



LGBTQ+ Best Practices for Law Schools: A Guide to Institutional Equity

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INTRODUCTION

Law schools serve a fundamental purpose in American life – a purpose that impacts virtually every aspect of how we live our everyday lives. Law schools, as the gateway to the legal system, set the tone for how their students think about their future roles as those who will build upon our nation’s legal heritage and craft the path ahead that will define the rights and responsibilities for themselves, their fellow citizens, and our future generations. Legal education institutions and the people leading and teaching within them don’t only teach cold facts and principles of law: they push – they shape – they question – they breathe life into the law – they inspire. In raising questions and expecting students to explore the nuances that will help them become honed advocates, they are sharing critically important values and setting norms for their students’ careers, and ultimately their lives.

One of the core American legal principles taught in all law schools is that all people are created equal, and that no person should be denied equal protection of the laws. Yet that principle – that deeply American value – must also be taught with an eye to the reality that our society and our legal system have, in fact, regularly and systematically discriminated against many groups of people throughout our system. It is only relatively recently that we have begun to address those long-held biases and inequities through civil rights laws and through the implementation of policies and procedures designed to address the actuality that while people are equal, they are not the same, they are not similarly situated, and they are not treated equally.

Lesbian, gay, bisexual, transgender, and queer-identifying (LGBTQ+) people are minorities who have faced historic discrimination in virtually every aspect of their lives, and who have only very recently been recognized by some jurisdictions as people who warrant equal protection of the laws. Without question, LGBTQ+ people are now more accepted throughout society than in any time in history. Corporations and Congressional Representatives fly Pride flags at their offices and sponsor LGBTQ+ organizational events, an increasing number of school districts are enacting gender-neutral and gender-inclusive restroom policies, sexual orientation and gender identity have been ruled to be covered under Title VII of the federal Civil Rights Act of 1964, and marriage equality is the law of the land.

Yet this rosy picture is only part of the reality. Everyday rights that most people take for granted remain perilously insecure for LGBTQ+ people, particularly those outside of major urban centers. The right to marriage equality is still under attack in 2020 by those who seek to overturn it and who advocate for LGBTQ+ exceptions to the rights that have traditionally come with marriage. As of October 2020, [26 states](#) still lack a statewide ban on sexual orientation and gender identity workplace discrimination, and an additional state protects only LGB people and not transgender people from discrimination in the workplace. The rights of LGBTQ+ people to access [places of public accommodation](#) and service providers – including educational institutions, as well as restaurants, medical facilities, and more -- are likewise not comprehensive and

secure, and are threatened in the courts in a number of jurisdictions. LGBTQ+ people's [relationships and right to parent](#) are similarly threatened on a regular basis in the courts and through legislative and regulatory efforts, and organizations that ban LGBTQ+ people from adopting or fostering still receive government funding in some jurisdictions. Transgender and non-binary/gender non-conforming people in particular have been subjected to repeated legislative, judicial, and ballot-box attacks in states across the country as well as in the [federal government](#) over the past few years, as those who oppose their receiving equal treatment under the laws push back against the progress that has been made as American society overall becomes more inclusive and accepting. Moreover, LGBTQ+ people with intersectional minority identities – such as LGBTQ+ people of color, those with disabilities, those who are immigrants, and those living with HIV – are particularly vulnerable.¹

Law schools have a critical role to play in ensuring that all LGBTQ+ people are safe, that they are not subjected to discrimination, and that they are able to thrive in American society. Schools can readily impart these goals through their curriculum and by supporting student advocacy efforts to help normalize the vision of full equality in the legal system. Equally importantly, law schools also can convey the importance of LGBTQ+ inclusion by signaling throughout every aspect of the law school environment that LGBTQ+ people are seen and valued and supported for who they are, with full respect for the identities they bring to their legal education experience. Law schools have the power to bring LGBTQ+ people into their institution through a welcoming and inclusive admissions process, to ensure their safety and well-being at school through a registration process that shares appropriate names and pronouns with faculty and by incorporating inclusive restroom policies, to hire LGBTQ+ faculty and respect their identities and family needs, and to help LGBTQ+ students gain jobs where they will be treated fairly and respected.

The National LGBT Bar Association and Foundation has developed this Best Practices toolkit to assist law schools in fully accepting and supporting their LGBTQ+ students, faculty, and staff. We encourage you to read it and share it with your key administrators as well as your faculty, to reach out to your sister law schools to assess what they are doing and learn from their successes, and to reach out to us with questions and suggestions for improving this publication.

