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How Academic Support Professionals Can Better Support LGBTQ+ Law Students – and Why We Should

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The flexible and expansive roles of academic support professionals allow us to have highly personalized relationships with students, and also demand of us a willingness and ability to consider the law student experience holistically. This includes, if appropriate for the student, consideration of LGBTQ+¹ identities. Those of us in academic support are in a unique position to help LGBTQ+² identified students, who remain a minority in the legal field compared to their representation in the general population,³ have more productive and rewarding educational experiences and careers.

Why?

It has been persuasively argued that academic support programs fill an important role in humanizing legal education.⁴ This idea of “humanizing” the law school experience is a conscious attempt to “counterbalance the traditional law school environment’s negative impact upon women and students of color” in response to scholars’ claims that such an environment “disproportionately negatively impacts women, students of color, and lesbian, gay, bisexual, [transgender], or questioning students.”⁵ These negative impacts manifest as discomfort in the classroom, homophobic comments by students and teachers, increased anxiety around job interviews, and declining to become involved in student activities and groups.⁶ By fully acknowledging the identities of the students with whom we work, we can set the groundwork for a more holistic and humanized law school experience.

Additionally, academic support professionals are often privy to information about our students’ real-world concerns beyond school, such as children, family members who require care, full-time employment, and health challenges. Having a more complete picture of our students’ lives allows us to better assist them with issues around anxiety and time management. Similarly, if a student is experiencing additional stress due to their⁷ sexual or gender identity, or struggles with family or community pressures surrounding identity, it can be helpful to know for the purposes of honestly assessing their well-being and making appropriate recommendations for their academic success.

At this year’s AALS Section on academic support, Prof. Russell A. McClain made a passionate and persuasive argument for re-centering the “concrete and specific efforts” of academic support programs on minority and underrepresented students, asserting that the field has “drifted.”⁸ Prof. McClain grounded his argument in the historical roots of academic support programs, including Prof. Paula Lustbader’s 1997 statement of the mission of academic support: “to provide diverse persons access to legal education, help create community, help diverse students succeed and excel academically, and most importantly, preserve students’ feelings of self-worth and value.”⁹ This mission statement brilliantly and clearly combines the goals of inclusion, access, diversity, and humanization that underlie so many current academic support programs.

Many of these same programs also aim to help students develop their professional identities in order to graduate the most mature, ethical, and responsible attorneys possible. A student’s gender identity or expression, or sexual orientation may be an important part of their professional identity, and we can help them integrate all aspects of themselves into their law school experience – and beyond – furthering the likelihood that our students will find lasting professional satisfaction.

In addition, many of us have the unique privilege of being the first faces students see upon arriving at law school, through academic support participation in orientation programs. Making sure the materials in these programs are sensitive to pronouns and encompass a variety of experiences can help set a standard of inclusiveness and welcome to all students.

Finally, the challenging and critical role of academic support in the retention and matriculation of our students. As we all know, our schools’ admissions offices work hard to get diverse, qualified students in

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the door, but it's up to us to make sure they flourish once enrolled. Playing a role in retention – particularly retention of minority students – is core to the initial motivations behind development of many academic support programs.¹⁰ Through decades of studying the LGBTQ student experience in undergraduate education, researchers have found that “students who worry about an unsupportive environment and harassment are unable to focus on either academic or co-curricular learning.”¹¹ There is reason to believe the same may occur in legal education. When students feel that they can be authentic in their law school experience, they are more able to succeed academically.

How?

As always, efforts to be inclusive are only effective if the label of safe (or “safer”) space is more than just a sticker or a sign.¹² If you do not feel equipped to have conversations about gender identity or expression, or sexual orientation, you should undertake the task of educating yourself before engaging with students on these topics.

That said, there are small steps academic support professionals do and can take to better serve LGBTQ+ students. These include, but are not limited to:

- Adding an email sign off that indicates preferred pronouns (for instance: Prof. Sarah J. Schendel, preferred pronouns: she/her/hers). This not only indicates the pronouns we use, but conveys to students that we understand the importance of proper pronouns.
- Using gender neutral language not only if we are not sure of a student's gender identity, but also when referring to those in their families (i.e. not saying “husband” or “girlfriend” but rather “partner” or mirroring a student's language.)
- Attending events in the law school community that are focused on diverse law student experiences, including the LGBTQ+ experience, so that students see us actively engaged and concerned with LGBTQ+ issues on campus.
- Serving as a clearinghouse for additional resources, including directing students to medical and mental health care, support groups, and other resources. Make sure that the resources you know about include those that are either specific to LGBTQ+ students or are at least inclusive.

As a final note, these recommendations center primarily on our one-on-one work with students. However, to truly be effective faculty members and allies to LGBTQ+ students, we need to also advocate for better policies throughout our law schools and universities, as well as keep all issues of diversity front of mind when writing and choosing course materials. Inclusive and representative materials might include wills and trusts or torts fact patterns that represent marriage as between same-sex couples, family law fact patterns that include gender-nonconforming¹³ parents of children (or gender non-conforming children), or textbooks that include cases where parties identify as LGBTQ+.

Conclusion

We in academic support are incredibly fortunate for the relationships we are able to form with students, for our role in humanizing their legal education experience, and for the myriad of ways they turn to us for support. While it is of course not appropriate to serve as counselors or mental health professionals for those we advise, we do our LGBTQ+ students a disservice if we are not prepared to acknowledge their full identities and to offer them all the support possible in their quest towards graduation and successful careers in the law.

