

Quantifying LGBT Inclusion in Law Schools

By: Alexis J. Rangel

Loyola University Chicago School of Law

## Quantifying LGBT Inclusion in Law Schools

In 1994 the American Bar Association (ABA) prohibited member schools from discriminating against students on the basis of sexual orientation.<sup>1</sup> Over the past 20 years, many law schools have made additional efforts to strengthen inclusion of lesbian, gay, bisexual, and transgender (LGBT) students in a variety of ways, such as expanding their own non-discrimination policies and offering courses that focus on LGBT legal issues.<sup>2</sup> Many law schools, however, do not report the number of openly LGBT students enrolled in their programs.<sup>3</sup> By reporting the number of openly LGBT students on their campus, law schools would gain an important tool to measure the effectiveness of policies that are already in place, both for internal and comparative purposes.

This paper demonstrates the need for demographic data by analyzing publicly available data reported by law schools within the City of Chicago. Quantitative data is compared to the Gallup finding that 3.2% of U.S. adults identify as LGBT.<sup>4</sup> The six law schools included in consideration are the Illinois Institute of Technology Chicago-Kent College of Law (Kent), the University of Chicago Law School (U of Chicago), DePaul University College of Law (DePaul), John Marshall Law School (John Marshall), Loyola University Chicago School of Law (Loyola), and Northwestern University School of Law (Northwestern).

---

<sup>1</sup> American Bar Association. 1994. *Standards for Approval of Law Schools and Interpretations*. Standard 211.

<sup>2</sup> Law School Admission Council. 2014. *Law School LGBT Survey Results*.

<sup>3</sup> National Association for Law Placement. 2014. *NALP Directory of Law Schools*.

<sup>4</sup> Gates, Gary J., and Frank Newport. 2012 "Special Report: 3.4% of US Adults Identify as LGBT." *Politics*. Washington, DC: Gallup. October 18

## BACKGROUND

Though the LGBT community has not traditionally been included in diversity efforts, it is now being recognized as an important component to diversity on campus.<sup>5</sup> Many institutions of higher education recognize the existence of LGBT students on their campus and provide them with resources through a designated office, such an LGBT Resource Center.<sup>6</sup> In 2011, no institution of higher education gave applicants the option of providing their sexual orientation or gender identity, even though many specifically targeted LGBT students by listing related services in admissions materials or attending LGBT-themed college fairs.<sup>7</sup>

In the decision for *Grutter v. Bollinger*, a seminal case regarding the use of race-conscious admission policies in higher education, the Supreme Court stated that “universities, and in particular, law schools, represent the training ground for a large number of our Nation’s leaders.”<sup>8</sup> This statement emphasizes that the special role lawyers play in our society puts law schools in unique position with regards to diversity.<sup>9</sup> Accordingly, the ABA prohibits discrimination that would harm diversity and requires the publication of a variety of data categorized by race relating to diversity in law schools.<sup>10</sup> This data can be used during accreditation and membership review to question

---

<sup>5</sup> Cegler, Tyler D. 2012. "Targeted Recruitment of GLBT Students by Colleges and Universities." *Journal of College Admission* 215:18-23.

<sup>6</sup> Casson, F. Lee. 2014. "Sexuality Demographics and the College Admissions Process: Implications of Asking Applicants to Reveal their Sexual Orientation." Ed.D. dissertation, School of Education, University of Tennessee, Chattanooga.

<sup>7</sup> Cegler. 2012.

<sup>8</sup> *Grutter v. Bollinger*, 539 U.S. 306, 322 (2003)

<sup>9</sup> Rothstein, Laura. 2006. "The LSAT, U.S. News & World Report, and Minority Admissions: Special Challenges and Special Opportunities for Law School Deans." *St. John's Law Review* 80(1): 257-88.

