THE BOTTOM LINE:
LAW SCHOOLS NEED TO GET SERIOUS ABOUT THE WORK OF DIVERSITY, EQUITY & INCLUSION

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SURVEY OF LAW SCHOOL DIVERSITY PROFESSIONALS

North American law schools are adding Diversity, Equity and Inclusion (DEI*) roles or responsibilities at an increasing pace. In early 2021 we surveyed DEI professionals** at law schools across the country. We were interested in finding out more about these professionals, their work, and their perceptions about the role they play at their law school.

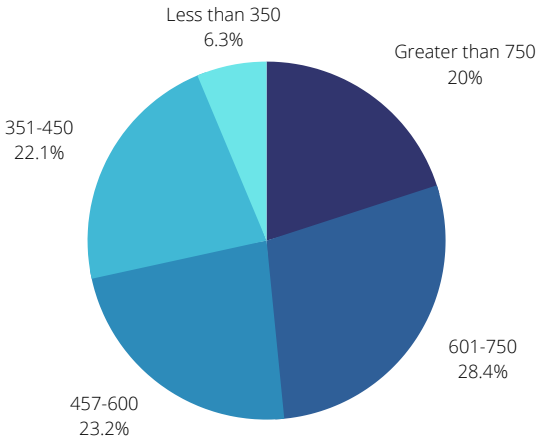
We took the opportunity to ask DEI professionals about their role in light of the global pandemic and focus on racial injustice after the protests against police violence in the summer of 2020.

We also note that the subsequent commitments to diverse stakeholders have elevated the work of DEI professionals.

This renewed focus on diversity equity and inclusion offers clear opportunities for law schools to rethink, reimagine and professionalize DEI roles. For this purpose, we offer recommendations for law schools to fully invest in the work and support the professionals who do it.

Eighty-two DEI professionals completed the survey. Respondents work at a mix of public (53%) and private institutions (47%) and institutions of various sizes. Survey respondents represent law schools located in large (40%), medium (37%) and small cities (23%). The majority (77%) serve at institutions where more than 20% of their student body identify as racially or ethnically diverse.