I. OVERARCHING ISSUES

Institutional equity for LGBTQ+ students, faculty, and staff within law schools is a multifaceted issue, reaching into every aspect of law school life. Equity for all within a law school environment encompasses admissions, employment, classroom teaching

¹ For more information on the legal status of LGBTQ+ people nationally on a number of legal fronts, see the Movement Advancement Project's set of equality maps, available at <http://www.lgbtmap.org/equality-maps>. For information specific to your state, visit Lambda Legal's "In Your State," at <https://www.lambdalegal.org/states-regions/in-your-state>, as well as the Human Rights Campaign's "See What's Happening In Your State", <https://www.hrc.org/>.

and learning, course offerings, career services support, extracurricular opportunities, healthcare coverage and access, equal housing options where offered, facilities including restrooms, and more. It's essential that law school administrators ensure that the policies governing the school are designed to ensure full and equitable access to all services, benefits, rights and privileges offered within the community - taking into account that members of the law school community, particularly those who are members of historically marginalized communities such as those who are LGBTQ+ - are not always similarly situated to those in the majority, and that it may be necessary to re-evaluate and adapt long-held assumptions and ways of doing things in order to fully support all members of the community in their law school tenure and future legal career.

A. Nondiscrimination and Diversity Statements

The National LGBT Bar urges all law schools to explicitly include “sexual orientation” and “gender identity and/or expression” in their nondiscrimination statements.² Taking this step not only holds schools accountable for this expression of values, it also sends a message of inclusivity and acceptance to their LGBTQ+ and ally community members. Because this issue is relevant to students, faculty, and staff, the LGBT Bar encourages all law schools to ban discrimination on the basis of sexual orientation and gender identity/expression in all of the school's equal opportunity statements – those relating to admissions, employment, housing, and others. The more evident it is to students, faculty, and staff that their identities are not only protected but welcomed at their institution, the more they are able to bring their full selves to school and work, and the more academic and professional success will be achieved by all.

It also matters to LGBTQ+ students and faculty to see themselves reflected in the school's diversity statements, and to be included in campus diversity events. Often, such statements and events focus solely on other highly marginalized populations and don't acknowledge that LGBTQ+ people have also been historically ignored or disenfranchised, or don't acknowledge that some community members have multiple and intersectional identities, including LGBTQ+ people of color or LGBTQ+ people with disabilities. Be sure to be inclusive of these community members and their needs as well.

² Law schools are indeed required by the American Bar Association to expressly bar discrimination in admissions on the basis of sexual orientation. (See ABA Standards and Rules of Procedure, Standard 205 (b), prohibiting “discrimination or segregation on the basis of...sexual orientation...”) Law schools which are members of the American Association of Law Schools are required to prohibit discrimination on the basis of gender identity and expression as well. (See AALS Bylaws, Article 6 § 6-3 (a), noting that equal opportunity should be given to all regardless of gender, including identity and expression, and sexual orientation.)

B. Gender Inclusive Language

As language evolves, so do the terms and ways in which people – particularly those who do not fall on the gender binary - want to be addressed. Instead of being referred to by either “He/Him/His” or “She/Her/Hers” pronouns, some students may prefer to be addressed by their name directly, or by other pronouns such as “They/Them/Their.” Students may prefer to use alternative honorifics such as “Mx.” (pronounced “Mix”) instead of “Mr./Ms./Mrs.”, or to simply use their first names. It is important for faculty and staff to familiarize themselves with these alternative forms of address, and for the law school administration to expect that faculty honor the need of any students to be addressed in accordance with their identity. See Section VIII.C. (“Pronouns and Name Usage”) below for more information on appropriate and affirming identity language.

Likewise, it’s important that students’ and employees’ personal relationships not be presumed to be heterosexual. If immediate family members are referenced or invited to school events, use gender-neutral terms such as “spouse or partner” or “parent” whenever possible.

C. Appoint an LGBTQ+ Inclusion point person.

An important step in improving institutional equity within law schools is to appoint a staff member with strong LGBTQ+ competency who can serve as the point person for all LGBTQ+ community members, particularly for transgender and gender non-conforming faculty/staff/student needs. While your law school’s larger university may have a staff position like this, it is beneficial to have a point person within the law school to address the needs of LGBTQ+ community members directly. Be sure to put this person’s contact information on your school’s website and other diversity/equity/inclusion publications.

D. Equity and Inclusion Training

Most workplaces the size of typical law schools now mandate racial and sexual harassment trainings for staff and faculty at least every two to three years. Be sure that your institution’s trainings are conducted by LGBTQ+ competent trainers, and that they are designed to cover both harassment and bias against LGBTQ+ people and same-sex sexual harassment. The LGBT Bar strongly suggests that LGBTQ+-specific equity trainings are held at least every other year for faculty and staff, and that students receive equity and anti-harassment training as part of student orientation each year. (The LGBT Bar provides LGBTQ+-specific trainings as well as consulting; for more information visit our [Lavender Law 365™ website](#).)

II. ADMISSIONS

We all know that first impressions matter – a lot. That applies as much to how your school presents its commitment to full inclusion and equality for its LGBTQ+ members

as it does to how it presents the strength of its faculty and breadth of its course offerings. LGBTQ+ equality matters at your school, so be sure to show it in all of your outreach efforts, and ensure that your school's Admissions team members are well-supported with resources and materials that demonstrate this commitment to inclusion. Remember that you're sending an important signal to all prospective students – not just those who are LGBTQ+ themselves – about your school's values, and thereby setting a tone of acceptance that will positively infuse the entire campus experience. Of course, your Admissions efforts should be the outward face that reflects a deeply baked-in system of inclusion and equity – the face isn't enough on its own.

