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# REPORT OF THE COMMITTEE ON DIVERSITY, EQUITY, INCLUSION

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YALE LAW SCHOOL

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## Introduction

In 2016, the Yale Law School Committee on Diversity and Inclusion (the “2016 Committee”) issued a report containing over sixty recommendations aimed at strengthening the law school’s learning environment and enhancing its community. One of these recommendations called on the “Dean [to] convene a committee of faculty and students to review the prior committee’s report and evaluate next steps at least once every three years.” In keeping with this recommendation, Dean Heather Gerken created a Review Committee (the “Committee”) in August 2019.<sup>1</sup> The Committee included representatives of the faculty, administration, and the student body. Dean Gerken appointed the faculty and staff members of the Committee. The student members of the Committee were volunteers solicited by the Yale Law School Student Representatives.

The [2016 report](#) provides necessary background and context and articulates a set of principles that we endorse. Rather than repeat them in this report, we encourage readers to review the 2016 report, which is permanently available on the law school’s [Diversity, Equity and Inclusion \(“DEI”\) website](#).

While the Committee’s report was being prepared in March 2020, the YLS semester was upended by the Covid-19 pandemic. Rather than release the report during that particular moment, the Committee chose to delay its release until the 2020-2021 academic year. As of the date of the issuance of this report (March 2021), Covid-19 continues to affect almost every aspect of how the law school functions and operates. We hope, however, that vaccines will end the disruption caused by the disease by the next academic year. To avoid making our report a relic of our (hopefully) unique circumstances, this report does not focus on the law school’s response to Covid-19. At the same time, the protests following the killings of George Floyd, Breonna Taylor, and other Black victims of police violence during the Summer of 2020 have uncovered and made salient longstanding issues of diversity, equity, and inclusion in our community and the report emphasizes these throughout.

This report is largely backwards looking. We focused on evaluating the school’s progress on meeting the 2016 report’s recommendations. At the same time, we also include some new recommendations. In particular, we want to highlight new recommendations regarding Yale Law School staff and the New Haven community. These parts of our community were overlooked in the 2016 report, which, like many university reports, focused on students and faculty. But we believe that a commitment to diversity, equity, and inclusion requires us to define our community more broadly. We encourage future committees to think expansively in defining community and in reflecting on what we owe each another in the name of diversity, equality, and inclusion.

This report proceeds as follows: Part I offers new recommendations, beginning with Yale Law School staff and the New Haven community, before proceeding to new recommendations concerning students and faculty. Part II documents DEI commitments made between 2017-

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<sup>1</sup> Although the 2016 Committee did not include “equity” in its title, we added it to ours. We did so after determining that it is now the most common naming convention for committees of this sort.

2020—in other words, after the 2016 report was issued. We include these commitments so they are not forgotten. This report should serve as a reference point to make sure that the school makes good on its commitments, and that if it doesn't, we can have a basis for a conversation about why. At the same time, because these promises are newly made, we can't yet evaluate whether they have been kept. For this reason, we list them but do not comment on them. Part III reviews the recommendations from the 2016 report and provides a progress update for each. Appendix A is the list of anti-racism initiatives announced by Dean Gerken in the Summer of 2020. We recommend that future DEI committees evaluate these initiatives and provide updates on their progress. Finally, Appendix B discusses classroom laptop policies.

### **Our Process**

In the 2018-2019 academic year, a “Working Group” of YLS faculty, students, and staff reviewed many aspects of Yale Law School’s culture, including many aspects relevant to diversity and inclusion. The Working Group also made a series of recommendations, including a recommendation for the Dean to charge a committee with developing additional guidance on YLS laptop policies. The Dean appointed this Committee to take on the laptop policy charge, and we proposed a solution consistent with DEI principles in Appendix B.

After the exhaustive efforts of the Working Group in 2018-2019, many YLS students, including the student members of the Committee, YLS student representatives, and student affinity group leaders, emphasized report and survey fatigue, conveying a general impression that YLS students are surveyed and interviewed too often about their experiences. Recognizing this fatigue, the Committee made the strategic decision to rely on existing data and data from administrators to compose the report, rather than subjecting students to a new series of surveys and meetings.<sup>2</sup> On issues of first impression and new recommendations, the Committee reached out to relevant interest groups within the student body, faculty, and staff. The Committee also held individual meetings with any interested students or staff.

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<sup>2</sup> Future committees may find it necessary to undertake a more robust information gathering process and should look to the 2016 report for more guidance on how this has been done in the past.

### I. New Committee Recommendations

#### New Recommendations re: Staff

The 2016 report focused almost entirely on students, and to a much lesser extent, faculty. Staff were barely mentioned. After the racial justice protests in the summer of 2020, the Dean established a Staff Anti-Racism Working Group. It currently has 26 members and meets monthly. That group is currently developing recommendations, and this Committee does not want to usurp their process. However, based on multiple meetings with members of that group, we would like to elevate some issues of concern that we believe deserve community-wide attention in the months and years to come.

*YLS's commitment to diversity, equity, and inclusion cannot be limited to students and faculty; it must include staff as well. In particular, future diversity, equity, and inclusion committees should include staff voice.*

Staff expressed disappointment at being left out of the 2016 report and at not being represented on this Committee.<sup>3</sup> They valued the Staff Anti-Racism Working Group as a staff-only space, but they also expressed a desire to be part of future school-wide committees addressing these issues. We share this desire.

#### *Attention to Diversity in Hiring and Promotion*

Staff expressed a range of concerns about the school's hiring and promotion practices, including the depth of its efforts to recruit from underrepresented groups and from New Haven residents. We recognize that hiring is not entirely within the law school's control—union contracts and university-level processes impose some constraints on what the law school can do. At the same time, the law school has substantial authority; we believe it should do everything in its power to recruit a diverse workforce throughout the building. The law school should closely examine its current hiring processes to make sure they are serving this goal.

We know the administration has more leeway to diversify at the senior leadership level and has taken important steps to do so. We encourage the Dean to continue with these efforts.

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<sup>3</sup> While there were some staff members on the 2016 committee and this one, they were exclusively from Student Affairs and the Dean's Office. They understood their role as helping to represent student concerns and the administration's responses to those concerns. Both committees lacked law school employees who understood their committee role as representing the hopes and concerns of employees.

*The law school should become a leader in expanding opportunities for people with criminal convictions.*

Each month, about 100 people return to New Haven from incarceration.<sup>4</sup> Many more, including some who have never been incarcerated, nonetheless suffer the lifetime stigma of a criminal conviction. Employers across the country are reevaluating long-standing hiring practices and seeking to make them more welcoming to people with criminal convictions. Yale University should be a leader in this effort. Unfortunately, current university hiring processes—which prospective law school employees must navigate—still create unnecessary obstacles for otherwise well-qualified New Haven residents.<sup>5</sup> For example, the university’s outsourced background check system (Hire Right) flags all felonies and some misdemeanors; current EEOC guidance, by contrast, encourages employers to limit the scope of background screening to a select group of job-related convictions.<sup>6</sup> In addition, the university’s hiring application does not allow applicants to explain gaps in work experience or education and doesn’t recognize work while incarcerated as valid job experience. Members of the Justice Collaboratory are currently petitioning the university administration to change these and other practices. We applaud those efforts and encourage the law school administration to support them.

Beyond reducing barriers, the law school and the university should take affirmative steps to reach qualified jobseekers with criminal records. John Hopkins University, for example, has become a national leader in second-chance hiring by establishing partnerships with reentry shelters and employment training programs.<sup>7</sup> We should follow the Hopkins model.<sup>8</sup>

*Including and integrating the Dining Hall, Custodial, and Security staff*

Not all staff feel equally included in the law school community. In particular, custodial and security staff (who are more likely to be Black and Latinx) do not always feel like fully valued members of our community. They are sometimes left out of community wide events. For

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<sup>4</sup> The Official Website of the City of New Haven, *The Warren Kimbro Reentry Project* (2020), [https://www.newhavenct.gov/gov/depts/cs\\_admin/prog/warren\\_kimbrow.htm](https://www.newhavenct.gov/gov/depts/cs_admin/prog/warren_kimbrow.htm).

<sup>5</sup> YLS considers job applicants for staff positions only after they have applied through the university applicant system and have been vetted by the outsourced background check system.

<sup>6</sup> U.S. Equal Employment Opportunity Commission, “Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” 42 U.S.C., April 25, 2012, <https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions#sdendnote124sym>.

<sup>7</sup> Pamela Paulk, *The John Hopkins Hospital Success in Hiring Ex-Offenders*, Johns Hopkins Hosp. & Health Sys., (Sept. 2016), <https://www.diversityinbestpractices.com/medialib/uploads/2016/09/Paulk-Presentation-Hiring-Ex-Offenders-09142016.pdf>; *Making Hiring Formerly Incarcerated People a Way of Doing Business* (Columbia Business School May 22, 2018), <https://www8.gsb.columbia.edu/video/videos/making-hiring-formerly-incarcerated-people-way-doing-business>.

<sup>8</sup> Some of the most impactful changes—such as a robust employment training program—must be led by the university. Others—such as posting jobs with organizations that support returning citizens—can be done by individual schools and departments. For example, in Feb., 2021, New Haven opened its first prison re-entry center. <https://yaledailynews.com/blog/2021/02/05/new-haven-officially-opens-prisoner-reentry-center-calls-for-related-legislation-on-state-wide-level>. We encourage the law school and the university to use it as a site to post jobs and build relationships with returning citizens.

example, a breakfast to honor staff didn't include custodial workers, who then had to clean up the event. In another case, the administration bought staff fleece jerseys. Because security staff are not on the law school community email list, however, they didn't receive the fleece.

