymoron was explained as such: As I was planning to move out of North Carolina within six months, I agreed simply to keep the peace and move on without issue. I was given assurances by the Vice President of Medical Affairs that the evaluation would be kept confidential and that if anything came of the visit, it would be recommendations only. I, like many others, had never heard of the PHP before. Due to scheduling issues, I was unable to be evaluated until late February, meanwhile still practicing and working out of this hospital; I was covering their ER, performing consults, and bringing them surgical cases revenue. Fine, although I was convinced that was a test of my patience something that has been confirmed by others. I was eventually accused, by the hospital, that I was purposefully delaying my evaluation. Much to my amazement, upon presenting, I was told that I would have to have a urine drug screen and that I would have to pay for it! This was not mentioned ahead of time, although the receptionist who had erred with my initial appointment, commented that I had been told. I was also told, by the psychiatrist, that there was no doctor-patient relationship and he could report me to any authorities he saw fit. Despite me

signing a release, I feel that without a doctor-patient relationship, he never had the authority to see my subsequent test results. To this point I have had my 5th and 14th Amendment rights violated by the hospital. NCPHP is probably guilty of illegal search and seizure as well as invasion of privacy. We began our talk. Not more than 15 minutes into the evaluation, he was trying to strong-arm me in to a contract with the PHP which would follow me to any future state where I might work. I refused, as I had been guaranteed that I was there for recommendations only. I have never been accused of coming to work impaired nor have I had any legal issues related to the social use of alcohol. As the evaluation ended, I was escorted to and joined in the restroom by the psychiatrist, who was present as I provided a sample. I then asked what drugs it tested for; I was told 12 drugs and alcohol. I balked as I had told him that I used alcohol socially. As my evaluation was on Friday, the test result was communicated to me on Monday. At this point, the NCPHP recommended to the hospital that I undergo an evaluation for anger management as well as substance abuse. Remember, I had never been accused of impairment and this was a single isolated test. The courses were expensive and out-of-state. I refused anything to do with substance abuse evaluation or monitoring " which required the out-of-state evaluation or six months of draconian monitoring. I was especially concerned about travel restrictions under the monitoring contract as my daughter was getting married back in the Midwest. Obviously, that was a deal breaker. At this point, I appealed to the hospital, offering to attend local anger counseling for which I would pay and I even offered to undergo urine testing at the hospital. The hospital continued to rebuff my concessions and attempts at coming to an amicable middle-of-the-road solution. I finally hired a lawyer who made it plain that signing a contract with the NCPHP was not a good thing. They did find conflict of interest issues and recommended that physicians be allowed to seek their own care. Despite this recommendation, I was not afforded that opportunity. Again, I was rebuffed. In early May, after failing to sign the contract, I was summarily suspended from the hospital. Again, the bylaws were violated as I did not meet any of the definitions for a summary suspension. Why after six months was I suspended summarily? If they were so concerned, I should have been suspended the previous November. I was released from my contract at Duke University. Although my license was never suspended, revoked, or restricted, I have been unable to get even a locums job. I have been rejected by at least three hospitals in Iowa. The hospital and PHP have continued to hide behind the veil of immunity. The violations of due process and breach of contract cannot be questioned which eliminates that immunity. The bigger concern is violation of civil liberties committed by both institutions. Interestingly, the NCMB investigated and asked that I seek another evaluation, for anger management, with a counselor. They gave me a short list of providers in Iowa City, where I had relocated with my family. I went to one visit and she found no issues, other than an adjustment disorder stemming from the way I had been treated. I thought one visit rang hollow, so I pretty much begged the counselor to give me some recommendation. She said I could possibly benefit from a course in communication. Again, from a list of their choosing the NCMB , I completed an at home course that dealt with communication and anger management. They would not back down from that. I eventually was given a Fair Hearing. After three nights of testimony in August and September of , I was vindicated. The panel said that there was not enough evidence to have sent me for an evaluation in the first place, making everything following that moot. One of them has called it a witch hunt; a sham peer review. This decision was remanded by the MEC back to the panel who stuck to their initial decision. However, the MEC refused to overturn my suspension, which is allowed according to the bylaws. An appellate review also fell on deaf ears. I think this story has many take home points. It never hurts to get a lawyer involved, the earlier the better. I firmly believe that had I involved a lawyer in January of , I may never have had to go for an evaluation at the PHP. Know or review your hospital bylaws if you are ever in any situation with a hospital. Get everything in writing. Avoid any PHP, unless you feel you truly need their help, voluntarily. Even then, consider an evaluation by a trusted community colleague. The NCPHP is very typical of these organizations throughout the country, its modus operandi is addiction medicine.

Chapter 2 : Injustice | Definition of Injustice by Merriam-Webster

Examples include Tupac, several times over, Jimi Hendrix, Michael Jackson, and most recently Amy Winehouse. The releases tend to be little more than scratch book jottings pounded into overblown over-ambition by unfamiliar hands.