You can flag prospective students to your school's commitment to LGBTQ+ equality in a number of ways. Start by developing LGBTQ+ recruitment materials, highlighting the ways in which your law school supports LGBTQ+ students and faculty and linking to your school's results on the National LGBT Bar's [Campus Climate Survey](#) and the Law School Admissions Council's (LSAC) [LGBTQ+ Guide to Law Schools](#). Dedicate a page of your website to profiling LGBTQ-related programming (such as course offerings, recent lectures, scholarship opportunities, etc.) at your school, details about your school's Pride celebrations, and testimonials and pictures from your LGBTQ+ student group members, out LGBTQ+ faculty, and any alumni who are interested in participating. Include a letter from your LGBTQ+ student group to prospective students in your recruitment packets, and another one in your welcome packet that details information about the group's upcoming meetings and activities. (We strongly recommend that you consider having these letters come not just from the LGBTQ+ group, but from all the student identity groups including those supporting students of color, women, and those of religious minorities – in recognition that people have intersectional identities and that these student groups ideally are working both individually and in tandem to support all of their minority-group colleagues.) In all your campus tour and welcome materials, include campus maps that mark where gender-neutral bathrooms are located and that state your school's inclusive bathroom policy (and be sure there is clear signage within the building as well). If you offer opportunities for applicants to meet with current students or if you hold informational panels for prospective students, be sure that you include members of your student LGBTQ+ group to share their insights about LGBTQ+ life at your school.

Provided that you are confident that your admissions system is well-designed to be free of LGBTQ+ bias so that applicants and students will be safe if they self-identify, include an optional space in your school application materials for students to identify themselves as LGBTQ+ and to tell you their preferred name if it differs from their legal name, as well as their pronouns and choice of honorifics (see Section VIII.C. below for more information). Be sure that this information is readily updateable by the student, and that all information from the application materials is smoothly transferred to the registration arm of the school after the student is accepted to facilitate respectful administration and classroom interactions.

If you are seeking to recruit LGBTQ+ students, consider branching out beyond your usual networks. In addition to recruiting with key pre-law advisor networks such as PLANC and highlighting your school's desire to outreach to minority students including those who are LGBTQ+, consider sending information about your law school and its LGBTQ+ commitment to LGBTQ+ resource centers at undergraduate institutions and to LGBTQ+ student groups at the undergraduate schools from which you draw the greatest population of applicants.

Be sure your admissions staff is fully trained to be sensitive to LGBTQ+ issues as well as the risks of implicit bias, and if your school incorporates an interview process, be sure that all interviewers are similarly trained. (You may want to draw from your LGBTQ+ alumni network or your local LGBTQ+ bar association to assist with the application review process to ensure that reviewers/interviewers are as diverse as the applicant pool.) Your school representatives should all be fully conversant about issues that impact LGBTQ+ students (from gender-neutral bathroom facilities, to the location of the greater university's Pride center, to a discussion of benefits available to same-sex partners of students), and comfortable talking about those issues both when questions arise and also as part of the general school overview, including during law school orientation proceedings.

III. FACULTY AND STAFF

Institutional equity requires consideration of the needs of all community members, including faculty and staff. It's entirely appropriate and legal in United States jurisdictions to invite employees to identify their sexual orientation and gender identity in self-identification studies, as long as those polls are voluntary, provide an option of confidentiality, and have no negative impact on employment (or admissions, in the case of students). Some organizations push back against the notion of these "Self-ID" polls with respect to sexual orientation and gender identity even as they undertake them regularly with respect to employee's racial and ethnic identity and their sex. The reality is that the needs of people who aren't seen are often not considered to be important, and one of the most critical first steps to increasing diversity and supporting minority populations including LGBTQ+ status is knowing in what numbers they are present within your institution. If you know that LGBTQ+ people are at your school, you need to ensure that you're taking appropriate steps to fully support them. If you don't know that LGBTQ+ people are at your school, you may need to start considering why they aren't there, or why they don't feel safe enough to be out. Asking about sexual orientation and gender identity in the right context, with appropriate consent and privacy safeguards where requested, is a strong indicator to all community members that the school cares about its LGBTQ+ constituencies.³

Equity for faculty, of course, begins with the hiring process. Ensure that your school's entire faculty – not just the hiring committee – is trained regularly on implicit bias (for

³ See [this short video](#) for a brief explanation of why Self-ID programs are encouraged. More information on Self-ID programs is available [here](#).

race and gender as well as sexual orientation.) Insist that your school build a diverse pool of applicants to choose from, and reach out to non-traditional communities to add to that pool. Be sure that over time, you're tracking the demographics of your pool of applicants and checking regularly to see whether people of particular demographics are held to different hiring qualifications standards. For more helpful insights on "interrupting bias" in hiring as well as in compensation and performance evaluation and other stages of career development, read [this report on Bias Interrupters](#) from the Center for Worklife Law at UC Hastings College of Law.