Size of Student Body Served



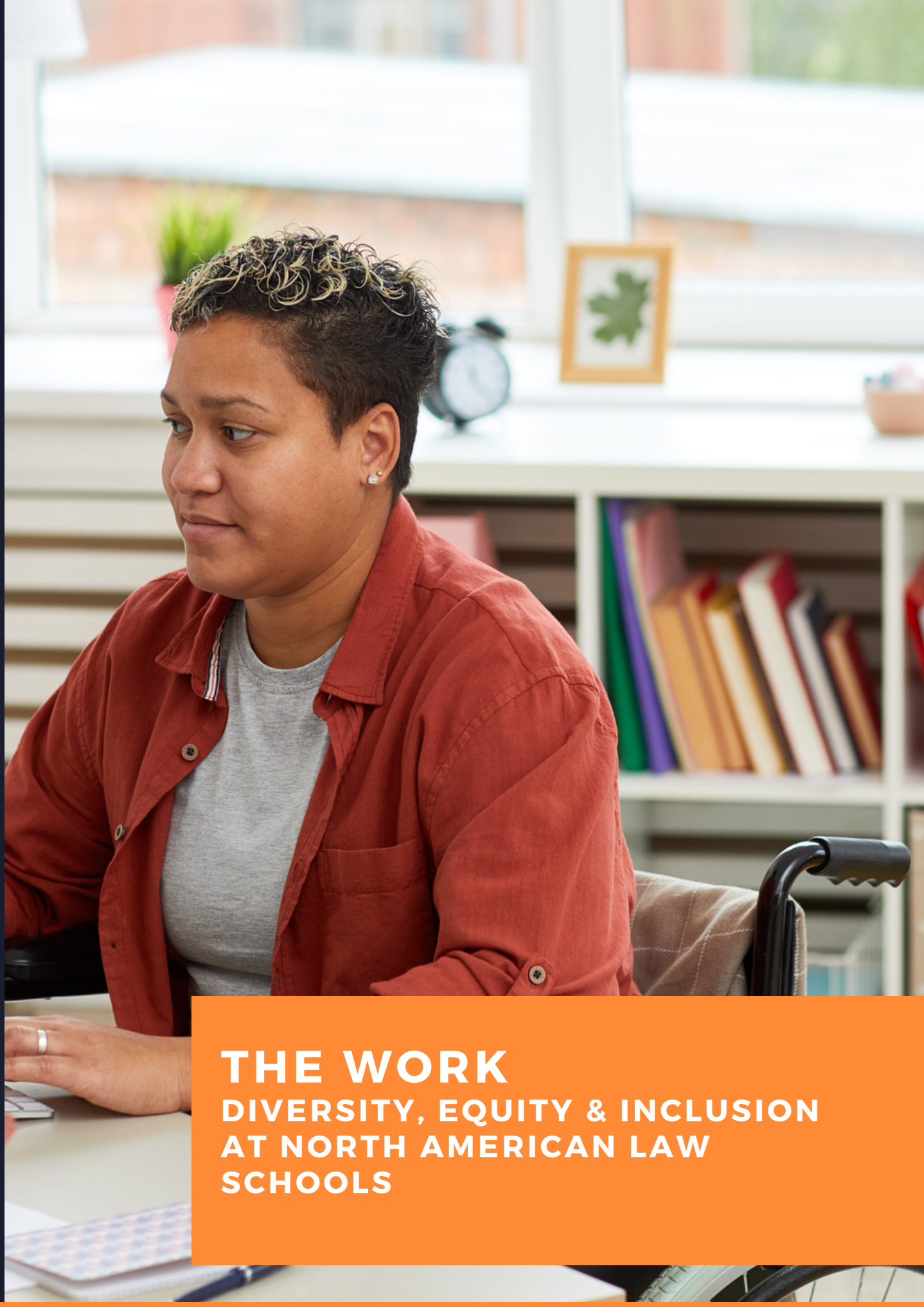
*DEI

We use ''DEI" as a broad term to represent roles and responsibilities defined by individual law schools but tend to focus on improving representation, services, and outcomes for diverse students and other stakeholders and building engagement with diverse external communities. Thus, law schools may label DEI positions with different names, such as belonging, outreach, compliance, social justice, etc. See page 6 for a discussion about the specific responsibilities of DEI professionals.

We also do not define diversity. Instead, individual law schools define diversity based on location, mission, history, and other factors that are unique to that institution.

**DEI Professionals

For this survey, these are both law school professionals for whom DEI is their only role and professionals for whom DEI is a responsibility shared with other functions.



THE WORK

DIVERSITY, EQUITY & INCLUSION AT NORTH AMERICAN LAW SCHOOLS

Creating the Position

Takeaways:

- DEI roles and responsibilities are a relatively new but growing phenomenon at law schools.
- Law schools have added these roles primarily to improve services to diverse students and other diverse stakeholders.
- When these roles or responsibilities are created, law schools are more likely to fill this role through means other than a formal job search.

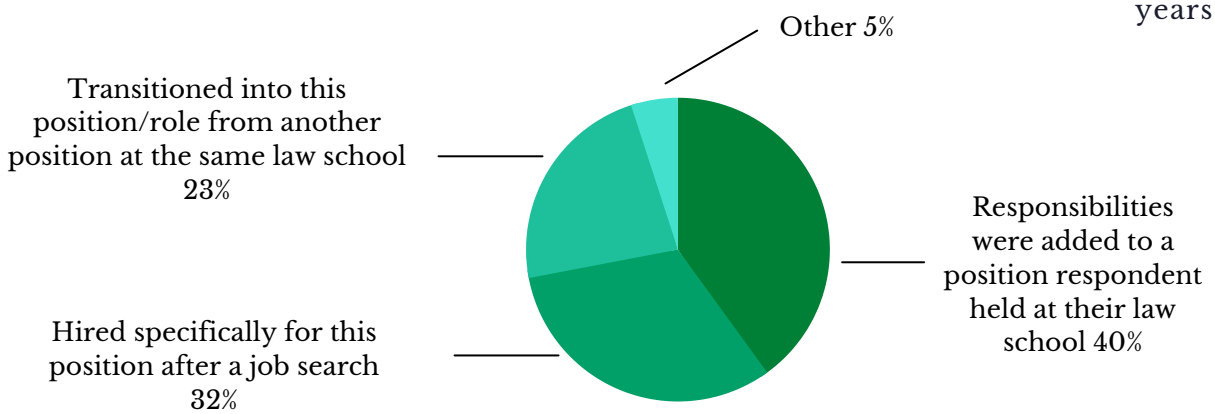
69%

Of respondents believe that their position is the first of its kind at their law school.

