

**LSU LAW STUDENTS AND ALUMNI
LETTER IN SUPPORT OF LSU LAW CENTER PROPOSALS
RELATING TO PROFESSIONALISM AND STUDENT CONDUCT**

May 22, 2015

Thomas Skinner, General Counsel
Louisiana State University
3810 West Lakeshore Drive
Baton Rouge, Louisiana 70808

Dear Mr. Skinner:

We write in our individual capacities as LSU Law Center students and alumni to support Vice Chancellor Raymond Diamond's proposals to characterize certain demeaning acts and language as unprofessional law student conduct.

I. BACKGROUND

The LSU Law Center has made great strides toward student diversity over the past decade. In 2007, only 4 percent of the student body was African American. By 2014, around 12 percent of LSU Law students were African American. The percent of non-white students increased over the same time period from 13 percent to 21 percent.¹ Nevertheless, several reports suggest the minority student experience has not fully caught up with the Law Center's development. These reports, some of which are discussed below, reveal the need for ongoing policy reforms to combat discrimination among the student body.

According to Vice Chancellor Raymond Diamond, the 2014-15 academic year "has been the scene of an ugly set of occurrences."² In an April 24, 2015, memorandum to faculty, Diamond discussed at least two incidents of racial discrimination.³ During the fall semester, a first-year student allegedly used racial and homophobic epithets inside the law school and inside the classroom. Although the

¹ Memorandum from Jack M. Weiss, Chancellor, LSU Law Ctr., to LSU Law Comm'y (Oct. 23, 2014), at 2, *available at* <http://www.rkylealagood.com/wp-content/uploads/2014/10/Appt-of-Diversity-Task-Force.pdf>.

² Memorandum from Ray Diamond, Vice Chancellor, LSU Law Ctr., to Faculty (Apr. 24, 2015), at 1, *available at* <http://www.rkylealagood.com/wp-content/uploads/2015/05/Diamond-Memorandum-on-Epithets.pdf>.

³ *Id.*

student apologized, he or she faced no repercussions under the Code of Student Professional Responsibility.

The 2014 incident was not anomalous. In 2012, a drunken white student allegedly directed a racial epithet at a black student. The incident, which Diamond's memorandum mentions, is apparently the same incident reported in a November 3, 2014, *Daily Reveille* article.⁴ According to the report, the 2012 incident occurred in the context of a physical altercation. A white student involved in the altercation purportedly called a black student a "sweaty n-----!"⁵ When the victim brought a complaint under the Code of Student Professional Responsibility, the preliminary hearing found no probable cause for pursuing the matter in a formal disciplinary hearing. Diamond recalled members of the committee explaining that "even if all of the facts of the victim's complaint were true, the Code did not proscribe addressing another student using a hateful epithet."⁶

Students are not the only alleged culprits of discriminatory actions and language. On May 6, 2015, Professor Emeritus Kenneth Murchison completed a six-month investigation into incidents of demeaning speech at the LSU Law Center (the "Murchison Report").⁷ Murchison reported, among other things, "written and oral comments suggesting that the actions of some male professors made female students

⁴ Brittany Clark, *Law Student on Diversity Task Force Experienced Racial Slurs During Time at Law Center*, DAILY REVEILLE (La. State Univ.), Nov. 3, 2014, http://www.lsureveille.com/daily/law-student-on-diversity-task-force-experienced-racial-slurs-during/article_7295fdc6-63bc-11e4-9a75-001a4bcf6878.html. The Editor in Chief of the *Daily Reveille* issued a statement that this and other articles relating to the LSU Law Center were one-sided. See Chandler Rome, *Previous Stories Erroneously Portray Law Center*, DAILY REVEILLE (La. State Univ.), Nov. 6, 2014, available at http://www.lsureveille.com/daily/from-the-editor-previous-stories-erroneously-portray-law-center/article_9aadb832-6626-11e4-922b-001a4bcf6878.html. Nevertheless, the November 3 article is based on (and quotes) the black student involved in the altercation. His allegations are no less valid, although they may not reflect the white student's recollection of the events. In a December 2 letter to the editor, thirteen Law Center professors wrote in support of the article and the student. *Issues Concerning Diversity Must be Discussed Openly*, Letter to the Editor, DAILY REVEILLE (La. State Univ.), Dec. 2, 2014, available at http://www.lsureveille.com/daily/letter-to-the-editor-issues-concerning-diversity-must-be-discussed/article_e7cb2094-7a32-11e4-8bf4-1ff503035b4e.html.