The core issue, as we understand it, is that the law school draws lines between its own employees and university employees who are assigned to the law school. The university employees are not all similarly situated: some have worked at the law school for a long time while others come and go on short assignments. We recognize the complexity of this issue and are sympathetic to the challenges it presents. Defining the community too narrowly is hurtful and alienating; defining it too broadly is administratively difficult and can dilute the sense of community. Nonetheless, our conversations with staff persuade us that more must be done to integrate university employees into our community, especially those who have worked at the law school for some time.

### *Workplace Climate Survey*

Our conversations with staff and faculty lead us to conclude that the law school should consider conducting a workplace climate survey. Other graduate schools and departments have undertaken such surveys and the University's Chief Diversity Officer Deborah Stanley-MacAuley is available to consult with us in this process. We recommend that the final decision on whether to conduct a survey, and the construction of the survey, be done in consultation with members of Human Resources, the Staff Anti-Racism Working Group, union representatives, and other staff members.

### *Statement of Workplace Respect*

Although the Committee did not undertake an exhaustive review of faculty-staff relations, Committee members learned of salient and repeated examples of staff members perceiving that faculty treated them in a discourteous or disrespectful manner. While we did not and cannot adjudicate any individual example, nor can we say with certainty how widespread the problem is, we believe that we should aspire to be a community where faculty consistently treat staff with respect.

To achieve this goal, we must first articulate it. To that end, the Committee reviewed a wide array of mission statements, faculty handbooks, and other sources for examples of language regarding workplace respect. Based on that review and our discussions, we propose that the faculty endorse the following principle and that the Dean take appropriate action to implement it within YLS: *Maintaining an inclusive and respectful community is a core value at Yale Law School. We are committed to creating an environment where employees respect each other regardless of their roles, levels of responsibilities, or the nature of their contributions. We recognize our responsibility to model equal opportunity and civility. We are committed to creating a workplace climate where mutual respect is the norm and which promotes collaborative relationships among faculty, staff, and students.*

## **New Recommendations re: New Haven Community**

*Use our collective purchasing power to support New Haven based businesses, particularly those that are owned and run by historically disadvantaged groups.*

Historically the law school's main contributions to New Haven have come through the work of clinics and student organizations. As we have pointed out, the law school also influences the community as an employer. The law school is also a purchaser. We spend a lot of money, and where and how we spend it can make a difference. We encourage the law school, and each of us individually, to realize the power we hold when we buy books, cater meals, and rent or buy supplies. Whenever possible, and understanding there will always be competing concerns, we should ask whether we can spend in ways that supports locally owned institutions as well as those that are owned and run by members of historically disadvantaged groups.

*(2) Think creatively about how to connect students to New Haven based activists and advocates.*

The 2016 report suggested creating a “fellows” program to bring members of the Yale/New Haven community into the law school. Because this recommendation was consolidated with another one it may have gotten lost. We think it is worth expanding on this idea and highlighting it again. Many of our students express interest in local advocacy and service opportunities, either to volunteer themselves or simply to know about the city that is their home for three years. New Haven has a long history of activism and a robust community-based non-profit sector. We encourage every department of the school, its centers, individual professors, and student organizations to try to tap into these local resources when planning our programs. Because many of these groups and individuals are overstretched financially, we recommend offering an honorarium whenever possible. (As discussed below, we are pleased that OSA now allows honoraria for low income speakers who may not otherwise be able to take the day off work or pay for childcare in order to participate in YLS events.)

## **New Recommendations re: Student Diversity**

*Ensure that the Admissions Office has the resources to expand its in-person recruiting efforts to regions and schools it does not currently visit.*

This recommendation is discussed in more detail on page 12.



*Explore the possibility of developing a pipeline to law school program for traditionally underrepresented groups.*

The Admissions Office has shared with this Committee its interest in developing a pipeline program. We encourage it to continue exploring this possibility, and we encourage the school to support this effort with the necessary resources. Pipeline programs take a variety of forms, but they all address obstacles that students from traditionally underrepresented groups might face in applying to law school. A number of our peer institutions—including Harvard, NYU, and Stanford—either have or are in the process of launching pipeline programs.<sup>9</sup> We believe a pipeline program could potentially have a number of positive effects, including (i) increasing the overall number of diverse applicants in the pool; (ii) strengthening the applications of those applicants; and (iii) continuing to spread the message that YLS is welcoming and supportive of applicants from under-represented backgrounds. At the same time, we recognize that these programs are very expensive and that scale matters; accordingly, it may be most effective to partner with other law schools in developing a pipeline program.

### **New Recommendations re: Student Life**

In addition to reporting on progress in implementing the recommendations in the 2016 report, the Committee sought to address next steps for further diversity and inclusion at YLS.

*Improve Student Access to Mental Health Care.*

Many YLS students report symptoms of anxiety, depression, and a variety of other mental health challenges.<sup>10</sup> Mental health challenges interfere with a student’s ability to thrive at YLS. In addition, mental health challenges are even more prevalent for women, students of color, LGBTQ students, and first generation professionals.<sup>11</sup> As a result, access to quality mental health care is essential for promoting the inclusiveness and diversity of the law school student experience. Unfortunately, YLS students, like other Yale students, have reported long waits to access mental health care at Yale Health for decades. In particular, students face a long wait between an initial triage appointment and a first appointment with a regular clinician for treatment. In 2014, for example, one in four students reported a wait of over two months for their first regular appointment. Despite widespread student complaints about wait times, the problem persists. In a 2019 survey, most student respondents “reported an average wait of nearly three-

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<sup>9</sup> Yale has launched the Law Access Program, led by current YLS students enrolled in a course taught by Professor James Forman, Jr. The Committee believes that the Admissions Office effort would complement the Law Access Program. One important difference is that the Law Access Program focuses primarily on New Haven area residents, while the Admissions Office contemplates recruiting nationally.

<sup>10</sup> For comprehensive data on mental health at Yale, see Yale Law School Mental Health Alliance “Falling Through the Cracks” (2014), available at [https://law.yale.edu/sites/default/files/falling\\_through\\_the\\_cracks\\_120614.pdf](https://law.yale.edu/sites/default/files/falling_through_the_cracks_120614.pdf).

<sup>11</sup> *Id.*

quarters of their semester from their initial outreach to [Yale Health] to their first treatment appointment.”<sup>12</sup>

The long wait times for mental health care need to end. Unfortunately, YLS does not control Yale Health and YLS leadership has been deeply engaged in advocating with Yale Health for improvements to mental health care. We urge the leadership to continue to do its utmost to encourage Yale Health to offer better access to mental health care and to encourage Yale University leadership to provide Yale Health with the resources to accommodate student demand for care.

The YLS administration has pioneered efforts to ameliorate the problem at the university level. For example, the YLS administration was instrumental in developing mental health coverage options for students residing outside New Haven and in convincing Yale Health to open the Magellan network of counselors to the student body. YLS took a significant step forward in improving student mental health by hiring an in-house non-clinical wellness counsellor, Catherine Banson. Catherine provides invaluable wellness instruction and support to students, offering training in mindfulness practices and organizing and leading student support groups. Catherine can also help students navigate their mental health care options should clinical support be necessary. In addition, YLS has just received permission to hire its own half-time counselor (shared with the School of the Environment) as Yale Health pilots the use of school-based counselors. This is a change YLS has sought for several years.

Of course, these two additional staff positions cannot alleviate the longstanding backlog at Yale Health. And despite the advocacy of the YLS administration, Yale Health has not adopted other avenues of increasing access to care, such as contracting with online mental health care providers. We strongly urge the law school to continue to press to make resources available until access to mental health care is readily accessible for all students.

### *Emphasize Anonymity of Student Exam Accommodations*

Yale students with disabilities are entitled, by law and justice, to reasonable accommodations in class and on exams. Many students with disabilities, however, mistakenly believe that their professors will be notified about any exam accommodations that they receive. To avoid a negative impression, these students often forego accommodations to which they are accustomed. To prevent such misunderstandings, the law school should amend the [YLS webpage on accommodations](#) to make the privacy of exam accommodations explicit. A guide or video on applying for accommodations might also be helpful. Law school training sessions should also ensure that Professors and student mentors (especially Cokers and Peer Advocates) are trained on the accommodations process and know that exam accommodations are private.<sup>13</sup> Reminders

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<sup>12</sup> Yale Law School Working Group on Mental Health and Wellness, “Navigating Without a Map” (2020) (available through the YLS Office of Student Affairs).

<sup>13</sup> ThinkDifferent, the law school student group that aims to “foster a sense of community and increase the legal profession’s accessibility and cultural competency surrounding disability” has been a campus leader in increasing student awareness about obtaining accommodations.

about the availability and privacy of accommodations at organized YLS exam-prep sessions would also prevent student misunderstanding.

