



DIVERSITY & EXCLUSION

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Foreword

KIMBERLY M. MUTCHERSON
CO-DEAN & PROFESSOR OF LAW,
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Being a law school dean during a time of appropriately deafening calls for change is a weighty burden. The work demands confronting our own institutional shortcomings and boldly committing to making real our claims that we are welcoming environments. As the first Black gay woman to be the Dean at Rutgers Law School, these last several months, starting in March 2020, have weighed extremely heavily on me. I've steered the law school forward while watching COVID-19 wreak havoc, especially on low income communities of color, and seeing the country slide into a depth of racial upheaval, protests, sorrow, and calls for drastic societal change following more unjust killings of Black people at the hands of those sworn to protect and serve.

In these times especially, I aspire to ensure that my law school and all laws schools are as hospitable and open as their glossy brochures imply. It has long been true that many students of color, especially Black students, feel deeply alienated from their law schools. I remember as a student walking the halls of my predominantly white law school (like most law schools) and being struck by the disruption of my presence. That law school was not built for me, nor could its founders have contemplated future law students like me. I existed in my law school but did not necessarily feel like I belonged there. Only the blood, tears, and pain of those who burst through

tightly sealed doors of segregation allowed my entry into that space.

As this LSSSE Annual Report reveals, present day law students of color, especially Black women, and other law students from underrepresented groups continue to feel that their law schools do not value their presence or work hard enough to foster environments conducive to a wide range of students. After the killing of George Floyd, a Black man, by a white police officer and the widespread civil unrest that followed his very public death, law deans from across the country issued statements of solidarity with the Black community. In those statements, they pledged to look inward to see the ways in which their institutions fail to actively work against racism in the law and in their own buildings. But declaring a commitment and living out that commitment are very different as evidenced by the outcomes highlighted in this report.

If schools want to do better, and we should all want to do better, the data in this report is a good place to start. Students whose law schools do not challenge them to reflect on their own cultural backgrounds and critique the law's treatment of race, gender, sexual orientation, and other marginalized identities will be ill-equipped to use their law degrees in the diverse world into which they graduate. Students who do not feel a sense of belonging at their law schools will not have the support they need to thrive.

Needed change in law schools goes well beyond demographics. In keeping with the call to action in the Law Deans Antiracist Clearinghouse¹, a project of which I am proud to be a founding member, schools must conduct institutional audits to identify who they are failing, how they are failing, and how to fix those failures. This is painstaking work because law schools are slow to change; but law schools that are serious about the work must:

- re-visit their curricula and note how they fail to adequately grapple with law as a tool of oppression (past and present);
- reflect on hiring, tenure, and promotion practices that reinforce a self-perpetuating elitism;
- consider scholarship funding models that disproportionately reward existing privilege; and
- think creatively about building internal support systems, academic and personal, so that all students and faculty get what they need to be successful.

Law schools should go beyond what I have space to articulate here, but it all begins with difficult, probing, and uncomfortable conversations. The challenges before us are surmountable if we truly want to build better law schools. As part of a wave of women law deans, including the largest ever number of Black women, I am deeply impressed by my sister deans who have been leading the charge for change. Law is a righteous profession, and our law schools must reflect the values we want to make primary in that profession— opportunity for all; commitment to justice; openness to critique; willingness to change; belief that we are made stronger and better through diversity; and understanding that diversity is meaningless when uncoupled from a focus on inclusion and belonging.

¹ The Law Deans Antiracist Clearinghouse Project, initiated by five Black women law deans, seeks to “engage our institutions in the fight for justice and equality, [and] focus our teaching, scholarship, service, activism, programming, and initiatives on strategies to eradicate racism.” More information is available at: <https://www.aals.org/antiracist-clearinghouse>.



Director's Message

MEERA E. DEO
DIRECTOR, LSSSE

When we launched the LSSSE Module on Diversity and Inclusiveness in February 2020, I could not envision that the country was about to enter the grip of a global pandemic that would disproportionately affect communities of color, or that thousands of Americans from all walks of life would rise up in protest against ongoing anti-Black violence. There has been increasing interest in issues involving diversity, equity, and inclusion in law school for many years, and while it is a topic that has always been included on the main LSSSE survey it had not previously been studied through a separate set of focused questions. This year's LSSSE Annual Report provides a baseline of law student perceptions and experiences along various measures of diversity. Understanding what works well and where we need improvement is an important first step on the path toward where we aspire to be.

The data tell us, for instance, that students from all walks of life enjoy opportunities to engage in coursework that encourages them to share their own perspectives and experiences. Furthermore, it is encouraging that students from all backgrounds believe they have acquired necessary workplace tools that will help them “work effectively with people from diverse backgrounds” after graduation. That is the good news.

