
**Report and Recommendations
of the
Louisiana State University
Paul M. Hebert Law Center
Diversity Task Force
September 2015**

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Executive Summary of Recommendations

The LSU Law Center Diversity Task Force (the “Task Force”) is a group of faculty, students, alumni, and community leaders appointed by former Chancellor Jack Weiss on October 23, 2014 with the charge to “consider and make recommendations to the faculty and the Administration of the Law Center on means by which the Law Center can help minority students succeed, foster camaraderie among all students, and promote better understanding of one another’s cultures and experiences.” From January to September 2015 the Task Force pursued its work, specifically endeavoring to understand the current state of diversity at the Law Center. This report is the culmination of those efforts and seeks to present a coherent analysis and set of recommendations related to the future of diversity at the Law Center.

In examining diversity at the Law Center, the Task Force sought to focus on both “quantitative diversity” and “qualitative diversity.” Quantitative diversity reflects an institutional commitment to the recruitment of historically marginalized groups. Qualitative diversity, on the other hand, emphasizes the value of building a culture of inclusiveness, openness, and mutual respect. The Task Force recommendations emphasize both quantitative and qualitative diversity. The Task Force also considered the Law Center’s pursuit of diversity both within the context of events unfolding at the Law Center as well as external considerations. We appreciate that recent events have influenced the convening of this group as well as provided the frame through which the work was undertaken. We understand, however, that this work has merit regardless of whether the Law Center experiences problems with diversity at any given time. We recognize that, by its very nature, this work is ongoing and will very likely continue to challenge how people relate to each other in institutions for years to come.

The Task Force offers 17 recommendations:

- Revise the Law Center Diversity Statement
- Revise the Law Center Mission Statement
- Promote the Law Center’s Diversity Statement
- Endorse the LSBA Diversity Statement
- Create a Diversity and Professionalism Committee
- Create a Student Handbook
- Update the Student Code of Conduct
- Create an Office of Student Affairs

- Recruit Diverse Practitioners and Scholars to Participate in Law Center activities
- Encourage Faculty to Adopt a Diversity Statement in Course Syllabi
- Implement Training and Enhance Curriculum
- Create an Orientation Day of Service
- Expand Student Opportunities to Promote Diversity Issues
- Improve Faculty Recruitment and Retention
- Encourage Diversity Through the Hiring of Adjuncts
- Develop Standards for The Civilian
- Publicize the Task Force Report

It is our sincere hope that the analysis and recommendations contained in this report form the basis for a robust conversation and bold action within the Law Center community.

Preamble

The LSU Law Center Diversity Task Force (the “Task Force”) is a group of faculty, students, alumni, and community leaders appointed by former Chancellor Jack Weiss on October 23, 2014 with the charge to “consider and make recommendations to the faculty and the Administration of the Law Center on means by which the Law Center can help students succeed, foster camaraderie among all students, and promote better understanding of one another’s cultures and experiences.”

The Task Force commends former Chancellor Weiss for prioritizing diversity in the Law Center community by convening this group. The issues before the Task Force are not unique to the LSU Law Center and broadly impact university campuses, corporate offices and many spheres of social and economic activity. They are interwoven with our nation's still unresolved struggle to reconcile the effects of past discrimination with our democratic ideals. Therefore, the establishment of the Task Force creates an opportunity for the Law Center to become a model for other institutions and sets in motion the creation of opportunities within the Law Center community to promote learning, deliberation, and understanding.

The Task Force undertakes its work amidst an on-going national discussion of the role of diversity and inclusiveness in institutions and at a time when many institutions are struggling to create communities grounded in equality and mutual respect. The term “diversity” has become shorthand for the recognition of the role identity plays in the development of culture, power, and equity within institutions. It also signifies the ability of institutions to deploy available talent, creativity, and ideas from all constituencies for the good of the community. We embrace a robust conception of diversity that is rooted in the manner in which race, gender, sexuality, religion, nationality, ethnicity, disability, and class have historically operated to skew the distribution of privilege, disadvantage, and opportunity.

Diversity is concerned both with the extent to which institutions reflect the composition of society -- especially with regards to race and gender -- and the extent to which these institutions are healthy environments in which women and minorities can participate and flourish while contributing to the advancement of the institution. Diversity is inextricably tied to considerations about how race, gender, sexuality and other tropes of identity impact the distribution of privilege and disadvantage in society and in the economy. A commitment to diversity fosters candor and mutual respect in service of a more rigorous and robust intellectual environment. Our understanding of diversity reflects both our current institutional identity and our commitment to a more inclusive future.

In examining diversity at the Law Center, the Task Force sought to focus on the distinction between what might be referred to as “quantitative diversity” and “qualitative diversity.” Quantitative diversity reflects an institutional commitment to ensuring that historically marginalized groups are physically present, by increasing the recruitment of these groups and their representation among the student body, faculty and staff. Quantitative diversity seeks to ensure that, at a minimum, the representation of racial minorities and women within the Law Center correlates with their representation in the world outside the Law Center. Making affirmative efforts to ensure the enrollment or employment of underrepresented groups is a necessary first step in creating a more inclusive educational community and remedying past discrimination. Quantitative diversity, however, rarely addresses the more substantive question of whether institutional culture can adapt to include historically marginalized groups in meaningful, healthy, and affirming ways.

Qualitative diversity, on the other hand, emphasizes the importance of institutional culture. A commitment to qualitative diversity focuses upon the value of building a culture of inclusiveness, openness, and mutual respect. It acknowledges the reality of conscious and unconscious bias and the ability of an institution to facilitate an environment that promotes mutual dignity, embraces differences, and effectively responds to instances of discrimination or harassment in ways that communicate institutional values and facilitate learning.

The Task Force recommendations emphasize both quantitative and qualitative diversity. We recognize that discrimination is not solely the result of individual actions or inactions, but rather that institutions have an important role to play in creating a fair and inclusive society. Furthermore, we believe institutions can and should take direct and proactive steps to create a culture of inclusiveness that is pervasive and transparent. This requires, at a minimum, that all institutional stakeholders have an understanding of the value diversity brings to the institution and how its historic absence or marginalization within the institution shapes its responsibility to foster a fair and safe community.

The Task Force has pursued its charge by addressing both broad issues of diversity and specific allegations of intolerance or prejudice. We have examined the Law Center’s atmosphere and reviewed existing procedures for handling alleged instances of bias, discrimination, and harassment. We have solicited input from many stakeholders in the Law Center student community. Students have been welcomed to our weekly Task Force meetings, and student feedback was provided during tabling days and office hours throughout the Spring 2015 semester. We present a set of both short and long-term suggestions for advancement. It is our sincere belief that our recommendations will advance a robust vision of diversity and inclusiveness at the LSU Law Center.

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Methodology and Limitations

The Task Force was comprised of members from a variety of backgrounds and with a variety of experiences. Among us are leaders in the legal community, experienced faculty and staff members, and talented students. We came to this task having attended this school and others, having worked at this law school and others, and having practiced law in a variety of locations. Over the course of more than six months, we brought all of these perspectives to bear on the issues that currently face this institution.

The Task Force relied upon the collective experiences and judgment of its members and solicited input from the student body. In March of 2015, the Task Force sent an email reminding the Law Center community of the members of the Task Force and encouraging students to reach out to individual Task Force members by email or in person with comments or recommendations to create an inclusive environment at the Law Center. For one week, faculty and student members of the Task Force also staffed a table in the student lounge to receive suggestions and comments. Faculty Task Force members also made themselves available in their offices.

Non-Task Force students attended the Task Force's weekly meetings from January through April 2015. The Task Force met with other sources including former Chancellor Jack Weiss, Professor Emeritus Kenneth Murchison, and LSU Vice Provost for Diversity, Dereck Rovaris, Sr.

The charge of the Task Force was to make recommendations, not to undertake empirical research or data analysis. We have thus avoided statistical comparisons to other law schools, focusing our efforts on understanding the Law Center itself.

Making recommendations necessarily involved attempting to understand the current climate in the Law Center by engaging current students interested in conversing with Task Force members, in order to learn about their personal experiences. Because of the importance of the issue of diversity to the institution, the Task Force completed this report after one semester. In spite of our limitations, we believe our recommendations adequately address the desire for improving diversity at the Law Center.