Share1 Shares Take a beautiful green earth, full of blooming life and dripping dew beads, and watch man completely wreak havoc on it. After all, such is his natureâ€ to destroy nature. And if there is any root, it has to be in the human fixation to acquire property, greed more often than not leading the way when it comes to a corrupted institution, one controlled by the corrupt and easily corruptible. Here are ten U. Meanwhile, he was on trial for steroid usage found guilty and denying the fact. That his name still remains in the books is unconscionable, especially where Babe Ruth took the record without any kind of drug use that would work in his advantage. Then again that seems to be the nature of baseball. The releases tend to be little more than scratch book jottings pounded into overblown over-ambition by unfamiliar hands. The questionable part in it all is the intention: Meanwhile, not much new was being pumped out in the years he was still vaguely with us. After much loud protesting, the fees were dropped, especially as many customers were switching to smaller banks which boasted having no fees. The arrogance is astonishing. A few healthcare providers have even taken it a step further, to a level of greediness on par with you average bank CEO; some have been found to have been treating patients with needless and pricey procedures, billing dead patients, and billing for procedures and medications unperformed, undistributed, and unwitting to the patients they treat. Doctors are famous for receiving hefty salaries, befitting of the nature of their work, but these devious acts highlight a select few that seemed to have only spent 8 years in medical school awaiting that big pay-off, public health and wellness be damned. Where money should be trickling to housing renovations, construction, etc. We all know by now, and are thoroughly pissed, that big banks have gotten off completely scot-free, no prison sentences dealt for guilty CEOs and insiders aside from a fall guy here and there, as any good crime syndicate keeps on retainer , in spite of selling acknowledgedly crappy mortgages to clients, and then betting against them. These are the same untouchable greed factories that got interest-free bailouts from the government all the while, and used them to shell out obscene bonuses to each of the evil masterminds. And even while the Occupy movement attempts to take an unignorable stand against such enabled greed, more and more protesters find themselves arrested for exercising their first amendment rights where they should be rightfully exercised. Similarly, WikiLeaks disclosed classified materials, such as videos of the U. Military gunning down innocents in conflict areas, seemingly for sport, and clips of government officials bad-mouthing foreign leaders. The result of this disclosure; the U. The military held that such materials are sensitive to national security, but in reality they only revealed the true nature of our military, an often irresponsible one with a reckless propensity for rogue antics. What they were mad at mostly was having their black curtain lifted and not getting away with, for once, all they do. Here comes the unthinkable part as unthinkable as everything prior already was: When it finally came out, they were all fired and the future of the team was put in question. But it keeps developing like some cancerous cell tissue. It was revealed not long ago that an archdiocese, a rarely indicted church official, had withheld knowledge of a priest taking indecent pictures of children. Why the church feels the need to shove its dirty laundry under the rug rather than send it to a cleaners or throw it away outright is inconceivable, but it reveals an inherent corruption with an institution that seeks, more than anything, to save itself, and not through any true form of salvation.

Chapter 3 : Discrimination - Diversifying Economic Quality: A Wiki for Instructors and Departments

Institutional injustice can have grave and far reaching consequences. Increasing reports suggest that programs just like PHS are contributing to the suicide epidemic in doctors. The patterns are the same and the same scaffold is being used.

Check new design of our homepage! The Issue of Institutional Discrimination With a Few Examples Here, we will delve into what institutional discrimination is, and help you understand how it is different from other forms of discrimination, along with providing examples of the same. OpinionFront Staff Last Updated: Dec 21, Did You Know? The main reason behind institutional discrimination is pegged to be pure, unadulterated prejudice. Many times, this is subconsciously done. Institutional discrimination is the act of denying equal rights to and singling out certain individuals in society by the varied institutions of the same society, based on a number of factors such as color, gender, education, sexual orientation and the like. This form of discrimination is considered highly detrimental to the functioning of society and is feared to shake the very fabric of the same. In this OpinionFront article, we will understand in greater detail the nuances of this concept through certain examples of institutional discrimination. Unlike racial discrimination which is targeted towards a particular race, or individual discrimination which is directed towards a particular individual, this form of discrimination could be directed at anybody based on a number of factors like race, color, age, gender, sexual orientation, or disability. This discrimination arises either due to prejudice, or because of the failure to consider the varied needs of the different societal identities. These include the government and other corporations, public institutions like schools, healthcare centers, and police forces, as well as financial institutions like banks and investment firms, along with other social bodies. The basic crux of this form of discrimination is that the policies and practices that are put forth by an institute benefit only a particular group at the expense of another. Certain statistically noticeable trends can also point towards the existence of this phenomenon; for example, if a particular section of people are disproportionately absent from among a group of people who possess the relevant skills required for the job, it is usually the case of institutional discrimination at play. For example, for an executive job, only a certain ethnicity of people are missing, even though there should be no reason why they would not possess the required educational backing, then that is a case of institutional discrimination. Many times, the positions especially higher positions are not even advertised and the post is given to someone via recommendation, or the candidate is selected through word of mouth. Thus, these recommendations tend to be homogeneous in nature. In such a case, the people whom the other employees will better adjust with will be given preference for instance. This is one of the most common institutional discrimination examples today. Similarly, it was found that people of certain groups and or color were given less priority when it came to life-saving operations at medical facilities. On similar lines, people of certain ethnic and minority groups were more likely to be denied loans by financial institutes, even though they were as eligible as any other group were. Institutional discrimination, like any other form of discrimination, denies a particular group of people their equal rights. However, because it seeps into the very procedures and laws of a state, it is considered even more dangerous. The eradication of this form of discrimination is not very easy and requires active participation from the government.