### *Reaffirming Our Commitment to Respectful Dialogue Across Differences*

Most of us who teach, study, and work at Yale Law School have strong—and often diverging—views about what justice requires. We relish these differences; without them, we cease to be a university. But disagreement can be difficult, painful and even alienating, especially for those whose identities or views place them in the minority. Students with minority perspectives have told us they sometimes feel cast out or ridiculed. We believe that we must resist treating each other in this way, and that we should rededicate ourselves to creating a learning community where everybody feels valued and respected. We all deserve to teach, learn, and work in an environment of inclusivity, trust, and collaboration. Especially when the stakes are high, we are all due, and should all extend, a presumption of good faith to those with whom we disagree.

### **II. Diversity and Inclusion Initiatives Undertaken Between 2017-2020**

Since the release of the 2016 report, and in particular since the national and internal law school reckoning over racial discrimination preceding and following the Summer of 2020, the law school has announced several initiatives and commitments related to diversity and inclusion. This section, as well as Appendix A and Appendix B, details these initiatives and commitments. Because most of these initiatives are less than a year old at the time of this writing, the Committee deemed it inappropriate to evaluate their progress.

#### **A. Increased Support for Students from Low-Income Backgrounds**

At the request of the Dean and under the leadership of the Budget Committee, in December 2020 the faculty considered whether the law school should provide additional financial support for our highest need students. The faculty recognized that students from lower socio-economic status backgrounds have pressing immediate financial needs, may have a reluctance to borrow, and deserve greater financial aid than their better off peers. The faculty also recognized the importance of continuing to increase socio-economic diversity at YLS. As a result, the law school decided gradually to adjust its financial aid policies to reduce the loan burden for students of greatest need. This effort will require a significant, multi-year fundraising campaign—one that Dean Gerken is committed to beginning expeditiously. The ultimate goal is to make YLS tuition free for its highest need students, and to provide significant additional support for all high need students. We expect that these financial aid improvements will significantly improve the ease with which students from low-income backgrounds integrate into the broader YLS community.

While endowing such an ambitious program will take years, the Dean has committed to immediately providing \$4000/year in additional support to students from families below the federal poverty line starting this fall.

#### **B. Anti-Racism Initiatives**

In summer 2020, the Dean announced a wide variety of new anti-racism initiatives at YLS. These comprehensive initiatives are documented in Appendix A.

### III. Recommendations of the 2016 DEI Committee: Status Report

This section evaluates YLS’s progress on the recommendations in the 2016 report. What will follow will be detailed and, in many places, in the weeds. Transparency and accountability, however, require that we document what promises have been made and whether they have been kept.

#### Student Diversity

Recognizing that “[a] diverse study body is central to our ability to carry out Yale’s mission of training the next generation of leaders in our profession,” the 2016 Committee expressed the following aspiration: “Yale should strive for the most diverse student body of any elite law school.” The Admissions Office has made progress in this direction. This year’s first-year class contains 52% students of color and 48% women. 24% of these students are the first in their families to attend graduate or professional school (FGP) and 11% are the first in their families to graduate from college (FGC).

The 2016 Committee suggested that the best way to achieve a diverse student body was to increase the diversity of the applicant pool. To that end, the Committee offered the following recommendations, which we report on here. (To avoid unnecessary repetition, we’ve grouped overlapping recommendations together.)

*YLS should closely examine the admissions process to ensure we aren’t overlooking strong candidates.*

*We should energetically recruit minority applicants, just as our peers do. This includes encouraging qualified applicants to apply, ensuring we don’t miss excellent candidates during the review process, and engaging in more energetic recruiting for candidates who have been admitted.*

Much of the Admissions Office’s work is guided by one core fact: Yale’s elite reputation means that some qualified students of color and first generation students mistakenly believe they have no realistic chance of being admitted. The Admissions Office has confronted this problem by expanding its online outreach to prospective applicants from under-represented groups (including applicants of color, LGBTQ+ applicants, and applicants from lower socio-economic status backgrounds). Using an online platform called Slate, the Admissions Office sends targeted email messages giving prospective applicants information about YLS course and clinical offerings, inviting them to events, telling them about fee waivers, and describing the school’s diversity, equity, and inclusion efforts.

While online connections can be powerful, some students, particularly those with the least exposure to elite universities, require an in-person connection to overcome their hesitation to apply. Accordingly, the Admissions Office has increased its in-person recruiting efforts with an expanded geographic range and an increased focus on public universities, Historically Black Colleges and Universities (HBCU), Hispanic Serving Institutions (HSI), and women's colleges. In addition, at some schools the Admissions Office has begun including recruiting events in coordination with programs for students of color and first generation students.

Despite these efforts, there remain entire regions that the Admissions Office would like to visit but does not (e.g., the Southwest, most of the Midwest). Even in regions that the Admissions Office does visit, resource constraints don't allow it to send representatives to as many schools as it would like. Given the importance of in-person recruiting efforts, we recommend that the Admissions Office expand its reach to visit more regions and schools. In particular, we encourage the Admissions Office to visit HBCU's, HSI's, public universities and schools that enroll higher proportions of conservative students.

*Associate Dean Rangappa<sup>14</sup> has already hired several students to serve as Diversity Representatives to help with recruiting efforts. We recommend expanding this program and pulling in enthusiastic students to assist.*

Historically, affinity group members contributed to the law school's recruitment and yielding efforts on a volunteer, uncompensated basis. The 2016 Committee's recommendation was designed to expand those efforts and to ensure that the students were compensated. The Admissions Office has gone well beyond what the 2016 Committee envisioned.<sup>15</sup> YLS is one of only a few schools that employs paid student workers who work for admissions and participate in a wide range of tasks related to both recruiting and yielding a diverse incoming class. The Admissions Office currently employs 28 students. The Committee agrees with the Admissions Office that hiring, empowering, and compensating an identifiably diverse group of students is an effective way to recruit. We encourage the Admissions Office to continue these efforts and to include students from the broad range of backgrounds identified in the 2016 report.

*We should revamp our programming during Admitted Students Weekend. A student committee should help the Admissions Office plan the weekend. We should also be sure that events are not scheduled against one another if they draw from a similar population of students. Up-front funding and support should be offered to the affinity groups for supporting these recruitment events.*

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<sup>14</sup> Associate Dean Rangappa ran the Admissions Office in 2016. Associate Dean Miriam Ingber now holds this position.

<sup>15</sup> Affinity group members continue to volunteer to recruit above and beyond the paid positions.

This recommendation has been fully implemented, and the Admissions Office continues to consult regularly with students who work with Admissions to ensure that the program is an effective one.

*Affinity group alumni should be encouraged to play a role in reaching out to admitted students, perhaps even participating in Admitted Student Weekend activities. For example, we often lose excellent minority applicants and First Generation Professionals to exploding scholarship offers from other schools. It would be very useful to connect those admitted students to alumni who had turned down similar offers and could help applicants think through the tradeoffs during the short period in which they are forced to decide.*

The Admissions Office has significantly increased alumni involvement at the Admitted Students Program (formerly known as Admitted Students Weekend). In 2019, a total of 15 alumni served as panelists on four separate panels. In 2020, Covid-19 forced the programming online, and the Admissions Office matched each admitted student with two alumni (a member of the Executive Committee and another based on shared interests). Many alumni now attend Yale Forward, a dedicated day of programming for admitted students from backgrounds traditionally under-represented in the legal community. Current YLS students told the Committee that they found Yale Forward particularly effective; several cited it as the reason they decided to attend YLS.

*We should build on the success of the “Candidate Referral Service letters”—letters inviting top-tier minority applicants to apply—to the extent possible. YLS already sends letters and sample essays to minority students who have high LSATs and GPAs. This program has been highly successful at recruiting minority applicants. Students on our own committee indicated that they would not have applied to YLS without this invitation, and the sample essays are very helpful to students, particularly First Generation Professionals, to see what an application essay for a professional school looks like.*

The Admissions Office has improved the packet of sample materials it sends to students, adding sample diversity statements, 250-word essays, and resumes. Students told the Committee that the revamped packet of sample materials (particularly the 250-word essay) usefully clarifies what YLS expects from applications. The Admissions Office has begun supplementing this packet of materials with follow up emails from affinity groups encouraging them to apply, as well as individual emails from a Diversity Representative offering to speak with them one-on-one and answer questions.

*More faculty should take part in calling new admits and taking part in Admitted Students Weekend. As with other faculty mentoring efforts, this work should be acknowledged and rewarded by the Dean.*

At Yale Forward, faculty host lunches in their homes for admitted students. Guests include other faculty members, current students, and alums. In addition, a faculty member gives

a keynote address, a core event at Yale Forward. Students we interviewed said they appreciated meeting faculty during the Admitted Students Program; faculty reported that their work was acknowledged by the Dean.

*Faculty should consider signing books or letters for new admits interested in the faculty member's area of expertise.*

The Admissions Office sends each admitted student a letter from a faculty member and a book written by a faculty member.

*Students admitted in the transfer program are less diverse than students admitted through the regular process. While we aren't able to fully analyze the process, we encourage the School to give additional thought to how the process works and could be improved.*

The Admissions Office has taken a variety of steps to improve the transfer application process. It made the transfer application process more accessible by moving it online through LSAC rather than requiring applicants to submit an application via email. It also opened transfer applications earlier to better align with peer schools' processes. In 2020, the Admissions Office conducted its first ever informational session for transfer applicants, followed by the opportunity for one-on-one appointments in order to provide more access to information about the process. Over the last two years the number of transfer applications has more than doubled, and the pool of applicants and admitted students has become more diverse. We encourage the Admissions Office to continue working to welcome a diverse pool of transfer applicants.

