

BUILDING BELONGING

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ABSTRACT

Given the end of affirmative action as we know it, a decline in numeric representation of students of color in higher education seems inevitable—resulting in devastating losses for legal education, the legal profession, and American leadership. Yet those who seek to maintain diverse educational institutions cannot focus their attention solely on cultivating novel admissions strategies. We must couple recruitment with retention.

Belonging, a student's malleable sense of their connection to campus, is a critical tool for improving retention rates as well as academic outcomes and student wellness. Critical Race Theory (CRT) is instructive in this context as a framework that centers the lived experiences of the students of color at the heart of the affirmative action debate. Law schools must encourage all members of their community to engage in behaviors to increase students' sense of belonging on campus, particularly activities that will support law students of color who are most at risk of attrition post-*SFFA*. Using a CRT lens and drawing on literature from multiple academic disciplines, this Article uses national longitudinal quantitative data to propose interventions regarding belonging in legal education. After reviewing both settled questions and unresolved opportunities in our evolving affirmative action jurisprudence, this Article builds on the CRT-infused *SFFA* dissents to propose empirically informed strategies for faculty, students, and administrators to enhance retention through increases in student belonging.

TABLE OF CONTENTS

INTRODUCTION	772
I. EVOLVING AFFIRMATIVE ACTION JURISPRUDENCE	774
A. <i>Settled Questions</i>	775
B. <i>Unresolved Opportunities</i>	777

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1. Race-Neutral Policies	778
2. Reducing Reliance on Potentially “Discriminatory” Metrics	778
3. Race-Conscious Possibilities	779
II. BELONGING FROM A CRT LENS.....	782
A. <i>The Framework of CRT</i>	782
B. <i>Connecting CRT to Belonging</i>	785
1. Belonging Basics	785
2. Belonging in Higher Education	787
3. Belonging Benefits	788
4. Belonging for Students of Color.....	790
C. <i>Belonging in Law School</i>	793
III. EMPIRICAL FINDINGS ON A LACK OF BELONGING	798
A. <i>The LSSSE Dataset</i>	798
B. <i>Belonging Indicators</i>	800
1. Being Valued	801
2. Building Community	802
3. Feeling Comfortable	803
4. Avoiding Stigma	804
IV. ENHANCING STUDENT BELONGING.....	804
A. <i>Faculty Strategies</i>	805
1. Retire Professor Kingsfield.....	806
2. Facilitate Inclusive Pedagogy	808
3. Improve Mentorship	811
B. <i>What Classmates Can Do</i>	813
1. Expand Peer Engagement	814
2. Engage in Cross-Racial Conversations.....	815
3. Join Student Organizations	817
C. <i>Institutional Responsibilities</i>	819
1. Act on the Commitment to DEI.....	820
2. Work Toward Antiracism	821
3. Invest in Belonging.....	824
CONCLUSION.....	826
APPENDIX	828

INTRODUCTION

Academics currently are debating whether affirmative action is dead or simply continuing its seemingly inevitable decline. Given the 2023 Supreme Court ruling in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College (SFFA)*,¹ this confusion is understandable. The majority opinion did not explicitly overturn *Grutter v. Bollinger*,² did not assert that affirmative action per se violates the Fourteenth Amendment, and did not state that educational diversity can never be a compelling

1. 600 U.S. 181, 230–31 (2023).

2. 539 U.S. 306 (2003).

state interest.³ Yet it narrows the field so tremendously that institutions of higher education will find it far more challenging to enroll students of color—especially Black, Latinx, and Native American students—in meaningful numbers.⁴ Despite the debate about whether affirmative action lives, there is a general consensus that as a result of *SFFA*, there will be a precipitous decline in the numbers of students of color able to access higher education, including law school.⁵

In response, affirmative action scholars are studying alternative compelling state interests,⁶ considering how to improve diversity in higher education,⁷ and theorizing new equity-based admissions strategies.⁸ This Article connects these efforts and existing literature on affirmative action and belonging to bring the post-affirmative action stakes to life. By utilizing a Critical Race Theory (CRT) lens, building on the dissenting opinions in *SFFA*, and drawing from literature in multiple fields, this Article uses empirical data to evaluate law student belonging needs.

Empirical findings make clear that law school faculty, students, and administrators must immediately implement purposeful strategies to increase student belonging. Doing so will support the law students who are most at risk of attrition post-*SFFA*. To that end, this Article proposes specific, empirically-informed actions that professors, classmates, and institutions should take to improve student belonging and thereby enhance retention. With proper investment and support, a surge in belonging may be just what marginalized students need to survive and thrive in legal education.

3. *SFFA*, 600 U.S. at 213.

4. In fact, the field has been narrowing since *Fisher v. Univ. of Tex. at Austin*, 570 U.S. 297 (2013), when the Supreme Court technically upheld *Grutter* and its diversity rationale but placed such onerous conditions on satisfying the strict scrutiny standard that institutions were on notice that their policies had to shift to being less inclusive and thus less effective. *Id.* at 311–15; see Meera E. Deo, *Affirmative Action Assumptions*, 52 U.C. DAVIS L. REV. 2407, 2423–28 (2019) (discussing the narrowing of the “least restrictive means” prong).