ENDNOTES:

1. LGBTQ+ is an abbreviation for Lesbian, Gay, Bisexual, Transgender and Queer, with an “+” included to acknowledge the existence of a wide variety of other identities. One resource for learning more about the abbreviations and terminology used around LGBTQ+ issues is the Glossary provided by the UC Davis LGBTQIA Resource Center. LGBTQIA RESOURCE CENTER GLOSSARY | LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, INTERSEX, ASEXUAL RESOURCE CENTER, <https://lgbtqia.ucdavis.edu/educated/glossary.html> (last visited Jun 21, 2018).

2. The number of self-identified LGBTQ lawyers is increasing, but remains small. "The overall percentage of openly lesbian, gay, bisexual, and transgender (LGBT) lawyers reported in the NALP Directory of Legal Employers (NDLE) in 2017 increased to 2.64% compared with 2.48% in 2016." *LGBT Representation Among Lawyers in 2017*, NALP.ORG (Jan. 2018), <https://www.nalp.org/0118research>. "The percentage of American adults identifying as lesbian, gay, bisexual or transgender (LGBT) increased to 4.5% in 2017." Frank Newport, *In U.S., Estimate of LGBT Population Rises to 4.5%*, GALLUP (May 22, 2018), <https://news.gallup.com/poll/234863/estimate-lgbt-population-rises.aspx>.
3. "The percentage of American adults identifying as lesbian, gay, bisexual or transgender (LGBT) increased to 4.5% in 2017." Frank Newport, *In U.S., Estimate of LGBT Population Rises to 4.5%*, GALLUP (May 22, 2018), <https://news.gallup.com/poll/234863/estimate-lgbt-population-rises.aspx>.
4. Louis N. Schulze Jr., *Alternative Justifications for Law School Academic Support Programs: Self-Determination Theory, Autonomy Support, and Humanizing the Law School*, 5 CHARLESTON L. REV. 269, 298 (2011).
5. *Id.*
6. Janice L. Austin et al., *Results from a Survey: Gay, Lesbian, and Bisexual Students' Attitudes About Law School*, 48 J. LEGAL EDUC. 157, 164-67 (1998); see also Sari Bashi & Maryana Iskander, *Why Legal Education Is Failing Women*, 18 YALE J.L. & FEMINISM 389, 391-92 (2006); Morrison Torrey, *Yet Another Gender Study? A Critique of the Harvard Study and a Proposal for Change*, 13 WM. & MARY J. WOMEN & L. 795, 796 (2007); Morrison Torrey et al., *What Every First-Year Female Law Student Should Know*, 7 COLUM. J. GENDER & L. 267, 275 (1998).
7. I have chosen to use they/their pronouns throughout the article in order to demonstrate the use of gender-neutral language. Much has been written about "they/their" as a singular, gender-neutral pronoun, and last year it was added to the Associated Press Stylebook. Travis M. Andrews, *The singular, gender-neutral 'they' added to the Associated Press Stylebook*, WASHINGTON POST, Mar. 28, 2017, <https://www.washingtonpost.com/news/morning-mix/wp/2017/03/28/the-singular-gender-neutral-they-added-to-the-associated-press-stylebook/>.
8. AALS 2018 "Academic Support – Access to Justice" (January 2018, San Diego); see also "Academic Support – Equal Access to Justice," <https://soundcloud.com/aals-2/academic-support-equal-access/s-WAtUo?in=aals-2/sets/2018-annual-meeting/s-kILOu> (audio recording, 2018 AALS).
9. Paula Lustbader, *From Dreams to Reality: The Emerging Role of Law School Academic Support*, 31 U.S.F. L. REV. 839 (1997); see also "Academic Support – Equal Access to Justice" <https://soundcloud.com/aals-2/academic-support-equal-access/s-WAtUo?in=aals-2/sets/2018-annual-meeting/s-kILOu> (audio recording, 2018 AALS).
10. See Ellen Yankiver Suni, *Academic Support at the Crossroads: From Minority Retention to Bar Prep and Beyond - Will Academic Support Change Legal Education or Itself Be Fundamentally Changed*, 73 UMKC L. REV. 497, 501(2004) ("Law schools committed to increasing recruitment and retention of minority students believed academic support programs to be an important component of that effort.")(citing Paula Lustbader, *From Dreams to Reality: The Emerging Role of Law School Academic Support Programs*, 31 U.S.F. L. REV. 839, 844 n.17 (1997)).
11. Ronni Santo, UCLA LGBTQ Campus Resource Center, *Lesbian, Gay, and Bisexual College Students: Risk, Resiliency, and Retention*, J. C. STUDENT RETENTION, Vol. 6(1) 97-110, 2004.
12. See Katie Dupere, *'Safe spaces' for LGBTQ people are a myth — and always have been*, MASHABLE (June 18, 2016), <https://mashable.com/2016/06/18/lgbtq-safe-spaces/#a67T1t8kCOq1> (interrogations of the idea of "safety" and discussions on the false promise of many "safe spaces").
13. Merriam-Webster, "Gender Non-Conforming," <https://www.merriam-webster.com/dictionary/gender%20nonconformity> (last visited September 27, 2018).