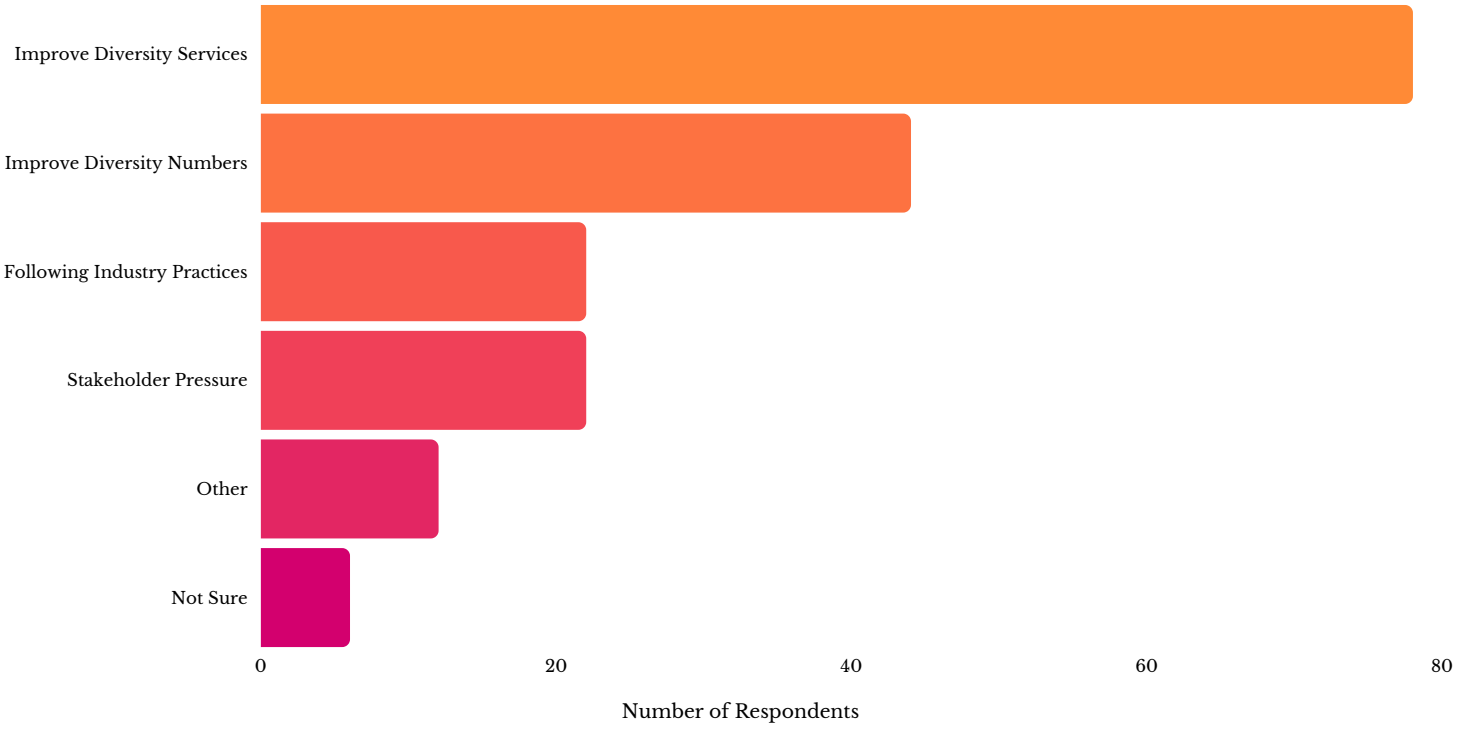
73%

Of respondents have been in their position less than 3 years

How did you assume your DEI role/position?



Why was your position created?



DEI Roles and Responsibilities

Takeaways:

- Generally law school DEI professionals do not work in a diversity office.
- DEI Professionals are responsible for a wide range of functions.
- DEI professionals appear more likely to have student-facing and enrollment related responsibilities.

89%

of respondents work in a department for which DEI is not the primary function.

Percentage of respondents indicating that the following tasks are part of their DEI responsibilities

STUDENT SERVICES 57%	**EDUCATIONAL PROGRAMMING FOR STUDENTS** 55%	**ADMISSIONS** 49%
STUDENT RECRUITMENT 46%	**PRE-LAW ADVISING/ PIPELINE PROGRAMS** 43%	**COMMUNITY OUTREACH** 37%
FACULTY/STAFF RECRUITMENT, RETENTION & TRAINING 37%	**POLICY** 33%	**ACADEMIC SUPPORT** 27%
ALUMNI AFFAIRS AND DEVELOPMENT 23%	**TEACHING** 23%	**TITLE IX OR OTHER COMPLIANCE** 21%
CAREER SERVICES 17%	**FINANCIAL AID** 7%	**OTHER** 2%

Single-Person DEI Operations

Here we note the large number of respondents who indicated that they are the only person at their institution who has responsibilities related to DEI.

45%

of respondents are the only person with DEI responsibilities at their school.

Characteristics of Single-Person DEI Operations

74%
Work at schools that have students bodies that are more than 20% racially/ethnically diverse.