⁵ Clark, *supra* note 4.

⁶ Memorandum from Diamond to Faculty, *supra* note 2, at 1.

⁷ Memorandum from Kenneth M. Murchison, Professor Emeritus, LSU Law Ctr., to Jack M. Weiss, Chancellor, LSU Law Ctr. (May 6, 2015), available at <http://www.rkylealagood.com/wp-content/uploads/2015/05/Murchsion-Memo-on-Minority-Student-Experience.pdf>.

uncomfortable,” including at least one report that a male professor “singled out women, especially those in dresses rather than pants, to enact class demonstrations.”⁸ Furthermore, the Murchison Report recounted that “individuals in several different contexts described racial and homophobic slurs as common at the Law Center.”⁹ The former Air Force Judge Advocate and law professor found “reports of the apparent acceptance of these slurs by nonminority students . . . almost as disturbing as the comments themselves.”¹⁰

The Murchison Report called on the LSU Law Center to “do more to empower its students to respond to racial and homophobic intolerance.”¹¹ One such remedy is to make the use of demeaning epithets a violation of the Code of Student Professional Responsibility.

Student comments to the 2013 Law School Survey of Student Engagement add context to allegations of discrimination against minorities at the LSU Law Center. According to one student, “Students say the word ‘n-----’ [the student spelled out the word] at this school with surprising rapidity.”¹² Another student urged, “LSU must do more to encourage racial tolerance in its walls. The student body is filled with racists. As a white man that [*sic*] left this state and returned for law school, I was appalled my first year of law school when many of my peers . . . hurled racial slurs in private.”¹³ A third student wrote of his or her “love” for the Law Center but urged the school to better promote diversity because “interactions among different races and political views are not great.”¹⁴ True or not, the fact that students perceive such pernicious culture at the Law Center suggests a problem the school should endeavor to resolve.

⁸ *Id.* at 3.

⁹ *Id.* at 2.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Student Comments, in* LAW SCHOOL SURVEY OF STUDENT ENGAGEMENT, LAW SCHOOL REPORT 2013: LOUISIANA STATE UNIVERSITY LAW CENTER 168 (2013), *available at* <http://www.rkylealagood.com/wp-content/uploads/2015/05/2013-LSSSE-Report.pdf>.

¹³ *Id.*

¹⁴ *Id.* at 169.

II. PROPOSALS

Currently before you and slated for consideration by the LSU Law Center Faculty Committee on May 26 are two proposals by Law Center Vice Chancellor Raymond Diamond. The first proposal is a policy statement that engaging in certain demeaning actions or using of certain demeaning language is unprofessional. The second proposal would amend the LSU Law Center Code of Student Professional Responsibility to proscribe certain demeaning actions and certain demeaning language.

A. *Policy Statement Proposal*¹⁵

Vice Chancellor Diamond has proposed the Law Center adopt the following policy statement, which we fully support:

The faculty of the Law Center is resolved that –

It is unprofessional for a law student, either on the Law Center or University campus or at a Law Center or University event, in addressing or describing a person or persons, to use epithets that demean on the basis of based upon race, gender,

religion, national origin, disability, sexual orientation, age, socioeconomic status, or similar factors; and that –

K. Harassment

Repeated, persistent, severe, or pervasive actions directed toward specific individual(s) with the intent or effect to harass, harm, or alarm, including attempted or threatened physical contact, or acts that create the reasonable apprehension of unwanted contact;

¹⁵ See Memorandum from Diamond to Faculty, *supra* note 2, at 6-7.