IV. COURSE OFFERINGS

If your law school does not already offer an LGBTQ-specific course, consider offering one, taught either by a full-time faculty member with relevant expertise or by an adjunct professor drawn from the local LGBTQ+ legal community. Be sure that the course is fully inclusive of transgender and bisexual legal issues, not just those relevant to gay and lesbian people. Your school might consider offering a clinical program that focuses on LGBTQ+ legal issues for community members (such as obtaining legal name changes and changing gender markers on official documents, filing adoption petitions, and helping transgender and non-binary/gender non-conforming prisoners obtain appropriate housing and health care.)⁴ There are also many opportunities to respectfully and inclusively build LGBTQ+-focused curriculum into other courses such as Gender Studies, Constitutional Law, Elder Law, Housing Law, Employment Law, and more.

V. HEALTHCARE AND OTHER BENEFITS

Ensuring that all of your healthcare policies are inclusive of the health needs of transgender and non-binary/gender non-conforming and LGBTQ+ faculty, staff, and students, as well as any employees or students living with HIV, in terms of both their and their partners' needs (regardless of whether they are legally married). Healthcare coverage for transgender individuals (including hormone replacement therapy and gender transition coverage) is routinely excluded from many healthcare policies; likewise, some policies do not cover payment for medications used by those with HIV or medications like PrEP that are used to prevent transmission of HIV. Ensuring that these individuals have the necessary healthcare coverage they need is critically important to their success in their academic or professional endeavors at your school. In addition, some health plans exclude same-sex couples from fertility treatments that are otherwise covered for different-sex couples, in that they require that the couple have tried 'traditional' sexual reproductive efforts for a specified period of time before coverage kicks in – an option unavailable to same-sex couples.

⁴ The National LGBT Bar strongly recommends that legal work focused on transgender and non-binary/gender non-conforming clients be led by TGNC people to maximize cultural competency and minimize the opportunities for harm; for assistance in building such programs inclusively, please reach out to us at lawschools@lgbtbar.org.

While marriage equality has been legalized federally, LGBTQ+ couples still routinely face significant barriers to equality within marriage in a number of contexts; moreover, because legal inequities still exist for LGBTQ+ people in various contexts (including international and US adoptions, ability to provide foster care from certain religiously affiliated agencies, etc.) some couples may elect not to marry. Be sure that your school's benefits plan fully covers LGBTQ+ couples, whether married or in long term partnerships, in all benefits relating to family, health, and partner benefits (including fee waivers, day care availability, gym privileges, and other fringe benefits). Be sure, too, that your parental leave plans provide the same benefits regardless of gender and that they cover adoption leave in the same way they cover leave for births.

VI. HOUSING

If your law school offers on-campus housing to law students, ensuring the safety and equity of those students' experiences is crucial. Transgender and non-binary/gender non-conforming students in particular face challenges in getting safe and affirming campus housing, and, due to a number of challenges relating to family rejection, early homelessness, employment discrimination, and more, may also find it harder to afford private housing options and thus need to access less-expensive campus housing if available. Gender-neutral housing options, such as the ability to live with someone of the same or different sex and/or gender, should be made available to students. Additionally, housing options for same-sex couples should be made available. Implementing gender-neutral housing gives students more freedom to choose who they are more comfortable living with – and ultimately benefits all students, not only those who identify as LGBTQ+.

VII. SUPPORTING LGBTQ+ STUDENTS OUTSIDE OF THE CLASSROOM

A. Support Your Law School's LGBTQ+ Student Group

Most – though not all - ABA-accredited law schools now have an active LGBTQ+ student group. Some of these groups have been well-established for years, with Student Bar Association or administration funding and with strong leadership structures that put together visible programming every school year. Others are fledging and may struggle from year to year, particularly if few students are “out” with their LGBTQ+ status or if the group leaders have perceived a lack of support from the administration. Some groups are designed solely to be supportive of their students, while others engage in campus and local activism. These student groups can be the first and only place where LGBTQ+ students find a supportive group of people with whom they can be their authentic selves. They can also be an important place for people who identify as allies of the LGBTQ+ community to find an activism home.

Law school administrations can take important steps to assist these groups to thrive. First, be sure that the group has a faculty or administrator mentor, ideally one who identifies as LGBTQ+ or, if need be, one with a demonstrated record of allyship.

Mentors don't need to attend group meetings, but they serve as a sounding board for the group leadership and can help liaise with the administration and faculty if issues of concern arise. Second, be sure the group has a source of funding to put on programming, whether from the SBA or another source. Third, ensure that the group has an identified school email address that continues from year to year, rather than having to rely on student leadership to use personal email addresses for communications. Having a continuous email home for communications that can be accessed from year to year is the best way to ensure continuity with the group even when leadership changes, and having that be a school address rather than a gmail or outlook address sends a strong message that the school approves of and supports the group (as well as being helpful if passwords need to be reset). Last, be sure to show official school support for the student group's activities – it's hugely impactful when key administrators and faculty show up for events that are planned, or even partake in the programming when invited.