*We should try to find a better means of tracking our yield for conservative students and First Generation Professionals.*

The Admissions Office had historically struggled with targeting and tracking first generation students. Recent changes to the application, as well as the Slate platform, have made this process much easier. The Admissions Office reports that the yield for these students is similar to our overall yield.

The Admissions Office does not track application or yield numbers for conservative students. While applicants sometimes choose to discuss their political views in their applications, YLS does not ask any questions related to political views as part of the application process. In light of this, the Committee recommends eliminating the 2016 recommendation of "tracking our yield for conservative students." Because we believe it is important to recruit students with a broad range of intellectual and ideological perspectives, we encourage the school to instead include a survey question aimed at gauging ideology as part of one of a regular (and anonymous) survey of the student body.



*We should examine the role financial aid plays in the recruitment process.*

Many students—and especially those from under-represented groups—fear the cost of law school. Because Yale is one of only a few law schools that remains committed to need-based financial aid, some admitted students get better financial aid packages from peer schools using merit aid to attract students. The Career Options Assistance Program (COAP), Yale’s loan forgiveness program, is the nation’s most generous, but its benefits don’t kick in until a student has taken on an initial debt burden. Some of our students come from families and communities that have been targeted by predatory lenders.

Education has been the Admissions Office’s primary tool for meeting these challenges. The Admissions Office has substantially increased its group informational meetings and one-on-one counseling sessions. This year, for the first time, Admissions did a financial aid information session for any interested applicant, not just admitted students. Staff met individually with over 100 students (before 2019, the office met with about 25 students a year). Students told the Committee that the one-on-one appointments were hugely helpful and we encourage the Admissions Office to continue making them as accessible as possible.

Education is good; education plus \$ is even better. The improved financial aid program for students from low-income backgrounds described above should further enhance recruitment of these students.

*We should examine the application itself and compare it to those of our peers.*

The Admissions Office has taken several steps to improve the application and the application process. First, the application now includes questions that allow applicants to identify themselves as first in their family to graduate from college and/or first in their family to attend professional school. The application also includes questions that allow applicants to state their gender identity, and whether they identify as a member of the LGBTQ+ community. Second, starting with the 2019-2020 admissions cycle, YLS accepts the GRE as an alternative application test. This was intended to provide additional options and flexibility to applicants, and to decrease barriers to access.

Third, the application now includes clearer directions about the scope of the Yale 250-word statement. Some students—in particular those who lacked guidance from other lawyers, academics, or people familiar with higher education—were confused by the lack of direction in the previous version. Fourth, the application now includes clearer and more welcoming language regarding the optional diversity statement. In prior years, the application instructions did not mention diversity statements at all, and some applicants expressed confusion about whether YLS accepted diversity statements. Fifth, the Admissions Office streamlined the fee waiver application process with the goal of improving accessibility. The application for a fee waiver is now online; because parental information posed an application barrier for some applicants, it is no longer required. Admissions grants over 90% of fee waiver requests.

*We should explore whether Yale, in conjunction with peer schools, can get better data on First Generation Professionals from LSAC.*

On January 31, 2019, the Admissions Office met with LSAC, including President and CEO Kellye Testy, and raised a number of concerns and proposals, including improving LSAC's FGC/FGP data collection. Admissions has continued to raise this issue with LSAC on an ongoing basis, most recently in October 2020. While the Dean has been personally involved in these discussions, other law schools do not appear to be raising this issue with the same urgency. We encourage our students to communicate concerns about this issue to their peers at other schools. We also encourage the Admissions Office to continue lobbying the LSAC on this point.

*Targeting recruitment outreach for groups whose admissions yield rate is consistently lower than our average (Blacks, Latinx, conservative students).*

We have discussed the above for Black and Latinx students in response to other overlapping recommendations. Regarding conservative students, admissions does not track yield based on political affiliation and does not plan to begin doing so. That said, admissions believes that it can encourage more conservative students to apply by expanding in person recruiting efforts at undergraduate colleges with higher percentages of such students. We strongly encourage admissions to implement this idea.

## **Faculty**

*Hire a diverse faculty.*

*The faculty should approach faculty diversity more strategically, more reflectively, and more systematically [and] consult with the university to identify the resources available for designing an inclusive hiring process.*

Faculty and staff engaged in the faculty appointments process report that both academic and clinical appointments committee procedures emphasize diversity in hiring. Moreover, this attention and commitment is producing tangible results. Since the beginning of 2017, the law school has hired seven new tenure or tenure track academic and clinical faculty (not including secondary appointments). Of these 7, 5 come from backgrounds that are underrepresented on the faculty, including women, people of color, LGBTQ individuals, and first generation professionals. Three are women of color. In addition, while the law school has not traditionally made joint hires, in the last few years it has worked strategically with other departments to diversify our own faculty while helping other departments recruit star faculty to campus. In addition, the three most recent secondary appointments to the law school faculty have been women or people of color, including one woman of color.

When combined with retirements and faculty attrition, this hiring has increased the proportion of tenure and tenure-track faculty who identify as "minority" or female. The number

of African-American faculty and women of color has meaningfully increased, albeit from a low base. Since the last DEI report was issued, the law school has more than doubled the number of Black faculty outside of the clinics.

In contrast with this general trend of increased diversity, the number of faculty with conservative ideological views has not increased. At least since the 2016 report, each year the appointments committee has read with an eye towards hiring conservative public law faculty. We encourage it to redouble these efforts.

These hiring decisions and trends are a result of process steps taken to ensure a diverse candidate pool. Each year, the Appointments Committee Chair and the committee member with primary responsibility for entry-level appointments systematically identify promising candidates from underrepresented backgrounds for both entry-level and lateral appointments. The Appointments Committee Chair also exhaustively reviews scholarship by women and people of color in leading law journals, as well as other publications by scholars from underrepresented backgrounds at other law schools who might be promising candidates for lateral appointments. We encourage the Appointments Committee Chair to undertake similar procedural steps to promote intellectual and ideological diversity. In addition, we encourage future Appointments Committee Chairs to continue to solicit student input on broadening faculty diversity along all fronts, consistent with the recommendations in the 2016 Committee report.

The Clinical Appointments Committee likewise has made systematic efforts to identify and meet with promising candidates of color and women at the AALS hiring conference. The majority of candidates interviewed at the AALS hiring conference over the past several years were women and people of color. In addition to the AALS hiring meeting, the Clinical Appointments Committee has actively identified candidates in practice, including many women and people of color, and encouraged their applications for tenure-track positions. Taken as a group, the clinical faculty are the most diverse part of the faculty as a whole on a number of dimensions: of the nine full-time clinical faculty at the law school, four are people of color (Asian American, Black, and Latinx), four are women, three are women of color, one is Sikh, one is Muslim, and one is gay.

In addition to diversity of full-time faculty, student members of our Committee emphasized the importance of diversity of adjunct faculty. Like the Appointments and Clinical Appointments Committees, the Curricular Appointments Committee (charged with selecting visiting professors) prioritizes increasing the number of women and members of underrepresented minority groups serving as adjunct faculty. These efforts have increased the proportion of female adjunct faculty from 29% in 2016-2017 to 35% in 2019-2020. Adjunct faculty from minority groups, however, remain relatively rare. Only 11% of non-full time faculty teaching in the law school in 2019-2020 identified as coming from minority groups, a number slightly higher than the 8% figure in 2016-2017. As a result, the Curricular Appointments Committee should consider devoting increased effort to finding a diverse group of adjunct faculty instructors. While the Committee does not have data on the ideological and intellectual diversity of adjunct faculty, we encourage the Curricular Appointments Committee to consider this element of diversity when hiring adjunct faculty. Doug Kysar co-chairs the inaugural

Working Group on Diversifying the Academic Pipeline. Because YLS is considered *the* pipeline for producing legal scholars, the working group focuses on brainstorming ways to identify and support YLS students from underrepresented communities interested in pursuing legal academia. The working group examines new and existing pipeline models, including Professor Guy-Uriel Charles’<sup>16</sup> mentorship program for diverse junior academics. The group has generated a list of possible initiatives and plans to vet them with the faculty in spring 2021. Moreover, the Dean has held focus groups with diverse alumni in academia to solicit feedback on best mentoring practices and to listen to their experiences navigating the teaching market.

## Student Life

The 2016 report included many specific recommendations designed to enhance student diversity and inclusion. This section reports on progress on these recommendations since the publication of the 2016 report. There has been significant progress towards inclusion of an increasingly diverse group of students. Nevertheless, much remains to be accomplished. Rather than speak in general impressions, however, our report will focus on progress in specific areas, as well as adopting some new recommendations moving forward.

## Faculty Mentorship

*Work with the Dean of Students Office, Yale Law Women, and affinity groups to develop a “Best Mentoring Practices” guide akin to YLW’s best teaching practices guide.*

YLW developed a [best mentoring practices guide](#) in 2017. This guide includes a list of best practices for faculty, administrators, and students as each group engages in or facilitates faculty/student mentorship. The guide was distributed to the faculty in 2017.

To ensure that the best practices are taken up, we suggest that the guide’s [recommendations](#) continue to be distributed to the faculty at the beginning of each academic year and that the Dean should continue to set aside time for discussion of best practices at faculty meetings.