70%
Work at schools where at least half of the student body identifies as women.

73%
Primarily serve in student-facing roles

65%
Work at schools where the population is greater than 450 students.

18%
Job titles do not indicate their role as a diversity professional

ABOUT 2020

There is no doubt that the global Coronavirus pandemic and the protests for racial justice during the summer of 2020 significantly impacted the work of DEI professionals at American law schools.

One indicator of the changing landscape was the fact that 183 ABA-accredited law schools issued solidarity and antiracist statements. From a curated list of these statements on the AALS Law Deans Antiracist Clearinghouse Project*, solidarity and antiracist statements generally:

1. Express solidarity with people who experience racism;
2. Acknowledge that law schools had work to do when it comes to diversity, inclusion, equity and justice in legal education and the profession; and
3. Commit to projects and initiatives that address these issues.

Over two-thirds of survey respondents indicated that their duties and responsibilities expanded because of the events of 2020. The most significant increase was directly related to educational programming and other initiatives in response to the global pandemic or antiracist commitments.

*AALS Law Deans Antiracist Clearinghouse Project, available at https://www.aals.org/antiracist-clearinghouse/ (last visited Nov. 27, 2021).

91.5%

The percentage of ABA-accredited law school that issued solidarity or antiracist statements as reported on the AALS Dean's Antiracist Clearinghouse Project

67%

Of respondents indicated that their duties and responsibilities expanded due to the impact of the global pandemic and the protests for racial justice.

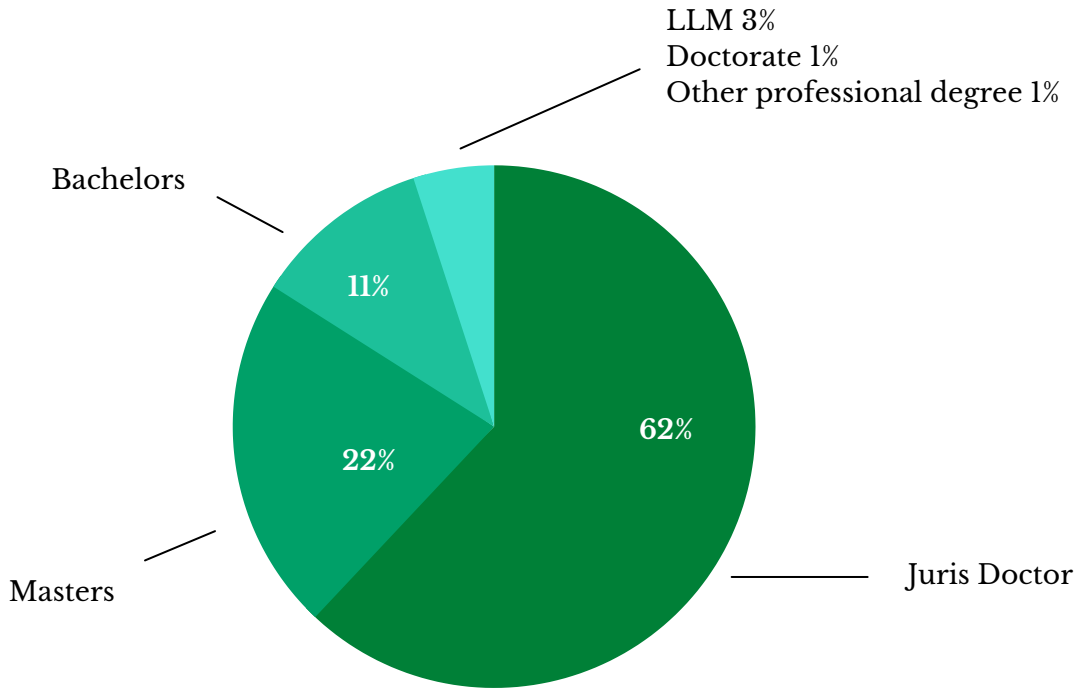
57%

Of respondents indicated that part of their expanded duties involved directing and curating pandemic response and antiracist commitment initiatives.

DEI PROFESSIONALS:
EDUCATION, EXPERIENCE, COMPENSATION AND PROMOTION

EDUCATION AND EXPERIENCE

What is your highest level of educational attainment?



87%

of respondents have less than 3 years of DEI experience.

57%

of respondents had no specific education or training to prepare them for their DEI role.

TAKEAWAYS:

- The majority of law school DEI professionals possess postgraduate and other terminal degrees.
- With over 3/5 of respondents having JDs, DEI professional educational attainment appear to be on par with most senior law school administrators.
- Despite the fact that most DEI professionals are new to their roles, the majority of respondents don't come into the role with specific training in DEI work.