Please be sure your student group is aware of the National LGBT Bar's Law School Affiliate program. The Bar shares an "Action of the Month" toolkit with its affiliate members, sends monthly emails with information about other student groups around the country to help with national networking efforts, periodically provides discounts on LGBT Bar membership to students who are part of the groups, sends information about internships, scholarships and writing competitions, shares special opportunities and information about the Bar's Lavender Law Annual Meeting and Career Fair (as well as free registration!), and more. Visit our website for a list of [current law school affiliate groups](#) and to submit an application to become an affiliate.

If your school does not currently have an active LGBTQ+ student group and a student expresses interest in starting one, visit the LGBT Bar's website for an [FAQ sheet](#) that provides tips for starting one. You'll also likely need to fill that gap by holding educational events at least annually on LGBTQ+ related topics until an active student group is established. Feel free to contact the National LGBT Bar Association for help with planning such events.

B. Career Planning

Career services officers are often some of the most identity-affirming administrators on law school campuses, helping LGBTQ+ students seek out fulfilling job opportunities that match their skills and qualification and also enable them to be out and proud at work. The [National Association of Law Placement](#) (NALP) provides a number of helpful [resources](#) through its Diversity Section and Lesbian, Gay, Bisexual, and Trans (LGBTQ) Work Group to [inform and assist](#) career services officers in supporting their LGBTQ+ students, and should be the first stop for building an inclusive career services plan.

1. Support Student Attendance at the National LGBT Bar's Annual Lavender Law® Conference and Career Fair

The National LGBT Bar Association works closely with NALP and with career services officers at law schools around the country to support law students in attending the LGBT Bar's annual [Lavender Law® Conference and Career Fair](#). Lavender Law® is the largest LGBTQ+ legal conference in the country, with approximately 1700 attendees attending annually, including about 400 law students. The Conference consists of two full days of LGBTQ+ legal programming taught by the top experts in the country drawn from academia, nonprofit advocacy groups, government, and private practice, all of which is available to attending law students. The Bar also incorporates a half-day of career planning programming specific to law students, followed by a luncheon for students to mingle with legal recruiters, followed by the half-day career fair with approximate 200 legal employers from all employment sectors present and available for interview with students. Law student members of the LGBT Bar (\$40 annually – group discounts available) may attend Lavender Law® at no charge; they need only provide a resume and register. (Note that individual membership is different from student group affiliate membership, mentioned above.) Many Career Services offices support their students by underwriting their membership in the Bar or, even more helpfully, by underwriting their travel and accommodations costs for the conference.

In addition, on the day prior to the start of Lavender Law®, the LGBT Bar holds an application-only day of programming just for LGBTQ+ and ally law students, known as the [LEAD \(Legal Equality and Diversity\) Academy](#). LEAD offers an esteemed group of faculty from AmLaw 100 law firms, the judiciary, government agencies, the nonprofit advocacy realm, and small firm practice, who serve as mentors for analysis of LGBTQ+-specific legal scenarios and for career counseling. The program is designed to build a base of knowledge about LGBTQ+ legal principles to create a strong foundation for future advocacy, regardless of the area of law our students may enter following law school, and to connect students with legal professionals who can serve as mentors. Please encourage your students to apply for LEAD if they plan to attend the Lavender Law® Conference and Career Fair.

2. Help Students Navigate LGBTQ+ Identity During A Job Search

Making the decision whether to be “out” on one’s resume and during a job search process is an intensely personal one for a law student. Career Services offices can help by partnering with the school’s LGBTQ+ student group to put on a panel with local LGBTQ+ attorneys and employers to discuss the pros and cons, and to provide advice for students who do choose to be out as to how to best answer interview questions and position their activism work during a job search.

3. Provide Mentoring & Networking Opportunities

All law students need mentoring and networking opportunities to help them gain confidence, experience, summer opportunities, and permanent jobs. It's particularly important for members of minority populations, including LGBTQ+ students, to see themselves reflected in their mentors, and to have opportunities to network in spaces that they know are safe and inclusive. If your community – or a major metropolitan community nearby - has a LGBTQ+ lawyers' association, take time to forge connections with that group and to find connection points for your students, or seek out members of the group to visit your school to talk with your LGBTQ+ students. (Visit the National LGBT Bar's website for a list of [state and local LGBTQ+ bar associations](#).)

4. Create an Alumni Network

If your school or your LGBTQ+ student group does not already have a list of LGBTQ+ alumni, have your alumni relations office work with the LGBTQ+ student group and your Career Services office to start one. Create a Google doc or an online registration portal to facilitate easy sign up, and reach back to your known superstars as well as the past few years of student group leadership to ask for help in building the list (you can also advertise it in the alumni newsletters, or ask your state bar association to include your request in their monthly outreach.) Once you have built a solid list of alumni, invite them back to school for an educational panel and reception celebrating your school's LGBTQ+ history. Even if your history hasn't been fully inclusive until recently, you will be sending a very important message to your alumni and your current students about the value of your LGBTQ+ community, and you may be surprised to learn that there was a thriving community of students well before a formal group was created.

