



# **LGBTQ+ Inclusion: From Candidate to Law Student**

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## Introduction

While progress has been made on various social and legal fronts, LGBTQ+ individuals continue to face discriminatory and exclusionary experiences. For example, in the United States, 60% of LGBTQ youth ages 13 through 24 reported that they experienced discrimination due either to their sexual orientation or to their gender identity (The Trevor Project, 2020). The impact of these exclusionary experiences is often compounded when their gender and/or sexual orientation identities intersect with their other marginalized identities, such as race, ethnicity, first-generation college status, and socioeconomic status (SES).<sup>1</sup> This is especially notable for transgender women of color (e.g., Jefferson et al., 2013).

For the purposes of this survey, LGBTQ+ refers to people who identify with any sexual orientation other than heterosexual and people with any gender identity other than cisgender man or woman.

The limited research conducted to date on the experiences of LGBTQ+ candidates and students indicates that their exclusionary and discriminatory experiences in the larger U.S. society extend into the legal education setting as well (e.g., Bodamer, 2019; Meredith, in press). When navigating the law school enrollment journey, LGBTQ+ candidates face the challenging task of finding a law school that meets their academic and professional needs, as well as a culture that will support their full authentic selves inside and outside of the classroom; yet these candidates have very little to no information to guide them in finding a school that meets those criteria. In an effort to support diversity and inclusion in the enrollment journey and beyond, the Law School Admission Council (LSAC) created the LGBTQ+ Survey, which will be used in the future to update the [LSAC LGBTQ+ Guide to Law Schools](#) for law school candidates.<sup>2</sup> In recognition of the changing landscape of legal education and for LGBTQ+ individuals since the LGBTQ+ Survey was first administered over 15 years ago, the LSAC Sexual Orientation and Gender Identity Subcommittee approved a new and robust candidate-centric survey. This survey was designed to better address questions about representation, the student experience, engagement, resources, availability of affirming spaces,<sup>3</sup> and inclusive curriculum.

The specific purpose of the 2021 LSAC LGBTQ+ Law School Survey was to collect information on how law schools support LGBTQ+ *students*.<sup>4</sup> The survey was administered in March 2021 to all 219 member law schools in the U.S. and Canada. A total of 136 U.S. law schools from 47 states and 5 Canadian law schools provided responses (at a response rate of more than 60%).<sup>5</sup> The results of this survey will have a number of immediate uses, including:

- Educating law school professionals about current LGBTQ+-related policies and practices in legal education in order to create a common understanding and baseline from which we can suggest updates and advocate for inclusive and meaningful change.
- Developing strategic programming and resources for candidates and schools.

This report is the first of its kind to offer a highly nuanced perspective on how law schools support LGBTQ+ students. The purpose of this report is to create a baseline of understanding by providing an overview of current law school policies and practices related to (1) diverse representation, (2) recruitment and admissions, (3) the student experience, and (4) the curricula in law schools today. Our goal in providing this overview is to initiate a conversation about how schools are cultivating an inclusive environment for LGBTQ+ individuals as well as opportunities for growth and improvement. We expect this to be an ongoing conversation that involves regularly evaluating the use of language, effective support, and the nuanced intersectional experiences often overlooked when we group people under one identity umbrella. We look forward to engaging with schools, candidates, law students, and other stakeholders as we work together to create an inclusive law school experience, address needs, and amplify the voices of our LGBTQ+ candidates and students.

## Context: LGBTQ+ Individuals on the Path to and Through Law School

Research about LGBTQ+ individuals in society at large and within education and the legal profession continues to show the prevalence of discrimination and othering experiences (e.g., Chang & Davis, 2010; Leahy, 2020; The National LGBT Bar Association and Foundation, 2019). Truly comprehensive efforts to increase and improve diversity, equity, and inclusion (DEI) must go beyond recruitment of racially and ethnically diverse populations. Our understanding of which groups should be included when schools think about ways to attract and retain a diverse student body needs to change: It can no longer be based on the understanding of DEI formulated in the 1960s, when schools began their first tentative efforts to address racial diversity (Bell, 1970; Carl & Callahan, 1965; Gellhorn, 1968). While it is clear that we will ultimately need to reflect and push for policy and cultural changes beyond the legal field in recognition of how larger structural issues in society drive many DEI issues within the field, we cannot and should not let that preclude us from discussing what law schools can do now to create an inclusive educational and professional environment for all, especially for those who have been historically marginalized and tokenized (Caminker, 2006; Schendel, 2018).

We will only be able to address inequity in legal education for all if we can move past the singular idea of increasing access and begin the process of implementing effective support for those who struggle to navigate the largely white, male, cisgender law school environment (Moore, 2007; Wright, 2018). This report contributes to how we can begin moving in that direction by outlining how schools are working toward inclusivity and cultivating a sense of belonging among LGBTQ+ students. To ensure a common understanding for all readers and provide important context in which the 2021 survey was administered, the following subsections briefly review language, LGBTQ+ experiences from the perspective of LGBTQ+ students and legal professionals, and LGBTQ+ diversity in the law school applicant pool.

## Language

For the purpose of the LGBTQ+ Law School Survey and, by extension, this report, LGBTQ+ refers to people who identify with any sexual orientation other than heterosexual and with any gender identity other than cisgender man or woman. While LGBTQ+ is a common umbrella term, it actually encompasses various distinct definitions and experiences related to gender and sexual orientation diversity. We start with outlining language to ensure a common understanding, because gender identity and sexual orientation are important aspects of an individual's identity and are an essential aspect of a specific lived experience, just as an individual's racial and ethnic identity are.

The term *sex* comprises the biological characteristics that are used to assign people the labels “male” or “female” at birth (Hyde et al., 2018; Williams et al., 2021). While sex is often erroneously conflated with gender, *gender identity* describes how a person interprets and views themselves, which may or may not align with the sex—the biological characteristics of a person's body—the person was assigned at birth. In other words, gender identity is one's internal sense or knowledge of being a man, a woman, or another gender (e.g., Hyde et al., 2018; The National Center for Transgender Equality, 2016). The term *transgender* is a “broad term that can be used to describe people whose gender identity is different from the gender they were thought to be when they were born” (The National Center for Transgender Equality, 2016). *Cisgender* is used to refer to individuals whose gender identity is the same as their sex assigned at birth. *Gender nonbinary* refers to individuals who self-identify in ways that are not defined by the two categories of female and male (e.g., Brooks, 2017; Hyde et al., 2018; Tate et al., 2014).

*Gender expression* is separate from gender identity and is defined as “how a person presents their gender on the outside, often through behavior, clothing, hairstyle, voice or body characteristics” (The National Center for Transgender Equality, 2016). For example, *gender nonconforming* refers to people outside of the gender binary of male or

female who do not adhere to society's rules about dress and activities for people that are based on their biological sex and gender assignment. Someone can identify as a woman and still be gender nonconforming in her expression.

Last, *sexual orientation* refers to an inherent and enduring emotional, romantic, and/or sexual attraction to other people.<sup>6</sup> Conceptually, sexual orientation has three major dimensions that include (a) sexual attraction, which refers to the sex or gender of individuals whom someone feels attracted to; (b) sexual behavior, which refers to the biological sex of sex partners; and (c) self-identification, which refers to how one identifies one's own sexual orientation (SMART, 2009). The concepts of sex, gender identity, gender expression, and sexual orientation are evolving as researchers further explore the full meaning of these terms and the lived experiences of individuals within these categories. The definitions offered here should be thought of as a foundational understanding that LSAC will build on through collaborative education and research.

## ***LGBTQ+ Experiences in Legal Education and the Legal Profession***

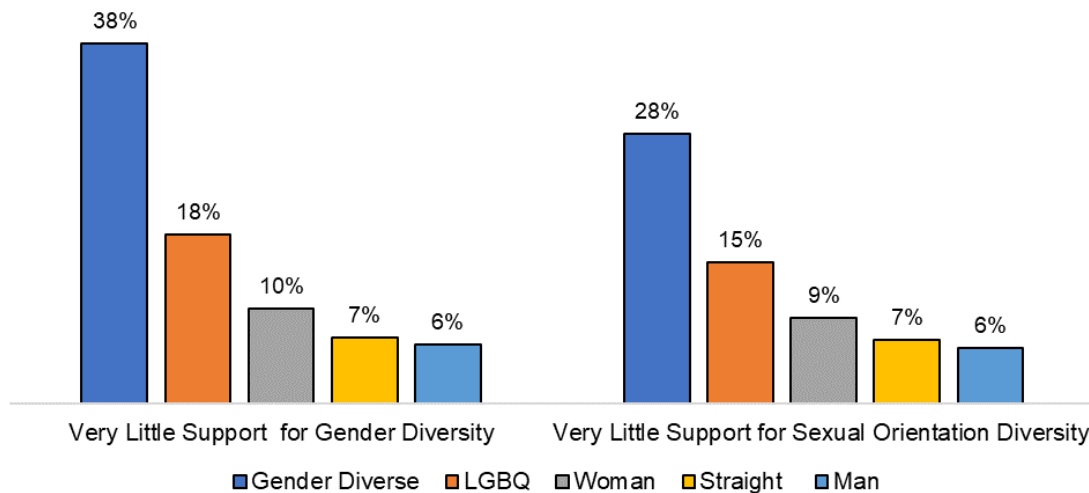
Research shows that LGBTQ+ individuals continue to face discriminatory and exclusionary experiences in all aspects of their lives. For example, the National Survey on LGBTQ Youth Mental Health 2020 found that across the U.S., one in three LGBTQ+ youth between the ages of 13 and 24 reported that they had been physically threatened or harmed in their lifetime due to their LGBTQ+ identity. In addition, 61% of transgender and nonbinary youth reported being prevented or discouraged from using a bathroom that corresponds with their gender identity (The Trevor Project, 2020). These results are similar to findings reported in research conducted among LGBTQ+ populations in higher education. Specifically, many students experience campus climates that are negative and non-inclusive because of anti-lesbian, -gay, -bisexual, and -transgender attitudes (i.e., Beagan et al., 2021; Brown & Gortmaker, 2009; Dilley, 2005; Evans & Broido, 2009; Evans & Herriott, 2004; Gortmaker & Brown, 2006; Rankin, 2003; Rankin et al., 2010; Renn, 2007; Stevens, 2004; Tetreault et al., 2013; Tomlinson & Fassinger, 2003). How LGBTQ+ students experience campus climate impacts their sense of belonging and persistence in their educational program (e.g., Reason & Rankin, 2006; Tetreault et al., 2013).

While there is a paucity of research focused on LGBTQ+ law school candidates and students, the information available shows that LGBTQ+ law student experiences are similar to the experiences of LGBTQ+ students in higher education. Preliminary analysis of data collected from 20 schools in 2018 by the Law School Survey of Student Engagement (LSSSE) found that lesbian, gay, bisexual, and questioning (LGBQ) law students faced exclusionary experiences in their law schools at higher rates than respondents who did not identify as LGBQ (Bodamer, 2019). For example, 19% of LGBQ students reported experiencing bias, discrimination, or unfair treatment based on

their race, ethnicity, gender, gender identity, and/or sexual orientation. This is almost double what white students and, separately, male students reported and 7% higher than what students who did not identify as LGBTQ reported. Moreover, 20% of LGBTQ students reported they did not feel taken seriously in class because of their race, ethnicity, gender, gender identity, and/or sexual orientation (Bodamer, 2019).

The 2020 Diversity & Exclusion LSSSE Annual Report highlights similar findings about gender diverse law students who do not feel valued at their schools (Deo & Christensen, 2020). Additional findings using data from the Diversity and Inclusiveness module<sup>7</sup> reveal that gender diverse and LGBTQ law students are more likely to report minimal institutional support for gender and sexual orientation diversity at their law schools than students who identify as men, women, and straight (Figure 1).