SKILLS & ABILITIES

Survey participants were given a list of 33 professional skills and abilities and asked to select five that they believe are essential for success in their role as a DEI professional and rank them in order of importance. Participants were also allowed to add skills and abilities that the question did not list.

Based on the selection and rank of the responses, three categories are evident. Required and recommended skills are the most cited and highest-ranked skills and abilities.

REQUIRED:

68%*
Cultural Competence and Global Perspectives

61%
Knowledge of DEI Best Practices

RECOMMENDED:

40%
Interpersonal Skills

32%
Leadership

28%
Problem Solving

27%
Professional Judgement

ADDITIONAL SKILLS:

- Teamwork 24%
- Counseling and Advising 24%
- Commitment 20%
- Continuous Learning 19%
- Critical Thinking 19%
- Written and Oral Communication 19%
- Organization 15%
- Human Capital Development 14%

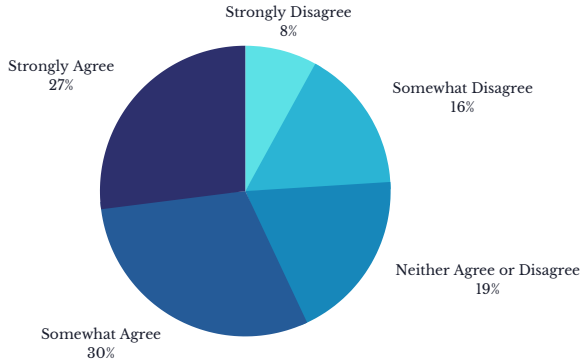
***Percentage of respondents citing each skill or attribute**

PROFESSIONAL GROWTH, COMPENSATION & PROMOTION

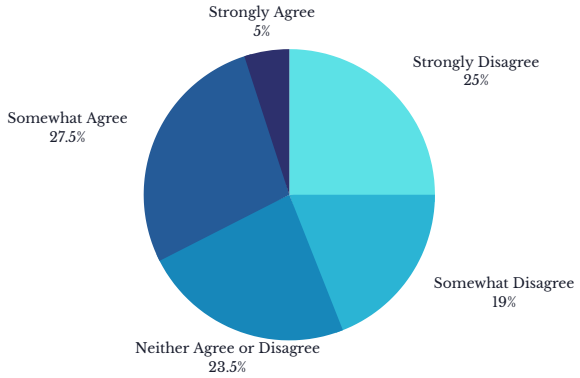
Takeaways:

- The majority of respondents agreed that their institution supports their professional development.
- Less than half of respondents agreed that they are compensated appropriately for their DEI work or in comparison with their colleagues.
- Less than 15% of respondents indicated that they had received a promotion for their DEI work or were likely to receive one in the future.

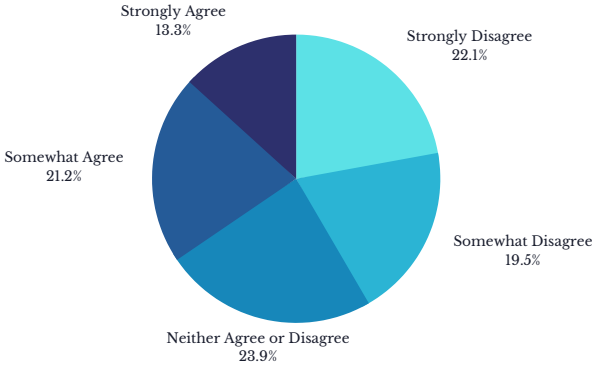
Your institution provides adequate opportunities for professional development



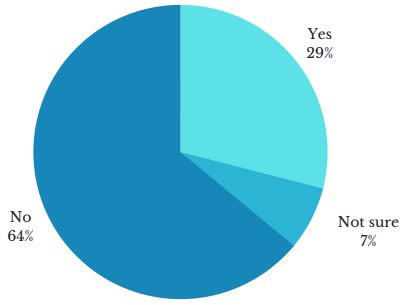
Based on your knowledge of the market, your institution compensates you appropriately



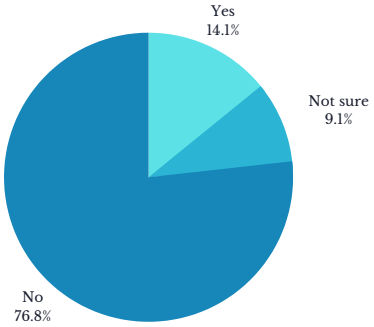
You are compensated appropriately compared to your law school colleagues



