

HISTORY OF DIVERSITY EFFORTS AT SANTA CLARA LAW

Santa Clara University School of Law has consistently been recognized as one of the most diverse law schools in the United States, aligning with the University's Jesuit character. Typically, half of our students are women and just over 40 percent are members of racial or ethnic groups underrepresented in the legal profession.¹

Santa Clara has a long history of commitment to diversity. The Law School's first Latino graduate was Demetrio Diaz in 1921. The first African-American graduate, Aurelius Miles, graduated 31 years later. In 1955, Carroll M. O'Sullivan, SJ, the Jesuit Provincial in San Francisco, granted permission for women to attend the School of Law. The first women graduated eight years later. One of these alumnae was Professor Mary B. Emery, who became director of the Law Library and eventually served as Associate Dean until her passing in 2011.

In 1968, the Law School created a Special Admissions Program to serve students from racial minority groups, with five applicants that first year. The program, which over the years has taken on various names and structures, continues to this day. A targeted tutorial program, also instituted that year, has evolved over the years and today is the core of the Office of Academic and Bar Success.

In 1972, Dean George Alexander and the faculty adopted a policy to recruit and support minority students:

The University of Santa Clara School of Law recognizes the needs of all social groups to representation in the Bar. The history of the United States has left certain minority groups underrepresented and sometimes under qualified. Within the limits of its resources, the School of Law has adopted a special policy for such minority group applicants.

A. Diversity and ABA Self-Studies

Starting with its 1993 Self-Study for the American Bar Association (ABA)², the Law School began evaluating our progress on our diversity ideals. By then the Law School was already ranked among the top twenty schools nationwide in terms of diversity. As outlined in the 1993 report, the Law School was engaged in: high school outreach programs; recruitment of non-traditional minority students; meetings with community liaisons; an annual Minority Law Day; visits to Historically Black Colleges and Universities; and made heavy use of a brochure on

¹ <http://law.scu.edu/admissions/consumer-information/>

² The ABA Standards for Approval of Law Schools require that "law school[s]... demonstrate by concrete action a commitment to diversity and inclusion by providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity." ABA Standard 206.

“Opportunities for Students of Color,” featuring then-Secretary of Agriculture Michael Espy, a Santa Clara Law alumnus from the class of 1978.

The Special Admissions Program, allowing special consideration for members of historically underrepresented groups, grew over the years. As a result, the entering class of 1993 included the highest proportion of minorities of any class in the Law School’s history (37%) and the highest proportion of women (57%). The United States Senate recognized the School of Law for its efforts in opening the gates of the legal profession to disadvantaged students, especially those from minority groups. The Academic Success Program was also recognized for helping students of color succeed.

The next ABA Self-Study took place in 2000. It again identified diversity as a fundamental value of the Law School, focusing on admissions, recruitment, the Academic Success Program, and Law Career Services (now called the Office of Career Management). The Law School had recently appointed a Director of Admissions and Diversity Services who both recruited applicants and acted as a resource on diversity issues for the Admissions Committee. Minority scholarships aided student recruitment efforts. The School also worked to recruit diverse faculty and staff with the help of an active Minority Affairs Committee, this committee’s predecessor.

The 2000 Self-Study also identified several areas of concern. The Law School needed to instill in the community a greater appreciation for the importance of all forms of diversity and the value of inclusion. There was a need to promote greater interaction between students of color and the general student body, as well as among different minority student groups. There was also heavy competition among law schools for minority applicants. Further, the high cost of living in the Bay Area disproportionately affected Santa Clara applicants. As a result, the faculty recognized the need for increased scholarships and improved financial aid counseling,

Professor Mack Player, the dean at the time of the 2000 report, was highly motivated by a passion for diversity and social justice. During his 9-year tenure, the proportion of racial minority students jumped from 15% to 30%, and the number of racial minority faculty rose to 25%. The Center for Social Justice and Community Service was established, and social justice programs increased. The Law School held its first Diversity Gala in 2004, recognizing the important work of our students and alumni community in advancing our values.