<sup>10</sup> American Bar Association. 2014. *The 2014-2015 ABA Standards and Rules of Procedure for Approval of Law Schools*. Standards 205; 509.

the law school's practices and evaluate whether or not these policies are being followed.<sup>11</sup> The requirement to report the data encourages compliance, though noncompliance is unlikely to result in a loss of accreditation.<sup>12</sup> Historically, this kind of data has also been used to improve admission and retention rates of students of color throughout higher education institutions.<sup>13</sup> Diversity, however, cannot be limited to racial diversity because a variety of characteristics contribute to the educational benefits of a diverse student body, including sexual orientation.<sup>14</sup> By expanding data collection an analysis to LGBT students, law schools will be able to make their LGBT-inclusive policies more effective as well.<sup>15</sup>

#### CURRENT LAW SCHOOL DATA

The two data sets presented here contain information reported by many law schools, including the six law schools in the City of Chicago. The data sets were collected and published by two independent organizations. Both entities collected the data by requesting that law schools self-report using standardized forms. These data sets were selected because they were the only current data sets that included institution specific data concerning LGBT law students. Some demographic data found within the first data set is published in the ABA/LSAC Official Guide to ABA-Approved Law

---

<sup>11</sup> Rothstein. 2006.

<sup>12</sup> *Id.*

<sup>13</sup> Windmeyer, Shane, Keith Humphrey, and Danielle Barker. 2013. "An Institutional Responsibility: Tracking Retention & Academic Success of Out LGBT Students." *Campus Pride Blog*. Charlotte, NC: Campus Pride.

<sup>14</sup> Johnson, Kevin R. 2010. "The Importance of Student and Faculty Diversity in Law Schools: One Dean's Perspective." *Iowa Law Review* 96:1549-77.

<sup>15</sup> Windmeyer. 2013.

Schools.<sup>16</sup> The information provided in the ABA/LSAC Guide, however, did not include LGBT demographic data.<sup>17</sup>

### *NALP Directory of Law Schools*

The first data set is the NALP Directory of Law Schools, collected and published by the National Association for Law Placement (NALP).<sup>18</sup> NALP is an association of legal career professionals, with membership comprised of law schools and legal employers in the United States and Canada.<sup>19</sup> Law schools can update their information at any point during the year, and NALP publishes the data annually.<sup>20</sup> The NALP Directory of Law Schools is designed as a resource for job recruiters targeting law school graduates.<sup>21</sup> NALP first began requesting LGBT demographic data in 2011.<sup>22</sup> Though a wide variety of information is collected, this paper will only consider the student demographic information regarding gender, year, and LGBT identity. Data regarding a school's Total number LGBT students by year and overall were not specifically listed in the data set, but have been calculated using the provided data and displayed here for comparative purposes. Similarly, data for Totals – Chicago Law Schools was not specifically provided, and have been calculated using existing data.

---

<sup>16</sup> NALP. 2015. Website. <http://www.nalp.org/nalpdirectoryoflawschools>

<sup>17</sup> ABA. 2015. *Official Guide to ABA-Approved Law Schools*. Website. [http://www.americanbar.org/groups/legal\\_education/resources/aba\\_approved\\_law\\_schools/official-guide-to-aba-approved-law-schools.html](http://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/official-guide-to-aba-approved-law-schools.html)

<sup>18</sup> NALP. 2014. *NALP Directory of Law Schools*.

<sup>19</sup> NALP. 2015. Website. <http://www.nalp.org/>

<sup>20</sup> NALP. 2014. *NALP Directory of Law Schools*.

<sup>21</sup> *Id.*

<sup>22</sup> NALP. 2015. Website. [http://www.nalp.org/ndls\\_gathering\\_lgbt\\_data](http://www.nalp.org/ndls_gathering_lgbt_data)

Totals - Chicago Law Schools					
	First Year	Second Year	Third Year	Fourth Year	Total
Male	846	855	821	84	2206
Female	788	830	810	81	2509
Total	1634	1685	1673	165	5157
LGBT Male	19	18	22	10	69
LGBT Female	13	15	18	6	52
Total	32	33	40	16	121
Comment					

Illinois Institute of Technology Chicago-Kent College of Law					
	First Year	Second Year	Third Year	Fourth Year	Total
Male	155	151	148	19	473
Female	131	137	132	12	412
Total	286	288	280	31	885
LGBT Male	11	6	6	4	27
LGBT Female	7	5	8	2	22
Total LGBT	18	11	14	6	49
Comment					