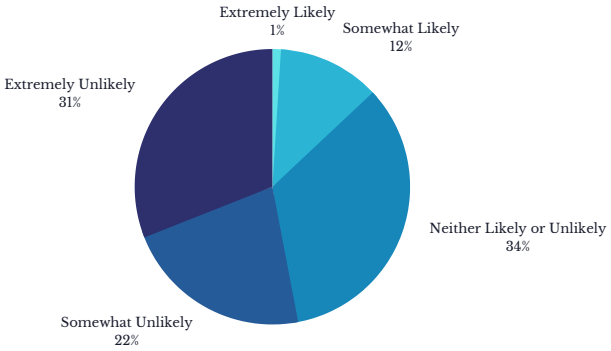
Within the last four years, you have received a salary increase related to performance in your DEI role



Evaluation of your DEI work has led to a promotion



How likely is it that you will receive a promotion for your DEI work



DEI WORK:
CHALLENGES & OPPORTUNITIES

CHALLENGES

Survey participants were given an open-ended question asking them to list the top 3 challenges they face as DEI officers. All responses were categorized and are listed below in order of the percentage of respondents who cited each category.

73%
Lack institutional buy-in and investment in DEI work from faculty and administration

46%
Lack adequate financial resources to accomplish their work

40%
Job responsibilities are too broadly defined or lack clear definition

24%
Lack of appropriate staffing

16%
Lack of diversity among students, staff and faculty

15%
Effects of the pandemic, racial unrest and overall student morale

Other challenges:

- No strategic plan for DEI at law school - 13%
- Respondents lack the typical benefits of a professionalized occupation - 12%
- Lack of influence and ability to effectuate policy change - 11%
- The emotional content of DEI work - 3%

IMPACT & INFLUENCE

Takeaways:

- In their current work, DEI professionals believe that they have a positive impact at their law school.
- DEI professionals are well-positioned to influence decision-making.
- However, they are not optimistic about their ability to influence sustainable change through policymaking at their law school.

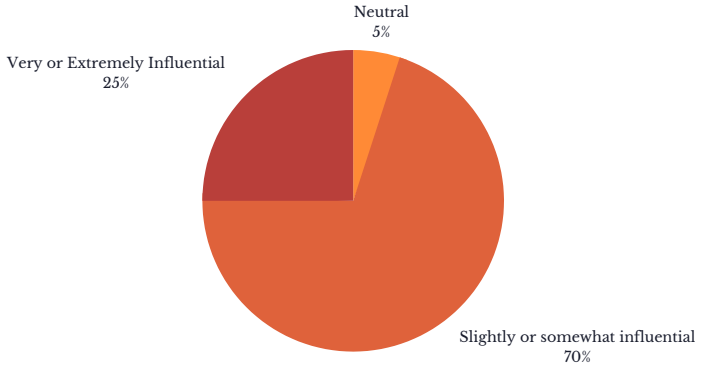
71%

Serve at the director level or above

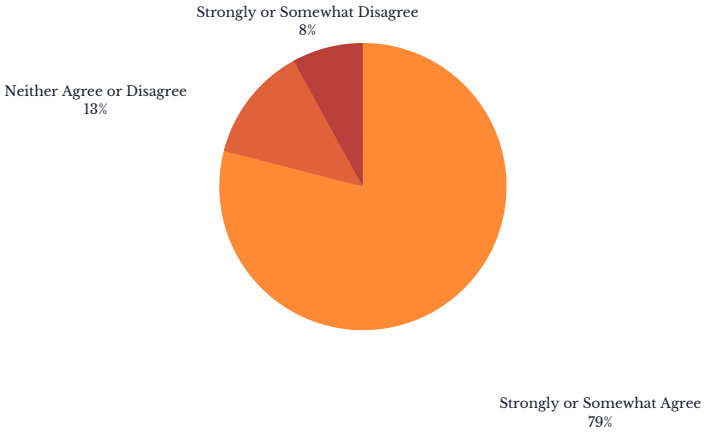
63%

Report directly to the Dean of their law school

How would you describe your general ability to influence policies and practices at your law school



With respect to your specific responsibilities as a DEI officer, you are satisfied that you have made a positive impact on DEI efforts at your school