In the 2007 ABA report, the Law School refined its mission, goals, and objectives. One goal stated that the Law School would promote diversity and a community of inclusive excellence:

The Law School and its graduates will be diverse in terms of race, ethnicity, gender, sexual orientation, disability, religion, economic status, ideas, cultures and values. The Law School will welcome, respect, and value every individual within our community.

A 2008 Statement of Institutional Goals for the Next Century³ aspired to attract and retain a broadly diverse student population by improving the Law School’s visibility and reputation, increasing financial support to an increasingly diverse spectrum of students, and expanding

³ <http://law.scu.edu/wp-content/uploads/dean/Strategic-Plan-February-10.pdf>

opportunities in the curriculum for developing leadership in the legal profession and the greater community. The actions suggested were: to use the capital campaign to increase the Law School's endowment for scholarship assistance to students; to promote the school's unique characteristics, our three centers of excellence, our diversity and our deep roots in Silicon Valley; to continue efforts in achieving and maintaining a diverse faculty that mirrors the diversity of Silicon Valley; to build upon our ties to diverse communities; and to strengthen the part-time program as an integral part of learning opportunities in the Silicon Valley.

Between 2010 and 2015, the School of Law was consistently ranked among the top 15 most diverse law schools in the United States by *US News and World Report* magazine.⁴ In 2011, the *Princeton Review* ranked Santa Clara Law in the top 10 on its list of schools offering the best environment for minority law students.⁵

In the 2013 Law School Survey of Student Engagement (LSSSE), conducted by the Indiana University Center for Postsecondary Research, most Santa Clara students – across all categories of sex, race, sexual orientation, and age – evaluated their educational experience as positive.

B. Diversity and the Law School Today

While Santa Clara's proud history as a diverse law school continues to be prized today, we are acutely aware that the issues facing our students are changing, and that our diversity goals must adapt to serve them. The increased attention to issues of diversity on campuses across the country today underscores the importance of the Law School's commitment to diversity and inclusion.⁶ Issues of racial justice in particular have been brought to the forefront of the higher education dialogue, largely due to the efforts of students of color.

Stirred by the Black Lives Matter movement, this year's campus protests engage students on some pretty primordial terrain: the day-in-day-out interactions with classmates, teachers, administrators, and police that tell students whether they matter or not, individually and collectively.... At bottom, this is a matter of whose stories get told – not just in history books but bolted into the structure and expectations of educational institutions, and ratified in action by its leaders. College is supposed to be the great leveler. But at a time of unprecedented economic inequality, students of color, immigrants, and students from low-income background[s] – at rich, elite universities, and state schools alike – are painfully aware that the experiences they bring to campus are ill-appreciated by many classmates, teachers, and administrators, who come overwhelmingly from a

⁴ <http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/law-school-diversity-rankings>

⁵ http://taxprof.typepad.com/taxprof_blog/2010/10/princeton-reviews.html

⁶ <http://www.nytimes.com/2015/11/12/us/racial-discrimination-protests-ignite-at-colleges-across-the-us.html>

<http://www.latimes.com/local/education/la-me-campus-unrest-20151118-story.html>

<http://www.forbes.com/sites/daviddavenport/2015/11/14/a-new-era-of-student-protests/>

<https://www.insidehighered.com/news/2015/11/12/protests-over-campus-race-relations-spread-more-campuses>

culture of middle-class safety nets and an economy that rewards those who already have.⁷

The protests at colleges around the country spoke to a concern of African-American students that their institutions weren't creating environments where they were truly welcome and in which they were able to fully participate.⁸ A significant number of Santa Clara students, including law students, responded to the expressions of concern raised at the University of Missouri and other campuses through the Unity 4 campaign addressed to President Engh and the University administration.⁹