**Figure 1: Students Who Reported Very Little Institutional Support for Gender and Sexual Orientation Diversity**

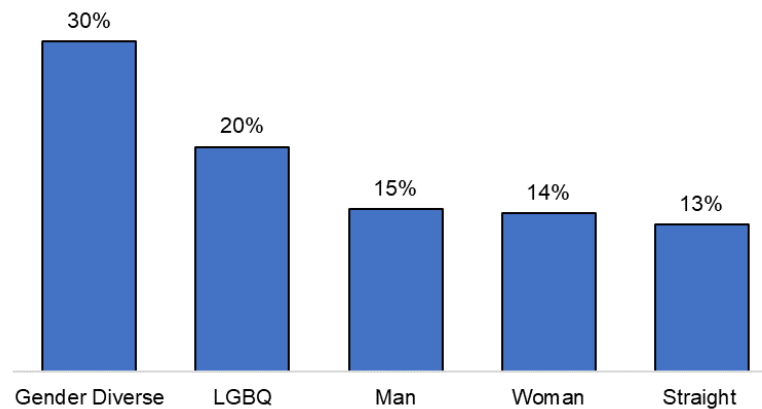


*Source:* Data from the 2020 Law School Survey of Student Engagement Diversity and Inclusiveness Module. Data collected from over 5,000 law students across 25 law schools. LGBTQ students represented about 14% of the sample and gender diverse students represented 1% of the sample.

Moreover, 30% of gender diverse and 20% of LGBTQ law students reported not feeling comfortable being themselves at their law school (Figure 2).



**Figure 2: Students Reporting Not Feeling Comfortable Being Themselves**



*Source:* Data from the 2020 Law School Survey of Student Engagement Diversity and Inclusiveness Module. Data collected from over 5,000 law students across 25 law schools. LGBTQ students represented about 14% of the sample and gender diverse students represented 1% of the sample.

These data showing that a disproportionately higher percentage of gender diverse law students do not feel comfortable being themselves is wholly consistent with emerging research about the law student experience today, especially research addressing the experiences of gender nonbinary students (Meredith, in press). There is growing visibility of nonbinary identities (Wilson & Meyer, 2021) within broader society evidenced by, for example, third gender-marker options on identity documents and gender-inclusive restroom facilities; however, Meredith notes that law schools are lagging behind in understanding and meeting the needs of nonbinary individuals. Gender nonbinary students navigate law school spaces differently than other LGBTQ+ students. So much of the law school socialization experience is deeply rooted not only in heteronormativity, among other majority perspectives, but also in the assumption of a binary gender system of men and women (Meredith, in press). The social presumption of masculine and feminine defines everything: from what is considered professional attire to language used inside and outside of the classroom. As a result, nonbinary students have to put in additional work to ensure they can move through spaces without being misgendered and to ensure their needs are met. This creates an additional—sometimes insurmountable—barrier to success in law school for some that is completely unrelated to their academic ability.

Experiencing othering and discrimination does not end in law school, with many LGBTQ attorneys reporting that they face similar exclusionary experiences in professional settings. The latest research from the After the JD survey found that women, women of color, men of color, and LGBTQ attorneys were substantially more likely to feel discrimination in the workplace compared to their straight white male colleagues (Nelson et al., 2019). In fact, LGBTQ respondents were 28–35% more likely to perceive discrimination when compared to respondents who did not identify as



LGBTQ. Similarly, a preliminary descriptive study of LGBTQ attorneys found that almost half of the respondents who identified as LGB and one third of respondents who identified with gender diverse identities reported subtle but unintentional biases in the workplace (Blanck et al., 2020).

More work is needed to examine the various and nuanced experiences of individuals based on their sexual orientation, gender identity, and gender expression, as well as how these experiences differ when individuals have intersectional identities that include other marginalized identities. However, current research is clear: LGBTQ+ candidates and students are the only ones who can elucidate their own experiences, so DEI efforts must be based on the lived experiences of those affected by discrimination if we want to ensure that policies and practices meet their needs and ensure equity for all, regardless of identity.

### *LGBTQ+ Diversity in the Law School Applicant Pool*

While it is convenient to center DEI efforts on assumptions about a larger umbrella group, it is important to note that students' experiences in legal education vary not only due to gender identity and sexual orientation, but also at the point where these identities intersect with their racial, ethnic, and/or other marginalized identities.

There is very little information about intersectional diversity in the LGBTQ+ law school applicant pool; this report will be the first to begin examining these complexities. In the 2020 and 2021 law school admission cycles, gender diverse and LGBQ+ identifying applicants made up about 1% and 10%, respectively, of the total applicant pool.<sup>8</sup> Exploring the racial and ethnic diversity in the LGBTQ+ application pool (Table 1) and the LGBTQ+ diversity within each racial and ethnic group (Table 2) reveals the crucial need for an intersectional focus on DEI efforts tailored to recruiting and supporting LGBTQ+ candidates and students.

In the 2020 and 2021 applicant pool, a majority of LGBTQ+ applicants, including all gender diverse and LGBQ+ identifying applicants, identify as white. Specifically, more than 60% of gender diverse applicants and more than 60% of LGBQ+ applicants identify as white (Table 1). Almost 40% of gender diverse applicants and almost 40% of LGBQ+ applicants identify as Latinx, Black, and/or Asian. Between 2% and 3% of gender diverse and LGBQ+ applicants identify as American Indian or Alaska Native. Given that most of the LGBTQ+ applicant pool identifies as white, it is not surprising that issues of intersectionality have largely been overlooked. Intentionally tracking the intersectional diversity of LGBTQ+ applicants is crucial in providing accurate and representative information that can be used to inform DEI policies, practices, and services.

**Table 1: 2020 and 2021 Racial and Ethnic Diversity in LGBTQ+ Applicant Pool**

Race and Ethnicity	2020		2021	
	<i>Gender Diverse Applicants</i>	<i>LGBQ+ Applicants</i>	<i>Gender Diverse Applicants</i>	<i>LGBQ+ Applicants</i>
Aboriginal or Torres Strait Islander Australian	0%	0%	0%	.01%
Indigenous Person of Canada	0%	.30%	0%	.08%
Native Hawaiian or Other Pacific Islander	1%	1%	1%	1%
American Indian or Alaska Native	3%	3%	3%	2%
Black or African American	14%	12%	12%	12%
Asian	16%	14%	15%	13%
Hispanic/Latinx	19%	17%	19%	19%
White	61%	62%	62%	64%
Not Indicated	7%	5%	6%	4%

Source: LSAC Applicant Data. Maximum reporting is used, whereby an individual can be counted in more than one race and ethnicity category. Gender diverse applicants represented 0.8% and 1% of the applicant pool in 2020 and 2021, respectively. For LSAC data collection purposes, Puerto Rican is a separate category from Hispanic/Latinx. These categories are combined above. When disaggregated the results are: Puerto Rican applicants 2% and Hispanic/Latinx applicants 15% in 2020 and Puerto Rican applicants 3% and Hispanic/Latinx applicants 16% in 2021. For both cycles, 60% of transgender applicants identified as white. LGBQ+ applicants represented 10% and 12% of the applicant pool in 2020 and 2021, respectively.

Taking an intersectional approach to DEI efforts is crucial—not only because of the lack of racial and ethnic diversity in the LGBTQ+ applicant pool, but also because data reveal that LGBTQ+ candidates (both LGBQ+ and gender diverse) from certain racially and ethnically minoritized backgrounds are more likely to self-identify as LGBTQ+ (Table 2). While applicants identifying as Black or African American (less than 1% in both 2020 and 2021) are less likely to identify as gender diverse than other groups (Table 2), applicants identifying as American Indian or Alaska Native, Asian, and Hispanic/Latinx (more than 1% for each group in both years) are more likely to identify as gender diverse than applicants identifying as white (0.8% in 2020 and 1% in 2021).

**Table 2: LGBTQ+ Applicants Within Race and Ethnicity Categories**

Race/Ethnicity	2020		2021	
	<i>Gender Diverse Applicants</i>	<i>LGBQ+ Applicants</i>	<i>Gender Diverse Applicants</i>	<i>LGBQ+ Applicants</i>
Aboriginal or Torres Strait Islander Australian	0%	0%	0%	14.3%
Indigenous Person of Canada	0%	28.1%	0%	14.0%
Native Hawaiian or Other Pacific Islander	1.6%	14.8%	1.5%	15.7%
American Indian or Alaska Native	1.0%	13.6%	1.5%	13.1%
Black or African American	.7%	8.4%	.9%	9.8%
Hispanic/Latinx	1.0%	11.0%	1.2%	15.2%
Asian	1.1%	12.7%	1.3%	12.9%
White	.8%	10.3%	1.0%	12.4%
Not Indicated	.9%	8.6%	1.1%	8.7%

*Source:* LSAC Applicant Data. Maximum reporting is used, whereby an individual can be counted in more than one race and ethnicity category. The percentage of applicants identifying as Native Hawaiian or Other Pacific Islander should be cautiously interpreted, because the total number of Native Hawaiian or Other Pacific Islander-identifying applicants is less than 400, and within the group only 5 and 6 applicants in 2020 and 2021, respectively, identified as gender diverse. The percentage of applicants identifying as Aboriginal or Torres Strait Islander Australian (less than 10 applicants), Native Hawaiian or Other Pacific Islander (less than 400 applicants), and Indigenous Person of Canada (less than 100) should be cautiously interpreted because the total number of applicants who selected each of these categories is very small. An increase of one person can result in a large percentage increase. For example, the number of LGBQ+ applicants who identified as Indigenous Person of Canada in 2020 was less than 20, yet the percentage of Indigenous Person of Canada-identifying applicants who also identify as LGBQ+ appears to be the biggest in the applicant pool.

Similarly, when examining LGBQ+ applicants within each race and ethnicity category in 2020 and 2021, applicants identifying as Black or African American were less likely to identify as LGBQ+ than those identifying with other racial and ethnic groups (Table 2). At the same time, applicants identifying as American Indian or Alaska Native, Asian, and Hispanic/Latinx were more likely to identify as LGBQ+ than applicants identifying as white. Based on these data points, there are two takeaways: While the overall LGBTQ+ applicant pool is predominantly white, (a) most racially and ethnically minoritized groups proportionally have more applicants identifying as LGBTQ+ when compared to white applicants; and (b) we are less likely to find Black applicants who also identify as LGBTQ+ (gender diverse and/or LGBQ+). This indicates that when considering how to best support LGBTQ+ applicants, schools also need to consider intersectional diversity within the group so that they can develop and

implement targeted efforts to support all individuals rather than implementing generic practices based on the flawed idea that the term “LGBTQ+” represents a homogenous group of individuals.

More data is needed to examine the full trajectory of LGBTQ+ candidates throughout the law school enrollment journey. For example, what are intersectional group-specific admission, enrollment, and attrition rates? What are the specific barriers and needs of diverse LGBTQ+ candidates and students? Going beyond the single identity of LGBTQ+ candidates by elucidating who is included in the broad category of LGBTQ+ is the first step in identifying the needs of individuals based on their multiple intersecting identities. For example, the barriers that Black LGBTQ+ individuals face to get to the application stage of the enrollment journey is likely different from that experienced by white LGBTQ+ individuals. Similarly, understanding diversity within the population allows us to reflect on LGBTQ+ affirming spaces in legal education in order to answer questions such as: Are affirming spaces based on the needs and experiences of white LGBTQ+ students? Are these spaces inclusive to gender, racial, and ethnic diversity? How is the classroom experienced by LGBTQ+ students based on their diverse identities? These are only a few questions to consider when evaluating policies and practices in law schools as we all work toward creating inclusive and equitable environments, processes, and practices.

As the results of the survey detailed below demonstrate, creating an inclusive and welcoming environment starts before individuals apply to and attend law school and is largely determined by policies and practices in admission, curriculum, programming, and language used. Commitment to DEI is reflected in schools’ policies and official statements. The majority of schools indicated that their nondiscrimination statement explicitly mentions sexual orientation, gender identity, and/or gender expression, and that they have discrimination or bias complaint procedures in place. Most schools also reported having an antiracist and/or solidarity statement that acknowledges the reality of racism in society, takes a stand against it, and commits to embedding antiracist actions in programming.<sup>9</sup> These types of statements are good places to start in working toward creating law schools where students can feel comfortable expressing their full and authentic selves in order to effectively learn and contribute to the law school experience for all. The following sections present the aggregate findings of the 2021 LSAC LGBTQ+ Law School Survey and reveal what schools are currently doing beyond statements related to (a) diverse representation, (b) recruitment and admission, (c) the student experience, and (d) the curriculum in legal education today. The report ends with final thoughts.

