



Law School Campus Climate Survey: An Executive Summary

May 15, 2020

Introduction

Law schools play a critical role for the entire legal profession and for our American society. Not only do our law schools train future lawyers in direct legal skills and knowledge, they also establish norms for how the next generations of attorneys view their fellow professionals and, to a significant extent, which rights, responsibilities, and courtesies should be extended to fellow lawyers and by extension, to all people. In expanding their understanding of what policies and practices best support their LGBTQ+ constituencies (whether students, faculty, or administrators), law schools thus have the opportunity to better support those constituencies during their time in the building, and to imbue respect for LGBTQ+ people in all who pass through their doors.

The second year of the National LGBT Bar Association and Foundation's "Law School Campus Climate Survey" recorded data from the 2019-20 school year, in our ongoing assessment of how American Bar Association-accredited law school institutions are supporting their LGBTQ+ populations. We invited all ABA-accredited law schools in the US to participate in the Campus Climate Survey, specifically asking them to focus on data and policies pertaining explicitly to their law school building and community, rather than the university at-large except where the university directly sets the relevant policy or provides the relevant services (such as health care). Sixty-seven law schools participated for 2018-19, whereas 82 schools submitted responses for 2019-20 as of the date of publication, representing an overall participation increase of 22.4%. Fifty law schools completed the survey both years, and while 17 of the schools who participated in 2018-19 did not participate this year, 32 schools who had not completed the inaugural survey submitted responses for the 2019-20 year.¹

¹ Please note that the deadline for completing this survey occurred during 2020's spring Covid-19 pandemic, and many law schools' administrators experienced professional and personal burdens that prohibited them from completing the survey. We are extremely grateful that despite this challenge, the number of participating schools increased overall by a significant margin and 32 law schools completed the survey for the first time this year.

Highlights

Of the 82 responding schools:

- All but nine offer gender-inclusive bathrooms
- All but seven include LGBTQ+ content in their course offerings
- All but three offer funding for outside LGBTQ+ events
- All but three offer counseling and therapy services available to their students either through their main university campus or the law school
- Over 90% have a hate incident/bias policy in place
- Nearly 98% actively seek to employ LGBTQ+ faculty/staff/ administrators
- Roughly three-fourths of participating schools actively seek out LGBTQ+ students, annually offer either LGBTQ+-specific scholarships or general diversity scholarships that are available to LGBTQ+ students, and include mention of identity group support in their welcome packets
- The majority of campus healthcare providers undergo LGBTQ-competency training
- Slightly more than half offer transition-related health benefits to their employees, and an additional fourth were unsure whether their policies would fairly cover all transition-related care (most made their policies available for review on their individual response pages)

The full results of the survey, representing data for the 82 participating law schools as well as non-discrimination statements for all accredited schools, can be found at <https://lgbtbar.org/climate-survey/climate-survey-2020/>.

The National LGBT Bar Association and Foundation wishes to thank all participating law schools, recognizing that these institutions have taken a key step to actively creating change in the legal field by participating and being willing to be transparent with their data.

Overview

The results of our survey show that the substantial majority of reporting law schools are aware of and actively working towards diversity and inclusion for their LGBTQ+ populations. This survey allowed a comprehensive look at just where shifts in the complex sphere of educational institutional equity are beginning to happen and where they have not yet fully formed, offering a benchmark for future results and, hopefully, an opportunity for schools to see proactive measures being implemented by other schools. Opportunities for equity and support present themselves in everything from the offered coursework, to comprehensive benefits, to a myriad of services and unique offerings.

The LGBT Bar found several points of interest while examining the participating schools' responses. Almost all participating schools have an active LGBTQ+ student group - which is

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critically important to supporting LGBTQ+ students during their time in law school and showing the school's inclusiveness to prospective students, and also provides an opportunity for LGBTQ+ and ally law students to engage in education and activism on campus and in their greater community. We applaud these schools' support of their student groups. Additionally, nearly all schools that provide employee and/or student benefits offer them on equal terms to employees' same-sex partners.