VIII. Fostering a Safe and Welcoming Community for Transgender and Non-Binary/Gender Non-Conforming Law Students

It is critical that law schools cultivate a welcoming and safe campus environment for transgender and gender non-binary/non-conforming ("TGNC") law students. Success in school depends on students' ability to focus on studies and extracurricular activities rather than their safety or the judgment of their faculty and peers. Living and acting consistently with one's gender identity is a key aspect of transitioning and living authentically for many TGNC individuals. Accurately expressing one's identity is also critical to mental health - and invites a diversity of thought in and out of the classroom.

In this section, you will find a guide on how to craft your law school's policies in a way that ensures all students, regardless of their gender identity, feel welcome and supported. These are vital steps to ensure your law school treats TGNC students with respect and dignity.

A. Provide Transgender and Non-Binary/Gender Non-Conforming Competency Training for Faculty and Administrative Staff

The first step in ensuring your institution is welcoming, supportive, and respectful of TGNC students (and any other TGNC law school community members) is to ensure your faculty and administrative staff are well-versed in definitions and issues surrounding such identities. This training should be distinct from general LGBTQ+ training, as TGNC students face a unique set of challenges and have certain needs that [cisgender](#) lesbian, gay, bisexual, and/or queer students often do not.

Trainings conducted by experienced professionals can improve your staff and faculty's understanding of TGNC experiences, as well as decrease the chance of unintentional disrespectful behavior or discriminatory action borne from ignorance. Offering trainings for your staff and faculty as well as for your full student body also demonstrates a clear dedication to creating a welcoming environment and will make students feel that their needs are taken seriously. Many trainings provide tangible evidence of completion - such a sticker that can be placed on a faculty or staff member's office door or a logo that can be placed in an email signature - which provide visual cues to let students know they are supported, welcomed, and understood.

Such trainings should cover the following subjects:

- Essential terminology and definitions, as well as basic knowledge of the history and current state of TGNC issues in a broad context that addresses the breadth of the challenges and discrimination faced by TGNC people.
 - Keep in mind that trans identity is not about an individual's body matching their gender. It is about how an individual feels, personally identifies and views themselves. As such, be as inclusive as possible in how your administration defines TGNC, even if the legal definition that may apply in your state is more restrictive.
- The campus-related needs of TGNC students (regarding name and gender changes, restroom facilities and policies, [pronoun](#) and name use, healthcare, harassment and violence, etc.) Particular attention should be paid to the mental and physical health and safety of TGNC students on and off campus, as well as a commitment to attracting and retaining TGNC students in the admissions process.
- Current and future policies, including your school's nondiscrimination or grievance policies.
- Staff and faculty should be made aware of your school's plan to handle student transition, including but not limited to:

- o How a student notifies faculty and staff that they are transitioning;
- o What must be done internally to ensure a student's transition is reflected in official records and documents with minimal burden upon the student (reflecting the reality that some jurisdictions create high legal barriers to those seeking changes in documentation);
- o How a student's privacy will be respected at all stages, including in the writing of letters of recommendation and after graduation.

A key goal of this training should be ensuring all staff and faculty are aware that discrimination and harassment have no place on your campus and will not be tolerated, and an enforcement of an ethic of centering the student's well-being and self-identified gender affirmation. Be firm in your commitment to creating a welcoming and affirming campus for all students.

B. Institute Restroom Policies Respectful of Transgender and Gender Non-Binary/Non-Conforming (TGNC) Students' Identities

The most important thing to recognize when it comes to gender-affirming restroom policies on campus is that these policies are not simply about restroom access. Allowing TGNC students to use the restroom that best suits their gender identity or to choose, but not be forced, to use a gender-neutral restroom is a small part of a larger campus climate. These policies reflect whether or not a law school campus is accessible to and validates all students. If restroom policy is not respectful of gender identity, then classrooms, housing, and academic buildings are inherently not respectful of gender identity.

Inclusive restroom policies are essential to ensuring that TGNC students feel welcome on campus and are healthy. When schools have a culture or policies that do not explicitly support TGNC students (or if a favorable policy is not transparent and backed up with appropriately inclusive signage and administrative support), these students may elect to simply not use public restrooms out of fear or discomfort. Ignoring bodily needs is bad for student health - whether that means not using the restroom when needed or limiting intake of liquids to avoid needing to use the restroom. Moreover, having a written restroom policy that is inclusive and affirming of TGNC students protects students from harassment and discrimination.

There are two key components to TGNC friendly restroom policy: Gender Inclusive (Neutral) Restrooms, and Restroom Use According to Self-Identified Gender.

1. Gender Inclusive Restrooms

Gender inclusive restrooms are not a new phenomenon - they've existed in public spaces for years for families with young children of the opposite gender, for people with disabilities who need a caregiver's assistance, and for others who feel discomfort in a large, multi-person public restroom. They also present a healthy alternative to

gender-nonconforming and non-binary students who don't feel comfortable using any available restrooms labeled as "Men's" or "Women's." Single- or multi-stall gender inclusive restrooms should be accessible and prevalent on campuses. However, no student should be forced to use such a space if they prefer to use the restrooms labeled for Women and/or Men.