But the overarching theme from this report, what the data unequivocally show, is that **those who are most affected by policies involving diversity—the very students who are underrepresented, marginalized,**

and non-traditional participants in legal education—are the least satisfied with diversity efforts on campuses nationwide. I worry that while institutions have been touting a commitment to equality with broad diversity statements and written policies supporting equal opportunities, traditional insiders see these words as doing the work while underrepresented students pay the price for ongoing inequities. What do I mean by this?

When considering specific questions on diversity and inclusion on law school campuses, three inter-related characteristics are critical. First, institutional support is a key factor not only in cultivating belonging and diversity-related skills, but to create a supportive environment that encourages all students to thrive on campus and in the profession. A second and similar element is belonging—the extent to which students feel invested in and welcomed by their institutions. Third, students have varying perspectives on the skills they learn in law school that can help them navigate an increasingly diverse American society and potentially global clientele.

The findings on each of these dimensions are sobering, especially when we compare the highly disparate responses from students of different backgrounds. Almost a quarter (23%) of Black law students believe their schools do “very little” to foster support for racial/ethnic diversity on campus, while roughly a third (32%) of white students see their schools as

doing “very much”. A full third (33%) of first-gen students and 38% of students owing over \$200,000 admit that they do not feel valued by their law schools. One out of every five (21%) law students who are Black, Latinx, or Native American along with 32% of students whose parents did not finish high school note that they “do not feel comfortable being myself at this institution,” compared to just 12% of all white students. And though a whopping 56% of white male law students believe their schools do “quite a bit” or “very much” to help them “develop the skills to confront discrimination and harassment,” a full quarter (24%) of all women students and over a third (36%) of all Black students believe their schools do “very little” to equip them with these tools.

In sum, our data show that non-traditional students remain marginalized on campus, left out of the community, devalued, and underappreciated. Many law schools have made concerted efforts to add student diversity to their campuses. But once students enroll, we owe it to them to provide a safe and welcoming environment, one where they feel valued, where they can be themselves, where they acquire the tools they need to succeed in the workplace, and where they can thrive. **Admitting and even enrolling more students of color, first-gen students, students who identify as LGBTQ, and women is not enough unless that diversity is accompanied by inclusion.** Law schools that want their students to succeed as future lawyers and leaders must commit to fostering a campus community where the most vulnerable and non-traditional are encouraged to reach their full potential, where faculty are expected to train students not only for the global marketplace but for the realities of American life, and where all students appreciate their own backgrounds, biases, and responsibilities to the profession.

Introduction

The 2020 LSSSE Survey collected responses from approximately 13,000 law students at 68 law schools in Spring 2020. The law schools participating in LSSSE closely resemble ABA-approved law schools overall in terms of enrollment size and affiliation (public/ private). This Annual Report features selected results from the LSSSE Diversity and Inclusiveness Module that explore similarities and differences within populations of law school students. In 2020, 28 law schools participated in the Diversity and Inclusiveness Module which gathered responses from over 5,200 students.

Questions of diversity and inclusion have been forefront for many students, staff, faculty, and administrators for decades. The Supreme Court has weighed in on the importance of student body diversity, affirming that it “promotes cross-racial understanding, helps to break down racial stereotypes, and enables students to better understand persons of different races.”² Yet previous research has shown that even enrolling a critical mass of students from various backgrounds does not automatically create a robust exchange of ideas or prepare students for future careers interacting with diverse clientele.³

Schools have a responsibility to not only admit and provide the resources to enroll a diverse class of students, but to impart the skills these students will need to be effective lawyers. Increasingly, the practice of law requires sensitivity to issues of race/ethnicity, gender, sexual orientation, and socioeconomic status.

This year for the first time, LSSSE introduced a set of questions focused on diversity and inclusion that supplement related questions from the primary survey. The Diversity and Inclusiveness Module examines environments, processes, and activities that reflect the engagement and validation of cultural diversity and promote greater understanding of societal differences. Questions

explore students’ exposure to inclusive teaching practices and intercultural learning; perceptions of institutional values and commitment regarding diversity; and participation in diversity-related programming and coursework.

In this report, we draw from the [Diversity and Inclusiveness Module](#) to present data about how diversity in law school can prepare students for the effective practice of law upon graduation. These begin with a foundational requirement that schools are creating a supportive environment for all students. Without institutional support, students from different backgrounds may not see themselves as valuable partners for building an inclusive community. Equally important, students who feel a strong sense of belonging are more likely to achieve academic and professional success; avoiding identity-based stigma allows students to fully engage and invest in the law school community as their authentic selves. Finally, as part of a broad curriculum that sets up students for their future practice, law schools should teach students *diversity skills*—a set of skills that facilitate success in our increasingly globalized society, ranging from personal reflection to the tangible tools lawyers can use to combat discrimination. Law schools that succeed at these diversity-related endeavors will be preparing our nation’s newest lawyers to meet the full range of challenges ahead.