University of Chicago Law School					
	First Year	Second Year	Third Year	Fourth Year	Total
Male	102	125	122	0	349
Female	94	80	89	0	263
Total	196	205	211	0	612
LGBT Male	0	5	8	0	13
LGBT Female	0	4	3	0	7
Total	0	9	11	0	20
Comment					

DePaul University College of Law					
	First Year	Second Year	Third Year	Fourth Year	Total
Male	139	114	134	8	395
Female	137	159	146	13	455
Total	276	273	280	21	850
LGBT Male	8	7	8	6	29
LGBT Female	6	6	7	4	23
Total	14	13	15	10	52
Comment					

John Marshall Law School					
	First Year	Second Year	Third Year	Fourth Year	Total
Male	211	202	189	50	652
Female	224	195	174	43	636
Total	435	397	363	93	1288
LGBT Male	0	0	0	0	0
LGBT Female	0	0	0	0	0
Total	0	0	0	0	0
Comment					

Loyola University Chicago School of Law					
	First Year	Second Year	Third Year	Fourth Year	Total
Male	104	125	117	7	353
Female	109	148	136	13	406
Total	213	273	253	20	759
LGBT Male	0	0	0	0	0
LGBT Female	0	0	0	0	0
Total	0	0	0	0	0
Comment					

Northwestern University School of Law					
	First Year	Second Year	Third Year	Fourth Year	Total
Male	135	138	111	0	384
Female	93	111	133	0	337
Total	228	249	286	0	763
LGBT Male	0	0	0	0	0
LGBT Female	0	0	0	0	0
Total	0	0	0	0	0
Comment	-53 disabled students identified by the school, but sex not differentiated -31 LGBT students self-identified in Symplicity Northwestern does not keep sexual preference information on record.				

## *2014 LGBT Law School Survey*

The second data set is the 2014 LGBT Law School Survey, collected and reported by the Law School Admission Council (LSAC).<sup>23</sup> LSAC is a non-profit corporation that includes 222 member law schools in the United States, Canada, and Australia.<sup>24</sup> The corporation provides a variety of resources aiding the admission process to member schools and prospective students.<sup>25</sup> The LGBT Law School Survey is designed to be a resource for LGBT applicants and member schools are invited to complete the survey every other year.<sup>26</sup> The survey asked the following six questions, limiting the initial response to either “yes” or “no” before providing the opportunity for additional information<sup>27</sup>:

- 1) Does the law school have a nondiscrimination policy that prohibits discrimination on the basis of sexual orientation or gender identity?
- 2) Does the law school have a lesbian, gay, bisexual, or transgender student organization?
- 3) Does the law school have any openly lesbian, gay, bisexual, or transgender faculty members?
- 4) Does the law school have any openly lesbian, gay, bisexual, or transgender administrators?
- 5) Does the law school offer any courses primarily focused on lesbian, gay, bisexual, or transgender legal issues?
- 6) Does the law school offer any form of domestic partner or same-sex marriage benefits to faculty, staff, or students?

---

<sup>23</sup> Law School Admission Council. 2014. *2014 LGBT Law School Survey*.

<sup>24</sup> LSAC. 2015. Website. <http://www.lsac.org/>

<sup>25</sup> *Id.*

<sup>26</sup> Law School Admission Council. 2014. *2014 LGBT Law School Survey*.

<sup>27</sup> *Id.*



This paper will only consider the initial response to each question. Of the six law schools considered, DePaul and Northwestern did not respond to the 2014 LGBT Law School Survey.<sup>28</sup>

	Kent	U of Chicago	DePaul	John Marshall	Loyola	Northwestern
Responded to survey	Y	Y		Y	Y	
LGBT-inclusive Non-discrimination Policy	Y	Y		Y	Y	
Officially recognized LGBT Student Organization	Y	Y		Y	Y	
Out LGBT Faculty		Y		Y		
Out LGBT Administrators	Y	Y		Y		
LGBT Themed Courses	Y	Y		Y		
Domestic Partner/Same-Sex Marriage Benefits	Y	Y		Y	Y	

## ANALYSIS AND DISCUSSION

The NALP Directory data indicate a number of areas of concern, but also reveal interesting correlations that could potentially impact inclusion strategies on law school campuses. Of the six law schools, John Marshall, Loyola, and Northwestern reported a combined total of 0 LGBT law students, although Northwestern indicated in the comment section that 31 students self-identify as LGBT in Simplicity, a career services website.