Chapter 4 : What is Institutional Racism?

Institutional Injustice Is a Lie. Do you get tired of hearing the same talking points time after time? Speaking bluntly, individual incidents do not equate to institutional injustice no matter how bad anti-police activists wish it to be true.

In just about a month and a few days after taking office, Prime Minister Hailemariam Desalegn has decided to face the later. By any account, on Wednesday Oct. Similar get together were common rituals between the late PM Meles Zenawi and the business community representing different sectors before the unfortunate aftermath of the national election. But between now and then many things have gone from bad to worse. The list goes on. But the three common grievances shared by every sector are: There is no comfort in coming face to face with a sea of unhappy industrialists. Seated second from left, PM Hailemariam looked overwhelmed by the sheer amount of complaints from the business community. He was sounded by party veterans including his deputy Demeke Mekonnen, far left, Mekonnen Manyazewal, second from right, and his deputy Tadesse Haile, far right. As it is there is no universal remedy that works as model industrial policy for all low-income countries. Institutional reforms, increased incentives and market friendly policies have helped establish useful institutions such as the leather and leather processing, textile and garment, and horticulture and floriculture. Once again, many blame the industrial policy misfit, lack of finance and intolerable bureaucracy. However, the underperforming industrial sector and the business discontent in Ethiopia lies far beyond that. First is the manner by which policies are designed and lack of consistent policy implementation. To make matters worse the leaderships in many institutions are occupied by political appointees than by professionals while the few professionals have no incentives to perform. This in turn has created an opaque resources allocations scheme including foreign currency, land and credit facilities. The result is a heavy burden of institutional injustice shouldered by the private sector that is going from bad to worse. A shift to animal husbandry During the meeting PM Hailemariam, surrounded by veteran party officials including his deputy Demeke Mekonnen and his advisor Arkebe Equbay, Minister of Industry Mekonnen Manyazewal and his deputy Tadesse Haile, promised a flood of institutional improvements from fixing the mess created by the newly introduced multi-modal transport system a system he said his government has failed to implement effectively , to land lease, a system he admits is the main source of corruption in his government. Many of the business people felt relieved by his attentive and indulging manner in engaging them while as many felt it was business as usual. But according to information obtained by this magazine, his inspiring offer came the next day on Oct. He told the business people that his main plans were to see them buying live animals directly from destitute farmers and establish an effective value chain system before exporting their products. For that, according to our sources, he promised his government would stand by their side in every step of their efforts. Global food and agricultural products are showing a lucrative increase in prices over the last few years and the need for Ethiopia to diversify its export economy never looked imminent. But his desires face two fundamental shortcomings that may prove to be more expensive both for the country and the feeble private sector at the same time. First, Ethiopia continues to be a country tangled by institutional snag, including but not limited to, lack of effective cooperation between institutions both at federal and regional levels as was loudly mentioned by the business community at the meeting and insufficient financial incentives for the countless underpaid civil servants who are living confronted by a double digit inflation but have to deal with the practical part of his decisions. Second, his decision may signal yet another danger of singling out a handpicked sector instead of outlining a consistent industrial policy and reliably following it through to benefit all sectors than a chosen one.

Chapter 5 : Institutional Injustice - Beliefs of the Heart

I commend you for what it must take to face discrimination of this nature, especially inside what is - without a doubt - an as of yet untouched discriminatory environment.