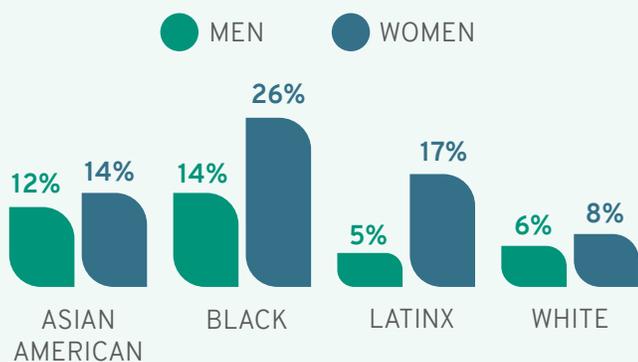
2 Fisher v. Univ. of Tex. at Austin, 579 U.S. – (2016) (slip. op. at 12) quoting Grutter v. Bollinger, 539 U.S. 306, 330 (2003).

3 Meera E. Deo, *The Promise of Grutter: Diverse Interactions at the University of Michigan Law School*, 17 Mich. J. Race & L. 63, 110 (2011).

Institutional Support

Support for diversity in law school must begin with the institution. Yet many students of color do not see their campus as supportive of racial/ethnic differences. Almost a quarter (23%) of Black law students nationwide say their schools do “very little” to create a supportive environment for race/ethnicity, compared to just 6.8% of White students. At the opposite end of the spectrum, 32% of White students believe their schools do “very much” to support racial/ethnic diversity, compared to only 18% of their Black classmates. Men (37%) are also more likely than women (26%) and those of another gender identity (7.5%) to believe their campus is very supportive of racial/ethnic diversity. Even more dramatic are intersectional identity findings, as a full 26% of Black women—more than any other raceXgender group—see their schools doing “very little” to create an environment that

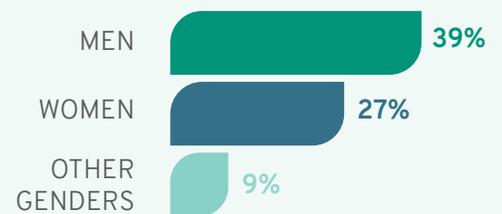
Students who see very little institutional support for racial/ethnic diversity



is supportive of different racial/ethnic identities, as compared to just 5.5% of White men (while 72% of White men believe their schools do “quite a bit” or “very much” in this arena).

Men are also more likely to see their campus as a “supportive environment for gender diversity,” with 39% believing this “very much” as opposed to 27% of women students, and only 9% of students who identify as another gender identity. Furthermore, White students as a whole (33%) see the campus as very supportive of people of different genders,

Students who see very much institutional support for gender diversity



compared to 21% of Native Americans and Black students. Again, the views of White male students differ significantly from most others with a full 40% seeing their campus as very supportive of gender difference. In short, women as well as others from less privileged groups do not see their schools as particularly supportive of gender inclusivity.

Not surprisingly, given the relative lack of support they see for racial/ethnic and gender diversity on campus, women and students of color also believe their schools are less invested in them as individuals. When asked whether they “feel valued” by their law school, a full 30% of men “strongly agree” compared to only 24% of women and 21% of those who identify as neither male or female.

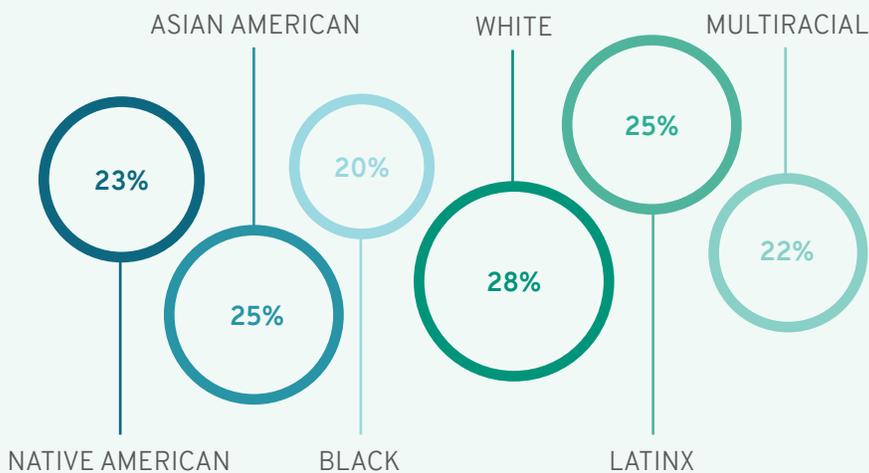
Similarly, the racial/ethnic group most likely to “strongly agree” is Whites (28%). In fact, while Latinos, White men, and Black men “strongly agree” that they are valued at roughly equal rates, men feeling more valued than women is consistent across every racial/ethnic group. Furthermore, students who are the first in their families to earn a college degree, often called “first-gen” students, feel less valued by their institution: a full third (33%) note they do not feel valued, compared to a quarter (25%) of others, which is also a significant proportion of law students overall.