*(2) Develop a Law School-sponsored prize that honors mentorship by faculty members.*

YLW offers an annual "Faculty Excellence Award." Faculty mentorship is perhaps one of the most important metrics for receiving the prize. After extensive consultation with YLW and other student groups and representatives, the law school administration determined that the YLW sponsored mentorship prize was serving the function intended by this recommendation. To avoid

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<sup>16</sup> Effective July 1st 2021, Professor Charles will become the inaugural Charles J. Ogletree Jr. Professor of Law at Harvard Law School.

replacing an effective student administered prize, this recommendation was therefore not implemented.

*Support faculty who take on substantial mentoring activities, perhaps by offering teaching relief or other forms of acknowledgment and support.*

Dean Gerken reduces committee assignments for faculty who take on substantial mentoring activities whenever possible. In addition, the deputy dean pays close attention to teaching loads to ensure equity. However, faculty with substantial mentoring roles do not receive teaching relief.

*Provide funding for mentoring events, just as we do for speaking events. For instance, the School could survey faculty interest in participating in teas and dinners with affinity groups or through the Office of Student Affairs and help support students build ties to faculty mentors. Faculty have observed that these events often work better with a substantive component.*

The OMR fund provides an opportunity for faculty to propose and receive funding for mentorship opportunities with students.

Both students and faculty members on the committee felt that publicity for student/faculty events could be improved, perhaps with periodic emails to both faculty and students with scheduled events. A single site for expressing interest in such events, from both student groups and faculty, may also facilitate organizing such events.

There also have been significant efforts to provide funding for student mentorship by alumni. During the 2017-2018 and 2018-19 academic years, Sharon Brooks, Special Advisor to the Dean, provided funding for and facilitated pilot coffee chats, teas, lectures and dinners with affinity groups and alumni. The Office of Student Affairs (“OSA”) has since incorporated these initiatives into its programming and support of affinity groups.

*Establish a more effective system for pairing students with faculty who can offer advice on courses, careers, papers, etc.*

The Offices of Academic Affairs and Student Affairs occasionally pair students with faculty who can offer advice on courses, papers, etc. This occurs on an ad hoc basis. In addition, small group professors often assume this role well beyond the first semester. Small group professors or Coker Fellows also will recommend that students set up a meeting with faculty who share a common research interest with the students. The process for pairing students with faculty is not systematized, however.

Although the Offices of Student Affairs and Academic Affairs spend a significant amount of time pairing students with faculty, most students appear unaware of the possibility of being paired with a faculty member with shared interests. As this appears to be a problem of information sharing, we encourage the Offices of Academic Affairs and/or Student Affairs to consider how they inform the student body of their role in pairing students with mentors.

*Provide training for interested faculty with an experienced trainer (on effective mentoring and teaching). Accompany trainings with private feedback.*

Faculty-student mentorship has been the designated topic of discussion at a number of faculty meetings. Faculty members have discussed best practices and strategies, as well as insights on attendant challenges. In addition, the Poorvu Center for Teaching and Learning has an array of training and resources available to faculty members.

Instead of relying on faculty peers for coaching on effective mentoring, the law school should engage with a professional trainer (perhaps someone already working with the Poorvu Center) and inform the faculty of the trainer's availability or devote a faculty meeting to mentoring lessons from the professional. The Dean has already engaged a diversity & inclusion professional to provide related training to her senior staff.

*Highlight teaching and mentorship by current faculty and new hires.*

Hiring and tenure decision meetings discuss teaching and mentorship at the outset of the meeting. Some members of the Committee believe this creates adequate professional incentives for effective teaching and mentorship; others believe that teaching and mentorship deserve additional emphasis during the hiring process. The YLW Faculty Excellence Award (described above) also highlights teaching and mentorship. Recent news releases regarding faculty hires and promotions have regularly emphasized teaching alongside scholarship. Nevertheless, a perception remains prevalent that teaching and mentorship are under-valued within the law school.

### **Creating Minimal Baselines for Faculty Mentorship**

*Establish a norm that all small group professors should serve as references on behalf of qualified students for summer employers and should meet with students individually during office hours.*

Dean Gerken has communicated this norm to all first-term faculty at the beginning of each fall semester. Going forward, YLS should make first year students aware of this expectation so that they can take advantage of the opportunity.

*Take professors who refuse to engage in basic mentorship activities out of the small group rotation.*

The Dean's Office reports that professors who have consistently refused to engage in basic mentorship have been removed from the small group rotation.

*Enforce the rule against hiring first-semester 1Ls as research assistants.*

This rule has received significant emphasis in meetings of the first term faculty in recent years. While there is no hard data on the hiring of first-semester law students as RAs, anecdotal evidence suggests that the rule is more effective than it has been in the past. Moreover, the RA Hiring Platform—a tool developed following a recommendation of the Working Group—contains a functionality that prohibits first-semester law students from applying to RA positions.

*Post all office hours on each faculty member's bio page or in a list circulated by the Dean of Students Office at the beginning of the semester. Encourage faculty to make clear that students need not come to office hours with concrete questions or to designate some hours for more general conversations.*

Office hours are posted at <https://officehours.law.yale.edu/Resource>. Faculty increasingly use the online office hours tool, making office hours appointments more transparent to all students.

The site benefits from network effects, meaning that it becomes more effective when more faculty and students use the site as the primary mechanism for office hours. As a result, the Dean and academic administration should encourage all students and faculty to use the online office hours tool.

### **Recognize and Facilitate Mentorship by Students and Young Alumni**

*Develop law school-sponsored prizes that honor student service in the same fashion we honor student writing, clinical work, etc.*

The Office of Student Affairs engaged student leaders about the possibility of developing OSA prizes for student service. To date, the office has received mixed reviews. Some students support the idea, while others believe that it will exacerbate the law school's "gold star culture." OSA continues to informally recognize exemplary student mentors. YLW currently offers the YLW Excellence Awards, which honors two students for their contributions to the school.

*Build up our alumni associations to include affinity group alumni associations and involve young alumni in the mentoring process.*

Since the March 2016 D&I report was released, the law school administration has conducted outreach to hundreds of YLS alumni who identify as members of affinity groups. A number of them have subsequently partnered with the law school to mentor students in the following ways:

- through the admissions process
- during Student Life coffee chats, dinners, and professional development activities

- annual diversity alumni-student receptions
- through the law school’s online mentoring platform, The Courtyard

All alumni, including young alumni, have been engaged to help mentor current students. The [Courtyard](#) is the law school’s student-alumni online mentoring tool, launched in September of 2019. The Courtyard enables students and alumni to search the network along many dimensions, including affinity group affiliation/allyship, and areas of professional expertise and interest (see additional information on The Courtyard below).

In addition, an exploratory committee has been formed to plan a targeted alumni affinity group reunion, as a means of reconnecting, and building community among, our affinity group alumni.

*Embed affinity group members in a support network from “cradle to grave”—from the moment they are admitted to the law school until after they graduate. Efforts might include sponsoring informal summer events in major cities that bring together new admits, current students, and young alumni. YLS might also provide funding for affinity group gatherings with alumni, both during the school year and during the summer. It might also rely more heavily on alumni to mentor students in specialized practice areas.*

The Admissions team added significant programming featuring a range of diverse alumni throughout the Admitted Students Program and recruitment process. For example, Yale Forward is a dedicated day of programming for admitted students from backgrounds traditionally under-represented in the legal community (Admissions efforts are discussed in greater detail above). Through pilot programs, Sharon Brooks, Special Advisor to the Dean, partnered with OSA and the Career Development Office (CDO) to fund and co-host coffee chats, teas, lectures and dinners with student affinity groups and alumni, as well as field trips to connect with alumni in their professional settings (2016-17 and 2017-18 academic years). OSA now oversees these efforts. The Alumni Engagement & Development team and OSA partnered to host affinity group receptions for alumni and current students during Alumni Weekend, and this has become an annual feature of the Alumni Weekend programming. While we leave the details up to those who plan Alumni Weekend, we encourage the Alumni Weekend team to ensure that alumni and students from a broad range of diverse backgrounds can connect throughout the weekend. Alumni Engagement & Development and OSA also added annual summer diversity receptions for alumni, current students, and admitted students rotating among New York City, Washington DC, the Bay Area, and Los Angeles/Southern California. Over time, the goal is to expand the summer receptions geographically, as funding and staffing allow. YLW also continued its long-standing, successful summer receptions that connect YLW students and graduates, with support from the administration.

The [Courtyard](#), Yale Law School’s online alumni directory and mentoring platform, is an important step forward in making accessible one of YLS’s greatest resources, its alumni network, to all students and alums regardless of any pre-existing connections. Students can find and connect with alumni based on a wide range of categories, including small group



membership, professional area of expertise, affinity group affiliation and allyship, and geographic location. Alumni have indicated their willingness to serve as mentors to students and other alumni and have the ability to connect directly through the site.

The Courtyard should greatly facilitate the type of mentoring connections envisioned by these recommendations. The effectiveness of The Courtyard will depend heavily on take-up. There is positive momentum in this direction. In just over one year, through October 2020, over 20% of all living YLS alumni have registered as active members on the platform.

For the Courtyard to function optimally, YLS administration will need to continue its efforts to emphasize its importance to both students and alumni. High enrollment will enable The Courtyard to fulfill its promise. Students and alumni can register by clicking [here](#).

*Hire and train teaching assistants for all 1L sections to create a broader network of peer support. Improve the training for Coker Fellows.*

All 1L Sections now use teaching assistants. Training for Coker Fellows now addresses Title IX, mental health, diversity & inclusion, advising, active listening, and available resources, as well as legal writing. The hiring of Dean's Advisors (for two semesters instead of one) and doubling the number of Peer Advocates further broadens the network of peer support.

