

Collecting and Reporting Data on LGBT Students at Law Schools

by Tom Schoenherr and Caryn Schreiber

For many years, NALP employer members have reported statistics on the number of self-identifying GLBT partners, associates, and other attorneys at their respective organizations in the *NALP Directory of Legal Employers* (NDLE). Last year, at the request of NALP's Board of Directors, the Recruitment Practices Advisory Group (RPAG, which has now become the Ethics and Standards Advisory Group) conducted a survey of a diverse cross-section of 30 NALP law school members to solicit feedback on whether similar reporting for GLBT law students should be included in the *NALP Directory of Law Schools* (NDLS). This past spring, RPAG recommended and the NALP Board approved the reporting of GLBT law student statistics in the NDLS, so this year for the first time law school members will also be asked to supply this information. In this article, we'll provide you with some additional background information from RPAG's survey, as well as some helpful tips on how law schools can best collect and report this data.

NALP Background and the RPAG Survey

The RPAG survey conducted in January 2010 revealed that some law schools already provide the opportunity for applicants to self-identify as GLBT on their admissions applications in the same way that applicants are asked by most law schools to self-identify their gender, age, race, and ethnicity. At this point in time, however, it's clear that the majority of law schools do not include this particular self-reporting option for applicants, and most of these schools would have to work with

their GLBT law student group to gather this data from current students.

It's important to note that because ALL of this demographic information — whether it's race, ethnicity, gender, or GLBT status — is self reported, it is inherently subject to under-reporting. There are always applicants and students who leave one, several, or all self-reporting sections blank and in effect opt out of disclosing some or all of this information. Some of our school survey respondents expressed concern that any GLBT law student data they could collect would be incomplete and would understate the true enrollment at their law school. In actuality, this is the case for all of the numbers we report from self-identifying data, and in itself is not a justification against reporting the numbers that can be gathered.

However this does raise the important point that for any GLBT data that is reported in the NDLS, there will be a comment section inserted directly under this new GLBT category so that schools will have the ability to explain the particular circumstances of their own data collection for their GLBT students — or any other information they would like to share. RPAG felt and the Board agreed that this is especially important during the first several years that this data is collected and reported. It will also be an option for schools to report “not collected” or “unknown” in the space on the NDLS form where a total number for GLBT students would appear. This same option is available for employer members on the NDLE form.

We've learned from employer members that the GLBT data that they document in the NDLE has been a very helpful addition to diversity reporting and becomes more valuable comparatively with

each additional year of shared data. We've also learned from employer members that the sophistication and success of their data-gathering efforts have steadily improved year by year. This process has been facilitated by sharing best practices information between members through *NALP Bulletin* articles and at NALP conference panels. We anticipate the same positive evolutionary process for school members.

Tips for Collecting and Reporting Data

A category will be added in the NDLS *Composition of Enrollment* section under Diversity with "Openly GLBT Men" and "Openly GLBT Women." This will mirror the *Demographic Information* section of the NDLE. Separate reporting by gender should not be problematic for transgender students since they will be self-identifying and can select the gender that they feel is most appropriate for their own identity. We recognize that, especially in this first year, some schools may find it difficult to provide numbers by gender for each class year, and we encourage these schools to at least enter data into the *Total* field for GLBT students. Remember that this includes the "not collected — NC" or "unknown — UNK" options mentioned above. However, as is true in the NDLE for employers, whenever a school leaves the GLBT data fields blank (not inserting a number, NC, or UNK), the field will default to zero, which could make it appear that the school has entered zero as the total number of GLBT students.

It's our hope that the comment section referred to above will appear in both the online NDLS and in any PDF versions of NDLS forms that are created from the online directory. However, due to space constraints in the PDF versions of schools' forms this might only be possible in the full online directory listings. It will be clear in the instructions accompanying the NDLS later this year if the comments will appear online only or also in PDFs. (The NDLS is no longer published as a print directory and can be found at

www.nalplawsonline.org.)

If your law school already provides the opportunity for applicants to self-identify as GLBT on your admissions applications, this will be the best place to gather your GLBT student data. Your admissions office should have this data on file, and hopefully in an easily accessible spreadsheet along with other diversity data by class year.

The Law School Admission Council (LSAC) has an opt-in interest inventory in which students can share GLBT status with the LSAC. This particular data is not transferred to law schools as part of each student's admissions profile. However, it can be purchased for direct marketing purposes by the admissions/registrars office and is an additional possible source for gathering GLBT student data.

Apart from the two options mentioned above, perhaps the best source to tap is your on-campus GLBT student organization. On many law school campuses, this student group is known as "OUT-Laws." If you have no prior relationship with your GLBT student group, you should be able to identify the current student leader(s) through your dean/director of student affairs. If you think it would be helpful, set up a meeting with one or more of these current student leaders to briefly describe to them the history of diversity reporting in both the NDLE and the NDLS, and explain this new initiative to include GLBT student statistics in the NDLS to complement the data on GLBT lawyers and summer associates that is already provided in the NDLE.

You can assure students who may express any concern about confidentiality that only aggregate numbers and no names will be reported to NALP and listed in the NDLS. If it's helpful, you can show students how the GLBT statistics are reported in the NDLE. Hopefully many of your GLBT students will be aware of these statistics and will know from personal experience the value they provide in researching employers. And even at schools with the largest numbers of GLBT law students, the numbers should still be manageable enough that computing a tally by gender and class with the assistance of your GLBT student group leaders will take less than an hour. As you jointly review the roster of members of the GLBT student

group, you can also rely on these student leaders to assist you in identifying any members of your GLBT student group who are “straight friends” of the group so that you won’t count them in your final numbers.

Finally, all members of NALP’s GLBT Section are ready to assist you with guidance and support at any stage of the process of gathering and reporting your data. Don’t hesitate to reach out to any GLBT Section member you know, or contact either of the authors of this article, and we will be happy to refer you appropriately.

It is time for NALP law school members to participate in GLBT diversity reporting in the same way that NALP employer members have done for years. Remember that data collection is a process, and we anticipate that it will evolve and improve over the years.

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