In addition, schools are signaling to students that their worth is

determined at least in part by their debt load. While almost one-third (31%) of students who owe \$40,000 or less “strongly agree” that they are valued by their institution, only 17% of students owing over \$160,000 feel the same whereas a full 38% owing at the highest levels believe their schools do not value them.

Institutions can also put mechanisms in place to foster community among those on campus, regardless of their background or experiences. Finding this common ground helps all students understand that they belong and that others who may be different should be equally welcome. Again, White students are most likely to believe their institution emphasizes the importance of “creating an overall sense of community among students.” While 28% of White students think their schools do this “very much,” smaller percentages of students of color feel similarly. Even more disheartening, 18% of Black students and 14% of Latinx students think their schools do “very little” to foster community.

Students who think their schools do very much to create an overall sense of community

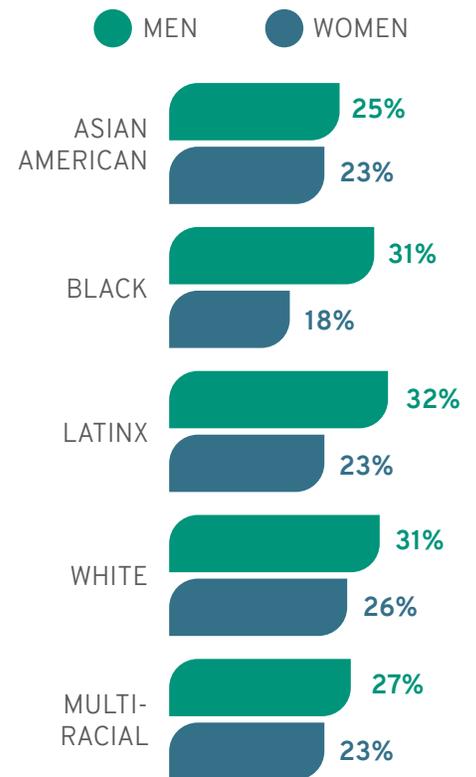


Students who strongly agree that they feel valued by their institution

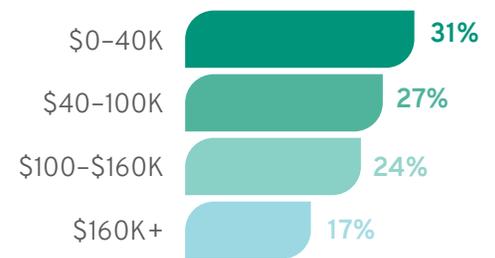
by Gender



by raceXgender



by Debt



Belonging

Scholarly research indicates that students who have a strong sense of belonging at their schools are more likely to succeed.⁴ Generally, belonging refers to feeling like part of the institutional community, fitting in, and being comfortable on campus.⁵ Using a number of separate indicators, LSSSE data on diversity and inclusiveness show that White students are more likely to have a strong sense of belonging than their classmates of color. For instance, when asked whether they feel they are “part of the community at this institution,” a full 31% of White students strongly agree—though lower percentages of

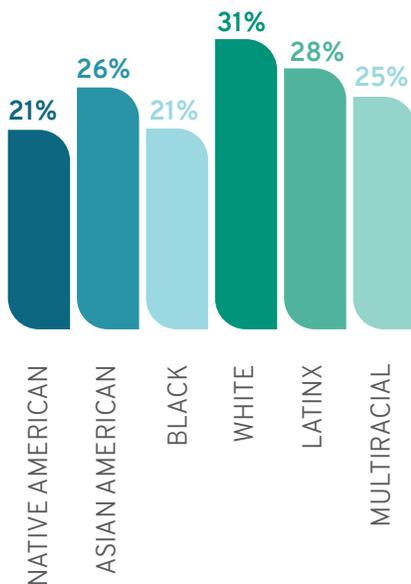
students of color do, including only 21% of Native American and Black students.

Even more problematic when considering the importance of building an inclusive community: women of color are more likely than men from their same racial/ethnic backgrounds to feel that they are not part of the campus community—including a whopping 34% of Black women law students nationwide. First-gen students also deserve greater support, as only 23% “strongly agree” that they feel like part of the community at their law school, compared to 31% of students whose parents have at least a bachelor’s degree.