## Representation Matters: Diversity in Law School

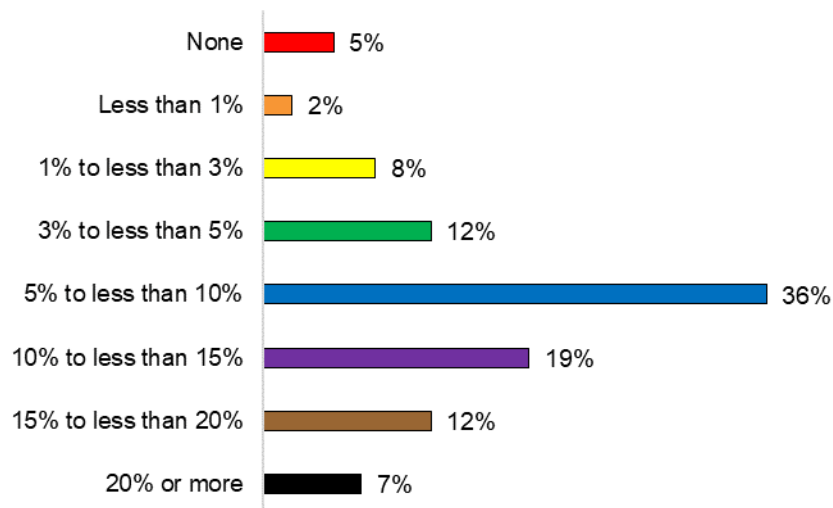
Finding community in law school, including students seeing their multiple intersecting identities reflected in their fellow students as well as faculty and staff, is

important for students' success and sense of belonging (e.g., Deo et al., 2010). In the first section of the survey, schools were asked about LGBTQ+ representation in the school's student body among faculty, administration, and staff in addition to LGBTQ+ representation in student-facing offices. The following results of the survey reflect LGBTQ+ representation across responding schools for the 2019-2020 academic year.

## 2019-2020 LGBTQ+ Student Population in Law Schools

Of the 102 schools that provided information about student body diversity during the 2019-2020 academic year, the majority of law schools that responded to this question reported that LGBTQ+ students comprised 5% or less of their student populations, and 5% of schools reported having no LGBTQ+ students in their school. The remaining breakdown is as follows: 36% ( $n = 37$ ) reported that LGBTQ+ law students made up between 5% and less than 10% of their total student body population; 19% ( $n = 19$ ) reported that LGBTQ+ students made up between 10% and less than 15% of their total student body population, and 12% reported that LGBTQ+ students made up between 15% and less than 20% of their total student body population. Only 7% of schools reported that LGBTQ+ students made up 20% or more of their total student body population (Figure 3).

**Figure 3: Percentage of Schools by Percentage of Student Body Identifying as LGBTQ+ ( $N = 102$ )**



Source: 2021 LSAC LGBTQ+ Law School Survey data

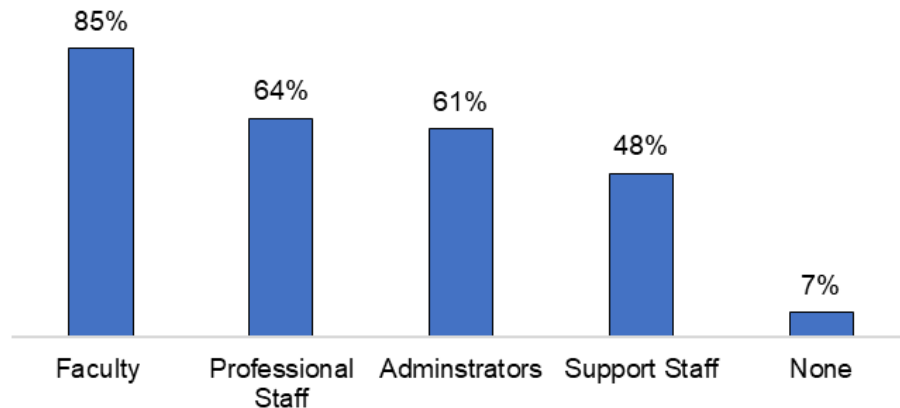
Many schools noted that they did not respond to this question or series of questions about the diversity of their student population because they either did not know or did not feel comfortable disclosing this information. While it is crucial to protect the privacy of students, especially those in the margins, information about law school

diversity is an important factor that prospective LGBTQ+ law students want to know in deciding whether schools are more or less likely to offer them a welcoming community and affirming spaces.

## *LGBTQ+ Law School Faculty, Staff, and Administration*

Research indicates that increasing faculty diversity is a key component of increasing student diversity and retaining LGBTQ+ students (Archer et al., 2019; Johnson, 2010; Robson, 2017). Therefore, representation of LGBTQ+ individuals among faculty, administration, and staff will be a significant factor in attracting and ensuring maximum opportunities for success among LGBTQ+ students. Of the 123 schools that responded to this question, 32% ( $n = 39$ ) reported having openly out LGBTQ+ people among faculty, administrators, professional staff, and support staff (Figure 4). Representation across the various levels of legal education professionals varied, with 85% of schools indicating they have LGBTQ+ faculty, 61% reporting LGBTQ+ administrators, 64% reporting LGBTQ+ professional staff, and less than 50% reporting LGBTQ+ support staff at their school. A minority of schools (7%) reported having no LGBTQ+ individuals in any of these employee categories.

**Figure 4: Percentage of Law Schools with LGBTQ+ Faculty, Administrators, Professional Staff, and/or Support Staff ( $N = 123$ )**



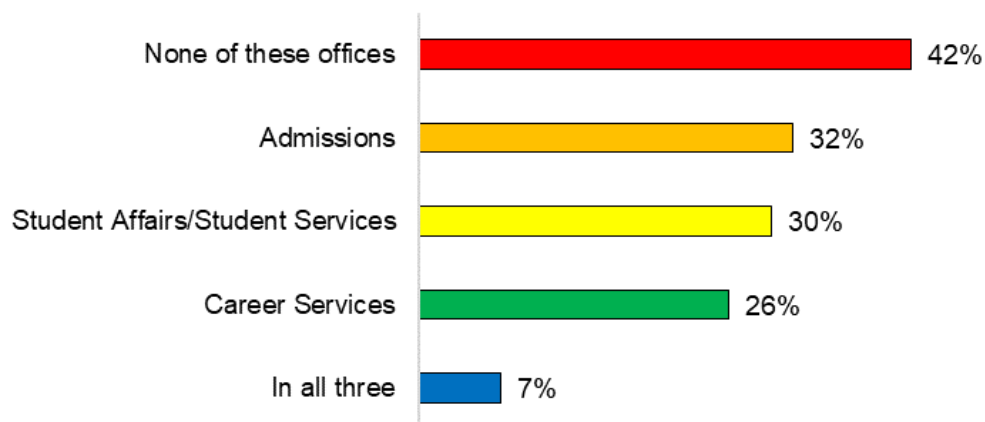
Source: 2021 LSAC LGBTQ+ Law School Survey data

While the survey reveals it is most common to find LGBTQ+ faculty members, as opposed to support staff, at schools, it is crucial to reiterate that representation both inside and outside of the classroom is important to send students a message of inclusivity. Therefore, the survey also explored LGBTQ+ representation in some of the most used student-facing offices in law schools.

## LGBTQ+ Representation in Student-Facing Offices

As students move through their legal education, they often interact with staff outside of the classroom for academic, social, emotional, personal, career, and professional support. The staff with whom students interact when seeking support and engaging in discussions about DEI can be as important as the resources provided. When asked about student-facing offices, 64 of the 110 law schools that responded to this question indicated that at least one of the three major offices—admissions, student affairs, and career services—include LGBTQ+ staff (Figure 5). Specifically, 32% of schools indicated that they have LGBTQ+ staff in their admissions offices, 30% in their student affairs offices, and 26% in their career services offices. Of these 64 schools, only eight reported that they have LGBTQ+ staff in all three offices.

**Figure 5: Percentage of Law Schools with LGBTQ+ Staff in Admissions, Student Affairs, and/or Career Services Offices (N = 110)**



Source: 2021 LSAC LGBTQ+ Law School Survey data

As schools continue to improve recruitment efforts for a more diverse study body, similar and concerted efforts are needed to recruit not only diverse faculty but also diverse staff. The survey shows there is room for growth in ensuring LGBTQ+ representation in student-facing staff positions that play a crucial role in guiding and supporting students through their law school experience and preparing them for their legal career.

## Recruitment and Admission

Gender diverse and LGBTQ+ applicants made up about 1% in 2020 and 10% in 2021 of the law school applicant population. The recruitment process is the first interaction many prospective law students have with schools. When schools are

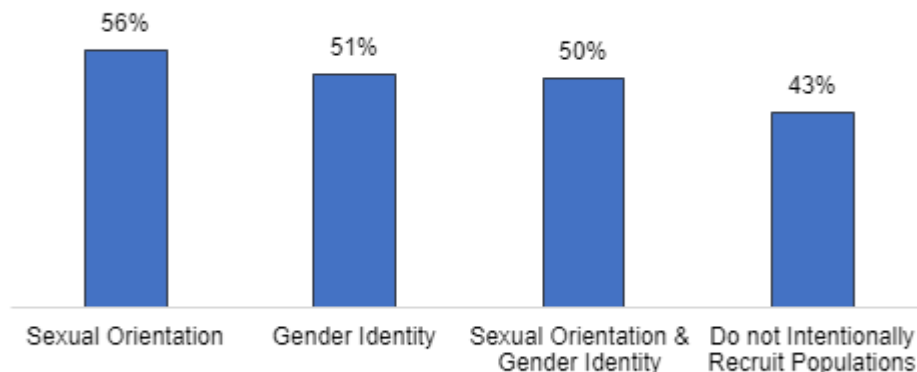


intentional about showing LGBTQ+ candidates how they create an inclusive and supportive environment by enacting policies and practices specifically for prospective students, it sends an important message. The next section of this report explores current practices related to recruitment and admissions, addressing intentionality of recruitment—including what language schools currently use and what financial assistance is available to LGBTQ+ candidates.

## Recruitment

The majority of the 120 law schools that responded to this question reported that they intentionally recruit LGBTQ+ candidates (Figure 6). Most schools (56%) reported that they intentionally recruit individuals based on sexual orientation, 51% based on gender identity, and 50% based on both sexual orientation and gender identity (Figure 6). Only one school reported recruiting based on gender expression in addition to both sexual orientation and gender diversity. One school elaborated that they interpret their commitment to diversity broadly, and that, through their discretionary admission process, they seek to identify talented students from different backgrounds and perspectives. Unfortunately, many schools (43%) do not make intentional efforts to recruit LGBTQ+ students, which may end up depriving their entire student body of an education that prepares them to work in an increasingly diverse society (Leahy, 2020).