Some of our recommendations have significant financial impact. Given the budget challenges LSU faces, we recognize implementation of some of our most important recommendations may be a challenge. Nonetheless, we trust that the faculty and administration will work diligently to prioritize and implement the recommendations that best suit the ongoing needs of the institution.

We acknowledge the Law Center's realignment status with the main campus represents an additional limitation on the scope of our project. The impact of

realignment was considered throughout our process and within our recommendations.

This report focuses on the Task Force's recommendations; implementation of our recommendations should and will require further input from current and future students, faculty, and staff.

Background

Why was the Task Force appointed this year?

Several events in the past year have, to varying degrees, led to the formation of the Task Force. The fundamental allegations involve the use of racial epithets, sexist and misogynistic comments, and homophobic slurs within the Law Center community. These allegations have been the focus of much of the Task Force's work: viewed as a whole, they illustrate opportunities for continued improvement in the Law Center's approach to diversity.

Some of these incidents have already sparked a robust community conversation about the Law Center's Honor Code, the measure of appropriate response, and our community's unwillingness to countenance discriminatory, demeaning behavior. Former Chancellor Weiss convened the Diversity Task Force to make recommendations to help the Law Center build upon the existing progress regarding diversity in order to continue working toward an inclusive future, grounded in civility and mutual respect.

What, exactly, is diversity?

There are many definitions of what is meant by invoking the term diversity or pursuing a commitment to diversity. Diversity literally means difference, hence efforts to increase diversity within institutions seek to increase the level of real and perceived difference within the institutional community. There are at least two dimensions to the question of diversity that should inform our understanding of its role in the future development of the institutional community. Quantitative diversity and qualitative diversity help to categorize both the efforts deployed to pursue diversity aims and the methods for evaluating and measuring the relative success of those aims.

Quantitative diversity quite simply relates to the actual numbers of underrepresented minorities and women as students, faculty members, administrators and staff at the Law Center. Quantitative diversity recognizes that institutions should strive to achieve a critical mass of underrepresented minorities and women to not only counter the effects of past discrimination, but also achieve a representative community necessary to counter stereotypes and promote social integration. Actual numbers of underrepresented groups must increase to realize these goals, and quantitative diversity measures diversity by the numbers to assess the pace of progress.

Qualitative diversity is more difficult for the Task Force to assess, given the many factors associated with achieving a sense of genuine inclusiveness in any

community. By its very nature, qualitative diversity is difficult if not impossible to express in numbers or statistics. It measures institutional culture and institutional responsiveness to the challenges of managing a diverse student body and workforce in a manner that respects individual and group differences without muting them. Evaluating qualitative diversity necessarily requires understanding the Law Center's culture relative to broadly accepted expectations and norms regarding how institutions negotiate the cumulative impact of past discrimination, the systematic underrepresentation of certain groups, and the extent to which both dynamics can marginalize unrepresented groups despite good faith efforts to increase their numbers. If quantitative diversity deals in the objective dimensions of the subject, qualitative diversity requires nuance and an appreciation for the subjective realities of how those who are the focus of diversity efforts actually experience diversity.

Furthermore, it is important to recognize that any evaluation of qualitative diversity involves making a normative judgement regarding whose perspective or position should be valued most in making the assessment. The Task Force believes that while all perspectives are important and valuable, those of the institutional stakeholders who are the subject of Law Center's quantitative diversity efforts merit particular attention. To put it plainly, our consideration of the Law Center's performance in the more subjective areas of diversity should focus on the stakeholders it has pursued to bolster diversity in the first place.

What are the areas of progress on which to build the future?

To begin to understand the climate at the Law Center, the Task Force took note of progress achieved, and tried to locate areas to target for future efforts. The following are highlights that help provide context for the recommendations that follow.

1. Quantitative Diversity

The Law Center currently enjoys noteworthy success in recruiting a diverse student body. Overall, 17.5 percent of the 2014-2015 first-year class (34 students) self-identifies as a minority. For the sake of comparison, in the Fall of 2007, only 10 percent of the class (20 students) identified as a minority. The increase reflects an actual net gain of 14 minority students in the class over seven years.

As of the 2014-2015 academic year, the Law Center has 35 tenured or tenure-track faculty members. Nine are women (25.7 percent). Two women are presently untenured. Many of the women on the faculty are relatively junior: five of nine were hired in the past seven years. One more woman will join the faculty as a clinical professor in the 2015-2016 academic year, further increasing the ranks of junior women. She will be the Law Center's first female clinician.

Three faculty members are African-American (8.6 percent). One of the three is currently untenured. Two of the three were hired in the past seven years. The current faculty has no Latino or Asian-American faculty members.

The Law Center administration currently has three associate deans and two assistant deans. This includes two new deanships created in 2012 and 2015. One associate dean, appointed in 2012, is an African-American; a female assistant dean was appointed in 2015, but the female associate dean departed prior to the start of the 2015-2016 academic year.

Of nine faculty candidates invited to present “job talk” presentations to the faculty in Fall 2014, seven were women; one was an African-American woman; and one was an Asian-American woman. The Law Center faculty voted to extend two offers (both to women, one of whom was an Asian-American woman). Only one of the offers was accepted. The Task Force understands the faculty may have voted to make offers to other diverse candidates had the state budget crisis not terminated the hiring cycle prematurely.

The faculty who taught the Law Center’s Trial Advocacy program in August 2014 also increasingly reflects the diversity of the bar, bringing in outstanding lawyers to inspire and teach rising third year students trial skills for one week before regular classes begin. Twelve of the attorneys and judges teaching in the program were women, of whom three were African-American women.

Student Enrollment

Despite the strong progress the Law Center has made in minority recruitment in the student body, the Law Center recognizes this work is not yet finished. Minority enrollment is currently in a slight four-year downward trend, reflecting increasingly difficult recruiting cycles. A challenging law school admission environment exists due to a declining applicant pool nationwide. The Task Force acknowledges the importance of diversity expressed by the Admissions Director and his staff, the Admissions Committee, and the Law Center administration. The Task Force particularly appreciates the value of the Law Center's efforts to build bridges with historically black colleges and universities in Louisiana in order to successfully attract minority students from these schools.

The number of female students enrolled in the Law Center has also been declining, although as of this writing the 2015-2016 class has a considerable increase. In the 2014-2015 first-year class, 40 percent were female. In 2007, 51 percent were female. The 2014-2015 had 22 fewer female students than the class that entered in 2007, although the classes were almost identical in total size (with 199 students in 2014 and 200 students in 2007). The percentage of female students in the class

steadily declined for several years in a row. The incoming 2015-2016 class reverses this trend with 94 out of 172, or 55 percent of the students being female.

The Law Center's multi-year decline in female enrollment deserves serious study, even in light of the 2015-2016 numbers. The Law Center moved from virtual equality in gender in the admitted class in 2007 to a class profile that was consistently predominantly male in just a few years. Without knowing the root cause of the decline, it is difficult to articulate any concrete solutions to assist the Law Center in continuing to attract well-qualified female students. Identifying the cause should thus be a priority in the 2015-2016 academic year.

Faculty Recruitment

The Law Center's existing focus on recruiting outstanding female and minority faculty candidates ought to continue and expand. While budget pressures may limit the ability to expand the faculty in the foreseeable future, an opportunity exists in the current law school economic climate to recruit outstanding candidates to continue to build a diverse faculty for the future. There is, however, an additional opportunity to expand the presence of female and minority adjunct faculty at the Law Center. Currently, the vast majority of adjunct faculty listed on the Law Center's website are men. Indeed, in the 2014-2015 academic year, only four adjunct instructors are female out of 44 total adjuncts, representing nine percent. Only three of 44 are minorities (all male), representing approximately seven percent. The Law Center has an opportunity to meaningfully increase quantitative diversity in the ranks of the adjunct faculty by recruiting outstanding lawyers and judges who reflect the diversity of the state's bar to teach.