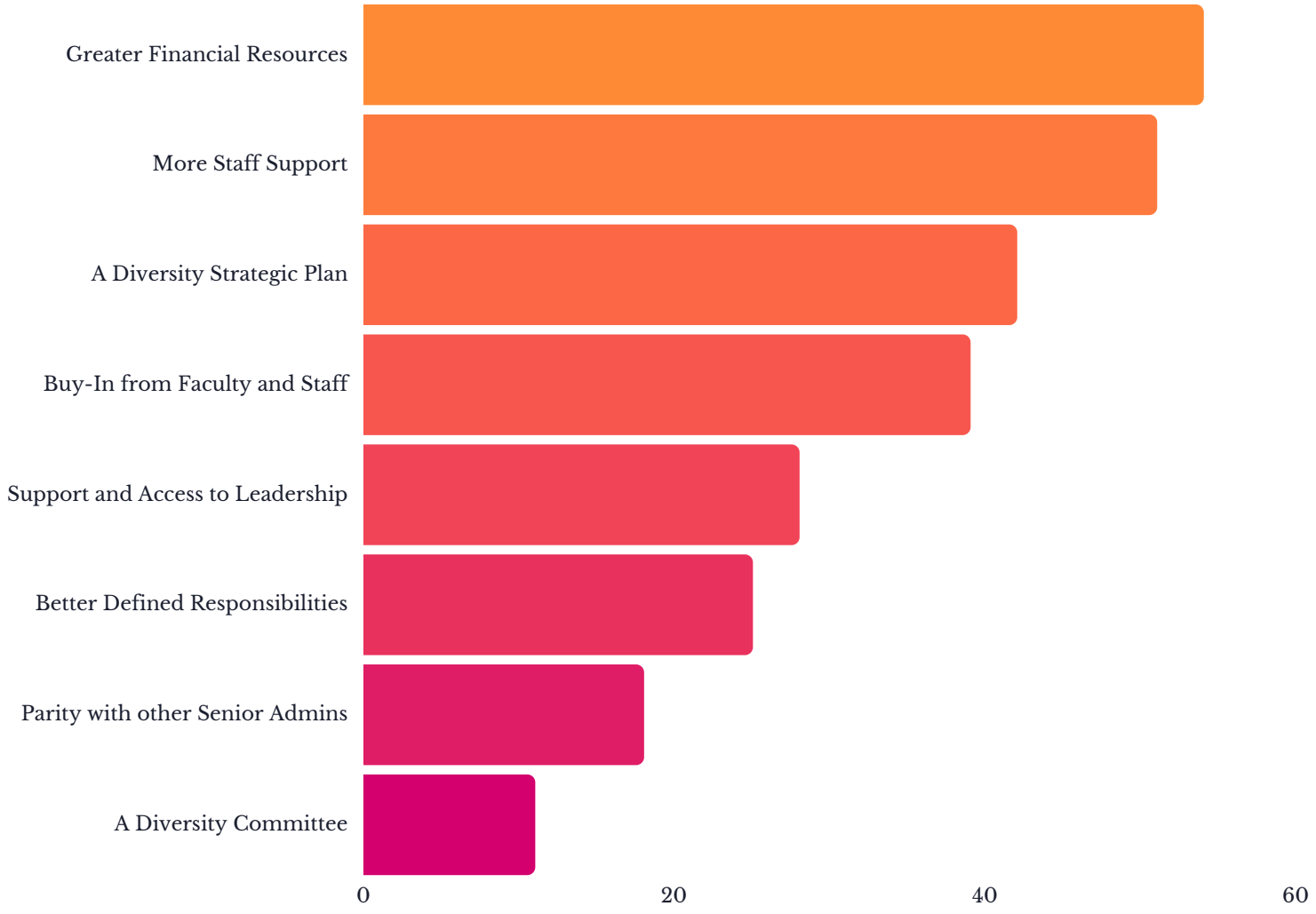


OPPORTUNITIES

Takeaways:
Overall, maximizing opportunities to build effective DEI operations will require law schools to:

- Invest in DEI work
- Support DEI professionals
- Be intentional about what the work is and how it can be done

What can your institution provide to make you more effective in your role as a DEI officer



CONCLUSION

To the DEI professionals that do this work, that have continuously dedicated capacity efforts, shown a commitment to improvement, built relationships and navigated conflicts, we see you, your resiliency and your important work. We thank you for continuing to authentically show up, shifting paradigms and elevating this important work.

People who do DEI work at law schools are professionals and should be treated as such. The data suggests that when roles are created, it should be done in a formalized way with a job search, clear expectations for the role and compensation in parity with other law school professionals. DEI work is shared work and should be the responsibility of multiple people at the law school. DEI professionals have many constituents and serve in various roles at their institutions. They have shown their commitment to people in the valued skills needed to be successful in this work and have taken on added responsibilities through a pandemic and social unrest.