**Figure 6: Percentage of Schools that Intentionally Recruit Students Based on Their Sexual Orientation and/or Gender Identity (N = 120)**

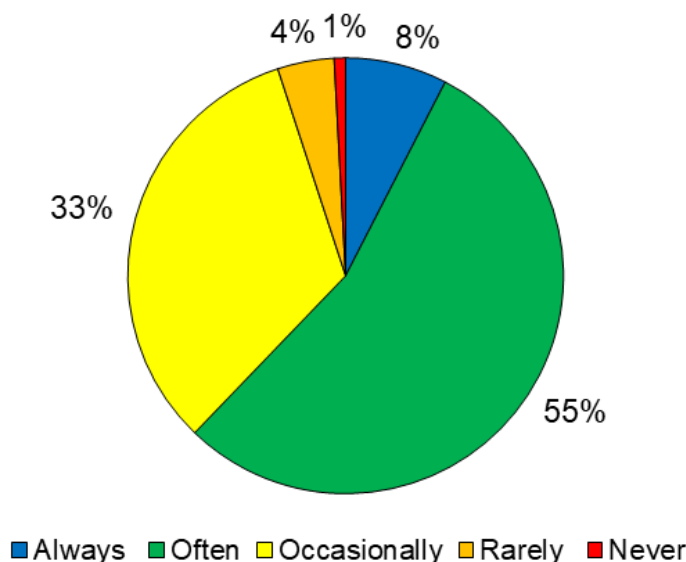


Source: 2021 LSAC LGBTQ+ Law School Survey data

While diversity overall is important in education, intentional and targeted admission practices signal to LGBTQ+ candidates that their experiences and perspectives are valued. Print and/or web-based materials provide a crucial first impression of schools for candidates, and if they don't find information that speaks to them as a member of a marginalized group (or groups), it follows that they may not see a place for themselves as openly LGBTQ+ individuals. While 68 of the 120 law schools

that responded to this question reported intentionally recruiting students based on sexual orientation and/or gender identity, only 50% of them created recruitment material and/or information specifically designed for LGBTQ+ applicants. However, numerous schools indicated that they rely more on other recruitment strategies to attract diverse candidates. For example, one of the most popular practices schools use to recruit diverse students is to offer prospective students' panels that specifically include diverse student representation. Of the 119 schools that offer student panels and that responded to this question, only 8% reported that they always include an openly self-identifying LGBTQ+ current law student, although 55% of schools often include an LGBTQ+ current law student (Figure 7). A very small proportion of schools reported either rarely (4%) or never (1%) including an openly self-identified LGBTQ+ current law student on such panels.

**Figure 7: Percentage of Law Schools by Frequency of Prospective Student Panels Including an Openly Self-Identifying LGBTQ+ Current Student (N = 119)**



Source: 2021 LSAC LGBTQ+ Law School Survey data

Beyond diverse student panels, many schools ( $n = 61$ ) reported using other methods of intentionally recruiting LGBTQ+ applicants. One of the most popular approaches is to use LSAC's Candidate Referral Service (CRS), through which schools can see which law school applicants chose to self-identify as LGBTQ+. Schools then use this information to send targeted emails, specific event invitations, and fee waivers of interest to LGBTQ+ candidates. Additional intentional recruitment strategies include providing an "Mx" pronoun option on recruiting contact cards; incorporating inclusive language in the law school application; connecting LGBTQ+ prospective students with current LGBTQ+ students, the LGBTQ+ student organization, or LGBTQ+ alumni; and

arranging for faculty to contact LGBTQ+ prospective students or to set up LGBTQ+ student-focused sessions.

## Language

Language matters, because it does more “than identify particular groups; it also signals pride in identity (when used by those from within the group) and respect for identity (when used by outsiders)” (Deo, 2021). The most basic way that schools refer to diverse members of their student population sends an implicit message as to who belongs in the group and who does not. Schools use a number of different acronyms to describe their LGBTQ+ community.<sup>10</sup> Out of the 69 responses to questions about acronyms, two acronyms stood out as the most common: close to three-quarters of schools used “LGBTQ+” and about one-fifth used “LGBTQIA+” (Table 3). Language is ever evolving; therefore, it is crucial for schools and other stakeholders in the legal education community to proactively engage with LGBTQ+ candidates, applicants, and students to make student- and community-centered—and therefore informed—decisions about what acronyms and terms to use moving forward.

**Table 3: Acronyms Used by Schools to Describe LGBTQ+ Students (N = 69)**

Acronym	Percentage of Schools (n)
LGBTQ+	70% (48)
LGBTQIA+	19% (13)
LGBT	4% (3)
LGBT+	1% (1)
LGBTQ	1% (1)
LGBTQ Community	1% (1)
LGBTQ2S+	1% (1)
LGBTQIA	1% (1)

Source: 2021 LSAC LGBTQ+ Law School Survey data.

## Financial Aid

Debt is a concern for all students, but law school debt is disproportionately held by minoritized students (Deo & Christensen, 2020). Therefore, as with all students, financial aid plays a pivotal role in recruitment and students’ enrollment journeys. Yet, the majority (68%) of the 119 schools that responded to this question did not offer any financial aid based on a student’s sexual orientation or gender identity (Table 4). Only a small number of schools offer specific financial aid for LGBTQ+ students, although slightly more than one-third of schools reported that students can qualify for general DEI-based financial aid on the basis of their gender identity and sexual orientation (Table 4).

**Table 4: Types of Financial Aid Offered (N = 119)**

Type of Financial Aid	Percentage of Schools
Do not offer any financial aid based on a student's sexual orientation or gender identity	57%
General diversity and inclusion financial aid that students can qualify for based on their sexual orientation	35%
General diversity and inclusion financial aid that students can qualify for based on their gender identity	34%
Specific financial aid for students based on their sexual orientation	15%
Specific financial aid for students based on their gender identity	13%

Source: 2021 LSAC LGBTQ+ Law School Survey data

While many schools reported intentionally recruiting LGBTQ+ candidates, this inclusive recruitment strategy is not reflected in their financial aid offerings. Moving forward, for schools to be successful in their intentional efforts to recruit LGBTQ+ students, they need to move beyond focused panels and events and include key material support. Considering that the cost of law school is often a key factor in a student's decision to attend a certain school or to go to law school at all, if a school's commitment to DEI and supporting LGBTQ+ students is not reflected in their financial aid award practices, it is unlikely that intentional recruiting efforts alone will result in a significant increase in the LGBTQ+ student population.

## The Student Experience

For support to be effective, it must be based on students' needs and how they experience the various policies, practices, and spaces in law school. To better understand the types of experiences LGBTQ+ students have in law school, we asked questions related to the school environment that students navigate beyond just their academic experience. This section addresses some of those experiences, including policies and practices related to orientation, name, pronouns, resources and student engagement opportunities, restroom facilities, the local community, and student healthcare benefits.

### Orientation

Many schools may find it challenging to provide comprehensive information that will best ensure that students successfully begin their law school journey. Once students are admitted, most schools focus on orientation as a key event to disseminate information. For many students, orientation sets the tone for the law school experience,

so the survey asked schools how they provide information and support to LGBTQ+ law students at orientation. Almost all 120 of the schools that responded to this question provided information about counseling and psychological services to students during orientation (Table 4). While this resource is vitally important, it may not be one that LGBTQ+ students feel comfortable using unless they know they can specifically receive LGBTQ+-friendly services. Less than half of the schools provided LGBTQ+-specific information about campus centers (48%) and LGBTQ+ associations available in the local community (31%). Less than one-quarter of schools provided information about local counseling providers who are LGBTQ+ friendly. A paucity of schools provided information about a name change clinic, but this may be due to the limited number of name change clinics in many areas of the country. Whatever the reason, lack of information about services for LGBTQ+ students can leave a student with an impression that the law school environment and the surrounding community cannot provide the support they might need.

**Table 4: Provided LGBTQ+ Students With Information About Resources During Orientation (N = 120)**

Types of Resources Provided	Percentage of Schools (n)
Counseling and psychological services	99% (119)
LGBTQ+ campus centers	48% (58)
LGBTQ+ associations available in the local community	31% (37)
Local counseling providers who are LGBTQ+ friendly	22% (26)
Information about a name change clinic	6% (7)
Other	14% (17)

Source: 2021 LSAC LGBTQ+ Law School Survey data

Seventeen schools (14%) noted some additional information that they provide students centering on LGBTQ+ students' interests or needs. School-specified "other" responses include:

- The LGBTQ+ student organization
- The school's blog, which also includes various resources
- Resources and support provided in the Student Affairs office
- Preferred name and inclusive student records
- The school's full-time counselor
- Information about LGBTQ+ Student Organization
- Gender neutral restrooms
- DEI office
- Title IX and Gender Voice offices on-campus

As mentioned earlier in this report, language matters, and many schools (89%,  $n = 107$ ) reported that they use gender-inclusive language when they provide information during orientation. Gender-inclusive language is defined as language that avoids terms and expressions that may reinforce inappropriate or outdated attitudes or assumptions about gender. Only eight schools indicated that they did not use gender-inclusive language, two of which also reported they did not provide any information about LGBTQ+-related resources. Of the five schools that did not provide a response to the question about gender-inclusive language, four reported they also did not provide any information about LGBTQ+-related resources. The lack of information and services specifically for LGBTQ+ students is not surprising, in part considering that the proportion of LGBTQ+ students in law school is smaller than the proportion of LGBTQ+ individuals in the general population (Schendel, 2018); however, simply providing a list of community resources, relatively low-hanging fruit for schools that do not already do so, could make a big difference to LGBTQ+ students.

## *Name and Pronouns*

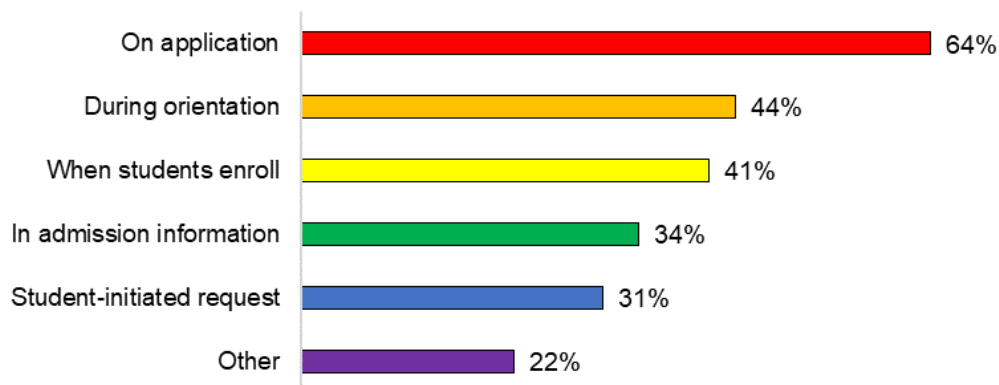
What and how information is collected from students to create an inclusive experience is important to examine. The process of DEI work involves evaluating and changing policies and practices to ensure equity and inclusion for all students. LSAC recognizes the power in a name, which is why starting in September 2021 LSAC changed the way we ask for names in the system that processes law school applications. Specifically, in the biographical section of the application, schools now have the option to only ask for “previous surname” and not “previous name” to ensure that transgender and gender nonbinary candidates do not, even if optional, feel compelled to supply their deadname—the birth name of someone who has changed it.

Schools can likewise signal their commitment to inclusion through their policies and practices pertaining to chosen names. Consistent with results of the LGBTQ+ Bar's Law School Campus Climate Survey (The National LGBT Bar Association and Foundation, 2021),<sup>11</sup> most of the 121 schools that responded to questions about chosen name practices indicated that they allow students to use their chosen names (92%,  $n = 111$ ). An additional six schools said that students can use their chosen names on a case-by-case basis, and four reported that students *cannot* use their chosen names. While many students, especially transgender and gender nonbinary students, will legally change their names, many either have not yet or cannot while in law school. Therefore, ensuring that students can use their chosen names, even without a legal name change, is crucial to the law school experience for these students.

While it is important that schools allow students to use their chosen names, schools' policies and practices may not be equitable depending on how students are able to find whether their school(s) of interest will allow them to use their chosen names. Of the 111 law schools that responded to this question, more than 60% reported that

students are notified that they can use their chosen names on the school’s application (Figure 8). As students move further along in their enrollment journey after completing an application, fewer and fewer schools notify students for the first time or continue to notify students about the ability to use their chosen names. Chronologically in the enrollment journey, schools reported notifying students in their admission information, upon enrollment (41%), and at orientation (44%). Close to one-third of schools indicated that students need to make a request to use their chosen names, which may mean that students do not realize they can do this unless they seek out the information on their own. Students may feel this is too great a burden to undertake when they are already navigating a heteronormative law school environment, or they may never know it is even an option. A number of schools (22%) reported other ways that they inform students about their name use policy, such as on the first day of class from faculty, on the school website, via email from the university or the office of the registrar, upon matriculation, during orientation registration, and on the school Blackboard. For the most part, candidates learn about a school’s policy or practice around chosen names later in the enrollment journey rather than during their initial law school search.