Of the 5,157 law students in Chicago, 121 are reported to be LGBT. At 2.35%, this is less than the 3.4% of the adult population found by Gallup, which comes out to a difference of about 54 students. When removing the schools that did not report any

---

<sup>28</sup> *Id.*

LGBT students, it becomes 121 out of 2,347, or 5.2%. The school with the highest percentage of LGBT students is DePaul with 6.1%, followed by Kent with 5.5%, and U of Chicago with 3.3%. These figures are respectable when compared to the 3.4% of the general population, and by nearly doubling that, DePaul can easily justify holding the top spot.

When looking at the breakdown of LGBT students by gender, there are slightly larger proportions of LGBT men than LGBT women. Overall, 2.7% of men are LGBT compared to 2.1% of women. Controlling for the three schools reporting LGBT students, 5.7% of men are LGBT compared to 4.6% of women. Of the three schools, Kent has the smallest difference with 5.7% to 5.3%, followed by U of Chicago with 3.7% to 2.7%. DePaul has the largest difference, with 7.3% of men being LGBT compared to 5.1% of women. Though it is important to remember that the differences between the numbers here are small, there are only 6 more male LGBT students at DePaul than female LGBT students, the existence of this trend for all schools in this data may be important for administrators to consider.

The most interesting statistic of this data set is found within the breakdown by year. The overall percentage is relatively stable when comparing the numbers of LGBT students to the total within each year, but there is one exception. For all Chicago law schools, 2% of first years are LGBT, 2% of second years, and 2.4% of third years. Of the fourth year students, however, 16 of 161 are LGBT, which comes out to 9.7%. This exception becomes even more pronounced when limiting the data to Kent and DePaul, the only two schools reporting both LGBT and fourth year students. 16 out 52 fourth year

students, or 30.8%, are LGBT. The figure becomes even more interesting when looking at the schools individually, with DePaul reporting 47.6% of fourth year students as being LGBT and Kent reporting 19.4%.

The LSAC Survey demonstrates that Chicago law schools are generally inclusive, even if you make the assumption that DePaul and Northwestern have none of the identified factors. Of the law schools that responded to the survey, all four indicated the existence of an LGBT-inclusive non-discrimination statement, at least one officially recognized LGBT student organization, and some form of domestic-partner or same-sex marriage benefits. 3 out of 4 reported having out LGBT administrators and LGBT themed courses. Only 2 identified having out LGBT faculty, John Marshall and U of Chicago, which both reported “yes” to all categories.

When viewing the two data sets together, the LSAC Survey provides important context for the NALP Directory data. Two schools that provided data for both, U of Chicago and Kent, and both received high scores on the LSAC Survey. DePaul responded to the NALP Directory, where it demonstrated the highest percentage of LGBT students, but did not respond to the LSAC Survey. It is unlikely that DePaul achieved this result without having any policies in place. On the other end of the spectrum, John Marshall responded “yes” in all categories, but reported having no LGBT students. It is equally unlikely that John Marshall has all of these factors in place without having a single LGBT student. Though it is clear that both DePaul and John Marshall are inclusive of LGBT students, it is impossible to compare the two because they do not share comparable data sets. Quantitatively, Loyola, Northwestern, and John Marshall

cannot be compared to DePaul, Kent, and U of Chicago because they do not share a comparable data set. With regard to internal evaluation, there is no way to quantify the effectiveness of policies on campus at Loyola and John Marshall.

## CONCLUSION

There are simply too many questions to justify the absence of LGBT demographic data. Did the official recognition of an LGBT student organization increase retention rates at Loyola? Does the presence of out LGBT faculty at John Marshall correlate to a higher percentage of LGBT students enrolled than at Kent? Are fourth year students are disproportionately LGBT, indicating a need for targeted advertisement for related services? Without the data, all we can do is guess.