*Create a "fellows" and "associate fellows" program similar to the residential college fellows program in order to bring members of the Yale/New Haven community into the law school.*

The law school has not implemented a fellowship program. On an ad hoc basis, OSA has worked with affinity groups and student organizations to incorporate community leaders into YLS programming and conferences. In discussions with student organization leaders, it was agreed that student groups have done (and are interested in doing) effective outreach in this regard. OSA made a change in its longstanding policy against offering honoraria to speakers to specifically allow honoraria for low income speakers who may not otherwise be able to take the day off work or pay for childcare in order to participate in YLS events. This has helped to incentivize members of the community to participate in campus activities.

The Committee believes that a community fellows program is desirable and we discuss this recommendation above.

*Create more community-building opportunities during Orientation*

In response to student feedback, OSA revamped the Orientation program to include discussions and training on diversity and inclusion, and open classroom and out-of-classroom discourse. Orientation includes several community building opportunities. Student opinion, however, differs regarding the effectiveness of this new programming (as might be expected from programming that serves incoming students from so many different backgrounds).

This year, due to Covid-19, OSA conducted all of its Orientation programming virtually. Going forward, OSA plans to continue to offer several sessions virtually to free up time in an over-crowded Orientation Week to allow for additional community building activities.

The Orientation program should continue to be adjusted and carefully revised in response to student feedback.

*Setting aside space in the law school for Muslim students to pray.*

There is a non-denominational prayer and meditation space on the third floor of the L-entryway of the Sterling Law Building. The space is used by Muslim students as well as others looking for a quiet place to pray or reflect.

*Provide training by an experienced career coach or management expert on effective mentorship relationships to interested students. Bring in career coaches and other career training specialists for students.*

Every first-year student is assigned a CDO counselor who provides one-on-one guidance for their career exploration and summer job search. Based on a recommendation from the Working Group Report, starting in 2019, CDO hires annually several second-year and third-year students as CDO Student Advisors. Every first-year student is assigned a CDO Student Advisor who serves as a career mentor and assists with job searching. Counselors provide on-going advice to students about best practices for engaging with mentors for career development.

In addition to one-on-one guidance, CDO coordinates programs led by experts to teach students about mentorship and facilitate mentor connections. However, students report a lack of awareness of CDO events offering professional coaching opportunities. These events should be well-publicized to students. Our understanding is that the school is developing a leadership program that would address this recommendation and we welcome this development.

**Create a Better Budgeting and Management System**

*Granting students the discretion to control their own budgets and use funds from whatever source they prefer.*

The Dean of Students and OSA have implemented all recommendations by the 2016 Committee to enhance support for student groups, including providing greater control and transparency of their budgets.

*Supplementing fundraising for affinity groups, perhaps by creating a standing fund to supplement what the groups raise themselves.*

Pre-Covid-19, OSA supported efforts by affinity groups with smaller budgets to organize retreats. OSA plans to continue these efforts in the future. Students are always welcome to request support from OSA for programming.

*Providing support to affinity groups organizing special events while letting the students take the lead on programming.*

YLS staff in several departments have provided additional support for several affinity group events. The type of support ranged from logistical support (finding venues, reserving rooms) to substantive support (reaching out to speakers, brainstorming panel discussions).

*Providing more Yale credit cards and creating standing vendor agreements to facilitate student ordering.*

OSA has made more credit cards available for immediate pick up. In addition, OSA negotiated for more vendors to provide direct billing.

*Lifting moratoria on scheduling events except where absolutely necessary (e.g., reserving rooms for alumni weekend events or new admits weekend). It may make sense to maintain the moratorium on the solicitation of ILs as volunteers, journal editors, etc., between Orientation and the student activities fair. Ending the restrictions on scheduling events against one another except where absolutely necessary.*

There are now few restrictions on the scheduling of events although student organizations are encouraged to avoid conflicts.

*Ending the practice of charging student groups for gift cards for buddy programs, which facilitate peer-to-peer mentoring for the ILs.*

While OSA has made it easier for student groups to access gift cards, the student groups are still charged for the gift cards they use. We recommend that YLS implement the initial recommendation of providing gift cards for student group buddy programs free of charge.

*Ending charges for student groups using outside food vendors (which is generally more cost effective and helps students stretch their budgets).*

Student groups may use outside food vendors except on special occasions and in certain rooms per the contract with Yale Dining. Student groups continue to be charged for using outside vendors.

The YLS facilities and finance teams should either provide a clear and compelling rationale for rejecting the 2016 Committee recommendation or end the charge.

*Educating the community to ensure they are mindful of the dietary restrictions of all of our students.*

Kosher and Halal options have been made available in the Ruttenberg Dining Hall and at student events. Expanded menu items also include gluten free and vegan options. Student group leaders should be aware of the best practices in this area (described in the student organization handbook) and do their best to implement these recommendations at student events.

*Deploying a different funding strategy for NALSA due to its size.<sup>17</sup>*

OSA holds a separate fund to support NALSA's annual Indigenous Peoples' Day celebration and other events throughout the year.

### **Classroom Climate**

*The law school should create a system that would allow students to report faculty comments to the Dean of Students confidentially.*

All students are encouraged to reach out to Dean Cosgrove in confidence whenever a classroom-related problem arises. In almost every case, Dean Cosgrove can work with the student to ensure that feedback reaches the faculty member without identifying the student. While Dean Cosgrove discusses confidentiality in her conversations with students and at Orientation, OSA can work to promote this resource to ensure all students are aware of it.

*The law school should designate the Dean of Students or someone in her office as an ombudsperson when more serious problems arise.*

According to the Yale Law School Policies, Resources, and Reporting [website](#), students should report "a school-related complaint of any kind" to Dean Cosgrove or Deputy Dean Ayres. Dean Cosgrove is responsible for addressing the most serious complaints, as designated by the Dean. In addition, Dean Cosgrove and Yaseen Eldik serve as the Dean's Designees responsible for addressing allegations of ethnic and racial harassment. Chloe Bush, Director of Student Affairs, is also available to receive complaints or hear concerns.

### **Alumni Affairs and Fundraising**

*Student Affairs and the Alumni Affairs Office should take full responsibility for organizing and funding the Alumni Dinners. While it would be useful to involve students in planning the event and extending invitations, they shouldn't bear the burden of fundraising and logistics.*

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<sup>17</sup> The 2016 report listed this recommendation in the student diversity section, which was otherwise devoted to admissions concerns. We believe it fits more naturally here.

*The Alumni Affairs Office should work with Student Affairs and the affinity groups to find a better time for the affinity events. It is very hard to convince people to come to New Haven on a Thursday. We recognize that this would require some accommodation and that it is important not to schedule anything that conflicts with class events. There might be, for instance, a cocktail party for all the affinity groups on Friday or Saturday followed by individually arranged events over the course of the weekend (e.g., an additional cocktail party, a dessert reception, a Sunday brunch).*

The Alumni Engagement and Development Office reports that it now fully organizes and funds alumni dinners – both during the Alumni Weekend Friday evening program, and regional summer diversity receptions (to date in New York City, Washington, DC, the Bay Area and Southern California). During Alumni Weekend, The Alumni Engagement & Development team hosts affinity group receptions for alumni and current students – this has become an annual feature of the Alumni Weekend programming.

### **Fundraising**

*Setting aside fundraising for the alumni event, which should be done by the law school, the Offices of Career Development, Development, and Student Affairs should assist student groups in fundraising. Alternatively, YLS should create a manual providing the best practices for law firm fundraising (the source of most funding for affinity groups).*

OSA, in collaboration with the Office of Alumni Engagement & Development, has developed a fundraising policy. Moreover, the department remains available to students to discuss fundraising goals and strategies.

*In order to avoid the awkwardness associated with 2Ls fundraising from potential employers during hiring season, the law school should help student groups begin fundraising in the late spring ideally, encourage previous boards to fundraise enough to provide for the next board, and/or reach out to the usual funders to make clear the importance of being open to requests in the spring or early summer.*

OSA partnered with the Alumni Engagement & Development Office to identify fundraising opportunities that the law school could pursue on behalf of students, ostensibly reducing the administrative burden. This administrative support enables student groups to begin fundraising earlier. Some student organizations and affinity groups have noted a preference for engaging and fundraising with law firms directly. In addition, some student organizations have noted a preference for early encouragement about the opportunity for fundraising.

## Administrative Support for Diversity, Equity, and Inclusion Efforts

In a section of the 2016 Report entitled “Diversity Dean,” the 2016 Committee recognized that the school lacked sufficient administrative resources to diversity, equity, and inclusion. As the 2016 Report noted, “[i]t is clear to the Committee that the Law School needs to devote more resources to diversity issues. These issues have been neglected in some offices, and there has not been enough coordination among offices.” The 2016 Committee wrestled with the best way to embed diversity issues into the administrative fabric of the school and was torn over whether to recommend that YLS hire a Diversity Dean. The 2016 Report posed the dilemma this way: “Would it be better to have a high-level dean with diversity in his or her portfolio or to build out administrative support in each individual office?” After identifying pros and cons to each approach, the 2016 Committee decided not to decide. Instead, it encouraged YLS to hire a consultant to help answer the question. Dean Robert Post hired Sharon Brooks to serve in this role; she has advised Dean Post and Dean Heather Gerken on a range of diversity issues ever since.