An additional adjunct opportunity can be found in the Apprenticeship Week at the Law Center. Apprenticeship Week is a program designed to mimic the apprenticeship experience in small, intense courses. Currently, the program is run in a single week between the Fall and Spring semesters. Because of the subject matter, all of the courses are taught by adjuncts. The program has been in existence for two years and is very successful. In 2014, the program consisted of eleven courses. Three of the courses were taught by female faculty, and two more were taught by African-Americans. In 2015, the program expanded to twelve courses, with two taught by females and two taught by African-Americans. In the second year additional female practitioners were asked to teach but were unable to participate.

The process of selecting Apprenticeship Week faculty reveals several unique challenges. Most importantly, the faculty work without compensation, donating their time to the program. Second, courses and faculty must match student demand and dovetail with the educational goals of the Law Center. Prior to the inaugural Apprenticeship Week, the full-time faculty was polled for input concerning courses

and instructors, but virtually no feedback was received. In the second year, nine of the eleven courses from the 2014 program were repeated, leaving only three open courses in 2015. The Apprenticeship Week organizers have already begun to focus on the importance of increasing diversity in the mentoring opportunities that happen during this program.

LSU Law's Summer in Lyon program also provides an opportunity to create a more diverse environment. Until the format was changed for Summer 2015, the program consisted of seven teaching positions, including the Director. Three of those positions are routinely filled by the Law Center's full-time faculty and another position (sometimes two) are filled by Lyon III, our host institution, pursuant to an agreement. Other faculty "slots" are routinely filled with judges or European scholars, leaving very few discretionary positions. In spite of these limitations, the Lyon program has showcased very distinguished female jurists and scholars including federal and state judges, European scholars and the Law Center's own full-time faculty. There is, however, a notable lack of racial diversity in the Lyon program faculty. Given curricular changes, it is likely the number of faculty positions available in the Lyon program will decrease in the future. Every effort should be made, however, to recruit additional minority and female faculty for the Lyon program.

2. Qualitative Diversity

Sufficiency of and adherence to policies and procedures

One of the critical prerequisites for achieving a high level of qualitative diversity is the presence of processes and structures in the institution to respond to discrimination or demeaning behavior decisively and swiftly when it occurs. The Law Center's public statements and pronouncements to this effect are an important starting point and should not be minimized. The Law Center publicly states its support of and compliance with both the substance and spirit of equal opportunity law and related initiatives to create a discrimination-free community. The Law Center also publishes a Student Code of Conduct and expresses support for diversity formally in its catalogue and on its website.

Assessing qualitative diversity through the Law Center's promotional materials is but a first step. The sufficiency of and the adherence to the Law Center's policies and procedures pertaining to issues of harassment and the use of racial epithets has been raised in light of several instances in the past few years. Members of the community (faculty and students) discussed with the Task Force uncertainty as to how to report problems regarding discrimination, demeaning conduct, or related misbehavior. The Law Center community would benefit from increased clarity regarding existing avenues to report problems. While it was not within the scope of the Task Force's abilities to conduct a full investigation of such instances, two

examples are illustrative of the need to consider how the Law Center's existing policies and procedures for addressing such conduct provide meaningful relief. Those examples include the handling of a 2012 incident involving alleged use of a racial epithet by a white student towards a black student at an off-campus Law Center event and the Law Center's adoption and compliance with Title IX requirements.

One incident involving the alleged use of a racial epithet by one student to another is well known within and outside of the Law Center community as it has been the subject of articles written in both *The Reveille* and *The Civilian* student publications, as well as a disciplinary hearing conducted at the Law Center. The disciplinary hearing failed to produce any sanctions for the student who allegedly levied the epithet based upon the disciplinary committee's inability to find any basis for sanctions in the Student Code of Conduct. Former Chancellor Weiss publicly denounced the incident in a school-wide email to the community on November 20, 2012, and disciplinary hearings followed. For many, however, the episode raised serious questions about the sufficiency of the Law Center's Student Code of Conduct in its articulation and enforcement of standards of conduct and professionalism that might discourage or punish the use of racial epithets by students at Law Center-related events. The relatively light response to the alleged conduct posed other challenges, specifically its potential chilling effect on the reporting of other such incidents.

The racial epithet incident highlights the need to re-examine the Student Code of Conduct and other avenues for enforcing civility and professionalism standards. Opportunities exist for the administration to create clear, consistent messaging on this subject. The Law Center would benefit from communications from the Law Center's leadership across multiple platforms to stress the importance of diversity, mutual respect, and civility. Such pervasive, consistent messaging may allow the administration to shape the community's ongoing conversations about inclusion, instead of having to direct the messaging toward responding to specific crises.

Messaging is only part of the solution, however. The Task Force also received concerns about a perceived culture of informality with regards to the institutional response to alleged incidents of discrimination, derogatory language or hate speech and even racially-charged violence. Since the formation of the Task Force, Vice Chancellor Raymond Diamond has proposed specific changes to the Student Code of Conduct to address the use of racial epithets within the Law Center community. As of this writing, the proposal was approved by the faculty as it pertained to the Student Code of Conduct. Recommendations pertaining to the Student Code of Conduct's prohibiting the use of certain forms of speech was tabled by the faculty pending review by the university General Counsel. The Task Force views these developments favorably and supports policies that would penalize the use of racial epithets at the Law Center.

With regards to Title IX, the Law Center has already taken some steps to increase the awareness of the requirements of Title IX within the Law Center community. On March 18, 2015, former Chancellor Weiss sent an email to the community regarding sexual misconduct policies, including Title IX reporting, and the relevant campus-wide and institutional policies. This email identified Professor Melissa Lonegrass as the institutional Title IX Coordinator. These steps are laudable as they serve to increase community awareness of the protocols. While it was not within the scope of the Task Force's ability to conduct a full investigation of all incidents of sexual harassment and gender-based discrimination, the Task Force's dialogue with students and faculty underscores the need to increase the awareness of the requirements of Title IX.

These examples illustrate the role the Law Center's policies and procedures play in creating an environment in which all members of the community feel valued and protected from attacks and marginalization. Such an observation is not meant to be a commentary on the outcomes of policies and procedures designed or deployed to address any particular issue or episode, but rather that their handling impacts their perceived legitimacy and – by extension – the sincerity of the Law Center's commitment to diversity. Creating more transparent, predictable, and available response structures for complaints may improve that perceived culture by formalizing and standardizing the procedures used to evaluate and respond to such complaints.

Diversity issues in curriculum and support programming

The Law Center's efforts in other measures of qualitative diversity are promising. One of the major markers of success in achieving qualitative diversity is the success and leadership of students from historically marginalized groups. For example, during the 2014-2015 academic year, the Student Body President and other SBA officers were African-American, and the Editors-in-Chief of *The Civilian* and the *LSU Energy Law Journal* were female. Other student organizations and activities often reflect the school's quantitative diversity in the makeup of participants and leadership roles.

The Black Law Students Association (BLSA) has long been a vibrant, active organization, bringing in speakers and organizing events in the Law Center. Its student officers have often achieved national prominence for the LSU BLSA chapter by taking on national leadership positions. During the 2014-2015 academic year, two LSU BLSA chapter members were appointed officers for the organization's National Board (including the National Director of Education and Career Development, and the National Director of Communications). In the prior academic year, two other Law

Center students held different national offices (National Parliamentarian and Regional Attorney General for the Southern Region of NBLSA).

The Public Interest Law Society (PILS) community service programs also directly connect Law Center students with a diverse community in Baton Rouge. The students actively volunteer in the public schools in Baton Rouge, serving a number of schools with a predominantly African-American student population. The Law Center sends students teach in the “Street Law” program in public high schools. Law students also assist in “Teen Court,” a pretrial juvenile diversion program for first-time misdemeanor offenders. Lastly, they participate in a “Volunteers in Public Schools” program to serve as one-on-one tutors and mentors for public elementary students.