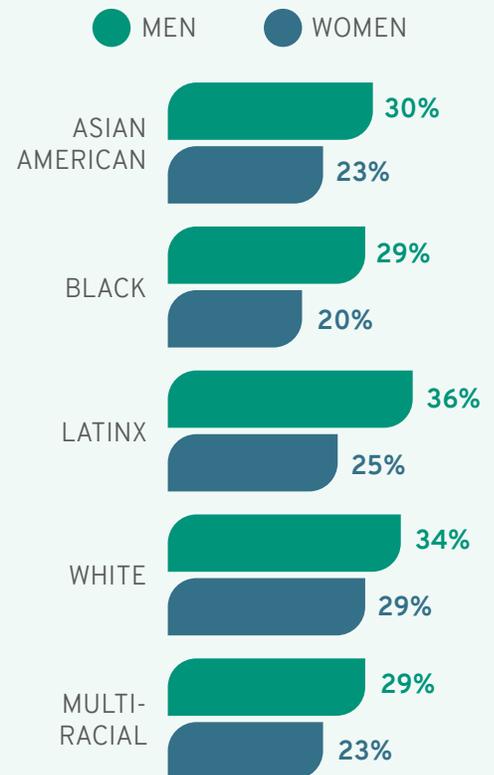
4 Kuh, G. D., Kinzie, J., Buckley, J. A., Bridges, B. K., & Hayek, J. C. (2006). *What matters to student success: A review of the literature* (ASHE Higher Education Report). San Francisco, CA: Jossey-Bass.
 5 Strayhorn, T. L. (2018). *College students’ sense of belonging: A key to educational success for all students*. New York, NY: Routledge.

Students who strongly agree that they are part of the community

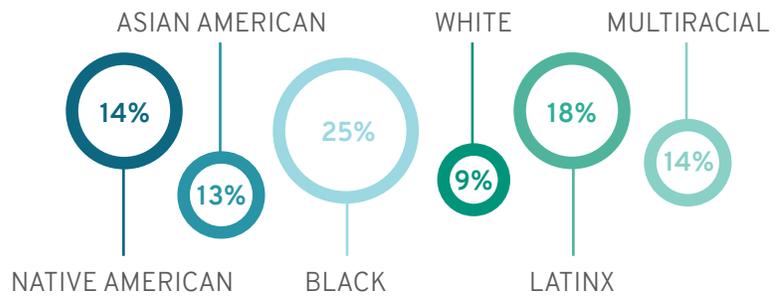
by Race



by raceXgender



Students who strongly disagree that they feel comfortable being themselves on campus



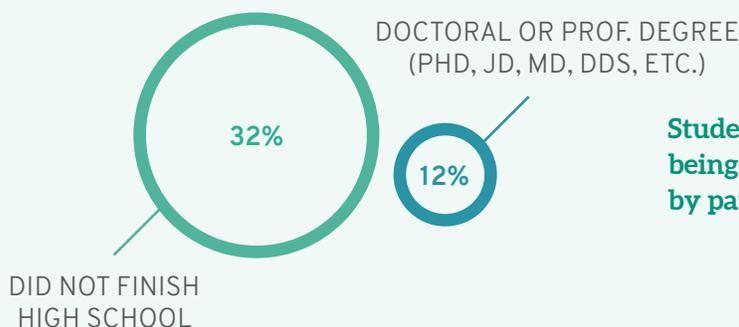
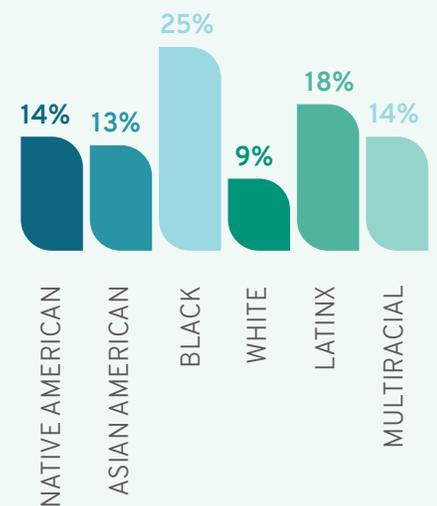
Students of color are also more likely than their White classmates to think their schools do “very little” to ensure students are not stigmatized based on various identity characteristics, including race/ethnicity, gender, religion, and sexual orientation. While only 9.3% of White students agree, 14% of Native Americans, 18% of Latinx students, and a full quarter (25%) of Black students believe their schools do “very little” to emphasize that students are not stigmatized based on identity. Similarly, 11% of heterosexual students think their schools do only “very little” to avoid identity-based stigma; conversely, 20% of gay students, 16% of lesbians, 15% of bisexual students, and 19% of those who identify as another sexual orientation see their schools as doing “very little” in this regard. Taken together, these findings suggest that those most likely to suffer stigma are also those most likely to think their schools do very little to protect them.