In the intervening years, YLS has answered the question posed in 2016. The school has not hired a Diversity Dean, but instead has embedded staff focused on diversity within key departments. YLS now has dedicated DEI staff in student services, admissions, alumni engagement, and the Dean’s Office. These staff include: Sharon Brooks, Special Advisor to the Dean who serves as a resource to alumni, admitted and current students, members of the YLS administration, employers and other external partners; Yaseen Eldik, Director of Diversity, Equity & Inclusion in the Office of Student Affairs; Jon Perdue, Director of Recruiting and Diversity Initiatives in the Admissions Office; Joseph Mensah, Associate Director of Dean’s Initiatives in the Dean’s Office; and Jasman Ayankola, Young Alumni Engagement Officer in the Office of Alumni Engagement and Development.

We recommend that future committees continue to assess this approach. In the intervening years, we encourage the Dean to periodically review the administrative resources and support provided to DEI work. The goal of this review should be to make sure that those responsible for diversity initiatives have the resources, support, and mandate to accomplish their goals.

## APPENDIX A

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**To: Yale Law School Students, Faculty, Staff**

**From: Dean Heather K. Gerken**

**Subject: Yale Law School's Commitment to Anti-Racism**

To the Members of the Law School Community:

A few weeks ago, I shared with you my reflection on the horrific deaths of George Floyd, Breonna Taylor, and many other victims of racial violence. I wrote then that as lawyers, we must strive to understand and remedy the abject failures of our legal system that led to those tragedies, and that we must identify and rectify our own failures by creating structural change. Statements against racism are not enough. Instead, we must — as individuals and as an institution — do more to confront, challenge, and eradicate racial violence and racial hierarchy.

These last few weeks have been a critical period of reflection and conversation among the faculty and staff. We have done our best to undertake this work as a community while aiming to break the cycle of having this work fall mainly on the shoulders of our colleagues and students of color, particularly our Black colleagues and Black students. We recognize that our colleagues of color, particularly our Black colleagues, have long done more than their share of the unrecognized work of citizenship in combatting racism and racial oppression. And we recognize that for generations, our students of color — especially our Black students — have played an outsized role in doing this work and pushing the Law School forward to take steps that it should have taken on its own. It is essential that the Law School itself lead these efforts and that these burdens be distributed among our faculty in a more equitable way moving forward.

I've been encouraged by how many faculty members have come forward with plans to educate themselves, change how they teach, and work on anti-racist projects. We'll see the fruits of these efforts in individual faculty member's courses and scholarship.

Now, however, I want to focus on the institutional commitments the Law School is making to confront, challenge, and combat racism and to serve the cause of racial justice. The work of structural change must be sustained and far-reaching. What follows here is not the end of the conversation, but the beginning. These commitments are ongoing and will evolve and, I hope, deepen over time. But I wanted to share a list of ongoing action items that we will move forward during the upcoming year.

### **Clinics, Classes, Programs, and Centers**

Create a policy-focused policing clinic.

Work to create a litigation-focused policing clinic in the spring.

Create a policing seminar.

Create an Environmental Justice Program in partnership with the Yale School of the Environment.

Create a [Center for Health and Justice](#) in partnership with Yale School of Medicine focused on incarceration and health equity.

Offer a course in Critical Race Theory every year.

Offer a wide range of courses and clinics that explore questions of racial justice and equality, including:

[Incarceration, Isolation, and Criminal Justice Reform](#)

[Law and Inequality](#)

[On the Inside: Narratives from Prison](#)

[Imprisoned: From Conception and Construction to Abolition](#)

[Race, Inequality, and the Law](#)

[Constitutional and Civil Rights Impact Litigation](#)

[Environmental Justice/Climate Justice](#)

[Advanced Educational Opportunity and Juvenile Justice Clinic](#)

[Access to Law School](#)

[The Police: Reform, Transform, Defund, Abolish?](#)

[Critical Race Theory](#)

[Saginaw-Chippewa Disenrollment Clinic](#)

[Legitimacy: Theoretical Models in Criminal Justice](#)

[Criminal Justice Clinic and Seminar](#)

[Challenging Mass Incarceration Clinic and Seminar](#)

[The Constitution Goes to School](#)

Law and Inequality Workshop

### **Criminal Justice and Racial Justice Work**

Provide permanent financial support for criminal justice work done by students and alumni.

Continue to support and amplify the criminal justice and racial justice work being done by our faculty and our centers, including the Justice Collaboratory, the Arthur Liman Center for



Public Interest Law, the Solomon Center for Health Law & Policy, the Gruber Program for Global Justice and Women's Rights, and the Global Health Justice Partnership.

### **Supporting Those in Need**

Bring a [million books](#) into prisons across the United States and create opportunities for incarcerated people to interact with authors and the literary community.

Increase financial aid support to help students in need to account for the economic impact of COVID-19, which has had a disproportionate effect on communities of color.

Create a dean-led initiative to make the Law School more transparent and accessible for all students.

### **Recruitment, Hiring, and Structural Hurdles**

Ensure that our workplace, learning, intellectual, and community cultures fully align with our values.

Build on and strengthen our efforts to diversify the student body.

Build on and strengthen our efforts to hire, promote, and retain a diverse faculty.

Continue to hire and support faculty with substantive expertise in race and the law, inequality, civil rights, the school-to-prison pipeline, residential segregation, school segregation, employment discrimination, policing reform, procedural justice, mass incarceration, solitary confinement, environmental justice, educational reform, bail reform, fines and fees, misdemeanor arrests, implicit bias, sentencing reform, prison conditions, racial health disparities, economic inequality, restorative justice, wrongful convictions, voting discrimination, felon disenfranchisement, economic inequality, and the history of racial oppression.

Continue and strengthen our efforts to hire, promote, and retain a diverse staff, and work with the University to change practices and systems that impede these efforts.

### **History and Iconography**

Build on and strengthen our efforts to diversify the iconography of the Law School through portraits, photographs, and art.

Build on the [Yale Law School history project](#), which was started two years ago, to surface and acknowledge the Law School's connections to slavery and racial oppression.

### **Workshops, Teaching, and Training**

Create a dean-led pipeline program to help members of underrepresented groups become legal academics, partnering with pioneers in the field who have been supporting this work.

Create a dean-led faculty workshop on race and equality that students can take for credit.

Expand training during orientation exploring racism, inequality, and privilege, and continue to provide anti-racist training to Coker Fellows, DAs, and TAs.

Create programming examining the relationship between historical injustice, racial inequality, and contextual learning.

Provide support, including research funding, for faculty members to embed anti-racist materials into their courses.

Support the faculty-led conversations that are taking place in each of the first-term subject areas on teaching race and inequality.

Continue to advise faculty and survey students about maintaining an equitable classroom environment.

Support the commitment of the clinical faculty to incorporate anti-racism training and instruction into their own professional development and into our clinical curriculum, including professional responsibility training.

Ensure that all of the Dean's senior advisors and senior staff will receive anti-racist training.

Encourage faculty to bring in perspectives from members of the New Haven community, especially from communities of color.

### **Administrative Support**

Build on and strengthen efforts to ensure that every major office in the Law School employs someone charged with overseeing diversity and inclusion efforts.

Continue to support the work of our new mental-health counselor to provide mental-health resources and assistance to students of color.

### **Local Policing**

The Law School will train our community not to call for YPD assistance on campus for non-law enforcement related matters.

The Yale Police Department has agreed to work with the Law School on a plan to redirect calls from the Law School to non-police forms of assistance whenever possible.

At our request, Chief Ronnell Higgins, who heads the Yale Police Department and Yale Security, is in the process of reevaluating the Law School's security needs and is considering (a) deploying a swipe ID system at the entrance of 127 Wall Street during regular working hours, so that Law School staff would be the only people serving an ambassadorial/public health monitoring role inside the building, and (b) converting the role of our long-time security officers, who are unarmed, to an ambassadorial role outside of Sterling Law Building while ensuring they remain available to members of the community to help with needs like lockout assistance and walking escorts.

\* \* \*

As this list of action items makes clear, there is much work to be done and no time to waste. I am proud of this community for joining together to commit to swift and significant action. This moment demands nothing less. I look forward to working with all of you to push forward this critical work in the months ahead and to undertake the long-term work needed to ensure that the Law School's commitment to equality is deep, meaningful, and enduring.

Sincerely,

Heather K. Gerken

### Laptop Policy Discussion and Proposal

The Yale Law School Working Group report outlined various recommendations for the law school community, including recommendations regarding laptop use. This committee was charged with studying the issue further and, if appropriate, making additional recommendations regarding laptop policy.

Our committee was animated by the following principles:

- Yale Law School should aspire to be at the forefront of inclusivity and disability accommodations.
- YLS classrooms should aspire to be equitable and accessible environments for students of all learning styles and backgrounds.
- Many faculty have concerns regarding the negative impact laptops can have on the learning environment.

#### I. Research

Our review of the Working Group report and conversations with interested students and faculty revealed a variety of considerations. We particularly benefited from our conversation with ThinkDifferent, an affinity group dedicated to all law students falling under or adjacent to the disability umbrella. We recognize it isn't easy being in a position of constantly having to educate the majority about the challenges faced by a minority group, and we commend the leaders of ThinkDifferent for their candor, openness, and advocacy.