The LSU Law Clinic also reflects the success of the institution in working to achieve qualitative diversity. The clinic has expanded significantly since 2008 and has focused on providing direct representation to low income and diverse populations. All of the Clinics place students in the role of advocate for individuals who share different perspectives because of poverty, race, sexuality, education and educational opportunities, language, disability, nationality and cultural backgrounds. The Clinics send students into the heart of the communities of the individuals they represent. For example, students work with the homeless in a day center; travel to immigration detention centers and prisons to visit clients; mediate child custody and support disputes with parents at the Family Court; and visit the homes or schools of children who are in the delinquency system. The Clinics expose students to the particular legal needs of individuals and families living in poverty and those who have experienced marginalization in and inadequate access to the justice system. Clinic courses include substantive classes on cultural competence and cross-cultural lawyering skills. This exposure helps expand our students’ perspectives on professionalism in a diverse and multi-cultural society.

There are countless other examples. Several existing student groups relevant to the inclusiveness of the community’s atmosphere had become defunct due to lack of student leadership were reactivated this semester, including the Legal Association of Women and OUTLaw. The Law Center’s annual Law Review Symposium in 2015 was dedicated to a topic of importance to the institutional commitment to diversity: the history and future of the Voting Rights Act. It was well attended by lawyers, community activists, and judges. The topic was one of special, historical significance to Louisiana’s African-American community. Additionally, many prominent speakers of different races, genders, and backgrounds routinely visit the Law Center to offer diverse perspectives and experiences to enrich the community.

Despite these positive developments, there remains a void in the availability of curriculum offerings and other programming that exposes students to, for instance, critical perspectives on the substance and application of legal doctrine and rhetoric.

Courses or programming on critical race theory, queer theory, feminist legal studies, and law and economics could play an important role in broadening the Law Center's familiarity and literacy with legal intellectual movements that are focused on the very issues diversity seeks to advance.

Availability of training on cultural competency for students and faculty

The student body of the Law Center has been very active on matters related to qualitative diversity in the 2014-2015 year. In the first-year class, the students of one section organized multiple discussion forums to discuss individual experiences with racism and discrimination and foster productive, civil dialogue. These forums were the seed for the formation of a new diversity-related student organization, currently being organized through the SBA. This new student organization plans to host educational events in 2015-2016 regarding cultural competency in a diverse community.

The students are attempting to fill a gap they perceive exists in their legal training and in the social framework of the Law Center. Their activities are reflective of a vibrant, sensitive core of concern on issues of justice within the Law Center student body. Their work will hopefully be supported and nurtured by the institution.

Members of the faculty expressed an interest in training opportunities regarding pedagogical methods directed at nurturing diverse perspectives, fostering inclusion, and deepening cultural awareness of students from diverse backgrounds. There are currently no such training opportunities in the Law Center. Creating regular training sessions and workshops on teaching methods related to diversity would help serve this need.

Stakeholder perspectives

As has been stated throughout this Report, it was not within the scope of the Task Force's ability to conduct a full investigation of stakeholder perspectives on the Law Center's diversity climate. Therefore, the recognition of the importance of stakeholder perspectives relative to any assessment of qualitative diversity at the Law Center is intended to highlight an area for continued consideration more than any rigorous assessment of it. Incidents of racial, sexual and sexuality-based harassment, and microaggressions color the perspectives of many at the Law Center. They underscore the belief that more can be done to advance diversity at the Law Center in meaningful and consequential ways. The Task Force is aware of the dangers of representing stakeholder sentiment without any data on what the dominant sentiments might be. Therefore, we find it sufficient to state that in evaluating qualitative diversity, the Law Center should be sensitive to the experiences of the very

groups targeted in its pursuit of quantitative diversity and their perceptions of the relative diversity climate.

Educational opportunities

The Task Force engaged in dialogue with students and faculty about two different types of problematic speech and conduct. The first involved overt animus, born of hostility to people of a different race, gender, ethnicity, sexual orientation, or socio-economic background. The second involved inadvertently demeaning speech, typically stemming from a lack of awareness of the impact of that speech.

The Task Force observed a strong institutional consensus from all stakeholders in the community (administration, faculty, students, and staff) that historical artifacts of animus do not reflect the moral fiber, spirit, or personality of the institution. The community broadly views such animus to be unwelcome and problematic in even isolated instances. In other words, the Task Force perceived broad distaste for such conduct in social, educational, and personal settings. However, students also reported they do not routinely defend victims of such abuse in a social setting, particularly when the animus is couched as an unwelcome "joke." There is thus an important opportunity to change norms and student culture and to embolden students to speak out against injustice (a core advocacy skill for the legal professionals being trained by the Law Center).

Unfortunately, even a tiny number of individuals expressing animus may cause enormous harm in any institution. It is thus incumbent on the institution to develop structures to deal with harmful or demeaning conduct. Such structures might potentially involve consequences including ethics or disciplinary proceedings in instances of pervasive, severely demeaning conduct, as well as rehabilitative educational opportunities. Preventative educational programming and team-building exercises may also be effective in reducing the potential for such harm.

The Task Force observed the pervasive presence of alcohol at student social events appears to often be an important factor in incidents of overt hostility. The involvement of alcohol at social events may potentially make demeaning comments about race, gender, and sexual orientation more likely. Rethinking the central role alcohol plays in the Student Bar Association social events may create an opportunity to improve civility and mutual respect.

Dialogue with students and faculty also highlighted experiences with what might be termed "microaggressions." Microaggressions are comments and actions that explicitly or implicitly offend or demean members of the Law Center community but may not always be attributable to the intentional misconduct of others. They frequently take the form of inappropriate jokes or social banter. They often reflect unconscious bias and may stem from deeply held assumptions about race, gender,

and sexuality that operate as objective and innocuous truth. Microaggressions are rarely acknowledged as recipients often weigh acknowledging the offensive speech or conduct with the risk of being branded as being overly sensitive or seeking to leverage their disadvantaged identity to extract some concession or to elevate identity consciousness to some unreasonable position in the institution.

The growing awareness of microaggressions in the Law Center reflects an important evolution in the awareness of the community. Microaggressions often reflect normative understandings and stereotypes about identity that are voiced or expressed when those with marginalized identities are integrated into the institution. Microaggressions offer a window into the opportunity the Law Center has to proactively educate the entire Law Center community on how normative modes of speech and expression are rooted in stereotyped and offensive conceptions of identity that ultimately undermine the aims of inclusiveness. Currently the Law Center has no program or initiative that seeks to educate the entire Law Center community on diversity and, specifically, the experience of marginalized identities in institutions. Creating a space where all can be educated, and the experiences of those with marginal identity can be validated could go a long way to improving the day to day experience of minorities and female students as well as nurture the shared perception of the Law Center as a progressive community.

Recommendations

1. Revise the Law Center Diversity Statement

The current “Commitment to Diversity” statement on the LSU Law website does not sufficiently state the Law Center’s commitment to diversity and inclusion. The Task Force recommends it be revised.

The Task Force recommends the Law Center faculty adopt the following suggested language to replace the Law Center's current diversity statement:

LSU Law is committed to diversity and inclusion, and we believe the legal profession benefits from varied perspectives and backgrounds and is more creative and effective when its membership reflects the full spectrum of civil society. Our recognition of the value of diversity and inclusion in the legal profession commits us to the responsibility of creating and maintaining an intellectual and social climate at the Law Center that welcomes all and respects the rights, differences, and dignity of others. We strive to bring together diverse ideas, perspectives, and talents within the LSU Law community, and we welcome and support our students, faculty, and staff of different races, genders, gender identities/expressions, sexual orientations, ethnicities, national origins, ages, socioeconomic backgrounds, religion, spirituality, disability, family status, experiences, opinions, and ideas. Through respect for differences, our students, faculty, and staff bring a wealth of perspectives and cultural experiences that enhance our classrooms and our ability to achieve academic excellence. We aim to create an environment where every student has the opportunity to reach his or her fullest potential, and we pride ourselves in promoting an inclusive and respectful environment for the exchange of ideas.

Please see Appendix 1 for The Task Force's analysis of the Law Center's existing catalog and website statements.

2. Revise the Mission Statement

The Task Force recommends a modification in the school's Mission Statement.