There is still much work to be done, however. Only 33 reporting schools have an explicit restroom policy in place providing that transgender and nonbinary students may use gender-segregated restroom facilities that match their gender identity, though a number of additional schools noted that students are in practice free to use the correct restroom. (We encourage schools to codify those informal practices into policies, as they provide certainty to transgender and nonbinary students as well as other gender-nonconforming students, that the school administration will support their use of the facility best matching their identity should another person challenge their right to be in that space.) The disparity in Diversity & Inclusion training for students, faculty and staff at participating schools is also noteworthy. While some schools require mandatory training for students and employees, others make training sessions optional for one or both groups, and some do not offer them at all. We recognize that states have different legal workplace requirements for D&I and anti-harassment training, which may explain these imbalances. We encourage all law schools to make available Diversity, Equity, and Inclusion training (with a strong gender identity and sexual orientation component) at least every other year, to ensure that all students and staff have core competency in this skill set and to set a tone that expects inclusion throughout the community. (The LGBT Bar offers LGBTQ+ DEI training through its coaching and consulting program, Lavender Law 365®; we can also recommend broad DEI resources and training information upon request.)

Three additional key take-aways from the results of this year's survey with respect to institutional recognition and equity for law school LGBTQ+ community members warrant a deeper examination: 1) the nearly uniform existence of nondiscrimination statements for both sexual orientation and gender identity; 2) the very low implementation of Self-ID programs within law schools for faculty and administrators; and 3) a high percentage of schools allowing transgender and nonbinary students' Name-In-Use to be reflected on documentation.

Nondiscrimination Statements

The National LGBT Bar Association and Foundation independently collected nondiscrimination statements from all ABA-accredited law schools prior to the 2018-19 survey, and asked all participating schools to confirm or correct our understanding of their statements this year. As of May 15, 2020, all but two law schools include sexual orientation in their nondiscrimination statements, either explicitly or by reference to applicable state law. All but 15 also include gender identity in those statements. The LGBT Bar urges all law schools to explicitly include

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these protected classifications in their nondiscrimination statements. Taking this step not only holds law schools accountable for this expression of values, it also sends a message of inclusivity and acceptance to LGBTQ+ and ally community members.

Self-ID

Over 60 schools reported having Self-ID options for students—that is, an opportunity for students to identify themselves as being LGBTQ+—on their registration or post-enrollment forms. (Not all schools ask in which of those specific categories - L, G, B, T, and/or Q - the student identifies.) However, only 15 participating schools could definitively say that they offer a similar Self-ID option for faculty and administrators. Anecdotally, the LGBT Bar heard from a number of schools which were hesitant to complete the survey due to their lack of Self-ID options for students, faculty, or administrators, and their concern that asking such questions would be either inappropriate or illegal. In fact, it is entirely appropriate and legal to invite people to identify their sexual orientation and gender identity in self-identification surveys, provided that those polls are both voluntary and provide an option of confidentiality, and that there are no negative consequences flowing from the organization as a result of the disclosure. The LGBT Bar encourages law schools to collect this data routinely. The needs of people who aren't counted are often overlooked, and failing to provide opportunities for people to self-identify as LGBTQ+ can lead to assumptions that are incorrect and potentially harmful (such as assuming a bisexual person is straight or gay/lesbian based solely on the identity of their current partner/spouse, or assuming one's school has no transgender community members and that policies ensuring their equal treatment are not necessary). All schools collect data regarding race and gender for their employees and students; this is simply another datapoint. Asking about sexual orientation and gender identity (as well as Name-In-Use, personal pronouns, and honorifics) in the right context, such as during the law school application process and during registration with appropriate privacy safeguards, is a strong indicator to all community members that the school cares about its LGBTQ+ constituencies. More importantly, it can lead to the school realizing either that the recruitment efforts it has been making have not been effective (which calls for a deeper dive into why) or that they are indeed effective and that the resulting LGBTQ+ students/faculty/administrators are in need of different facilities, signage, and policies than the school had previously prioritized. Self-ID for students can be as simple as including an optional space in your school application materials for students to identify themselves as transgender/nonbinary and/or as gay, lesbian, or bisexual, and if the student is comfortable disclosing their identity, to request that their Name-In-Use (if it differs from their legal name) be utilized on all classroom lists, ID documents, and email addresses, along with their pronouns and choice of honorifics.