Discrimination can occur both individually and institutionally. Acts of individual discrimination are often both conscious and obvious. They can be dealt with by either removing the person who discriminates from any position where such actions are meaningful or by inducing the person to halt the behavior in question. Institutional discrimination is built into the structure itself. Thus it is more covert and more tenacious. It can occur regardless of the desires or intentions of the people perpetuating it. Consequently, one must not ask what are the motives of the individuals involved but what are the results of their actions. Institutional discrimination is may easily seen statistically. If a particular group is disproportionately absent in comparison to the pool of those possessing the relevant skills, discrimination is occurring even if it is impossible to document specific individual instances. Such discrimination may also be affecting the pool of available talent, but that requires action on a different level. As institutional discrimination is built into the normal working relationships of institutions, its perpetuation requires only that people continue "business as usual. Such an operation cannot be approached casually; inevitably, extra effort is necessary. Institutional discrimination begins with the recruitment process. Most jobs, especially the better ones, are not openly advertised. Knowledge of their existence is usually limited to friends and colleagues of those in power In the institutions, and in turn their friends and associates. Since such patterns of association tend to be homogenous, knowledge of job opportunities rarely gets to members of other groups. Even open advertisement may be limited in results if it is put in places of limited readership. Concomitantly, many jobs depend on recommendations; people are often reluctant to take the chance of recommending someone who might be thought "unacceptable" for whatever reason. To break these patterns, it is necessary not only to "open up" the recruitment process, but to actively seek members of previously excluded groups and work with their organizations to find competent applicants. Once applicants have been found, other elements of institutional discrimination usually come into play. First of all, the qualifications actually necessary to perform a particular job are usually only a part of those necessary to get a job. Test scores and degrees are other selectors that are not always valid measures of ability. As real qualifications are often hard to determine, these and other artificial criteria of selection are usually used in order to provide some logical basis for elimination. Those criteria in turn are rationalized as being reasonable ones and a certain investment is made in their continuation. Serious analysis must be made of what skills are actually necessary to perform a particular job and what are valid ways of determining them. In jobs or promotions requiring interviews, problems of "style" often interfere with accurate perception of ability. Unless they have special training or sensitivity, it is difficult for most interviewers to escape their own social conditioning that members of many social groups are assumed to be inferior. The fact that members of such groups may have a style of life, speech, dress, action and even thought which differs from that of white middle-class men often creates "noise" which obscures real ability. Too often merit is confused with conformity to the personal standards of those already in positions of power. Much institutional discrimination results from judgments made on secondary rather than primary characteristics. Race and sex may be consciously eliminated as concerns, but criteria such as educational background, employment history, supervisory experience, age, income, etc, which have been effected by group membership, can be effective substitutes. One must realize that people who have not had the same life-chances will not have the same life results. It often happens that there are deficiencies between the qualifications of some applicants and those that the institution would like such applicants to possess. Sometimes these deficiencies are spurious; i. Or, when judgments are subjective, the interviewer will fail to see some abilities because they are not expected to be there. Often the unfortunate fact is that members of many groups have not had the opportunities to gain the experience or training felt to be desirable to perform a particular job. Here, more flexible standards are necessary, coupled with training programs to make up for any real deficiencies. Otherwise, institutional discrimination operates as a multiplier effect: On the job itself, what one actually does may bear minimal

resemblance to the official position description, yet it is the latter, not the former, on which pay and promotional opportunities are usually based. A secretary rarely replaces a departing boss, yet often is the only one capable of training a new one. It is frequently the case that there are dual employment structures in any institution with members of one always blocked from joining the other. Occupational hierarchies need to be examined both to determine the actual content of jobs and to remove barriers to mobility built into such hierarchies which serve to discriminate. One must also take into account the effects of past discrimination. If some people historically only had access to one type of job, they may have acquired the skills but have not acquired the credentials to move to another in the future. Too, their skill development may have been retarded due to the limitations of the job they were in. Most institutions already contain a significant body of available personnel for whom opportunities have not been provided for advancement or whose value has not been adequately assessed. One major effect of past discrimination is that supervisors may have effectively discouraged some employees from thinking of themselves as having potential. Thus such employees do not apply for promotions or new lines because their self-confidence has been undermined or they are convinced that they have no chance. The patterns of encouragement and reinforcement operate so subtly that they are difficult to discern. Their effects may be readily seen, however, in any hierarchy that gets more homogenous on the way up, with supervisors honestly claiming that some people are just more interested in advancement than others. Institutions have great power to reward and penalize. They provide material goods, opportunities, resources, services, and psychological satisfactions. While these benefits are never distributed perfectly equitably, it has been declared contrary to public policy for them to be allocated on the basis of race, sex, religion or national origin. Since most institutions have been structured to discriminate in the past, the change in policy will not lead to a change in results unless there is also a change in the institutions, It is very easy to discriminate without really trying. It is very necessary to put in the required effort to stop.

Chapter 6 : Institutionalized discrimination - Wikipedia

Institutional racism is defined as racism perpetrated by social and political institutions, such as schools, the courts, or the military. Unlike the racism perpetrated by individuals, institutional racism, also referred to as systemic racism, has the power to negatively affect the bulk of people belonging to a racial group.