**Figure 8: Methods Schools Use to Notify Students That They Can Use Their Chosen Names (N = 111)**



Source: 2021 LSAC LGBTQ+ Law School Survey data

Students’ ability to use their chosen names is just one part of name-related inclusive policies. Students also need to know exactly *where* their chosen names will appear and the *process* involved to ensure that their chosen names are used. For instance, 100% of the law schools that responded to the follow-up chosen name question (N = 110) reported that a student’s chosen names can appear on their orientation name tag and/or materials, 90% said they can appear on faculty class rosters, 44% reported they can appear on students’ transcripts that can be sent to employers, and 58% of schools said that they can appear on students’ diplomas. However, how a student’s chosen names appear in these areas varies (Table 5).



While most schools reported that chosen names can automatically or upon student request appear on their orientation name tag and/or materials (100%) and on faculty class rosters (90%), only a very small proportion of schools indicated that students' chosen names will automatically be used on their transcripts (16%) and diplomas (15%; Table 5). More schools reported that students could request the use of their chosen names for these purposes; however, almost 40% of schools reported that chosen names do not appear on transcripts that can be sent to employers. This can cause a problem since transcripts play a critical role in securing internships and employment. The inability to use their chosen names on transcripts means that students must take the additional step of explaining who they are during the already nerve-racking interview process. It is also disheartening that almost a third of responding schools reported that a student's chosen name cannot appear on their diploma (Table 5).

**Table 5: Where Students' Chosen Names Appear (N = 110)**

Where Chosen Names Appear	Percentage Automatically (n)	By Student Request	Does Not Appear	No Response
Orientation name tag and/or materials	67% (74)	32% (36)	0% (0)	N/A
Faculty class rosters	49% (54)	41% (46)	5% (5)	5% (5)
Student transcripts that can be sent to employers	16% (17)	29% (32)	39% (43)	16% (18)
Diploma	15% (16)	44% (48)	26% (29)	16% (17)

Source: 2021 LSAC LGBTQ+ Law School Survey data. The number of responses varies based on what questions schools answered or skipped.

Many schools also reported that chosen names can automatically appear on other documents and in other areas, including:

- Student portals
- School ID cards
- Grade rosters
- Unofficial/advising documents
- Emails
- Business cards
- Online student rosters or directory
- Learning platforms

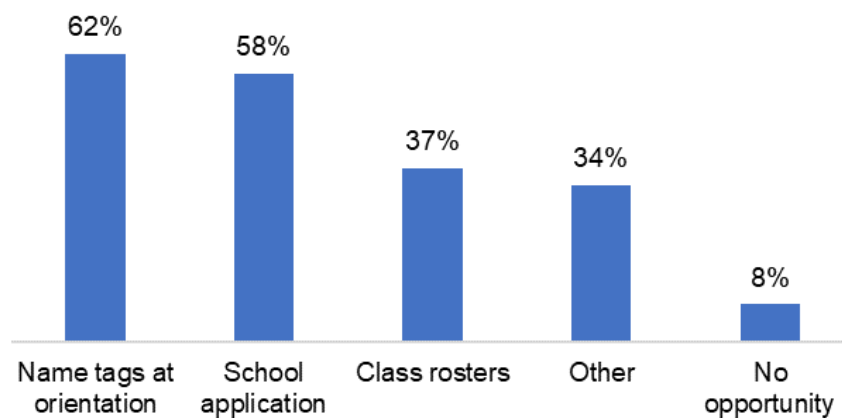
Other schools noted that chosen names can appear in the following ways upon a student's request:

- On school ID cards
- In internal online directory
- On all documents
- On student organization rosters
- On any document except official admission, registrar, financial aid, or legal documents
- As their university-issued email address

When taking a student- or candidate-centric approach, simply allowing students to use their chosen names is not enough. Schools must evaluate how students will experience the process and what procedures they must go through to ensure the school uses a name that reflects who they are and affirms their gender identity.

Schools and institutions can demonstrate inclusivity through their policies and practices pertaining to pronouns. Of the 113 law schools that responded to this question, only 9 schools (8%) indicated that they do not provide students with an opportunity to indicate their pronouns (Figure 9). Most schools reported that pronouns can be indicated on name tags during orientation and on the school application. Less than 40% of schools reported that students have an opportunity to indicate their pronouns on class rosters (Figure 9). It should be noted that only 40% of schools reporting that students can indicate their pronouns on their application ( $n = 65$ ) also reported that pronouns can be indicated on class rosters. When collecting student information (e.g., pronouns), schools should be prepared to *use* that information to ensure an inclusive experience throughout a student's law school journey—from application to the classroom and through graduation.

**Figure 9: Places Students Have an Opportunity to Indicate Pronouns ( $N = 113$ )**



Source: 2021 LSAC LGBTQ+ Law School Survey data

In addition to class rosters, applications, and name tags, responding schools indicated a number of other opportunities students have to indicate their pronouns including:

- On internal student directory that gets pulled onto faculty rosters
- In the school's course management system
- On school ID
- In the university's database
- On virtual platforms
- On the Orientation Data Verification Form
- On the incoming student survey
- In their Zoom name
- Orally at orientation
- On a pre-orientation form
- In the student information system
- On email signature
- Directions given to students (i.e., to inform their professors at the beginning of each semester)

While schools can allow or even encourage students to inform faculty, staff, and others of their chosen names and pronouns, as an institution, schools must lead by example. Too often schools rely on marginalized students to take time and energy away from their education and law school experience to advocate for and create a more inclusive environment for themselves. Instead, schools concerned with inclusivity can proactively evaluate how policies and practices concerning students' chosen names and pronouns are experienced by the very students they are intended to support.

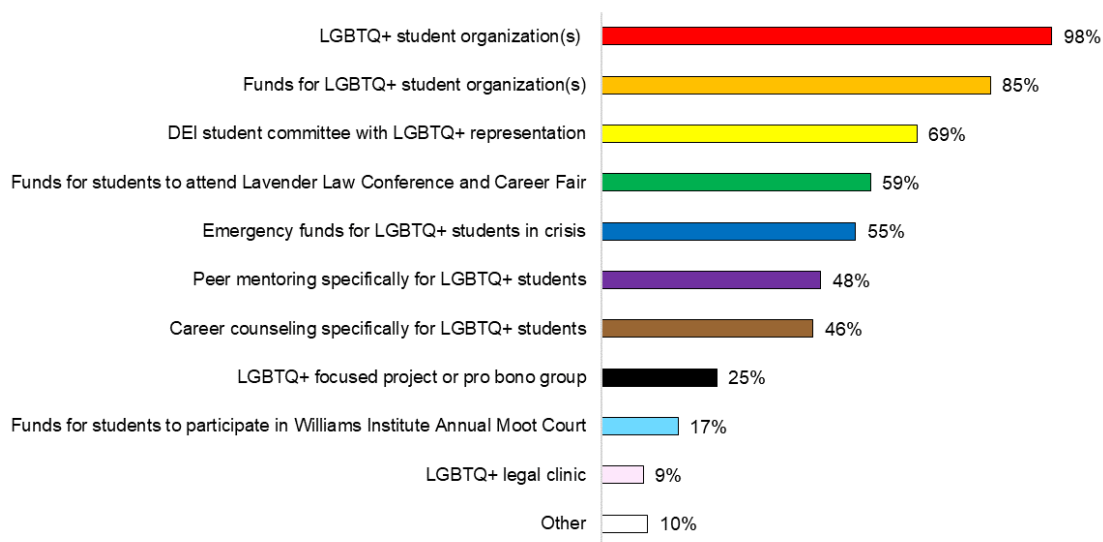
This analyses of policies and practices related to chosen name usage points to the importance of conducting ongoing evaluation of and updates to DEI policies and processes intended to support LGBTQ+ students in order to ensure effectiveness and transparency (Renn, 2017). An audit or process-mapping exercise can help uncover unintentional policy gaps or missteps that could be creating obstacles to inclusion (Burns, 2016; Renn, 2017). For example, asking the question, "How does an LGBTQ+ student engage with the law school when trying to report an incident of discrimination?" can help illuminate how students experience the school's policy in comparison to the intent of schools and expected benefits for students when implementing the policy. Supporting an inclusive environment necessarily requires evaluation to ensure that what schools are communicating is reflected in action.

## *Resources and Student Engagement Opportunities*

LGBTQ+ law school candidates often ask about resources and opportunities law schools provide that are tailored to or aligned with their needs and interests. The most

common opportunities that schools offer students include school-recognized LGBTQ+ student organizations and funds for these organizations (Figure 10). The law schools that responded to this question ( $n = 119$ ) often reported that they have a DEI student committee that includes LGBTQ+ representation (69%), provide funds for students to attend the Lavender Law Conference and Career Fair (59%), and/or have an emergency fund (55%; Figure 10). Only one-quarter of responding schools have LGBTQ+-focused projects or pro bono groups, and even fewer fund student participation in the Williams Institute Annual Moot Court (17%) and/or have an LGBTQ+ legal clinic (9%; Figure 10).

**Figure 10: Resources and Opportunities Offered by Schools ( $N = 119$ )**



Source: 2021 LSAC LGBTQ+ Law School Survey data

Less than half of schools reported that they provide peer mentoring or career counseling specifically for LGBTQ+ students (Figure 10). The schools that reported offering career counseling specifically for LGBTQ+ students delineated doing so in the following ways:

- Annual presentation to LGBTQ+ student groups
- Offering individualized counseling and support regarding disclosure and gender expression, which can be tailored to a specific student's intersectional identities, as well as the culture of the prospective employer
- Panel discussions featuring LGBTQ+ lawyers who provide advice
- Offering guidance and National Association for Law Placement (NALP) resources for LGBTQ+ students
- Having a DEI planning committee to develop a DEI roundtable to advise and make recommendations to the Career Services Office (CSO) on student needs

for job searches and professional development, with members from the LGBTQ+ student organization included on the committee

- Providing a stipend to assist with travel costs to attend national conferences (including Lavender Law) and job fairs
- Advising students against removing information from their resumes that would identify them as LGBTQ+, including membership in student organizations
- Counseling students on how to handle illegal or uncomfortable questions on marital status, etc.
- Advertising, throughout the school year, several diversity job fairs that recruit LGBTQ+ students

While one school reported not offering any of the resources or opportunities listed in Figure 10, other schools reported offering additional resources and opportunities, including:

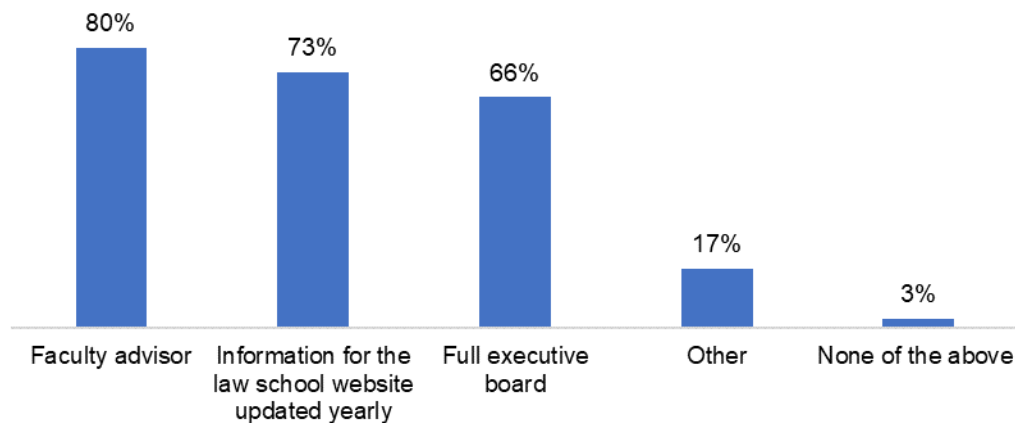
- Funding to attend legal professional association events addressing LGBTQ+ matters
- Sending LGBTQ+ students to a regional Bisexual Lesbian Gay Transgender Asexual College Conference, where they are able to table at the Resource Fair and attend the conference sessions
- Participating in the LGBTQA+ Career Conference for law students, which focuses on the perspectives and concerns of queer, lesbian, gay, bisexual, transgender, gender non-conforming, non-binary, intersex, and asexual law students in preparation for co-op, internships and professional life in law and legal-related fields beyond campus
- Having a journal dedicated to law and sexuality

In addition to school-provided resources and opportunities, the survey asked numerous questions specifically about LGBTQ+ student organizations. Active student organizations are important to student engagement and sense of community. Identity-based organizations provide minoritized law students with a safe space to find social, cultural, emotional, and academic support as well as mentoring in predominantly white and male institutions (Deo, 2013; Deo & Griffin, 2011; Moore, 2007; Pan, 2017); therefore, it is important to examine how schools support student-led LGBTQ+ organizations.