Policy Recommendations:

- All single-occupancy restrooms should use gender inclusive signage. For example, rather than labeling such restrooms as "Men" and "Women," instead label them simply as "Restroom." (Please note that there is no uniform way to label a gender inclusive restroom and signage specifications will depend on state and local laws and policies. In California, the standard is to label inclusive restrooms with "All-Gender," or "All-Gender Single-Occupancy" signs. In the District of Columbia, all single stall restrooms must be labelled "Restroom" rather than "Men" or "Women". In Vermont, all public single stall restrooms must simply have some form of an all gender indicator. Be sure to check your state and local signage laws.)
- Consider building entirely gender inclusive single- or multi-stall restrooms in all new law school buildings and those under renovation, rather than having gendered bathrooms.
- Have a policy requiring at least one easily accessible gender inclusive restroom in all newly constructed and renovated law school-owned buildings; ideally at least one per floor and at least one available for faculty if faculty typically use different restroom facilities than do students. These facilities should be comparable to other gendered facilities in terms of building location, and should be disabled-accessible.
- Add or assign single-occupancy, gender inclusive restrooms in all existing law school-owned buildings in locations that are easily accessible.
- Create an interactive, online, and easily accessible map of all single- and multi-stall gender inclusive restrooms on campus.

2. Restroom Use According to Self-Identified Gender

Using the restroom that corresponds to an individual's gender identity, regardless of what gender they were assigned at birth, is crucial to that individual's wellbeing. While gender inclusive restrooms can provide a viable or even welcome option to TGNC students, students should not be forced to use this separate option if they prefer to use gendered facilities that match their gender identity. Schools should enact policies that support TGNC students' ability to use the restroom that aligns best with their gender

identity, as determined by each individual student. The relegation of TGNC students to only gender inclusive restrooms can be isolating and reinforces their exclusion on campus. A policy not only allowing but encouraging students to use public facilities that align with their gender identity is essential to truly making your campus accessible and welcoming to all students, and to letting all students know that TGNC students are supported by the school administration.

Policy Recommendations:

- Ensure that your campus non-discrimination policy prohibits discrimination on the basis of gender identity or expression. Such policies support individuals using the restroom that corresponds to their gender identity.
- Include appropriate signage. Make it clear that gendered restrooms are open to all with the corresponding, self-determined gender identity. Additionally, consider specifically adding gender inclusive restrooms beyond the Men's Room and Women's Room (see above for more information).
 - Please note that state laws vary and often specify what language may or may not be used as restroom indicators. Before implementing any policy, ensure your proposed plan complies with any such laws.
- Ensure that individuals are explicitly invited (ideally through signage as well as in campus and student handbooks) to use the restroom that corresponds to their gender identity, and explicitly state that harassment or questioning of students for their choice of restroom facility will not be tolerated.
- School administration and faculty are responsible for finding restroom solutions that are safe, convenient, and respect TGNC students' dignity. Students should not need to solve this potential problem themselves.

C. Pronouns and Name Usage

Every student has the right to be addressed by the name and pronouns that reflect their self-determined gender identity.

Misgendering happens when an individual's pronouns are not respected, either intentionally or by unintentionally making an assumption about that person's gender. While misgendering may not always be a deliberate act of harassment or bullying, it is almost always a painful experience for TGNC individuals. Misgendering can trigger gender dysphoria, may "out" an individual to others without their permission in

potentially unsafe environments, may result in TGNC people feeling targeted and humiliated, and may make TGNC individuals feel erased because their gender identity is ignored. Likewise, the use of a name-assigned-at-birth which, while possibly still the student's legal name is no longer their name-in-use (known as "deadnaming") can result in misgendering and "outing", and is often extremely painful, disrupting, or embarrassing to a TGNC person.

Cisgender individuals who are eager to make their TGNC friends, peers, and colleagues feel safe and seen may have anxiety regarding unintentional misgendering. Training helps reduce this chance of accidental misgendering. Following the lead of a TGNC person is always the right thing to do with respect to their pronouns and name. Law school administrators can set the right example and avoid discomfort and harm by having a transparent process in place for TGNC students, staff and administrators to inform the school of the name, pronouns, and honorific titles they wish to use in school. That information should be included on class rosters and shared with professors. Set the expectation that the students' choices will be respected in and out of the classroom.