The Task Force recommends the Law Center faculty adopt the following suggested language to replace the Law Center's current mission statement:

The mission of the Louisiana State University Paul M. Hebert Law Center is to prepare, through a demanding and comprehensive program of legal education, a well-qualified and diverse group of people to be highly competent and ethical lawyers; to be leaders in private practice, public service, and commerce; to value and respect the diversity of people and ideas; and to be capable of serving the cause of justice and advancing the common good, consistent with the rule of law. As a law school that strives to embody excellence in legal education, the Law Center seeks to create a vibrant, stimulating, inclusive, respectful, diverse, and challenging educational environment through the admission of an exceptionally well-qualified and broadly diverse student body drawn from a rich cross section of backgrounds, talents, experiences, and perspectives from the State, the nation, and other jurisdictions, including those that share our Civilian heritage. The quality of the intellectual community and the experiences of the student body are enriched by the commitment of the Law Center to support and assist in the continuing professional endeavors of our alumni; to serve members of the legal profession of the State, the nation, and the global community; to provide scholarly support for the continued improvement of the law; to promote the use of Louisiana's legal contributions as reasoned models for consideration by other jurisdictions; to develop the Law Center as a bridge between the civil law and the common law; to facilitate the exchange of ideas among legal scholars; and to embrace the responsibilities of a public law school to the varied segments and regions of the State.

Please see Appendix 1 for The Task Force's analysis of the Law Center's existing catalog and website statements.

3. Promote the Law Center's Diversity Statement

The Diversity Task Force recommends that the Law Center Catalog include prominent placement of the revised statement of *Commitment to Diversity* and our current *Diversity Statement*.

The Law Center should promote its Diversity Statement in all appropriate media. A link to these statements should also be prominently displayed on the homepage of the Law Center's website.

Please see Appendix 1 for The Task Force's analysis of the Law Center's existing catalog and website statements.

4. Endorse the LSBA Diversity Statement

The Diversity Task Force recommends the LSU Law Center become the first Louisiana law school to sign onto the LSBA's Statement of Diversity Principles.

The Louisiana State Bar Association's (LSBA) Board of Governors and House of Delegates approved a Statement of Diversity Principles in 2008 as a way to recognize the growing need to foster diversity in the legal profession. Signatories include law firms and legal departments, courts, judges, bar associations, corporate counsel, and individual attorneys.

In its entirety, the statement provides:

Those signing this Statement of Principles, hereby commit themselves to foster diversity in the legal profession. The LSBA recognizes that diversity is an inclusive concept that encompasses race, color, ethnicity, gender, sexual orientation, age, religion, national origin, disability and other aspects of diversity.

We believe that with greater diversity, we can be more creative, effective and just, bringing more varied perspectives, experiences, backgrounds, talents and interests to the practice of law and the administration of justice. We further believe that a diverse group of talented legal professionals is critically important to the success of every law firm, corporate or government legal department, law school, and public service organization and every other organization that includes attorneys.

We recognize that to fully and equitably pursue justice our profession must reflect the full spectrum of our communities. To this end we pledge to make our best efforts to increase the diversity in our hiring, retention and promotion of

attorneys and the elevation of attorneys to leadership positions within our respective organizations. We believe that all members of the bar should participate equally and fully in our profession. Ultimately, we believe that diversity in the legal profession is good for the profession, good for business, good for our communities and critical for enhancing the public's confidence in the judicial system.

We recognize that achieving diversity within our organizations and creating inclusive environments are evolutionary processes that require a continued effort and commitment on our part. We pledge to promote and participate in appropriate diversity awareness training programs. We further agree to participate in programs to measure our progress in the pursuit of these stated principles.

Please see Appendix 2 for The Task Force's analysis of the value of endorsing the LSBA's statement.

5. Create a Diversity and Professionalism Committee

The Task Force recommends the creation of a Diversity and Professionalism Committee.

The Law Center would benefit from a permanent, standing committee to continuously assess the diversity climate and identify areas for improvement. The Task Force believes its work has benefited from having the perspective of attorneys (alumni and non-alumni) and judges in assessing diversity, and we recommend that this model continue with the creation of a standing Diversity and Professionalism Committee. Ideally, a new standing Committee should include student leaders, faculty, staff, alumni, and community members.

A new Diversity and Professionalism Committee could be charged with implementing the Task Force's recommendations, evaluating and coordinating additional measures, monitoring the climate of the Law Center, and periodically reporting its observations.

6. Create a Student Handbook

The Task Force recommends the Law Center create and widely distribute a Student Handbook.

The Student Bar Association and faculty should work together to prepare a comprehensive Student Handbook. Allowing students to participate (and even lead) the drafting process is likely to achieve significant buy-in and community involvement.

Among other things, a Student Handbook should outline the rules and expectations of the Law Center, community norms, as well as the procedure to report offensive behavior committed by students, faculty, administration, and visitors. A copy of the Handbook should be distributed to all incoming students at orientation, and copies of the Handbook should be kept in the Law Center’s Admissions Office, the Law Center Library, and placed prominently on the Law Center’s website.

In dialogue with the Diversity Task Force, some students voiced concerns about not knowing exactly what behavior warranted disciplinary concern and also expressed uncertainty about the process that a student should undertake to address a disciplinary concern. The Task Force believes this lack of knowledge may be why some undesired student behavior occurs and why it also may not be reported. Currently, the Law Center maintains a “Code of Student Professional Responsibility” on the Law Center’s website that describes some of the behavior prohibited at the Law Center. Although the Law Center website features these rules, the Law Center does not provide students with a physical print copy of this code, nor does the code address how students or faculty would report questionable or problematic behavior that may be exhibited by Law Center students or faculty.

The Task Force suggests the Law Center create, print, and provide a Student Handbook to all students and faculty. The Handbook should outline the rules and expectations of the Law Center as well as the procedure to report offensive behavior committed by students, faculty, administrators, or staff.

7. Update the Student Code of Conduct

The Task Force recommends the Student Code of Professional Conduct be updated.

The Student Code of Professional Conduct ought to be updated to more adequately reflect the inclusive environment envisioned by these Recommendations. The Task Force understands this task may already be underway by the faculty.

Former Chancellor Weiss tasked Professor Emeritus Ken Murchison with the task of studying the constitutionality of including prohibitions on demeaning speech in the Student Code of Conduct. The Task Force recommends updating the Student Code of Conduct to provide greater clarity on prohibited conduct. (Consideration

must be given to the regulation of demeaning speech or hate speech in accordance with First Amendment considerations, per Professor Murchison’s final report.)

Moreover, the Law Center should take steps to further an understanding among students that even though persons may be legally permitted to engage in certain speech or behavior, certain types of speech and behavior are unprofessional and do not place the speaker or actor in the best light professionally and can reflect poorly on the Law Center and do damage to the Law Center community.

8. Create an Office of Student Affairs

The Task Force recommends the creation of an Office of Student Affairs to enhance the quality of student life and community.

A new Office of Student Affairs could be responsible for responding to complaints of discrimination, prejudice, insensitivity, or unfair treatment within the Law Center, and would provide a safe harbor for students to report inappropriate conduct and receive appropriate assistance. The Office of Student Affairs should oversee student organizations, supervise the editorial board of *The Civilian* as well as oversee relevant student programming and activities, and should also manage room reservations and commencement. Most importantly, this office should be charged with managing Title IX complaints from students, faculty, and staff, providing training for mandated Title IX reporters, and communicating information about the Law Center’s Title IX coordinator and reporting procedures.

While development of an Office of Student Affairs or Student Life will require additional study and budget resources, and its complete development and planning greatly exceeds the scope and resources of this Task Force, the Task Force recommends this office be led by an “Associate Dean” of Student Life or Student Affairs who would also be responsible for addressing instances of discrimination or prejudice at the Law Center. The needs of law students, and the school’s long history of autonomy from the main campus, suggests that such an office within the Law Center would be far more beneficial to law students than if students were forced to share services of this type with main campus students.

In connection with its work during the Spring of 2015, the Diversity Task Force heard from Law Center students and faculty that students may bring reports of inappropriate or troubling conduct to a variety of people they feel comfortable with: the staff of the Office of Admissions, the Registrar/Director of Student Services, an Associate Dean, or individual members of the faculty or staff. Having an Office of Student Life or Affairs would hopefully provide a consistent, dedicated and

appropriately trained response to inappropriate conduct or behavior that would improve the quality of life for all students.