Law schools have committed to making their schools' and DEI initiatives better, by signing on to the AALS Law Deans Antiracist Clearinghouse and they should follow through with their stated promises to collaboratively work towards progress. DEI professionals are on par educationally with other law school administrators but don't come to the role with specific DEI training. It is important for law schools to invest in their professional development, specific to DEI information. Law schools invest in things they believe in. The commitments law schools made in the AALS Law Deans Antiracist Clearinghouse, stated they believe in the work of DEI professionals, yet they are not compensated adequately, compared to other law school professionals. There is also a lack of promotion and salary increases in this role despite the increase in work. This is seen in participants responding that their biggest challenge to doing DEI work is lack of institutional buy-in and investment in DEI work from faculty and administration. There are a lack of resources delegated to these diversity professionals financially and with staffing. The work that DEI professionals do is full time work and the professional should be able to focus solely on these initiatives, instead of it being one of the many tasks they are charged with executing.

People who do DEI work are not unicorns; they cannot be the end all for all things DEI in the law school. Participants state that one of their major challenges is that their job responsibilities are too broadly defined or lack clear definition. For law schools to truly be successful in their DEI efforts the role of the DEI professional should be clearly defined, realistic, with strategic planning. Law school DEI professionals see the impact they make at their institutions despite the aforementioned barriers and lack of ability to influence and enact changes. Law schools need to do better at enabling these professionals to have the ability to influence policy-making and sustainable change. Law schools need to transcend the performative and invest in DEI work and its professionals. Ultimately law school DEI professionals will succeed if resources are present, expectations are known, and the entire institution works at increasing the DEI initiatives.

RECOMMENDATIONS

Based on our review of the survey responses and our experience as DEI professionals, we make the following distinct yet compatible recommendations for law schools that want to get serious about the critical work of diversity, equity and inclusion.

Update and reimagine DEI roles. DEI work has noble beginnings. Much like the role of academic support, DEI work has grown out of a desire to support diverse communities of students in legal education. While DEI professionals play a critical role in student services, today's antiracist commitments require institution-facing initiatives to address structural and systemic problems. DEI professionals need to be positioned to influence the change needed to sustain equitable and inclusive environments.

Develop a law school DEI strategic plan. DEI needs to be proactive and intentional. Law schools should sponsor community efforts to assess diversity needs, determine institutional outcomes and develop strategic initiatives to achieve these outcomes with metrics for success. Strategic planning is a valuable tool for defining the role of diversity officers and securing institutional buy-in.

Invest in the work. Law schools should invest in DEI outcomes in the same way they invest in enrollment, bar passage, career placement, and any other strategic priority. Consequently, funding, staffing and community commitment must be sufficient for the law school to achieve its DEI outcomes.

Support the professionalization of DEI positions. Law schools that seek to create DEI positions or responsibilities should clearly define the role and articulate expectations for performance. Filling these positions should be intentional. Compensation for DEI work should reflect the critical nature of the work and should be on par with other similarly situated law school professionals. As a whole, legal education should organize around DEI and support the work as a distinct discipline as it has done for others like admissions, career services, academic support and development.

Create an independent DEI office/position. In addition to professionalizing these roles, DEI should have a distinct identity guided by its own set of outcomes and housed in an independent DEI office or chief diversity officer position. While there will always be a need for departmental DEI professionals in admissions, student services and other law school offices, the coordination of school-wide DEI work should resemble an orchestra or musical ensemble. In this arrangement, independent DEI officers are the conductors who set the tone as they operationalize the law school's strategic DEI priorities through collaboration with departments, faculty and administrators, coordination of simultaneous DEI efforts, and assessments. Departmental DEI professionals are first chair musicians who lead programs, sponsor initiatives and implement policies within their respective disciplines in harmony with the independent DEI officers.

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RECOMMENDATIONS CONTINUED

Position DEI officers to influence policy and practices. Law school DEI professionals are highly motivated professionals who are making an impact in their work. To fulfill the commitments made to diverse stakeholders and secure sustainable change, DEI officers must also have the ability to push for equity in policies and practices. DEI officers should be part of the law school's leadership team, preferably reporting directly to the dean. DEI officers need to be in the room where decisions are made and empowered as advocates for diversity, equity and inclusion.

NEXT STEPS

To the best of our knowledge, this is the first exploration of DEI positions in legal education. Our survey was limited to questions about the positions and the people in these positions. However, as with any survey, a review of the responses raised new questions that need further exploration.

We believe that the next steps in this work should include an in-depth look at the work both through the lens of departmental DEI positions and from the perspective of diversity deans and directors who manage the holistic oversight of institutional DEI outcomes. It is also necessary to explore how the pandemic and the renewed focus on racial justice have shaped DEI positions. Further, there is a need to examine how this work impacts the health and wellness of DEI professionals, particularly people of color.

We look forward to answering these and other questions. Our ultimate goal is to help institutions be more intentional and better support the professionals dedicated to improving DEI outcomes.