The formalities of law classes can sometimes lead to challenges when it comes to misgendering. However, there are institutional policies and initiatives that can be put in place to avoid misgendering and "deadnaming" in class. Here are some ways that your law school can better institutionally support TGNC students when it comes to gender markers, names and pronouns:

- Collect and distribute class rosters of students' names and pronouns, as determined by students. Encourage, and enforce when needed, the use of correct names and pronouns by faculty in the classroom. For example, faculty can call students by their first name (as determined by the student) rather than "Ms." or "Mr." Another option is to use the prefix "Mx." when referring to TGNC students, provided it is what a given student has requested. Again, pronouns and gendered terms should never be assumed - always ask.
- Work to develop a school-wide ethic of removing gendered language from the classroom and other spaces. While many professors are now comfortable using "she or he" rather than the very outdated male-only gender references, this language continues to reinforce a gender binary that excludes many non-binary and gender non-conforming people. Implementing gender-neutral language using "they/them/their" pronouns is more inclusive of all students and community members, and is also (contrary to the objections of some) [not new usage, and is grammatically correct.](#)
- Implement and enforce a system to handle complaints regarding faculty members or administration officials who do not respect students' pronouns and names. This should include a way for students to safely report harassment regarding names and pronouns without fear of academic or social retribution.

Occasional mistakes can be understandable; repeated, ongoing misnaming and misgendering can rise to the level of harassment and result in serious trauma and interference with educational goals for TGNC individuals.

Outside, as well as inside, the classroom, the best practice for ensuring that students are not misgendered is to ask all students for their preferred name usage and their pronouns, and to use those consistently. When navigating pronouns and gendered terms when such information is not known, however, don't assume anything or default to gender-neutral language (they/them/their). Instead, consider these tips for how to respect others' identities:

- Introduce yourself (particularly on the first day of class or in orientation sessions) with your pronouns, and ask about others' pronouns. This demonstrates that you are not assuming anyone's pronouns and are not questioning a specific individual's gender identity. (Note that the term "preferred pronouns" is disfavored because it implies that whether to use it is optional - simply ask "what are your pronouns?")
- If you use the wrong pronoun, apologize immediately but briefly, and continue the conversation using the correct pronouns. Do not apologize profusely or make your apology about yourself and your embarrassment, as that draws out the moment and puts the TGNC person in the position of having to make you feel better; simply apologize and work harder next time.
- At events, encourage attendees to include pronouns and, if used at your school, honorifics (Mx., Ms., Mr., Mrs.) on name-tags; respect community members who feel uncomfortable with honorifics and prefer to use first names instead.
- Implement a school-wide policy of including one's pronouns in the signature block of official emails.

Don't share an individual's assigned-at-birth "deadname" without that person's explicit permission, even if you think it's necessary for clarity.⁵ Keep in mind that a TGNC person may be "out" in some settings but not in others, so ask before referencing their TGNC status in places where it may not be known (including to parents, prospective employers, etc.) Here are some ways your administration can sensitively handle legal and informal name changes:

- If possible, rely on passport and driver's licenses for required identification documents. Such documents are easier for individuals to amend than birth

⁵ It's very common for cisgender people to reference TGNC people with respect to their former name. Resist the urge, and look for another way to explain who you're referencing. If you don't have express permission to mention the person's TGNC status and especially when that status is not relevant to the conversation, don't bring it up.

certificates. Relying on passports and driver's licenses often makes official identification processes more streamlined and less invasive.

- Eliminate arbitrary gender markers wherever possible. While it is desirable for numerous diversity goals to collect information about students' legal gender in the admissions process, it is rarely productive or necessary to label a student's legal gender in other law school settings such as class rosters or ID cards (in contrast, it can be helpful to label their personal pronouns and choice of honorific.)
- Create a process to update and amend records for student name changes. This should also correspond with a process through which students can receive a new identification card if they need to update the name, gender marker, and/or the photo attached. Students should also have the ability to adjust their email address if that email address includes a student's name.
- Implement a policy regarding how to handle legal name changes and informal name changes. Many TGNC individuals change their name as they begin to transition. This is an important part of transitioning that should be respected, even when an individual has not legally changed their name or their gender.⁶
 - One option is to clearly differentiate between a student's legal name and the name they choose on all official documents and school identification items. For example, one way to navigate this is by using an individual's legal name on official documentation if said individual has not legally changed their name while using their chosen name on materials used publicly or in the classroom. This form can then be given to the Registrar who updates the appropriate information. Ultimately, your admissions office must decide the best way to handle such situations - but inclusion and acceptance should be central in your problem solving.
 - Make your name change policies clear to students, and make them readily available online.

Whether or not you are around a TGNC individual, you should always use said individual's correct pronouns and choice of name (regardless of whether they have had a legal name change). Use the language that you know a person is comfortable with even when they aren't in the room. And again, if you make a mistake, apologize simply and clearly just once, correct your error, and move on with resolve to get it right in future.

⁶ See, for example, the [University of Maryland's form](#) for students who wish to change their primary name.

CONCLUSION

The National LGBT Bar Association is committed to ensuring the safety and well-being of all LGBTQ+ law students, and our team is available to help your school administration and your LGBTQ+ and allied students and faculty as you work for the betterment of your school's campus climate and your greater state and local environment as it impacts your community. For more information, visit our website at www.lgbtbar.org or contact us at (202) 637-7661 or lawschools@lgbtbar.org. We thank you for your work for equality and full inclusion at your school.