R. Sexual Harassment

Repeated, severe, or pervasive actions of a sexual nature directed toward specific individual(s) with the intent or effect to embarrass, harass or alarm, including actual, attempted or threatened physical contact, or acts that create a reasonable apprehension of such behavior, conduct or contact of a sexual nature that creates an intimidating, hostile, or offensive campus, educational, or working environment for another person;

B. *Code of Student Professional Responsibility Proposal*¹⁶

Vice Chancellor Diamond has proposed the Law Center adopt the following amendment to its Code of Student Professional Responsibility, which we fully support:

5. Student misconduct includes, but is not limited to, the following:

l. Knowingly to communicate directly to one or more specifically identifiable

person(s) an epithet i) that a reasonable person would regard as demeaning to the recipient student or students and ii) that has a direct tendency to cause acts of violence by the person or persons to whom the communication is addressed. Such epithets shall include, but shall not be limited to, epithets that demean on the basis of race, gender, religion, national origin, disability, sexual orientation, or age.

m. Repeated, persistent, severe, or pervasive actions and statements directed toward specific individual(s), that are intended to harass, intimidate, or inflict harm on the specific individual(s), or that a reasonable person would regard as having the effect of harassing, intimidating, or inflicting harm on the specific individual(s), including attempted or threatened physical contact. Such actions and statements include, but are not limited to, those that are motivated by the race,

¹⁶ See *id.* at 8.

gender, religion, national origin, disability, sexual orientation, or age of the specific individual(s) to whom such actions and statement are directed.

n. Knowingly to communicate directly to one or more specifically identifiable person(s) a statement that a reasonable person would regard as a serious expression of an intent to commit an act of unlawful violence to the recipient or recipients of the statement. Such statements shall include, but shall not be limited to, statements expressing intent to commit an unlawful act of violence based on the race, gender, religion, national origin, disability, sexual orientation, or age of the recipient student or students.

o. Acts and statements that are intended to create or that a reasonable person would regard as creating the reasonable apprehension of unwanted physical contact. Such acts and statements include, but are not limited to, those that are motivated by the race, gender, religion, national origin, disability, sexual orientation, or age of the specific individual(s) to whom such actions and statement are directed.

p. Repeated, severe, or pervasive actions that create an intimidating, hostile, or offensive campus, educational, or working environment for another person. Such actions include, but are not limited to, those that are motivated by the race, gender, religion, national origin, disability, sexual orientation, or age of the specific individual(s) to whom such actions and statement are directed.

III. ENDORSEMENT

We support the proposed policy statement and urge you to adopt it for publication online and in the LSU Law Center Catalogue. The proposed policy statement would signal the Law Center's commitment to diversity and inclusion. We also support and urge adoption of the proposed amendment to the Code of Student Professional Responsibility, which would (1) overrule the precedent set by the 2012 ruling that the use of epithets is not misconduct and (2) bring the Law Center in line with LSU A&M policies on harassment.¹⁷

¹⁷ See LSU STUDENT CODE OF CONDUCT §§ 10.2(R)-(S), *available at* http://students.lsu.edu/saa/code_10_2?destination=node/1220 (describing LSU A&M policies on sexual harassment and misconduct).

LSU Law Center students and alumni welcome Vice Chancellor Raymond Diamond's proposals as positive developments for the LSU Law Center student experience and look forward to the Law Center's continued growth and success.

Sincerely,

Christopher L. Boothe (2001)
Micah Fincher (2011)
Kaamil Khan (2012)
Meagan Lynn Miller (2012)
Danielle Prado (2012)
Amanda L. Washington (2012)
R. Kyle Alagood (2015)
Mary Allen (2015)
Alexier Barbour (2015)
Kenneth Barnes, Jr. (2015)
Samantha Costas (2015)
Dylan Duffey (2015)
Michael J. Lambert (2015)
Ahmed M. Mohamed (2015)
Cornelius J. Murray IV (2015)

Andrew J. Rebennack (2015)
Aaron J. Scamp (2015)
Jasmine Brown (2016)
Tiffany S. Bush (2016)
Cristina Tisa Capello (2016)
Miesha Dunn (2016)
Christopher Freyder (2016)
Andrew R. Hairston (2016)
Eric Przybysz (2016)
Lucas Self (2016)
Lauren Tarver (2016)
Kendale J. Thompson (2016)
Cherry Roberts (2017)
Melissa Jade Shaffer (2017)
Tyler White (2017)

Cc:

F. King Alexander, President, Louisiana State University
Stuart R. Bell, Provost, Louisiana State University
Dereck Rovaris, Sr., Vice Provost for Diversity, Louisiana State University
Jack M. Weiss, Chancellor, Louisiana State University Law Center
Louisiana State University Law Center Administration & Faculty