White students are also more likely than those from other backgrounds to be comfortable being themselves on campus, with only 12% noting they are not. Yet one out of every five (21%) law students who is Native American, Black, or Latinx

notes that they do not “feel comfortable being myself at this institution.”

There are also disturbing disparities when considering parental education—a strong proxy for family socioeconomic status. Being comfortable on campus increases almost in lockstep with increases in parental education; a full 32% of law students whose parents did not finish high school are uncomfortable being themselves on campus, compared to just 12% of those who have a parent with a doctoral or professional degree. Again, this lack of belonging can have negative academic and professional consequences for even those students whose academic indicators suggest they should have strong performance.

Students who think their schools do very little to ensure no stigma.



Students who are not comfortable being themselves on campus, by parental education



Diversity Skills

The Supreme Court and dozens of scholars have supported student diversity in higher education in part because “the skills needed in today’s increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints.”⁶ Law schools, which throughout history have produced many national and international leaders, clearly should be tasked with preparing students to succeed in these roles. Imparting diversity-related skills is critical to that endeavor. Law schools can empower students first by encouraging them to reflect on their own identities, and then supplying coursework on issues of privilege, diversity, and equity; while it is important for students to learn about anti-discrimination and anti-harassment, law schools should also equip them with the tools they will need to fight these social problems as attorneys and civic leaders.

⁶ Grutter v. Bollinger, 539 U.S. 306, 330-31 (2003).

Yet schools are, by and large, not preparing law students to meet these challenges and succeed as leaders. When students were asked how frequently they reflect on their own cultural identity, only 12% of White students do so “very often,” compared to 50% of Native American students, 44% of Black students, and 34% of Latinx students. Even more alarming, over a quarter (26%) of White students *never* reflect on their cultural identity during law school. When we consider the intersection of raceXgender, an even more troubling picture emerges. A full 28% of White

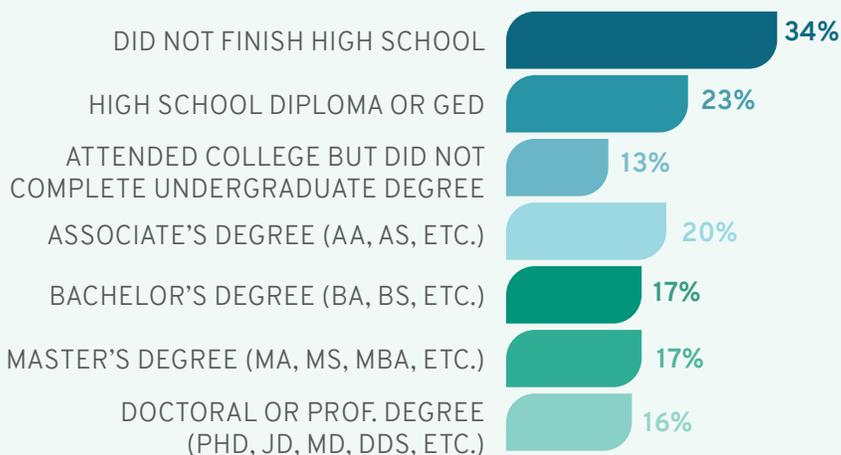
men and 25% of White women in law school *never* reflect on their cultural identity, compared to the 50% of Black women who do so “very often”.

Students whose parents have less formal education are also more likely to reflect on their cultural identity, including 34% of those whose parents did not finish high school as compared to 16% of those who have a parent with a doctoral or professional degree. In sum, students with racial, gender, or class privilege are less likely to reflect on the benefits associated with their identity.

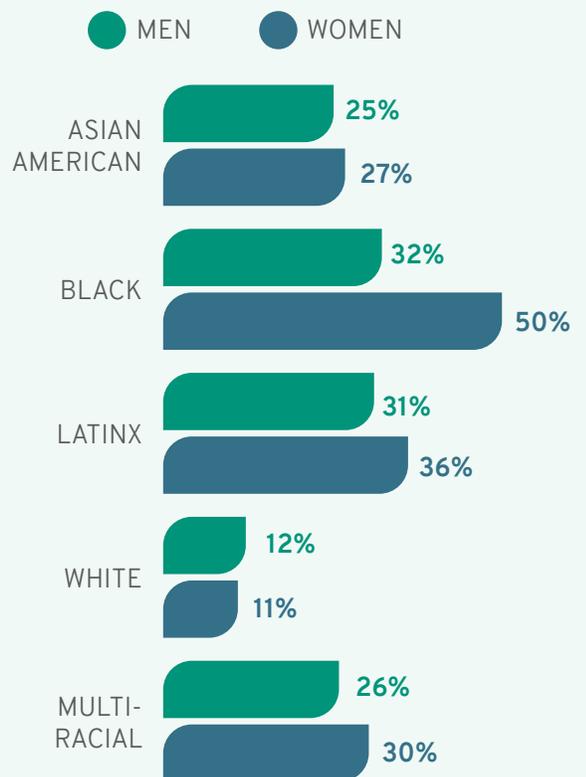
“Students with racial, gender, or class privilege are less likely to reflect on the benefits associated with their identity.”