Students told the Working Group and us that the formal accommodation process is often challenging. (While we won't re-state the Working Group report here, we strongly encourage that people read it, especially the appendix of powerful and eye-opening student letters detailing the issues described in this paragraph.) Students explained that compiling the necessary medical documents can be complicated and time-consuming and that they can face long wait times for approval. Students with disabilities and learning differences reported that having to ask for a laptop exception made them feel inferior, as if they need "help" to be in the same classroom as their peers rather than simply requiring a different environment for learning. Students also expressed fears that disclosing disabilities or asking faculty for special accommodations would cause their peers or faculty to question their competence. Students fear that the act of showing up with a laptop in a class with a ban necessarily reveals their status, with the same attendant stigma concerns.

While not all faculty are bothered by laptops in class, some have expressed concerns. Faculty concerns generally fall into three categories: 1) the laptop-using student will pay less attention, 2) the laptop-using students will distract other students (who notice what's on their screen), and 3) the laptop-using students will distract the professor, when the professor notices

that the student is focused on their screen, not class. As an example of this last concern, one professor described an experience where a student began chuckling about something on his screen during a class discussion about a violent, racist police interrogation. The student likely did not mean any harm, but was simply distracted by an email or something similar. But the net result for the teacher was the same, as it is difficult to hold space for sensitive class discussions when students have other demands on their attention.

## **II. The Working Group Report Recommendations**

The 2019 Yale Law School Working Group Report produced two examples of recommended laptop policies.

### **A. Minimal restriction option**

All students are allowed to use technology in the classroom, so long as such use is for class-related purposes only. In addition, I request that you don't intentionally open any visuals that contain sudden or rapid flashing, since these can cause seizures, migraines, and sensory overload.

### **B. Preference for minimal laptop use option**

The use of laptops to take notes is permitted but strongly discouraged. Especially in a small classroom, teachers can usually tell when their students are using their devices to multitask, not merely to take notes. On the other hand, you are adults who can make your own choices. For some of you, laptops are an important part of how you learn. Moreover, students might use laptops as an academic accommodation, and I would prefer not to compromise their privacy by requiring a medical disclosure in order to use a laptop. Thus, I have not officially banned laptops, but I would strongly prefer that you not use them. Know that while I strongly discourage laptops, my evaluation of your performance in this course will not be affected by your decision to use one.

If you decide to use a laptop, please limit your use of laptops to class-related activities (e.g. taking notes). In addition, please do not open any visuals that contain sudden or rapid flashing, since these can cause seizures, migraines, and sensory overload.

Additionally, the Working Group Report provided the following modification language as examples that faculty could consider adopting:

### **C. Modifications and Accommodations Language**

- a. I recognize there are many reasons students may need to adjust their pace, style, or method of learning or participating.
- b. If my format for class participation is not accessible to you, please reach out. I am happy to work with you so that we can develop a plan for you to contribute.
- c. You are also welcomed and encouraged to let me know how I can better support you by changing any aspect of my teaching.

### III. Our Recommendations

Rather than a single policy, we recommend an array of options for faculty members to adopt in formulating their laptop use policies. Below we provide the underlying rationale for these options and identify some of the benefits and drawbacks of each. In addition, we provide potential modifications to laptop policies which may allow faculty members who would otherwise adopt a more stringent laptop use policy to permit laptop use with adjustments.

#### A. Least Restrictive: Full Allowance of Laptops

The least restrictive laptop policy would allow all students to use laptops and electronic devices in the classroom. The Working Group's second recommendation took this form:

All students are allowed to use technology in the classroom, so long as such use is for class-related purposes only.

*Evaluation of Policy:* This policy is the easiest for students with disabilities or alternative learning styles. It facilitates seamless accommodation without producing concerns of stigma or constructing any barriers to access (e.g. requesting faculty to allow an exception to a laptop ban; going through a university disability office; etc.). Of course, this policy will be unappealing to faculty who find laptops distracting. Having said that, as with the medium restrictive policy outlined below, this policy may be combined with one of the following modifications to help minimize laptop distraction.

- Asking students with laptops to sit in a particular section of the classroom, either on one side of the room or in the back of the classroom to avoid distracting other students.
- Asking students to turn off their Wireless connections to ensure they are fully focused.
- Asking students to use flat electronic devices, such as tablets, to reduce the possibility of distracting other students.

#### B. Medium Restrictive: Strong Preference Against Laptops

This medium-restrictive laptop policy was the other option recommended by the Working Group. Such a policy states professors' preferences against laptop use while not outright banning them. The Working Group's example reads as follows:

The use of laptops to take notes is permitted but strongly discouraged. Especially in a small classroom, teachers can usually tell when their students are using their devices to multitask, not merely to take notes. On the other hand, you are adults who can make your own choices. For some of you, laptops are an important part of how you learn. Moreover, students might use laptops as an academic accommodation, and I would prefer not to compromise their privacy by requiring a medical disclosure in order to use a laptop. Thus, I have not officially banned laptops, but I would strongly prefer that you not use them. Know that while I strongly discourage laptops, my evaluation of your performance in this course will not be affected by your decision to use one.

If you decide to use a laptop, please limit your use of laptops to class-related activities (e.g. taking notes). In addition, please do not open any visuals that contain sudden or rapid flashing, since these can cause seizures, migraines, and sensory overload.

*Evaluation of Policy:* This policy has the advantage of not requiring students to contact the professor to request an accommodation, thereby reducing the burden on students who may feel uncomfortable making such a request.

The disadvantage of this policy is that it may not sufficiently restrict the laptop distraction. As with the previous option, professors who seek to further reduce distractions from laptops might consider supplementing this policy with either of these additional modifications:

- Asking students with laptops to sit in a particular section of the classroom, either on one side of the room or in the back of the classroom to avoid distracting other students.
- Asking students to turn off their Wireless connections to ensure they are fully focused.
- Asking students to use flat electronic devices, such as tablets, to reduce the possibility of distracting other students.

### **C. Most Restrictive: Ban on Laptops, Allowing Requests**

As part of our research we sent inquiries to several peer schools. We found only one peer school that currently offers meaningful guidance to professors for their laptop policies. The University of Chicago provides the following suggestion to professors who use laptop bans:

If you announce that laptops are banned “except for students with an ADA accommodation letter,” you will disclose to the class which students have an ADA accommodation. Best practice, therefore, is to announce, with the general ban, the availability of a case-by-case exception for those with a specific need for a laptop, without mentioning the idea of an “accommodation.” You would then have the discretion to deny an exception to anyone without an ADA accommodation letter.

We endorse the University of Chicago suggestion and believe that should provide the *floor* for faculty’s laptop use policies. In other words, even the most restrictive laptop use policy should incorporate case-by-case exceptions for those with a specific need for a laptop, and the professor should not make any reference to ADA accommodation when inviting students to request an exception.

One example of this most restrictive policy was developed by Professor James Forman (the relevant portion of his syllabus can be found below). His policy limits the use of laptops to only those students who either have a documented accommodation or contact him to request an exception.

## **Technology During Class**

Please do not record class.

I find that the presence of technology in class distracts from the learning environment. Accordingly, with the exception of the note-takers (see below), I require that you put all technology away during class—i.e., no laptops, tablets, phones, etc.

If the laptop ban poses a difficulty for you, please send me a note before the first class so that we may discuss and attempt to resolve.

## **Note-taking**

As a class, you may choose to divide up classes so there are one or two note-takers with a computer in each class. If you do this, please keep a few things in mind:

- The scribe should post the notes on Canvas within 48 hours after class.
- The scribe should refrain from using their computer for any purpose other than note-taking. I encourage you to disable wi-fi during class.
- Pay attention to gender equity. As a recent Law Revue highlighted, women at Yale Law (and pretty much everywhere) assume a disproportionate share of grunt work that benefits the entire community. Please make sure that female students don't assume an unfair proportion of the note-taking.

## **Disability accommodations**

If you are a student with a disability or learning difference, please contact the Dean of Students' Office as soon as possible to receive accommodations.

*Evaluation of Policy:* We recommend this policy as an alternative to a flat laptop ban because it allows students to request exceptions beyond those that are required by law. This achieves two goals: First, it supports students who would benefit from laptop use but don't have a documented ADA accommodation. Second, it reduces the stigma on a student who arrives in class with a laptop because classmates don't know the reason for the laptop.

While not essential to the policy, adding a designated note-taker system also allows students to rely on typed notes from their classmates and may deflect attention from any student using a laptop as an accommodation. However, keep in mind that many students with disabilities learn to work with their learning differences by developing unique note-taking practices. These students may not benefit from looking at notes taken by a designated note-taker.

This policy doesn't solve all the problems raised by students concerned about laptop bans. Most importantly, it still requires the laptop-seeking student to request the exception from the professor. This requires the student to disclose the underlying issue to the professor, a process which might be difficult for the student. As discussed previously, students often fear that professors might think less of them and might not recommend them for particular jobs if they know that the student has learning differences.



Because of these limitations, if professors are open to laptop use in the classroom, we encourage them to consider one of the aforementioned less restrictive policies.

#### **IV. Conclusion**

Because we believe that Yale Law School's commitment to diversity and inclusion requires the facilitation of inclusive classroom environments for students of all learning styles, the Committee recommends that faculty members adopt more inclusive laptop use policies. We encourage each faculty member to experiment, for at least a semester, with a policy that is one step less restrictive than what they currently use.