Similarly, issues related to sex and consensual relationships have also been at the forefront of the collegiate zeitgeist. Berkeley Law saw its dean removed from his position and banned from the campus over charges of sexual harassment.¹⁰ This followed multiple other claims against UC faculty and administrators.¹¹ Rape charges against a Stanford University undergraduate drew national attention when a Santa Clara Superior Court judge gave what has been publicly perceived as an inappropriately lenient sentence that many attributed to the shared race and social class of the defendant and judge.¹² And at Santa Clara University too, President Engh and the faculty engaged in spirited debate over restrictions on women's reproductive options in employee insurance plans.¹³

The nation's ongoing conversation about the rights of LGBT people has also reached a fever pitch. Our current students have been eyewitnesses to the arrival of nationwide same-sex marriage rights,¹⁴ ongoing fights about the access of transgender people to restrooms,¹⁵ and the largest modern mass killing at a LGBT club with a primarily Latino/a clientele. These sorts of events demand more progress in our understanding of the intersectionality of identities.¹⁶

⁷ <https://www.thenation.com/article/dont-tell-the-student-protestors-at-yale-to-grow-up/>

⁸ <https://www.yahoo.com/news/missouri-protests-embolden-student-leaders-other-campuses-064751136.html>

<http://www.msnbc.com/rachel-maddow-show/scalia-makes-rationally-charged-argument-affirmative-action-case>

⁹ <https://www.scu.edu/diversity/current-campus-issues-and-updates/unity-4-information/>

¹⁰ <http://www.cnn.com/2016/03/11/us/california-berkeley-law-school-dean-choudhry-resigns/>

¹¹ <http://www.sfchronicle.com/education/article/UC-Berkeley-has-history-of-tolerating-sexual-6886611.php>

¹² <https://www.theguardian.com/us-news/2016/jun/02/stanford-swimmer-sexual-assault-brock-allen-turner-palo-alto>

¹³ <http://www.latimes.com/business/hiltzik/la-fi-mh-abortion-rights-victory-20140825-column.html>

¹⁴ http://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf

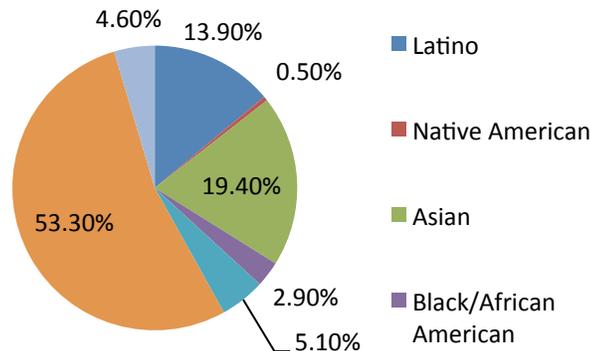
¹⁵ <http://www.nclrights.org/cases-and-policy/cases-and-advocacy/g-g-v-gloucester-county-school-board/>

¹⁶ <https://www.washingtonpost.com/news/in-theory/wp/2015/09/24/why-intersectionality-cant-wait/>

These headlines in the national political dialogue as well as others addressing the issues facing undocumented immigrants,¹⁷ the scapegoating of American Muslims and people of Middle Eastern descent,¹⁸ and a hugely uneven recovery from the Great Recession acutely affect students' lives and legal studies.¹⁹

These demographic and social trends run up against a significant change in the economics of legal education as an industry. The number of students applying to and enrolling in law schools has dropped significantly from a peak in 2010.²⁰ The students who are attending law school – including Santa Clara – have lower undergraduate GPAs and LSAT scores, and come from less academically rigorous colleges. Many students struggle to afford the cost of living while they are enrolled, particularly in California and the Silicon Valley where the cost of living is among the highest in the nation.²¹ Many of those students face incredibly high debt loads and graduate into a challenging job market.²²

During the 2015-2016 academic year, there were 653 JD students at the Law School, and the racial make-up of our students was:



The gender make-up of the student body was:

¹⁷ http://www.supremecourt.gov/opinions/15pdf/15-674_jhlo.pdf
<http://latinousa.org/2015/10/16/meet-the-dream-9/>
<https://www.buzzfeed.com/adolfoflores/dreamer-whose-fought-for-immigrant-rights-may-not-benefit-fr>