9. Expand the Law Center Community

The Task Force recommends the recruitment of diverse practitioners and scholars (including non-alumni) to actively and regularly participate in the Law Center community.

An additional opportunity exists to expand the presence of female and minority faculty at the Law Center through the many programs and initiatives that rely on support from members of the state bar. The Law Center's increasing use of guest speakers, adjunct faculty members, Apprenticeship Week instructors, moot court judges, and mentors creates a significant opportunity to meaningfully increase quantitative diversity in the ranks of the adjunct faculty by recruiting outstanding lawyers and judges to teach who reflect the diversity of the state's bar.

The Law Center's efforts should be directed towards diversifying all teaching faculty, but an immediate opportunity exists with the faculty involved in adjunct courses, Apprenticeship Week, Summer in Lyon, and Trial Advocacy programs. The recruitment of practitioners to teach in these and other initiatives should be conducted with the utmost transparency and engagement of the faculty. This will ensure the expansion of the practitioner pool who are recommended for consideration. Conducting the selection of these practitioners with a transparent and participatory process will not only increase the possibilities for enhancing diversity but also help the Law Center measure and track its efforts over time.

10. Encourage Faculty to Adopt a Diversity Statement in Course Syllabi

The Task Force recommends each faculty member include a diversity or inclusiveness statement in their course syllabus.

A statement about diversity or inclusion can serve to encourage and welcome each student's unique voice, perspective, and presence. The following diversity statement provides faculty with sample language for explaining how students' contributions will be valued:

The LSU Law Center recognizes that our individual differences can deepen our understanding of one another and the world around us, rather than divide us. In this class, people of all ethnicities, genders or gender identities, religions, ages, sexual orientations, disabilities, socioeconomic backgrounds, regions, and nationalities are strongly encouraged to share their perspectives and experiences. If you feel your differences may in some way isolate you from our community, or if you have a need of any specific accommodations, please speak with your professor early in the semester about your concerns and what we can do together to help you become an active and engaged member of our class and community. Please respect your fellow students' opinions and refrain from personal attacks or demeaning comments of any kind.

11. Implement Training and Enhance Curriculum

The Task Force recommends diversity education become pervasive throughout the curriculum, beginning with the 1L orientation and continuing into the 2L and 3L year, and that faculty training be included.

The Task Force believes the first-year program is the most essential component of enhancing student education about inclusion because it sensitizes students to diversity issues early in their law school career and has the potential to create lasting norms. The Task Force also believes the first-year program must consist of more than just lectures and presentations and must include small group discussions and team-building exercises.

A successful first-year program must be reinforced with additional opportunities for training in the upper-level curriculum. These upper-level opportunities ought to build on the introductory programs, helping to nurture increasingly sophisticated sensitivity and professional identity.

1L Orientation: The Task Force recommends that a mandatory cultural competency requirement be implemented during the orientation of first-year students. The content of these sessions should be determined by collaborating with organizations such as the Louisiana State Bar Association, the Louis A. Martinet Legal Society, or similar organizations or entities.

1L Apprenticeship Week: The Task Force recommends that an intersession program be developed for the 1Ls modeled on the existing upper-level Apprenticeship week, but focused on the link between cultural competency and professionalism. Examples of courses might include how to develop credibility with

a multicultural jury; how to interview clients and witnesses from different backgrounds; how to serve clients in diverse communities, and similar topics

2L and 3L years: Inclusion requires consistent attention. The Task Force recommends that all upperclass students attend a one-day diversity training session modeled after the Diversity Conclaves hosted by the Louisiana State Bar Association.

Faculty Training: The Law Center should offer regular training sessions and workshops on teaching methods and innovative pedagogy related to diversity. This may involve bringing in outside experts on teaching methods, scholars on cognitive science, and facilitators who teach about cultural awareness.

Curricular Efforts: The Task Force recommends each faculty member include course segments related to diversity, wherever possible. The Diversity and Professionalism Committee should assist faculty in developing curricula that fully reflect diversity considerations. In addition, the Task Force recommends the Law Center actively encourage the creation of additional substantive courses encompassing broader legal theory and issues, e.g., Race and the Law, Gender and the Law, Queer Theory, Fair Housing Law and Policy, and others. These courses could be used to satisfy a cultural competency requirement for upper-level students, if the Diversity and Professionalism Committee chooses to recommend that curricular change to the faculty.

Course Evaluations: The Task Force recommends that if the Law Center offers training on diversity-related pedagogy, then, course evaluations could eventually be modified to add questions about diversity. Examples might include: "Did this course help you to understand viewpoints that differ from your own?" "Did the professor effectively include people from diverse backgrounds in classroom discussion?" The goal would be to develop course evaluation questions that mirror the training provided in order to assess progress.

12. Create an Orientation Day of Service

<p>The Task Force recommends a community service experience be incorporated into orientation week.</p>

Creating an Orientation Service Day would help foster open conversation and teamwork among 1L students in the formative early days when the students first become members of the Law Center Community. An Orientation Service Day would

encourage students who might not otherwise interact with one another to engage in team-building with a shared purpose. Students would have the opportunity to work with local organizations, and strengthen their ties to the community. An Orientation Service Day would also provide an opportunity to interact with faculty and staff in a friendly, collegial environment. This low-to-no cost solution benefits not only the new students, but the greater LSU community.

The Task Force expects Orientation Service Day to set a positive tone of inclusiveness at the Law Center. From a cognitive perspective, lessons learned from volunteering frequently support and enrich understanding of how the community is designed to function or should function. Volunteering provides political and civil awareness, and may help expose new law students to diversity, multi-culturalism, and different ways of thinking. Long-time Baton Rouge residents might paint a building in a neighborhood they have never previously visited or play board games with a nursing home resident who shares a new kernel of knowledge.

An Orientation Service Day would introduce students to diversity, access to justice issues, pro bono, and the public service component of every lawyer's career. The Task Force believes an Orientation Service Day may help unite incoming student classes as students forge new relationships, develop a feeling of social connectedness, develop a sense of social responsibility, and get to know one another better during a fun and satisfying day. It also introduces students early to service as an integral component of the professional identity of the legal community.

While this opportunity could be offered jointly with the Public Interest Law Society (PILS), the Task Force recommends the project be officially supported by the Law Center as part of its formal orientation week. Assigning students randomly to work with other students they may not yet know may create an early opportunity to break through social barriers.

13. Expand Student Opportunities

The Task Force recommends support for a variety of student-initiated activities exploring and promoting diversity issues:

- **A new student journal**
- **A student Diversity Officer in the SBA**
- **A student Mediation Board**

Several ideas have been generated by the Task Force that represent a starting place for further discussion. Many of these ideas came directly from students themselves. The Task Force believes these ideas and others will be explored by the

larger student body and should be fostered and implemented with the assistance of a new Diversity and Professionalism Committee.

The Task Force has offered implementation suggestions in Appendix 3.

- **New Student Journal Focused on Diversity-Related Topics**

Notable among the ideas explored by the Task Force is the creation of a new specialty law journal, which would provide students with a new opportunity to engage in legal scholarship that focuses on diversity issues. The addition of new law journals would effectively demonstrate the Law Center's commitment to facilitating high-quality legal scholarship on diversity matters important to Louisiana.

Examples of possible journal ideas include a Louisiana Journal on Race, Gender, and Poverty Law. Depending on the interest of the faculty members and student body, the law journal could focus on content that addresses the legal issues of multiple traditionally marginalized groups.

- **Diversity Officer of the Student Bar Association**

Another important idea offered from the students is the addition of a Diversity Officer position within the Student Bar Association. The Task Force suggests the Diversity Officer be a position recognized by the SBA's constitution as a member of the SBA Executive Committee. Adding the Diversity Officer to the SBA constitution as a member of the SBA Executive Committee ensures the SBA will be continuously engaged in issues of diversity and inclusion while giving this position the validation of being a member of the SBA Executive Committee.