Students who reflect on their cultural identity very often

by Parental Education



by raceXgender



Students who feel their schools emphasize antidiscrimination and harassment policies very much

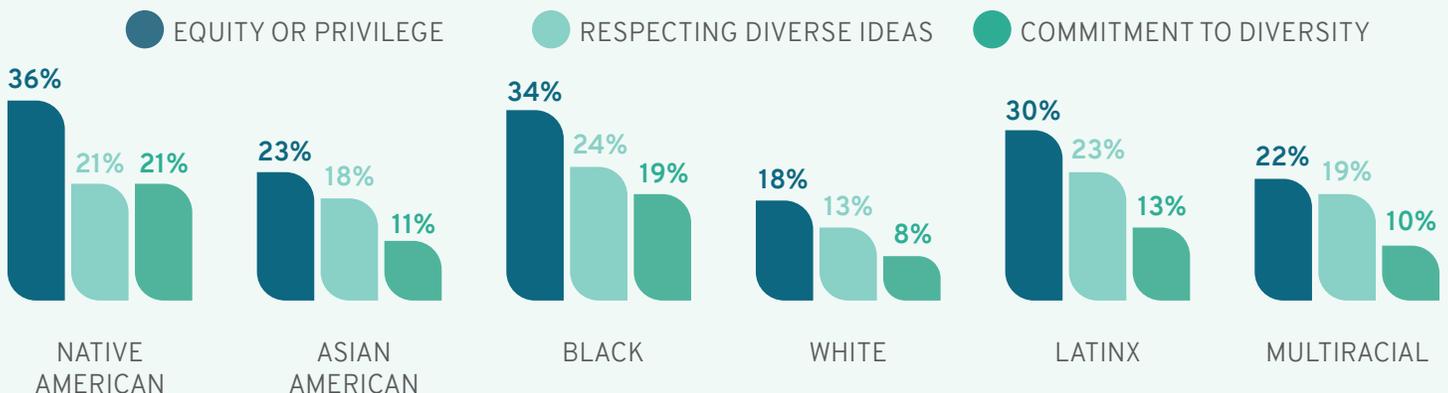


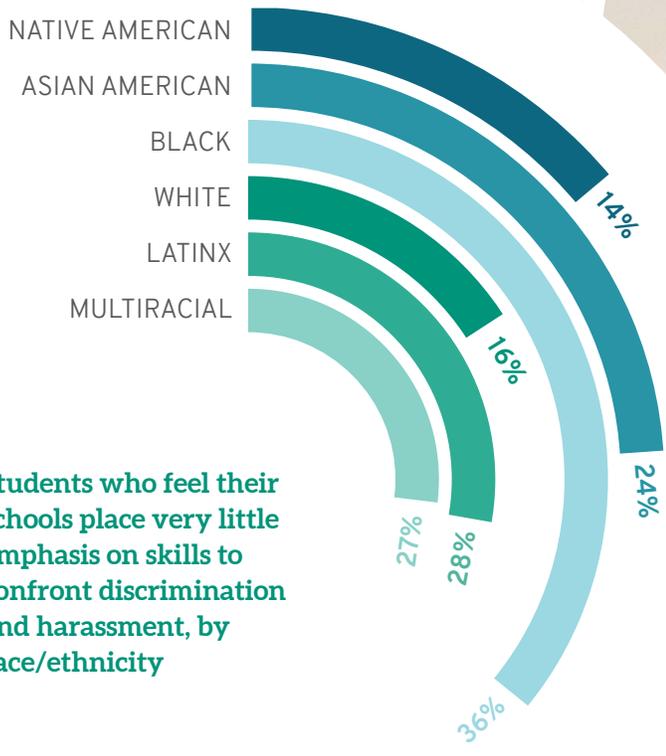
Even without self-reflection, students can nevertheless gather information about anti-discrimination and harassment policies. LSSSE data show that while White students see their schools as prioritizing this information, students of color do not agree at the same high levels. Similarly, men (31%) are more likely than women (23%) and those with another gender identity (11%) to believe their schools strongly emphasize information about anti-discrimination and harassment. Considering raceXgender, a full 27% of Black women see their schools as doing “very little” to share information on anti-discrimination and harassment, while 32% of White men believe their schools do “very much” in this regard.