¹⁸ <http://www.npr.org/2016/11/12/501853599/what-its-like-to-be-an-american-muslim-after-trumps-election>

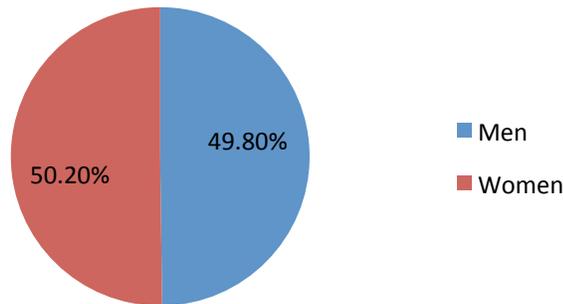
¹⁹ <https://www.washingtonpost.com/graphics/business/wonk/housing/stockton/>

²⁰ <http://www.aals.org/wp-content/uploads/2014/08/State-of-Law-School-Admissions-2014.pdf>

²¹ <http://www.latimes.com/local/lanow/la-me-cal-state-homelessness-20160620-snap-story.html>
<http://www.nytimes.com/2016/06/23/education/food-pantries-address-a-growing-hunger-problem-at-colleges.html>

http://www.eastbaytimes.com/education/ci_30164322/homeless-and-hungry-college-not-just-ramen-noodle

²² <http://www.nytimes.com/2016/06/19/business/dealbook/an-expensive-law-degree-and-no-place-to-use-it.html>



The demographics of our student body are changing. Comparing the entering 1L class from 2012 to 2016, the number of African-American students has doubled from 7 to 14. Asian students have declined from 61 to 58. Latinos have increased from 37 to 51. Native Americans and Native Hawaiians have numbered at 2 or fewer students over this entire period.

Students identifying as members of two or more ethnic groups have increased from 10 to 17. Of that 17, 5 identify as Native American, 10 as Asian, 5 as African-American, and 4 as Native Hawaiian/Pacific Islander.

During the same time, the number of Caucasian students and students who did not identify a racial/ethnic category on their application remained relatively steady, going from 128 to 130 over the same period.²³

These data fail to take into account the increasing dimensions of diversity of Santa Clara students. More and more students come from immigrant families and are the first in their family to pursue higher education. Students represent differing sexual orientations and gender identities. And many students are coming to law school later in life, making a career change while balancing work and family responsibilities. Almost all of these students have financial pressures on them due to prior educational debt and the high cost of attending Santa Clara Law.

The national dialogue and shifting dynamics of our law school have begun to impact our students' perceptions of their experience at Santa Clara. Preliminary results from the 2016 LSSSE survey of our students show decreasing satisfaction with their experience. Of particular relevance to this report, our students ranked their experience lower than did other students in California and at comparable institutions in the following areas: encouraging contact among students from different economic, social, sexual orientation, and racial or ethnic backgrounds; providing support you need to thrive socially; helping you cope with non-academic responsibilities; and providing the support you need to help you succeed academically. Further analysis of the new LSSSE data is required, and additional responses to these concerns must be identified.

²³ From Assistant Dean for Admissions and Financial Aid Bryan Hinkle's presentation to the faculty on September 7, 2016.

Similarly, the outward perception of Santa Clara as a welcoming law school for diverse students has weakened, resulting in some slippage in its position in national rankings. The Law School is no longer in the top 10 of *Princeton Review*'s list of schools with the best environment for minority law students. And Santa Clara has dropped to 17th in the 2017 *US News* diversity rankings.²⁴

Although Santa Clara has a successful history of being open to diverse populations, our changing student body and their perceptions of the Law School require a reexamination of and recommitment to diversity and inclusion as a priority. This Diversity Plan reaffirms our institutional commitment to being open to a broad array of students, and takes a critical look at where the Law School needs to improve to serve a new generation of diverse students.

²⁴ These reductions in rankings are happening despite our increased efforts to serve the needs of our diverse student body. They align with a decrease in a main *US News* ranking, and our poor job placement and Bar Exam passage numbers.