Classification[edit] The concept of institutional racism re-emerged in political discourse in the late and mid s after a long hiatus, but has remained a contested concept that has been critiqued by multiple constituencies. When the differential access becomes integral to institutions, it becomes common practice, making it difficult to rectify. Eventually, this racism dominates public bodies, private corporations, public and private universities, and is reinforced by the actions of conformists and newcomers. Another difficulty in reducing institutionalized racism is that there is no sole, true identifiable perpetrator. When racism is built into the institution, it emerges as the collective action of the population. Jones postulates three major types of racism: Internalized racism is the acceptance, by members of the racially stigmatized people, of negative perceptions about their own abilities and intrinsic worth, characterized by low self-esteem , and low esteem of others like them. This racism can be manifested through embracing "whiteness" e. Persistent negative stereotypes fuel institutional racism, and influence interpersonal relations. Racial stereotyping contributes to patterns of racial residential segregation and redlining , and shape views about crime, crime policy, and welfare policy, especially if the contextual information is stereotype-consistent. One example of the difference is public school budgets in the U. Restrictive housing contracts and bank lending policies have also been listed as forms of institutional racism. Other examples sometimes described as institutional racism are racial profiling by security guards and police, use of stereotyped racial caricatures, the under- and misrepresentation of certain racial groups in the mass media , and race-based barriers to gainful employment and professional advancement. Additionally, differential access to goods, services, and opportunities of society can be included within the term institutional racism, such as unpaved streets and roads, inherited socio-economic disadvantage, and "standardized" tests each ethnic group prepared for it differently; many are poorly prepared. These neighborhoods tended to be African American neighborhoods, whereas the white-middle-class Americans were able to receive housing loans. Over decades, as the white middle-class Americans left the city to move to nicer houses in the suburbs, the predominantly African American neighborhoods were left to degrade. Retail stores also started moving to the suburbs to be closer to the customers. Moreover, many college students were then, in turn, financed with the equity in homeownership that was gained by having gotten the earlier government handout, which was not the same accorded to black and other minority families. Poor consumers are left with the option of traveling to middle-income neighborhoods, or spending more for less. In the Social Security Act of , agricultural workers, servants, most of whom were black, were excluded because key white southerners did not want governmental assistance to change the agrarian system. Between and , less than 2 percent of government-subsidized housing went to non-white people. But it failed to change the status quo as the United States remained nearly segregated as in the s. A newer discriminating lending practice was the subprime lending in the s. Lenders targeted high-interest subprime loans to low-income and minority neighborhoods who might be eligible for fair-interest prime loans. Securitization, mortgage brokers and other non-deposit lenders, and legislative deregulation of the mortgage lending industry all played a role in promoting the subprime lending market. The bank had been accused of steering clear of minority neighborhoods and favoring white suburban borrowers in granting loans and mortgages, finding that of the approximately mortgages made in only 25 went to black applicants. This followed other successful efforts by the federal, state and city officials in to expand lending programs directed at minorities, and in some cases to force banks to pay penalties for patterns of redlining in Providence, R. The Justice Dept also has more active redlining investigations underway, [25] and officials have stated to reporters that "redlining is not a thing of the past". It has evolved into a more politically correct version, where bankers do not talk about denying loans to blacks openly. The justice department officials noted that some banks have quietly institutionalized bias in their operations. They have moved their operations out of minority communities entirely, while others have