Most of the schools that responded to this question ( $n = 117$ ) reported that they have LGBTQ+ student-led organizations (Figure 10). These schools were asked additional questions to find out what they require for active student-led organizations (Figure 11). Most schools (80%) require LGBTQ+ student organizations to include a faculty advisor, which ensures that LGBTQ+ students know at least one faculty member they can approach for LGBTQ+-related matters. Close to three-quarters of schools require that student-led organizations provide information for the law school website that

needs to be updated yearly. This is an important component for ensuring students know about the organization, as a school website is a common source of information for law school candidates and students. Additionally, over 60% of schools require student organizations to have a full executive board. This is important to know, since schools may list the existence of LGBTQ+ organizations, only for LGBTQ+ candidates to discover after they have enrolled that most or all are inactive.

**Figure 11: Law School Requirements of Student Organizations (N = 112)**



Source: 2021 LSAC LGBTQ+ Law School Survey data

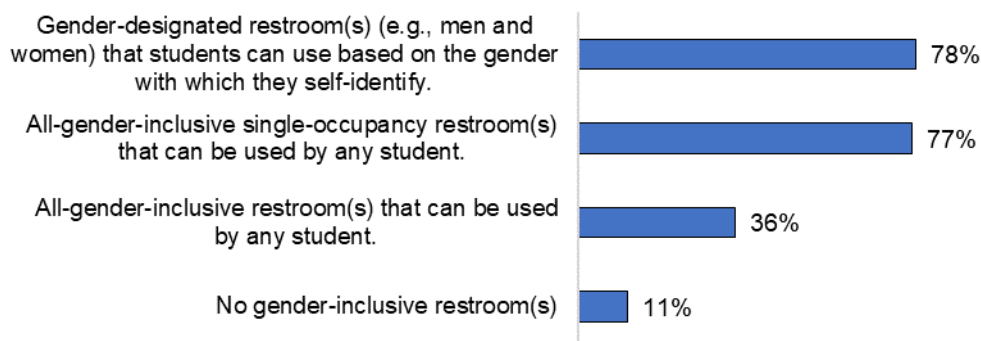
When schools engage with their student-led organizations, it indicates to students that the school has an active interest in the student experience and has invested in one of the most common, safe, and affirming spaces for LGBTQ+ students. In addition to the requirements noted above (see Figure 11), schools also mentioned that they require some of the following from student organizations:

- Having an updated constitution
- Providing bylaws
- Attending administrative training through both the student bar association (SBA) and the student services office
- Sending a representative to each SBA meeting
- Registering with the university
- Submitting an annual programming proposal
- Attending an officer transition workshop
- Attending campus and law school training for student organization leaders
- Presenting a budget
- Completing the recognition process annually in order to be designated as active
- Registering with the office of student affairs

## Restroom Facilities and Policies

How students navigate law school spaces is an important facet of their overall experience, and restrooms are a crucial part of this. The majority of the law schools that responded to this question (77%) reported having explicit all-gender-inclusive restrooms (Figure 12); 78% reported that students are able to use gender-designated restroom(s) based the gender with which they identify (Figure 12). Only 11% did not report having gender-inclusive restrooms; however, two of these schools mentioned that they will have one or will be addressing this need in the coming academic year. As explained earlier, while these policies may appear to be inclusive, much of how schools frame the student experience is deeply rooted in the binary understanding of gender as only male or female. Similar to the National LGBTQ+ Bar survey results, most law schools (78%) make the assumption that students—specifically transgender and gender nonbinary students—will simply use whichever gender-designated restroom matches their gender identity. However, in practice, this assumption or codified policy forces transgender or gender nonbinary students to fit into a traditional binary system of gender that does not recognize them.

**Figure 12: School Restroom Facilities and Use Policies (N = 119)**



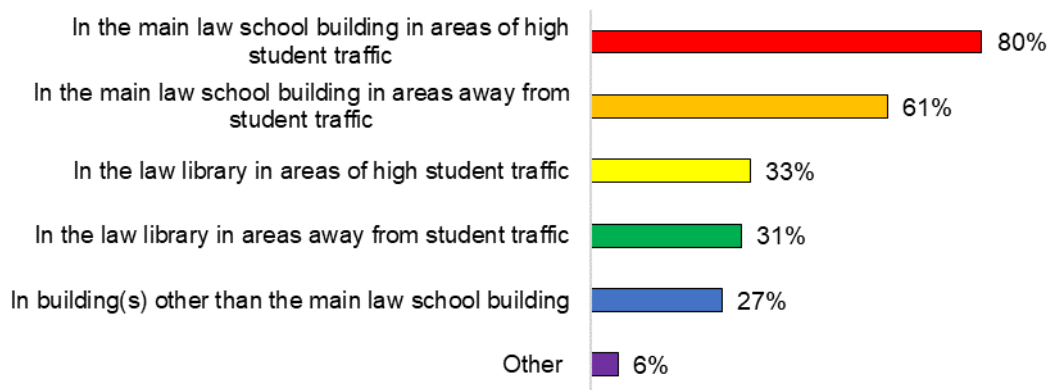
Source: 2021 LSAC LGBTQ+ Law School Survey data

In addition to restroom facilities and use policies, survey participants were asked to describe where gender-inclusive restrooms are located, recognizing that it is not enough to simply have gender-inclusive restrooms available. If schools want to be truly inclusive, gender-inclusive restrooms must be as easily accessible to LGBTQ+ students as other restrooms, rather than tucked away, in a separate building, or not ADA accessible (Figure 13). Of the 104 schools that indicated the locations of their restrooms, 80% reported that gender-inclusive restrooms are located in high-student-traffic areas in the main law school building. About three-fifths of schools reported having gender-inclusive restrooms in the main law school building, but in low-student-traffic areas. One-third of schools also indicated that they have gender-inclusive



restrooms in the library in high- or low-student-traffic areas, and almost one-third of schools reported having gender-inclusive restrooms in other campus buildings (Figure 13). Only one school indicated that it did not have a gender-inclusive restroom anywhere in their main law school building.

**Figure 13: Gender-Inclusive Restroom Locations (N = 104)**

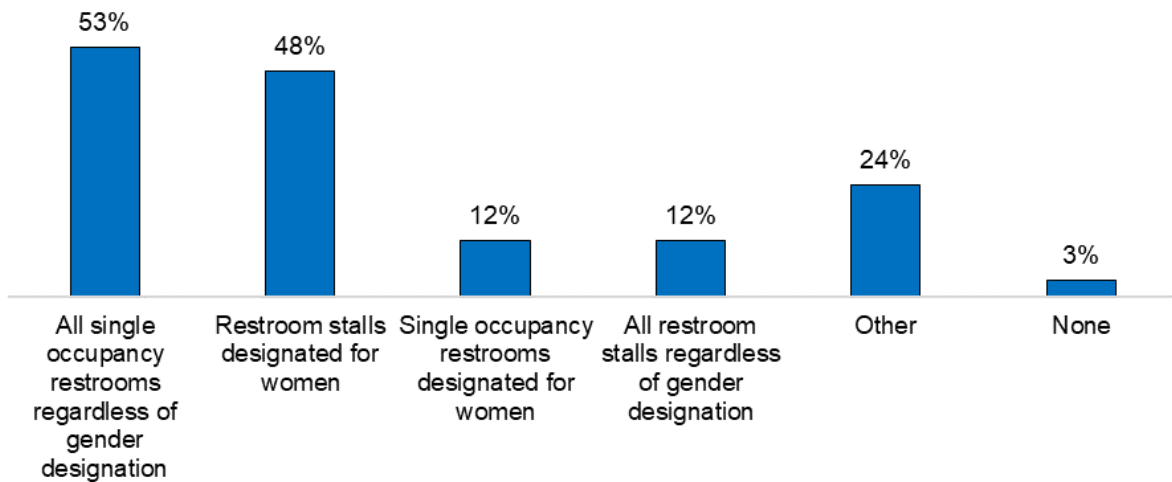


Source: 2021 LSAC LGBTQ+ Law School Survey data

Schools that indicated having gender-inclusive restrooms in buildings other than the main law school building elaborated that it would take students five minutes or fewer for students to walk there. One school reported that their closest gender-inclusive restroom was about a 10-minute walk from the law school. It should be noted that the same school reported having a gender-inclusive restroom in the main law school building in areas away from student traffic. The six schools that responded “Other” for the restroom location question did so to elaborate on how there are additional gender-inclusive restrooms throughout campus outside of the law school. And, encouragingly, of the 104 schools that answered this question, all but 1 indicated that their gender-inclusive restrooms were ADA accessible.

Inclusive practices related to restrooms extend beyond location policies and signage. Many schools and institutions provide sanitary product receptacles in their restrooms. Receptacle placement is often dictated by the binary understanding of gender, and many schools only provide them in restrooms specifically designated for women. However, not all menstruating people are women. Slightly more than half of responding schools reported that all single occupancy restrooms regardless of gender designation have sanitary product receptacles (Figure 14). While this is encouraging, only 12% of schools have sanitary product receptacles in *all* restrooms.

**Figure 14: Availability of Sanitary Product Receptacles in Restrooms (N = 119)**



Source: 2021 LSAC LGBTQ+ Law School Survey data

Most schools that indicated “Other” explained that sanitary product receptacles were in all gender-inclusive restrooms and in women-only designated restrooms (Figure 14). One school elaborated by indicating that 50% of men’s restrooms had sanitary product receptacles; another school explained that two designated men’s restrooms had sanitary product receptacles. Four schools reported that they did not provide sanitary product receptacles in any restrooms.

While it is encouraging to find that many schools operationalize their inclusive practices by locating sanitary product receptacles in all single-occupancy restrooms regardless of gender designation, more work is needed to create inclusive spaces where students—especially transgender and gender nonbinary students—do not have to plan their day and breaks around the time and resources it will take them to access appropriate spaces to meet their basic bodily functions.

## Local Community

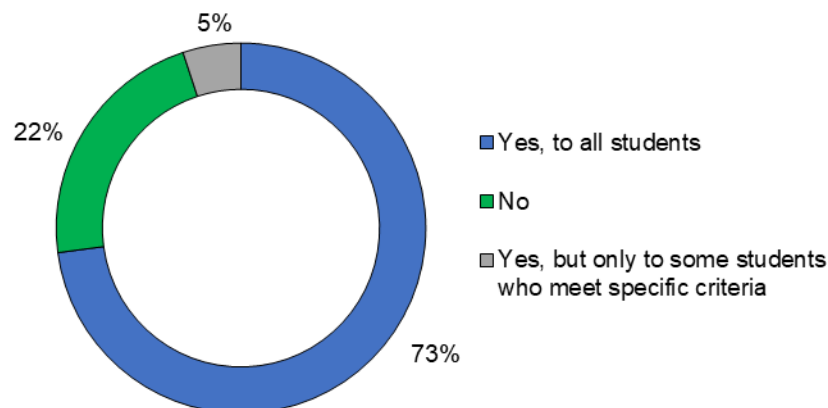
When candidates are searching for law schools that interest them, in addition to diversity and inclusion within the law school itself, it is important to understand whether the environment outside of their prospective law school will be a safe and affirming place for them. To assess this aspect of the student experience, the survey included specific questions about the local community surrounding the law school. All 118 of the law schools that responded to this question reported that their local communities hold LGBTQ+-specific events and/or Pride events that students can attend. A large proportion of schools (81%,  $n = 96$ ) reported that there are readily identifiable LGBTQ+-owned businesses and readily identifiable LGBTQ+-friendly businesses (e.g., those with a visible Pride flag sticker; 91%,  $n = 107$ ). Considering that most LGBTQ+ individuals

report experiences of bias and discrimination because of their gender identity and/or sexual orientation, as highlighted earlier in this report, the local environment outside of students' prospective law schools is crucial to their feelings of physical and emotional safety. In recruitment efforts, it is important for schools to highlight the local community, programming offered, businesses available, resources accessible, and efforts to improve diversity and inclusion in addition to connecting candidates to current LGBTQ+ students who can speak to their experiences inside and outside of the school.