Equally troubling, students from different backgrounds perceive institutional emphasis of various diversity-related topics in starkly divergent ways. Although White students believe that their schools emphasize issues of equity or privilege, respecting the expression of diverse ideas, and a broad commitment to diversity, students of color are less likely to agree. Students of color—including those who are Black, Latinx, Asian American, Native

American, and multiracial—frequently note and appreciate assignments or discussions of race/ethnicity and other identity-related topics in the classroom; yet they are more likely than their White peers to report that schools place “very little” emphasis on diversity issues. Women are similarly more likely than men to believe their schools do “very little” to emphasize diversity in coursework. Furthermore, higher percentages of Black women report “very little” emphasis on equity or privilege (36%), respecting diverse perspectives (27%), and an institutional commitment to diversity (21%)—compared to high percentages of White men who believe their schools are doing “very much” in all three arenas (20%, 24%, and 34%, respectively). First-gen students are also more likely than their classmates whose parents completed college to note “very little” diversity coursework. Synthesizing these data, students who are traditionally underrepresented and marginalized—arguably the students who have the most personal experience with issues of diversity—see their schools as doing less to promote diversity and inclusion than those who are privileged in terms of their race/ethnicity, gender, and parental education.

Students who feel their schools place very little emphasis on various diversity topics





Students who feel their schools place very little emphasis on skills to confront discrimination and harassment, by race/ethnicity



There are specific diversity skills that schools are effectively passing along. Students from all backgrounds note that they have gleaned workplace diversity tools from coursework that emphasizes “developing the skills necessary to work effectively with people from various backgrounds,” “sharing your own perspectives and experiences,” and “recognizing your own cultural norms and biases.” Unfortunately, they are also united in the belief that their coursework did not regularly highlight “exploring your own background through projects, assignments, or programs,” or “learning about other cultures.”

LSSSE also asked students how much their law school emphasized “helping students develop the skills to confront discrimination and harassment.” Regardless of how much self-reflection

they engage in or how much information on diversity topics were available, this question was a direct way to determine whether students felt they had particular diversity skills that would be useful in the future. Again, Whites have very different perceptions than Black students and other students of color. While over one-third (36%) of all Black students think their schools do “very little” to help students develop antidiscrimination tools, over 50% of White students see their schools as doing “quite a bit” or even “very much.” There are similar gender disparities with almost a quarter (24%) of women students seeing their schools doing “very little” to prepare them to handle discrimination or harassment, while 56% of men think their schools do “quite a bit” or “very much.”



Conclusion

Perhaps more than any other aspect of law student life, experiences with diversity vary greatly—not only by race/ethnicity and gender, but also by raceXgender, first-gen and sexual orientation status, parental education, and debt load. Overall, White men in law school see their institutions as fostering support for students of different backgrounds; they have a strong sense of belonging at their schools, feel comfortable on campus, and know their schools value their presence.

Yet the experiences of women students and students of color lie in stark contrast. Many do not see their campus as supportive of racial/ethnic or gender diversity. Women students and students of color are less likely to feel they are part of the community and more likely to be stigmatized because of their identity. Other non-traditional students—including first-gen students, those carrying the highest debt loads, students whose parents are less educated, and those who are gay, lesbian, bisexual, or another sexual orientation—are also less satisfied with institutional investment in diversity and inclusion in various ways.

LSSSE data suggest that these experiences inform perspectives on the availability and success of acquiring diversity skills in law school. Many non-traditional students

spend considerable time reflecting on their own culture and identity—though roughly one-quarter of Whites and men *never* do. Perhaps deeper reflection gives students of color, women, and others whose identity characteristics have led to different life experiences greater insight to recognize that their schools have equipped them with neither the information nor the skills they need to confront discrimination or harassment after graduation.

The antidote is clear. Schools must act now to provide students with opportunities to reflect on their own backgrounds, connecting these with ongoing racial tensions, gender equity, and broader social justice goals. A failure to act means that schools will continue to produce alumni who are ignorant about the relevance of their own background and identity and unprepared to engage with issues involving diversity. Instead, institutions should place greater emphasis on valuing students from all backgrounds, creating an inclusive community, and integrating diversity into the curriculum. With that foundation, law schools can prepare students to interact in meaningful ways with diverse clientele, to first recognize and then resist instances of discrimination or harassment, and to meet the many challenges they will confront in their roles as lawyers and leaders.



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