moved in to fill the void and compete for clients. The effect on minority communities can be profound as home ownership, a prime source of neighborhood stability and economic mobility can affect its vulnerability to blight and disrepair. In the s and s laws were passed banning the practice; its return is far less overt, and while the vast majority of banks operate legally, the practice appears to be more widespread as the investigation revealed a vast disparity in loans approved for blacks vs whites in similar situations. The public spaces allow for social interactions, increase the likelihood of daily exercise in the community and improve mental health. They can also reduce the urban heat island effect , provide wildlife habitat, control floods, and reduce certain air pollutants. Minority groups have less access to decision-making processes that determine the distribution of parks. Race and health in the United States and Environmental racism Institutional racism impacts health care accessibility within non-white minority communities by creating health disparities among racial groups. In a article, Janis Hutchinson argues that the federal government has responded slowly to the AIDS epidemic in minority communities and that their attempts have been insensitive to ethnic diversity in preventive medicine, community health maintenance, and AIDS treatment services. For example, racial segregation disproportionately exposed black communities to chemical substances such as lead paint, respiratory irritants such as diesel fumes, crowding, litter, and noise. Racial minority groups who have a disadvantaged status in education and employment are more likely to be uninsured, which significantly impedes them from accessing preventive, diagnostic, or therapeutic health services. S are exposed to greater health and environmental risks than the general population. PCBs are toxic chemicals that can leach into the groundwater and contaminate the drinking water supply. Research shows that there is racial discrimination in the enforcement of environmental laws and regulations. Institutional environmental racism encompasses these land use decisions that contribute to health issues such as asthma-obesity and diabetes. Race and crime in the United States Although approximately two-thirds of crack cocaine users are white or Hispanic, a large percentage of people convicted of possession of crack cocaine in federal courts in were black. Within the federal judicial system, a person convicted of possession with intent to distribute powder cocaine carries a five-year sentence for quantities of grams or more while a person convicted of possession with intent to distribute crack cocaine faces a five-year sentence for quantities of five grams or more. With the combination of severe and unbalanced drug possession laws along with the rates of conviction in terms of race, the judicial system has created a huge racial disparity. The law was changed in to reduce disparity; it affected only new cases. The need, according to Senate, was for a retroactive fix to reduce the thousands serving unjustly long sentences after four decades of extreme sentencing policies. Studies have shown it is possible to reduce both prison populations and crime at the same time. Sentencing commission announced a retroactive reduction in drug sentences following a year-long review, which will result in a mass release of 6, prisoners, all of whom have already served substantial time in prison. This action was done in an effort to immensely reduce overcrowding and provide comfort to wrongfully-accused drug offenders who were sent to jail over the past couple decades. Some of those to be released will be deported and all will be subject to further judicial review. After taking office the current mayor of NYC declined to continue litigating stop and frisk practices and the number of minorities stopped under the practice dropped dramatically. Anti-Drug Abuse Act of The disparity between the sentences given black and white offenders has been most highlighted by that of crack and powdered cocaine offenses. How drug sentencing played out to disparately affect minorities came directly from Congress. It was a type of penalty which had been removed from federal law in after extensive and careful consideration. No experts on law enforcement were consulted on the relevant issues, no one in the judiciary, no one from the Bureau of Prisons, or from any other office in the government, provided advice on the idea before it was rushed through the House Judiciary committee and into law. Some comments were received on an informal basis. After bouncing back and forth between the Democratic-controlled House and the Republican-controlled Senate as each party jockeyed for political advantage, The Anti-Drug Abuse Act of finally passed both houses a few weeks before the November elections. A mandatory minimum sentence is a minimum number of years, typically 5- or years in prison, that must be served when a person is convicted of a particular crime. Different drugs have different set quantities that trigger a specific minimum sentence. Mandatory sentencing laws disproportionately affect people of color and, because of their severity, destroyed

families. Juvenile court A federal investigation initiated before the Michael Brown shooting in Ferguson, Missouri, found faults with the treatment given youths in the juvenile justice system in St. The Justice Dept, following a month investigation based on 33, cases over three years, reported that black youths were treated more harshly than whites and that all low-income youths, regardless of race, were deprived of their basic constitutional rights. Youths who encountered law enforcement got little or no chance to challenge detention or get any help from lawyers. With only one public defender assigned to juveniles in a county of one million, that legal aide handled cases in The investigation was unrelated to the notorious case which roiled St. Louis, beginning before the police shooting of the unarmed black youth. But to be accepted into the informal process, offenders had to admit to guilt, which runs afoul of the right not to incriminate oneself in criminal proceedings. It also found them more likely to be held in detention, and also subsequently sentenced to incarceration once the case was finished. They were also more likely to be detained for violating parole from a previous case. Louis Family Court declined to comment, as did the state court system it is a part of. A justice dept official faulted "the role of implicit bias when there are discretionary decisions to be made". Louis Family Court the judge or court commissioner, sometimes based on different standards, decides who gets access to counsel. Their competency to take part in their own defense was never established and the legal aide in the cases examined never challenged a probable cause finding, hired an expert witness or challenged hearsay evidence or leading questions and most cases ended with the child pleading guilty. The Civil Rights Division of the Justice Dept began four investigations beginning in delving into juvenile justice systems in Miss. They stated that there was too much African American representation in the prison population because African Americans are known to commit a number crimes and not because of their race. A black lawyer says she was shocked to hear two justices, Richard B. Shirley Bondon, a state Administrative Office of the Courts AOC manager who oversaw court programs critical of barriers in the legal system, said that she told the justices that she believed there was racial "bias in the criminal-justice system, from the bottom up. Johnson , who was noted as the most conservative judge on the court, agreed, noting that African Americans commit them [crimes] against their own communities, to which a social-justice advocate from the Seattle University School of Law and Bondon objected, requesting a closed-door meeting with the court. Within, Justice Debra Stephens said she heard Sanders and Johnson make the comments, including Johnson using the words "you all" or "you people" when he stated that African Americans commit crimes in their own communities. Bondon later wrote to the Seattle Times: The report had detailed ways to improve the effectiveness of boards and commissions set up by the Supreme Court to ensure fair treatment in the courts for minorities and other groups. Nationwide, similar disparities have been attributed by researchers to sentencing practices, [68] inadequate legal representation, [69] drug-enforcement policies [70] and criminal-enforcement procedures that unfairly affect African Americans. Jury selection in the United States Race has played a disproportionate role in courts as it has been shown that prosecutors have too often excluded blacks from juries in order to get convictions that otherwise would be problematic. This can be seen with the Michael Brown Shooting in Ever since then, the harsh treatment of black Americans at the hands of the police has been made more apparent by the public. In a case, Justice Stephen Breyer wrote, "The right to a jury free of discriminatory taint is constitutionally protected â€” the right to use peremptory challenges is not. The peremptory challenge, which allows a juror to be excluded for no reason at all, differs from "for cause" challenges, in which a lawyer must give a reason for an exclusion, which the judge can accept or deny. Peremptory challenges can, when used honestly, help both sides in a trial ensure a more impartial jury. But it is still far too common for prosecutors to exploit this tool for improper purposes. It has been shown that prosecutors will take advantage of peremptory challenges to create racially unrepresentative juries and win convictions. In , a North Carolina court examined capital cases and found that prosecutors removed more than half of all black potential jurors, but only a quarter of the rest. Bisbee Deportation In the Dept of Justice pursued charges against 21 officers and executives of the Phelps Dodge Mining Company for the kidnapping of workers across state lines from Bisbee, Arizona. The men were subsequently released based on a pre-trial motion from the defense, claiming that the federal government had no basis for charging them, as no federal law was broken. Arizona officials never initiated criminal proceedings in state court against those responsible for the deportation of workers and their lost wages and