The SBA Diversity Officer's duties could include serving as the liaison between the student body and the SBA on all matters related to diversity, serving as a liaison between the SBA and Law Center administration (or new Office of Student Affairs), serving as a member of future diversity committees created by the SBA or the Law Center's administration, serving as the chair of the proposed student mediation board, and serving in any other capacity that furthers the Law Center and SBA's mission of inclusion and diversity.

- **Student Mediation Board**

A number of students have proposed the creation of a new SBA Student Mediation Board. The Task Force understands there is a continuum of hurtful conduct that may occur in student inter-personal dealings, and some activities may not be under the jurisdiction of the Student Code of Conduct. In situations where

disciplinary proceedings are not warranted, mediation may have an important role in facilitating healing and mutual respect.

The Task Force suggests a Student Mediation Board be formed to provide a forum to attempt to resolve student disputes for activities not governed by the Code of Conduct. The Student Mediation Board's responsibility would be to mediate issues or disputes students may have between one another when those issues do not rise to the level of disciplinary violations.

The Mediation Board should not have the power to impose any punishment or sanctions. Student use of the Mediation Board should be voluntary.

The Mediation Board would provide students with the tools to manage and mitigate future disputes. Outside mediators from the community may be called in to train the Student Mediation Board. Importantly, the goal would be to educate student mediators in the theories and techniques of transformative mediation, thereby providing a valuable educational experience while developing useful professional skills.

14. Improve Faculty Recruitment and Retention

The Task Force recommends the Law Center's long-standing focus on recruiting and retaining outstanding women and other diverse faculty candidates continue and expand.

While budget pressures may limit the ability to hire new faculty in the foreseeable future, as previously mentioned, an opportunity exists in the current law school economic climate to recruit promising candidates to continue to build a diverse faculty for the future. The broad meaning of diversity set forth in the revised Diversity Statement ought to be considered with each new faculty hire. Faculty recruitment data, including candidate gender and minority status, should be disseminated and made widely available to the faculty at each stage of the hiring process. At a minimum, the faculty should review this data prior to any hiring decisions.

Common sense steps must also be undertaken on a regular basis to retain diverse faculty members and to help ensure their continued professional growth at LSU. The principles of inclusion articulated throughout this Report apply equally to faculty of all ranks.

The Task Force also considered steps the Law Center may take with respect to faculty retention, and particularly maintaining a diverse faculty. The Task Force believes that implementing the recommendations set forth in this Report and

demonstrating the institutional commitment to inclusion will aid in developing and maintaining a more diverse faculty, at all levels.

One recommendation specific to the retention of faculty members is that the Law Center review its policies regarding the methodology used to collect student teaching evaluations. Not only do faculty members rely upon student teaching evaluations to obtain feedback on their teaching and to obtain ideas on how they may improve courses and teaching in the future, student teaching evaluations become part of faculty member's permanent personnel file, and the evaluations are used when considering promotion and tenure. To the extent evaluations contain unprofessional comments relating to a faculty member's immutable characteristics, like race or sex, those comments are wholly unrelated to the faculty member's teaching ability and offer neither the faculty member nor the Law Center information relevant to the Law Center's mission or the faculty member's job performance.

The Task Force recommends that two steps may be taken.

First, inclusion of an instruction prior to completion of the evaluation that students should remember to keep their comments professional and that, along those lines, comments unrelated to teaching are inappropriate for teaching evaluations. Second, the Law Center should adopt a policy that allows a short period during which faculty may review their evaluations and flag inappropriate comments. Any flagged comments would be submitted to a designated administrator or committee who would have the final say regarding whether the comment should be permanently removed from the evaluation.

15. Encourage Diversity Through the Hiring of Adjuncts

The Task Force recommends the development of policies and procedures to promote diversity in adjunct recruitment and hiring.

The hiring of adjuncts provides an opportunity to create a more diverse climate at the Law Center. The faculty should consider adopting the recommendations of the ABA Section of Legal Education and Admission to the Bar, Committee on Adjunct Faculty, *Best Practices Report on the Use of Adjunct Faculty Hiring* (Eric J. Gouvin ed. and contributor 2011) or other procedures designed to promote diversity in adjunct faculty.

In hiring both full-time tenure-track/tenured faculty as well as adjunct faculty, the Task Force believes that diversity is an important component when evaluating academically and professionally qualified candidates.

16. Develop Standards for The Civilian

The Task Force recommends *The Civilian* adopt standards of professional journalism.

The Task Force is aware of numerous complaints regarding content published in *The Civilian*, including comments that were considered sexist and racist and that negatively affect the culture of the Law Center. The Task Force recommends *The Civilian* adopt standards of professional journalism consistent with Professor Emeritus Ken Murchison's report and recommendations.

The Task Force also recommends the Law Center consider appointing a Faculty Advisor for *The Civilian* during the period before an Office of Student Affairs is created (see Recommendation [8] regarding the Office of Student Affairs).

17. Publicize the Task Force Report

The Task Force recommends the findings and recommendations contained in this Report be widely disseminated.

The recognition of diversity as an important value and the steps taken to enhance inclusiveness should be disseminated to all constituent groups. Although some of the issues may be sensitive, the fact that the Law Center is addressing the issues and taking a proactive approach should be a point of pride.

Appendix

Appendix 1: Revise Diversity Statement

The Diversity Task Force reviewed the current information regarding diversity and non-discrimination that appears on the Law Center Catalogue and website.

There is a non-discrimination statement on the first page of the Law Center Catalogue which reads, “The Paul M. Hebert Law Center is committed to providing equal opportunity for all persons in admission to, participation in, or employment in the programs and activities which the Law Center conducts without regard to race, creed, color, marital status, sexual orientation, religion, sex, national origin, age, mental or physical disability or veteran’s status in the admission to, participation in, and treatment of employment in the programs and activities that the LSU Law Center operates and sponsors.”

There is a diversity statement included in the section entitled “A Message from the Chancellor” on page four of the Catalogue under the heading “Student Life at LSU Law” which reads, “LSU Law is strongly committed to building a diverse student body in which students are valued and respected without regard to race, religion, national origin, or sexual orientation.”

There is some statistical information regarding the diversity of the student body on page eight of the Catalog which reads, “Based on recent statistics, 10-15 percent of the entering class will be African-American and other minority students, and 45-50 percent will be women.”

The website contains several similar and more detailed diversity and non-discrimination statements. The “Student Life” section of the website has a “Commitment to Diversity” statement which reads:

LSU Law is committed to diversity. Geographically our students hail from 28 states, including Louisiana, and eight foreign countries. We are an engaged community made up of citizens from the U.S. and abroad, culturally diverse with students of varying ethnic backgrounds and roughly half female and half male. Our students have served in the military, they’ve worked as teachers, journalists, social workers, and in government, politics, and other areas of interest. They are athletes, pilots, chefs, activists, comedians, and more. They bring a wealth of life and work experiences to our community and they enhance our classrooms with their differences. Our community is vibrant, inclusive, and intellectual. We pride ourselves on this accomplishment.

Following that statement is a more specific “Diversity Statement:

Diversity is fundamental to LSU's mission and the entire University System is committed to creating and maintaining a living and learning environment that embraces individual difference. Cultural inclusion is of highest priority. As a member of the LSU community, all campuses recognize that achieving national prominence depends on the human spirit, participation, and dedicated work of the entire University community. Our collective national flagship agendas will be realized by bringing together diverse ideas, perspectives, skills, and talents of the nation's pre-eminent scholars, brightest students, and leading higher education professionals. Through its Commitment to Community, the LSU community strives to create an inclusive, respectful, intellectually challenging climate that embraces individual difference in race, ethnicity, national origin, gender, sexual orientation, gender identity/expression, age, spirituality, socio-economic status, disability, family status, experiences, opinions and ideas. The LSU community proactively cultivates and sustains a campus environment that values open dialogue, cooperation, shared responsibility, mutual respect, and cultural competence—the driving forces that enrich and enhance cutting edge research, first-rate teaching, and engaging community outreach activities.”

This language closely mirrors the Diversity Statement of Main Campus.