## Healthcare Benefits

While most schools offer healthcare benefits to all students (73%) or to only some students who meet specific criteria (5%), almost one-quarter of the law schools that responded to this question do not offer healthcare benefits at all through the law school or university (Figure 15). Given the importance of both physical and mental health support in education, the unavailability of student healthcare benefits can present an insurmountable barrier not just for LGBTQ+ students but for all students.

**Figure 15: Healthcare Benefits Offered to Students (N = 118)**

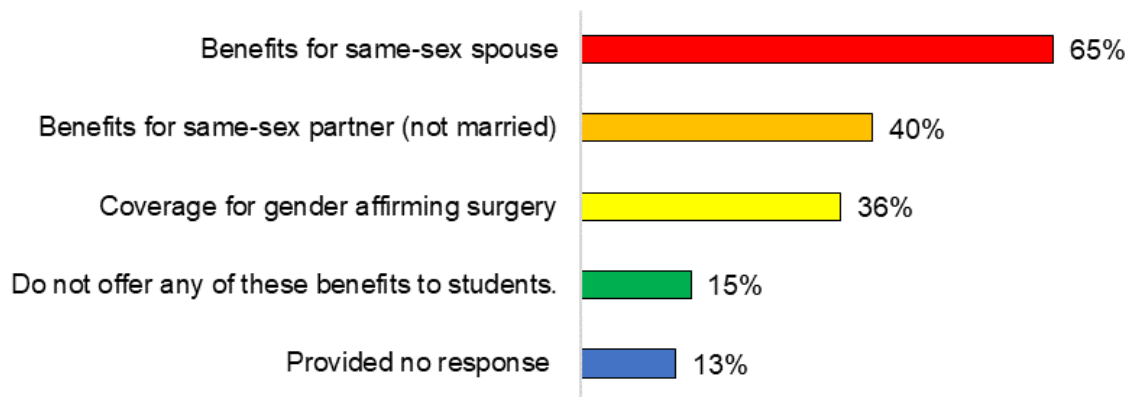


Source: 2021 LSAC LGBTQ+ Law School Survey data

While it is important that 92 schools reported offering healthcare benefits to all or some students, and that a majority of those schools (65%,  $n = 60$ ) included coverage for same-sex spouses, only just over one-third (36%) reported including coverage for gender affirming surgery (Figure 16). Almost one-third of additional schools offering healthcare reported that they do not provide benefits to same-sex partners (married or unmarried) or coverage for gender-affirming surgery, or they did not offer a response about the kind of healthcare coverage offered to students (Figure 16). These findings echo what the National LGBTQ+ Bar Survey found about the lack of transition-related healthcare benefits, noting that “[l]aw schools need to better understand their own benefits plans and how they do or do not address the health care needs of the school’s

current and prospective” LGBTQ+ community (The National LGBT Bar Association and Foundation, 2019, p. 4). Understanding benefit plans and advocating for more inclusive coverage may involve extensive advocacy work within universities and with various insurance companies. As a legal community, law school employees need to be supported and educated on how to bring about meaningful changes related to health coverage and other benefits that involve working with multiple parties.

**Figure 16: Specific Healthcare Coverage Offered by Schools (N = 92)**



Source: 2021 LSAC LGBTQ+ Law School Survey data

The questions in the survey related to the student experience aimed to understand the school environment, policies, and practices that LGBTQ+ students must navigate beyond their academic experience. While more work is needed to examine the actual law school classroom experience (i.e., Deo, 2011; Leahy, 2020), by breaking down each policy and practice, the survey revealed the importance of considering *how* students experience the very policies and practices schools implement to build and support inclusive law school spaces. Providing access to resources that support the whole student and ensuring that affirming spaces are available are crucial steps that law schools can take to support the well-being and learning experience of LGBTQ+ students (i.e., The Trevor Project, 2020).

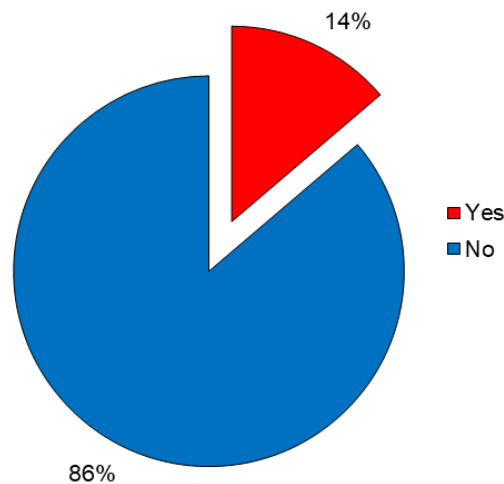
## Curriculum

A school’s commitment to DEI can also be reflected in the classroom experience if such information is integrated into the curriculum. To assess how schools weave DEI into educational experiences, the survey contained questions about syllabus language, pronouns, incorporating DEI, course offerings, and faculty research.

## *Gender-Inclusive Language in Syllabi*

Of the 109 law schools that responded to this question, only 14% indicated that they require faculty to use gender-inclusive language in their course syllabi (Figure 17). As previously defined, gender-inclusive language avoids terms and expressions that may reinforce inappropriate or outdated attitudes or assumptions about gender. While academic freedom is valued and protected in education, the use of inclusive language is one of the many ways faculty and schools can start to cultivate an inclusive learning environment. Many institutions require specific content in syllabi, such as listing academic outcomes or specific language around academic misconduct; however, for the most part, there isn't a standard related to inclusive language.

**Figure 17: Schools That Require Faculty to Use Gender-Inclusive Language in Course Syllabi (N = 109)**



Source: 2021 LSAC LGBTQ+ Law School Survey data

## *Pronouns in Email Signature*

Being seen, acknowledged, and respected creates a sense of inclusion and belonging. As discussed above, institutional policies can contribute to creating a welcoming space for all. An example of one of the policies law schools can use to indicate a clear message of inclusion is requiring all faculty and staff to include their pronouns in email signatures. While there is no readily accessible research on the impact of this specific policy on faculty and staff, such small policies and practices can make a significant impact in setting expectations for inclusivity. (Gender-inclusive language policies and practices for applicants and students are addressed later in this report.) In our survey, none of the schools that responded to this question reported that they have a policy requiring faculty and staff to include pronouns in their email signatures. Most schools (54%) reported that their schools allow faculty and staff to

include pronouns (Table 6). An additional 43% of schools encourage faculty and staff to include their pronouns. Overall, based on the fact that most schools at least support the use of pronouns in email signatures, it is clear that many schools do recognize changing practices in language and how they affect feelings of inclusivity. A policy requiring pronouns in email signatures would show an elevated understanding of and sensitivity to issues surrounding gender identity and would be a relatively easy way to signal a school's values.

**Table 6: Policies for Inclusion of Pronouns in Faculty and Staff Email Signatures (N = 123)**

Pronoun Policies	Percentage of Law Schools
We are allowed to include pronouns in email signatures.	54%
We are encouraged but not required to include pronouns in email signatures.	43%
Other: no policy or guidance at the law school level	2%
We are required to use a specific email signature format that does not include pronouns.	1%

Source: 2021 LSAC LGBTQ+ Law School Survey data

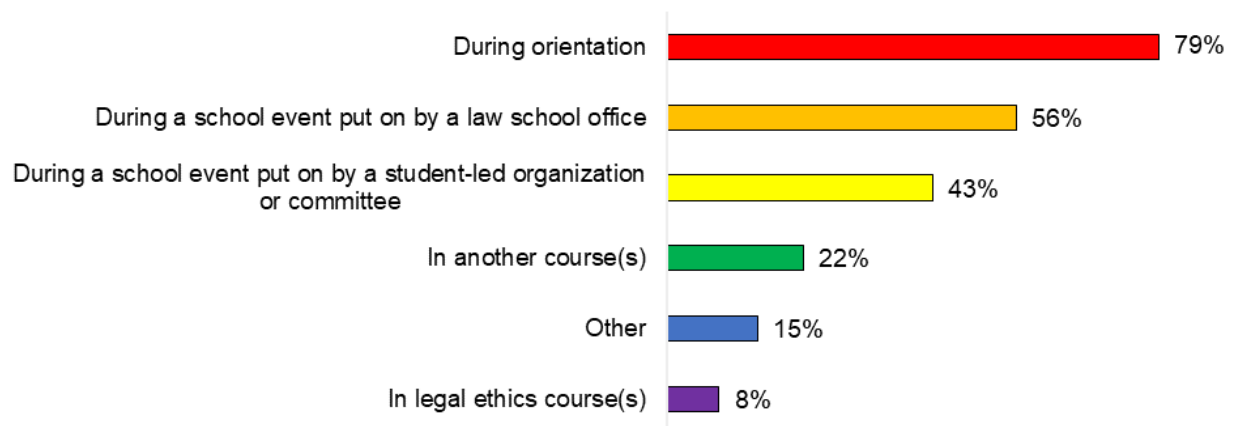
## *Incorporating DEI Training*

In examining how to educate the future generation of legal professionals, many law schools are beginning to incorporate DEI by integrating it in course content and providing stand-alone programming. Survey participants were asked about DEI training, topics covered, and how it is provided. Of the 111 law schools that responded to this question, 87 (78%) reported that they offer students DEI training that addresses both sexual orientation and gender identity topics. A small number of schools ( $n = 11$ ) reported that while they do offer DEI training to students, the training does not include any topics that specifically address sexual orientation or gender identity. Thirteen schools indicated that they do not offer DEI training to their students at all. Of the schools that reported offering DEI training of some kind ( $n = 96$ ), most schools ( $n = 76$ ) reported they offer DEI training to students during orientation (Figure 18), with an additional 56% of schools offering DEI training through school events put on by a law school office. Such events include:

- Professional development training
- Transgender competency in the classroom & courtroom
- Student affairs office wellness initiative (series on belonging)
- Candid, courageous conversations program
- Navigating differences conducted by Dean of Students office

- Diversity week put on by the diversity office
- Ally training and implicit bias training
- Building blocks of equity, diversity, and inclusion
- Active bystander training
- Learning community discussions
- Pride committee and community conversations/dialogue with the student affairs office
- Creating affirmative spaces

**Figure 18: Setting of DEI Training Offered to Students (N = 96)**



Source: 2021 LSAC LGBTQ+ Law School Survey data

An additional 15% of schools chose “Other” and reported providing different types of DEI learning opportunities for students (Figure 18). These included DEI training through online training modules and through the Diversity committee, which is composed of faculty, staff, and students.

While DEI training sessions are commonly offered during orientation and by various law school offices, 43% of schools reported that DEI training for students also happens during events put on *by students* (Figure 18), such as:

- Transgender name change pop-up clinic (pre-training for student participants)
- Various events, such as panels and speakers, hosted throughout the academic year by LGBTQ+ student organization
- Peer mentor training
- Student organization leadership training



It is less common for schools to incorporate DEI training for students into the classroom. Just 22% of schools reported that DEI training is offered to students in other law courses. Specific courses in which schools reported offering training include:

- Sexuality & the Law
- Family Law
- Gender & Family Justice Clinic
- Introduction to Lawyering
- Clinical courses or programs
- Externship courses
- Online Training Module required by University
- Gender & the Law
- LGBT Law
- Law review orientation
- Foundations Sequence
- Critical Theory/Critical Lawyering Seminar
- Professional Development (mandatory 1L course)
- Professionalism Sessions
- Lawyering, Leadership & Professionals

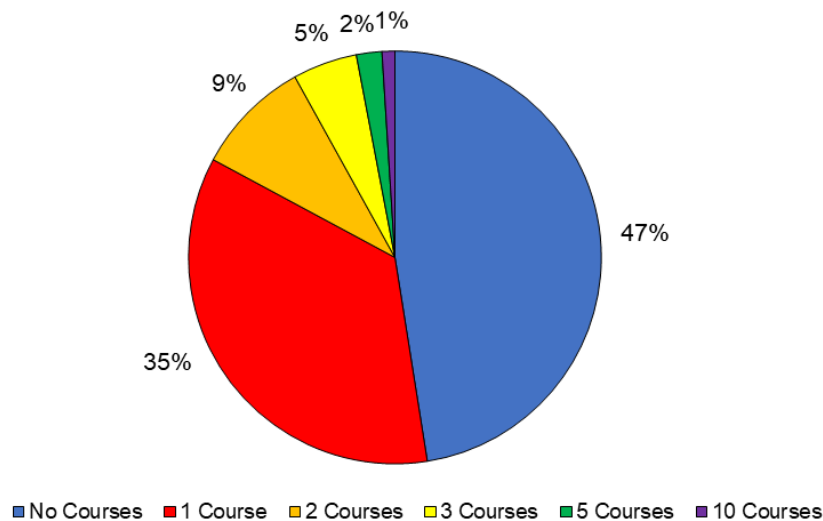
Only 8% of schools reported that students receive DEI training through legal ethics or professionalism courses (Figure 18). The information about DEI training presented here points to the fact that more work is needed to effectively weave DEI into the curriculum and classroom rather than relying primarily on training and programming outside of the formal learning environment, whether led by law school offices or student organizations. While schools indicated offering an array of resources and student engagement opportunities, in practice, schools commonly depend on LGBTQ+ student organizations, both as sources of information for the needs of LGBTQ+ students and as the main space for the school to provide information related to LGBTQ+-specific resources and services.