other losses. The Justice Department appealed, but in *United States v. Wheeler*, U.

Chapter 7 : Face to face with institutional injustice - Addis Standard

Osgoode Society Against Institutional Injustice - OSAIL, Toronto, Ontario. likes. Student Club - Osgoode Hall Law School, York University, Toronto.

Blackstock, my fourth-grade teacher, once took our class out to the playground to play softball. She divided us into two teams and assigned each student to a position. I was the catcher. Charlie, the hulking schoolyard bully, took his turn at the plate. In frustration and probably embarrassment, he swung his bat at me. No strikeout this time. If my belly had been a baseball, he would have hit a grand slam. Blackstock marched us to the office, explained what happened, and left us with the principal. The principal spoke with each of us separately. When the principal met with me, she said she was going to punish both of us by taking away our lunch-hour recess for a week. The principal explained a new campaign to stop a recent upsurge in playground brawls: My grade-school principal punished me for being hit by a bat, swung by a bully. Institutional Injustice We are born with an instinctive desire for justice. The sign of societal maturity begins when cultures establish courts, institutions we can appeal to for just judgments. But what recourse do we have when the institutions themselves are the perpetrators? To whom do we appeal when the appellate judges form a kangaroo court? It was the Nazi government that murdered Jews, and it was the Stalin regime that slaughtered its challengers. Few of us face fascist administrations, but many of us encounter petty, bureaucratic tyrants. What Do We Do? Of course, Jesus may have faced the most infamous trial when his initial judges were in league with false witnesses, and when his final appeal, Pilate, chose political expediency over justice. And Jesus took that injustice for us, we who are never as innocent as we wish to believe. Fortunately for me, Mrs. Blackstock believed in righteous justice, and she never withheld my lunch privileges. Unfortunately for her, the principal was livid. Mrs Blackstock missed several days of school the following week. When she returned, I asked if she had been sick. She pulled me aside and asked me to keep a secret. I kept my word to Mrs. Blackstock, and I never told a soul. Not even my parents. But if she did, I hope she knew it was out of fondness. I hoped that she knew, that I knew, That Mrs. Back-stop had my back. God does not simply save us and leave us alone. He saves us for a purpose: He wants us to learn to recognize his voice when we drive to work, wait in line, and engage in prayer. To grow in that divine dialogue, please watch the video below What are we saved for? The primary reason people read these articles is because friends like you share them with your friends on Facebook, Twitter, etc. Would you please share it by pressing one of the share buttons above? Regardless, I only recommend products or services I use personally and believe will add value to my readers.

Chapter 8 : The Issue of Institutional Discrimination With a Few Examples

Keywords: institutional justice, entitlements, fittingness, comparative injustice, desert, rules Oxford Scholarship Online requires a subscription or purchase to access the full text of books within the service.