Those statements are followed by information about diversity resources at LSU and links to diversity resources in higher education generally. There is also a list of student organizations at the Law Center that have a perceived focus on diversity or demonstrate the diversity of our student body. The Task Force notes the list is incomplete and does not include the student Lesbian, Gay, Bisexual, Transgender (LGBT) organization or the Legal Association of Women. The Task Force also notes that the LGBT student organization, OUTlaw, is not included in the list of all student organizations on the website.

There is also an Equal Opportunity/Access Employment Statement contained in the “Policies” section of the Career Services page of our website. It reads: The LSU Paul M. Hebert Law Center strives to provide equal opportunity/access to employment for all its students without regard to race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, veteran's status, or other non-performance related criteria. The LSU Paul M. Hebert Law Center requires that all those who recruit on the campus are equal opportunity/access employers.

The Law Center's Mission Statement includes some limited language regarding the value of diversity and appears in both the catalogue and on the website. The Mission Statement reads:

The mission of the Louisiana State University Paul M. Hebert Law Center is to prepare, through a demanding and comprehensive program of legal education, a well-qualified and diverse group of men and women to be highly competent and ethical lawyers; to be leaders in private practice, public service, and commerce; and to be capable of serving the cause of justice and advancing the common good, consistent with the rule of law. As a law school that strives to embody excellence in legal education, the Law Center seeks to create a vibrant, stimulating, diverse, and challenging educational environment through the admission of an exceptionally well-qualified and broadly diverse student body drawn from a rich cross section of backgrounds, talents, experiences, and perspectives from the State, the nation, and other jurisdictions, including those that share our Civilian heritage. The quality of the intellectual community and the experiences of the student body are enriched by the commitment of the Law Center to support and assist in the continuing professional endeavors of our alumni; to serve members of the legal profession of the State, the nation, and the global community; to provide scholarly support for the continued improvement of the law; to promote the use of Louisiana's legal contributions as reasoned models for consideration by other jurisdictions; to develop the Law Center as a bridge between the civil law and the common law; to facilitate the exchange of ideas among legal scholars; and to embrace the responsibilities of a public law school to the varied segments and regions of the State.

Appendix 2: Endorse the LSBA Diversity Statement

The LSBA encourages members to sign onto its statement, by indicating, as follows:

Meaningful diversity advancements occur when the leaders in an organization embrace diversity and demonstrate through their actions that diversity is a priority to the organization.

By executing the LSBA Statement of Diversity Principles, the leaders of a legal organization or court agree to use their best efforts to increase the diversity in their hiring, retention and promotion of attorneys and the elevation of attorneys to leadership positions within their organizations. They also agree to promote and participate in appropriate diversity awareness training programs as well as programs to measure their progress in the pursuit of the stated diversity principles.

Besides showing the Law Center community it is committed to diversity, as a signatory, the Law Center will enjoy other benefits including, among others, a certificate of recognition from the LSBA; recognition on the LSBA website; and recognition in a "Roll Call" of New Signatories in the Journal and Bar Briefs. See LSBA website at <http://files.lsba.org/documents/Diversity/Diversityprinciples2014.pdf>.

As no other law school in Louisiana has yet signed this diversity statement, the Law Center should be the first and lead the way for other law schools.

Appendix 3: Expand Student Opportunities

Launching a New Specialized Journal

The LSU Law Center can capitalize on the varying perspectives represented in its faculty and student body to create one or more additional law journals that focus on issues of diversity. Examples of such journals include, but are not limited to, the Stanford Law and Policy Review, the Yale Journal of Law & Feminism, and the Berkeley Women's Law Journal.

Addition of a Diversity Officer to the Student Bar Association

It is the suggestion of the Task Force that the Student Bar Association add Diversity Officer as a position within the SBA. The Diversity Officer can either be created as a chair of a committee or be added by amendment of the SBA constitution. An SBA Committee can be either be created *ad hoc* by the SBA or be a standing committee recognized by the SBA Constitution.

Article 8 Section 2 of the SBA Constitution provides that an ad hoc committee of the SBA can be created, "Special Committees of the Association may be created by a simple majority vote of the officers of the Association as needed to address specific concerns and issues." Currently, diversity and social inclusion are issues that many within the Law Center community believe deserve attention, thus under the circumstance creation of a SBA committee geared towards addressing diversity and inclusion is appropriate. Once a committee is created, the Diversity Liaison should be the chair of this committee.

As chair of an *ad hoc* Diversity Committee, the Diversity Liaison is selected by the SBA Executive president and confirmed by a simple majority vote of the voting members of the SBA. Although this method of adding a Diversity Liaison as a chair of an ad hoc committee has a lower threshold than the alternative of having the Diversity Liaison be a constitutionally recognized position, the Diversity Liaison and the SBA diversity committee's existence would be contingent on an annual vote to create the position by the SBA. A more permanent alternative would be to have the Diversity Liaison be recognized in the constitution.

The Diversity Liaison can be added to the SBA constitution as either a member of the SBA Executive Committee or as a chair of a standing SBA Diversity committee. The Diversity Liaison can be added by constitutional amendment by a two-thirds vote of the SBA voting members and a subsequent simple majority vote from the student

body. Similarly, a standing diversity committee, which the Diversity Liaison would chair, can be created by a two-thirds vote of the SBA voting members and a subsequent simple majority vote from the student body, and the Diversity Liaison can be appointed as a chair of the SBA Diversity Committee.

Another method to recognizing the Diversity Officer in the SBA Constitution would be to add the Diversity Liaison to the Executive Committee of the SBA. The Executive Committee currently consists of the SBA Executive President, Executive Vice President, Executive Treasurer, Executive, Executive Secretary, and Executive Director of Programming. Although members of the SBA, the Executive Committee does not have the ability to vote during SBA meetings.

To add the Diversity Liaison to the SBA Executive Committee, a two-thirds vote of the SBA voting members and a subsequent simple majority vote from the student body would be necessary. Once the position has been added to the SBA constitution the Diversity Officer would be elected by the student body at the end of each scholastic year. If added to the SBA Executive Committee the Diversity Liaison should also serve as a chair of an either an ad hoc or standing SBA committee on diversity if one exists.

Addition of a Student Mediation Board to the Student Bar Association

The Student Mediation Board would implement a transformative mediation framework for student interpersonal disputes. The goal would be to assist the parties in reaching a positive accord and better understanding of each other's personal perspectives. According to the Institute for the Study of Conflict Transformation, in transformative mediation, "the mediator's goal is helping the parties to: identify the opportunities for empowerment and recognition shifts as they arise in the parties' own conversation; choose whether and how to act upon these opportunities; and thus change their interaction from destructive to constructive, as they explore specific disputed issues. Success is measured, in transformative mediation, not by settlement but by party shifts toward strength, responsiveness and constructive interaction." (Institute for the Study of Conflict Transformation, Hofstra University, *A Transformative Framework*, available at: <http://www.transformativemediation.org/framework-3/>).

The Law Center would identify experts in the community who practice transformative mediation in order to educate the student mediators in how to facilitate mediation. It would be especially useful to connect the new Mediation Board to the existing Mediation Clinic in the Law Center, to facilitate opportunities for students who are already experienced mediators through their clinical work to have an opportunity to serve on the Mediation Board.

The Task Force recommends that the Mediation Board consist of between 6-9 students who would serve for a one-year term. Selection of the Mediation Board members might potentially mirror the selection process of the existing Ethics Committee. Student committee applicants should be reviewed and selected by the voting members of the SBA, with particular attention to the applicant's existing training in mediation. During the selection of the Mediation Board as well as the Ethics Committee it is suggested that the SBA's voting members consider the makeup of the student body and construct a Mediation Board and Ethics Committee of qualified students that reflect the diversity of the Law Center. The Mediation Board should have reasonable representation from each class.

The Mediation Board would be tasked with conducting mediation between student adversaries. Three members of the Mediation Board should mediate these hearings, without faculty or administrative supervision. In mediation each side of the dispute should select a member of the mediation committee to serve as a mediator, the Diversity Officer should select an impartial third mediator.

Students would be able to seek the assistance of the Mediation Board by contacting the Diversity Officer.