## *Course Offerings and Faculty Work*

As schools continue to work on addressing inequity in order to improve diversity, inclusion, and belonging, it is crucial to spotlight that inclusive curricula and pedagogy must be part of any effective effort to support diversity and cultivate the development of future leaders (i.e., Bahadur & Zhang, 2021; Darling-Hammond & Holmquist, 2015; Deo, 2011; Leahy, 2020). In the last couple of decades, legal education has come a long way, now offering a greater number of critical courses related to race, ethnicity, gender, and other DEI-centric topics. However, LGBTQ+-related topics are less likely to be the sole topic covered in a course when compared to courses that focus solely on

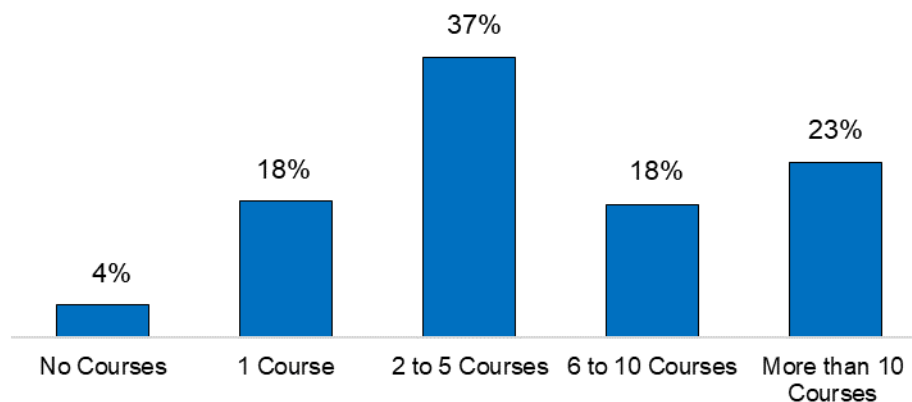
other minoritized groups. Of the 99 law schools that responded to this question, 47% indicated that they did not offer courses that focused exclusively on LGBTQ+ topics during the 2019-2020 academic year, and 35% reported that they only offered one course that focused exclusively on LGBTQ+ topics (Figure 19). It is more common for LGBTQ+ topics to be included in other courses. Of the 91 schools that responded to this question, 96% reported that they offer courses that include but do not focus exclusively on LGBTQ+ topics (Figure 20).

**Figure 19: Percentage of Law Schools by Number of Courses That Focus Exclusively on LGBTQ+ Topics in 2019-2020 (N = 99)**



Source: 2021 LSAC LGBTQ+ Law School Survey data

**Figure 20: Number of Courses That Include But Do Not Focus Exclusively on LGBTQ+ Topics (N = 91)**

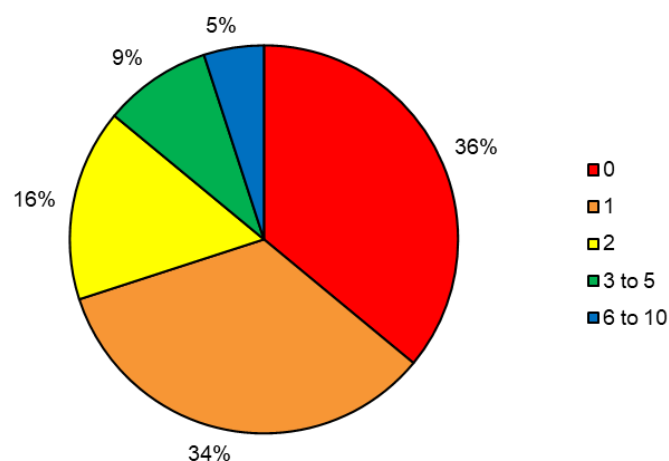


Source: 2021 LSAC LGBTQ+ Law School Survey data

Schools offer an array of courses that focus on or include LGBTQ+ topics. Of the schools that reported offering courses that exclusively focus on LGBTQ+ topics, responses included more than 30 different course names, such as Sexual Orientation and the Law, Sexual Orientation and Gender Identity Law, Sexuality and the Law, and Legal Advocacy and Same Sex Marriage. In examining the course names, 26 included gender, 21 included sexuality, 21 included sexual orientation, and only 2 specifically included transgender. Almost one-quarter of the law schools that responded to this question reported that more than ten courses were offered that included but did not focus exclusively on LGBTQ+ topics. The wide range of courses in which schools reported integrating LGBTQ+ topics in some way included those covering employment discrimination, constitutional law, equity and the legal and social determinants of health, critical race theory, education law, human rights, family law, and taxation. According to some schools, there were too many courses that included LGBTQ+ topics to some degree to list in their responses. While law school curricula are carving out space for students to engage with how the law intersects with the lived experiences of people based on gender identity and sexual orientation, among other experiences of marginalized groups, there is still room for improvement.

Of the 80 schools that responded to questions about faculty research, 29 (36%) schools reported that none of their faculty members conduct research primarily focused on LGBTQ+ topics, and 27 (34%) have only one faculty member conducting research primarily focused on LGBTQ+ topics (Figure 21). Only four schools reported that they have between 6 and 10 faculty members who do research primarily focused on LGBTQ+ topics.

**Figure 21: Percentage of Law Schools by Faculty Members Who Do Research Primarily Focused on LGBTQ+ Topics (N = 80)**



Source: 2021 LSAC LGBTQ+ Law School Survey data

Lastly, schools were asked about faculty-led committees dedicated to diversity, equity, and inclusion. Of the 109 law schools that responded to this question, 79% reported that they have a faculty DEI committee. While the existence of a faculty DEI committee is a good first step, it is important that the committee include diverse representation to ensure that various perspectives and experiences are considered. Of the 86 schools that reported having a faculty DEI committee, 75 (67%) reported that their committee includes at least one openly self-identifying LGBTQ+ faculty member.

The survey indicates that schools are making efforts to educate students on DEI, diversify course offerings, support faculty research, and create faculty-led DEI committees; however, more work is needed to create and offer more inclusive and DEI-centered curricula that supports students and serves to wholistically educate the next generation of legal professionals.

## Conclusion

The purpose of this report is to provide an overview of current law school policies and practices related to (1) diverse representation, (2) recruitment and admission, (3) the student experience, and (4) the curricula in law schools today. The goal in providing this overview is to initiate a conversation about how schools are cultivating an inclusive environment centering on LGBTQ+ law school candidates and students as well as preparing the next generation of legal professionals.

As the 2020 LSSSE Annual report revealed, “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” (Deo & Christensen, 2020, p. 5). Diversity, equity, and inclusion is about more than increasing the number of diverse students in legal education (Deo, 2011). Effectively supporting LGBTQ+ students requires an understanding of the nuanced experiences of these students and takes into account their intersectional identities. As many schools reported, support is often most effective when it is tailored to each student’s needs. Nonetheless, there are policies and practices that can support LGBTQ+ students’ learning experiences by addressing their worries related to how faculty will address them in the classroom, how to handle correcting faculty within a faculty-student power dynamic, outing themselves, and planning their days around restroom breaks. The aggregate results of the survey support that, as a community, we must collectively and consistently continue to evaluate and improve on policies and practices by asking, “What is the student experience when they interact with us and our system?”

While schools are constantly learning about and improving on their DEI efforts to support and meet the needs of diverse students, this report shows that more work is needed. LSAC is committed to building a more inclusive experience and environment

for LGBTQ+ candidates and students. Moving forward, LSAC will continue this work by operationalizing the results of this survey in collaboration with partners, stakeholders, students, and candidates to bring about meaningful change in the journey to and through law school for all candidates and students.

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<sup>1</sup> The National LGBTQ Task Force provides a [number of studies](#) and reports that explore the compounding effects of intersectional identities.

<sup>2</sup> In this context, a law school candidate is anyone who could potentially go to law school.

<sup>3</sup> The Trevor Project found that affirming gender identity among transgender and nonbinary youth is consistently associated with lower rates of suicide attempts (The Trevor Project, 2020).

<sup>4</sup> The 2021 LSAC LGBTQ+ Law School Survey results reflect school policies and practices for the 2019–2020 academic school year. Additionally, for the last 3 years, the [National LGBTQ+ Bar Association](#) has implemented the Law School Campus Climate Survey to help law schools broadly explore how they can foster a safe and welcoming community for LGBTQ+ faculty, staff, and students. The LSAC LGBTQ+ Law School survey takes an in-depth approach, focusing on how law schools support LGBTQ+ candidates and law students.

<sup>5</sup> Schools had the ability to skip questions in the survey if they did not have the relevant information or did not feel comfortable disclosing that information. Therefore, throughout the report, the number of schools responding to the questions varies.

<sup>6</sup> See the Human Rights Campaign for more definitions: [Sexual Orientation and Gender Identity Definitions - HRC](#).

<sup>7</sup> Data from the Law School Survey of Student Engagement (LSSSE) were used with permission from participating schools and from The Indiana University Center for Postsecondary Research (IUCPR). The

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opinions and conclusions contained in this report are those of the authors and do not necessarily reflect the position or policy of LSSSE, participating schools, or IUCPR.

<sup>8</sup> Throughout this section, “LGBQ+” is used to refer to sexual orientation identities self-reported by applicants. The “T” is excluded from “LGBQ+” in this section because transgender applicants are counted in the gender diverse group examined in this section. The term *gender diverse* is used to refer to gender identities self-reported by applicants. LGBQ+ applicants are those who do not identify as heterosexual/straight. Gender diverse applicants include applicants who do not identify as cisgender man or woman.

<sup>9</sup> All of what occurred in 2020—specifically the onset of the coronavirus global pandemic and its disproportionate impact on marginalized communities, and the antiracism protests focusing on police killing of Black people—has made it clear that the status quo actively harms marginalized communities. In recognition of this, deans from various law schools came together to create the Association of American Law Schools (AALS) [Law Deans Antiracist Clearinghouse Project](#). As they explain, “to engage as Antiracists, we must listen and learn from each other’s experiences, lead our communities by example, audit our schools to ensure progress toward racial equality (with an understanding that race cannot be neatly segregated from socioeconomic class), influence policy, and iterate our commitment to the fight for racial equality, all to demonstrate our resolve to eradicate racism in the United States.” Many schools demonstrated this commitment to antiracist work through antiracist and solidarity statements. As discussed above, the LGBTQ+ community is diverse; hence, it is important to understand that LGBTQ+ students of color must also contend with the often-negative effects of having to navigate through the predominantly white space that is the norm in most law schools (i.e., Moore, 2007).

<sup>10</sup> Here we use “LGBTQ+” as an umbrella term, as described earlier in this report, not as a term defining a group including only people who identify as lesbian, gay, bisexual, transgender, queer, and beyond.

<sup>11</sup> The National LGBTQ+ Bar Association was formerly known as the National LGBT Bar.