That seems so long ago as Penn State burns like an oil rig, marking the greatest college football scandal of the century hopefully. Although the crimes levied against Penn State employees are infinitely more severe and abhorrent than infractions cited against Ohio State , the University of Miami , and countless programs before them, the root cause is the same. Loyalty to an institution makes it susceptible to a marginalization of morality. As I struggled to be entertained by the Game of the Century, I chatted with a graduate student who, as of this year, has spent a majority of her life at the University of Alabama. Steadfastly, she maintained athletes receive adequate compensation for their services through scholarships, room and board. Become a supporter and enjoy The Good Men Project ad free After spending 12 years at the university, this graduate student has intertwined her loyalty with an institution and its infallibility. So in her mind, the easiest way to reconcile this was to simply declare the university is not wrong. Ask any professional sports fan why they chose their particular team, and more often than not an immediate transition will occur from a team to a person. Many professional fans loved a player first, then a team. You either attended the college you love, grew up near it, your parents are alums, or you have some other connection to the university. This makes sense because loving a college player is a fleeting affair. You know they will only be there a maximum of four years, so attachment is detrimental. College players are a fling, but the university is a marriage. This marriage is a dangerous bond because it creates a bizarre incentive structure. It becomes a small nation rather than a business. Loyalty transitions to pseudo-nationalism. Even before this scandal, Penn State was a case-in-point. Joe Paterno essentially had tenure. His image and namesake became synonymous with the university who has given him paychecks predating the Korean War. I have come to work every day for the last 61 years with one clear goal in mind: Ironically, nobody thought this was an odd thing to say, since this has been the priority of college sports for decades. It is to fear the longevity of the institution will be compromised by correcting a major injustice. The only plausible reasoning to direct him internally is to prioritize the image, prestige and prosperity of the university at the expense of the people involved. As Coach Paterno said, he did everything he could to help the University. A lot of people were hurt in the process.

Chapter 9 : How to end institutional racism - Contexts

Institutionalized discrimination refers to the unjust and discriminatory mistreatment of an individual or group of individuals by society and its institutions as a whole, through unequal selection or bias, intentional or unintentional; as opposed to individuals making a conscious choice to discriminate.

Racism can be enacted individually or institutionally. Institutions can behave in ways that are overtly racist i. Most of the underlying causes for the health inequities are due to institutional racism. As Professor Mary Douglas explains: The more severe the conflict, the more useful to understand the institutions that are doing most of the thinking. Exhortation will not help. Passing laws against discrimination will not help. Only changing institutions can help. We should address them, not individuals, and address them continuously, not only in crises. Institutional behavior can injure Blacks, and when it does, it is racist in outcome, if not in intent. Racism is both overt and covert, and it takes three closely related forms: Individual racism consists of overt acts by individuals that cause death, injury, destruction of property, or denial of services or opportunity. Institutional racism is more subtle but no less destructive. Systemic racism is the basis of individual and institutional racism; it is the value system that is embedded in a society that supports and allows discrimination. Institutional and systemic racism establishes separate and independent barriers to access and quality of health care. Institutional racism does not have to result from human agency or intention. Thus, racial discrimination can occur in institutions even when the institution does not intend to make distinctions on the basis of race. In fact, institutional discrimination can occur without any awareness that it is happening.. To understand institutional racism, it is important to understand the interaction between prejudice and discrimination. Prejudice is an attitude that is based on limited information or stereotypes. While prejudice is usually negative, it can also be positive. Both positive and negative prejudices are damaging because they deny the individuality of the person. No one is completely free of prejudices, although they may not have any significant prejudice against a particular group. Oppression is the systematic subjugation of a social group by another social group with access to social power. Power is the ability to control access to resources, the ability to influence others, and access to decision makers. Discrimination is behavior, intentional or not, which negatively treats a person or a group of people based on their racial origins. In the context of racism, power is a necessary precondition for discrimination. Racism depends on the ability to give or withhold social benefits, facilities, services, opportunities etc. The source of power can be formal or informal, legal or illegal, and is not limited to traditional concepts of power. Intent is irrelevant; the focus is on the result of the behavior. It is very rare that an institution has neither racial bias nor prejudices and engages in no discriminatory behavior. When institutions take the position that they are non-racist, it is possible that the institutions operate in arenas where they have very little contact with Blacks. However, it is more likely that they are in denial about the existence of either prejudices or discrimination. For example, an institution could hold a belief that Blacks are more likely to abuse pain medication, but notwithstanding those prejudices, pain medications are prescribed to Blacks equitably. In this situation, the institution makes no difference in health care based on race. This form of racism involves institutions that harbor biases or prejudices but are either too timid to discriminate or who are actively working on not discriminating. The prejudices or biases are still present, but these institutions do not act on them. For example, individuals in an institution could hold a belief that Blacks are more likely to abuse pain medication, and because of those prejudices, pain medications are prescribed to Blacks differently than they would be to Whites. Most people are familiar with this form of racism. Overt racism involves actively and intentionally expressing bias or prejudice and actively discriminating against others in public and private ways. Most discrimination in health care is not overt. For example, an institution could hold no negative beliefs about Blacks but prescribe pain medications differently to Blacks as an indirect result of some other policies. This is the most pervasive form of racism and also the hardest to challenge. Reluctant racism occurs due to mistaken stereotypes, biases or prejudices that are acted out in an unthinking manner or through policies, practices, or procedures of institutions that have a disproportionately negative impact on Blacks. Because of this non-racial motivation, individuals leading and managing institutions often do not believe that

their institutions are being racist. Furthermore, it is even more difficult for the institutions to change the behavior. These hospitals would fit into this category of reluctant racist. As Kwame Ture a.