Likewise, surveys of faculty and administrators can be conducted to invite law school employees to be counted and, if desired, to publicly self-identify their sexual orientation and gender identity. One of the best ways to support LGBTQ+ law students is to have out LGBTQ+

faculty, especially those of color, as examples of success and as potential mentors. These faculty can help support students and student groups members, acting as point-people for LGBTQ+ students with specific issues and giving advice about school itself and about career planning, as they may have practical and personal experience that not every law school's Career Services office will have. Self-identified LGBTQ+ faculty can also be invited to serve as an internal school resource for LGBTQ+ students and student groups, becoming a resource during the admissions process for quotes and profiles on the website and materials to ensure that LGBTQ+ students feel welcome, and more—just as faculty of color and women faculty are also invited to represent students of color and women students. So long as these surveys are voluntary and have an option for confidentiality, they can be extremely positive for the faculty/administrators and for students and prospective students.

Interestingly, quite a few responding schools identified (either on the survey or anecdotally to our staff) having LGBTQ+ faculty (including those of color) based on personal and/or community general knowledge rather than a formal count. We encouraged schools which do not currently conduct a formal Self-ID program to report anecdotal information for the time being, but recognize the possibility that people are mislabeled when they don't have the opportunity to self-identify. The LGBT Bar strongly encourages all law schools to implement Self-ID programs not only because representation is important for current and prospective law students, but also to help create happier workforces. Employees' needs are more likely to be met when employers are aware of just how many people are directly impacted by certain policies. The Bar's hope is that an increasing number of schools will become comfortable asking about sexual orientation and gender identity in an appropriate and lawful way just as they do now regarding racial identity and gender, and that key administrators recognize that this data is only stigmatizing when it is treated as such.

The 2019-20 Climate Survey also asked questions about LGBTQ+ faculty and administrators of color, reflecting the Bar's commitment to ensuring that the full breadth of the LGBTQ+ community is considered when data is collected and when best practices and policies are implemented in law schools. In the statistics gathered from this survey, the number of LGBTQ+ faculty and administrators of color seems quite low; however, it is difficult to know how to compare those numbers to demographic data given that so few law schools currently collect sexual orientation and gender identity Self-ID information from their faculty and administrators. As Self-ID measures increase at schools, we hope to see a corresponding increase in the number of reported LGBTQ+-identified faculty and administrators of color.

Pronouns and Name-In-Use

The Bar is delighted to report that 96% of schools responding to the Climate Survey indicate that they allow students to designate their Name-In-Use on admissions applications or post-enrollment forms when it differs from the student's legal name. This option is of course

valuable to any student who goes by a name other than their legal name, but is particularly key and validating to transgender and nonbinary students whose legal name may disclose their transgender status and who may face substantial barriers to undergoing a legal name change. Students who are addressed by the name, pronouns, and honorifics which reflect their gender identity are significantly more likely to succeed in school, to be fulfilled during their educational experience, and to be free from bullying in the law school environment. When an individual's pronouns or Name-In-Use are not respected, or when the wrong honorific is used to call on a student in a classroom (such as using "Mr." instead of "Ms."), that student can feel disrespected, targeted, and harassed even if the misgendering was not deliberate. Any and all streamlined administrative procedures which enable a student (or a staff/faculty member) to be consistently addressed by their Name-In-Use, including in classroom settings where using a former name could "out" the student as transgender to the entire class, will lead to better educational and employment outcomes for that individual, and will help keep them safe whilst enabling them to be fully appreciated as a valued member of their law school community.

Conclusion

While the legal profession continues to face challenges to ensure that diverse lawyers are supported in their chosen workplaces and areas of practice, the National LGBT Bar Association and Foundation is heartened that our nation's law schools are committed to updating their policies and practices, and to ensuring that LGBTQ+ law students, faculty, and administrators are safe and welcomed on their campuses. The LGBT Bar's Campus Climate Survey serves as a yardstick by which to measure LGBTQ+ inclusion in legal education, while our Companion Toolkit provides guidelines to help schools meet their own goals for support and inclusion. The Bar appreciates the efforts that leaders in law school diversity, equity, and inclusion are making to assure that LGBTQ+ law students thrive in their legal education and in their legal career path, and hope to see the field continue to grow.