5. See, e.g., Ediberto Roman, *SFFA v. Harvard College: Closing the Doors of Equality in Education*, 47 SEATTLE U. L. REV. 1333, 1353–54 (2024); Mark C. Long & Nicole A. Bateman, *Long-Run Changes in Underrepresentation After Affirmative Action Bans in Public Universities*, 42 EDUC. EVALUATION & POL’Y ANALYSIS 188, 188 (2020); Vinay Bhaskara, *What the End of Affirmative Action Means For Colleges And Universities*, FORBES (June 29, 2023, 10:21 AM), <https://www.forbes.com/sites/vinaybhaskara/2023/06/29/what-the-end-of-affirmative-action-means-for-colleges-and-universities/>.

6. See, e.g., Meera E. Deo, *Empirically Derived Compelling State Interests in Affirmative Action Jurisprudence*, 65 HASTINGS L.J. 661, 690, 699–702 (2014) [hereinafter Deo, *Empirically Derived*]; Deo, *supra* note 4, at 2423–30; Meera E. Deo, *The End of Affirmative Action*, 100 N.C. L. REV. 237, 239–40 (2021) [hereinafter Deo, *End of Affirmative Action*]; Steven A. Ramirez, *Students for Fair Admissions: Affirming Affirmative Action and Shapeshifting Towards Cognitive Diversity?*, 47 SEATTLE U. L. REV. 1281, 1283–84 (2024); Jonathan P. Feingold, *Affirmative Action After SFFA*, 48 J. COLL. & U.L. 239, 250–51 (2023); Peter N. Salib & Guha Krishnamurthi, *The Goose and the Gander: How Conservative Precedents Will Save Campus Affirmative Action*, 102 TEX. L. REV. 123, 124–26 (2023).

7. Ramirez, *supra* note 6, at 1284–85.

8. Kimberly West-Faulcon theorizes that the *SFFA* lawsuit is a “Trojan Horse”—specifically, “a deception-driven battle tactic” that seeks to upend civil rights laws. Kimberly West-Faulcon, *The SFFA v. Harvard Trojan Horse Admissions Lawsuit*, 47 SEATTLE U. L. REV. 1355, 1356–57 (2024).

Research demonstrates students with a strong sense of belonging are more likely to have positive personal and professional outcomes, including improved retention rates and academic performance.⁹ Yet students from marginalized populations often lack a sense of belonging. Now, the Court has essentially told these students they do not belong while legislation targeting efforts to improve diversity, equity, and inclusion (DEI) further hinders their inclusion.¹⁰

Part I of this Article discusses settled questions and unresolved possibilities in our evolving affirmative action jurisprudence. Part II introduces the CRT framework that guides this Article as well as literature on belonging from various fields—including education, sociology, and law—that establishes foundational principles for the proposals that follow. Part III presents findings related to belonging from a national, longitudinal dataset of law students. These results document racial disparities in belonging as measured by various metrics—reviewing everything from how much students feel valued to their level of comfort being their authentic selves on campus. Part IV is the heart of this Article, sharing empirical findings on how members of the campus community can enhance student belonging. This Part highlights specific opportunities for faculty, students, and administrators to make meaningful improvements to enhance belonging, particularly for the students likely to be most vulnerable after *SFFA*. Through various strategies, such as improving pedagogical methods, increasing cross-racial interaction between students, and implementing antiracist practices at an institutional level, faculty, students, and administrators can improve student belonging for the benefit of legal education, the legal profession, and society as a whole.

I. EVOLVING AFFIRMATIVE ACTION JURISPRUDENCE

As *SFFA* wound its way through the federal court system and arrived at the Supreme Court in October 2022, scholars, advocates, and allies were well aware that the outcome would likely signal the end of affirmative action.¹¹ Many had said as much long before the Supreme Court issued its

9. TERRELL L. STRAYHORN, COLLEGE STUDENTS' SENSE OF BELONGING 17 (2d ed. 2019).

10. Recent news articles have tracked job and program closures at several college campuses, including those in Texas and Utah. Daniel Arkin, *Texas Universities Slashed Hundreds of Jobs and Programs After State's DEI Ban*, NBC NEWS (May 15, 2024, 12:04 PM), <https://www.nbcnews.com/news/us-news/texas-universities-slashed-hundreds-jobs-programs-states-dei-ban-rcna152393>; Johanna Alonso, *DEI Ban Prompts Utah Colleges to Close Cultural Centers, Too*, INSIDE HIGHER ED (July 1, 2024), <https://www.insidehighered.com/news/diversity/2024/07/01/onset-anti-dei-law-utah-colleges-close-cultural-centers>; see also Erin Gretzinger, Maggie Hicks, Christa Dutton, & Jasper Smith, *Tracking Higher Ed's Dismantling of DEI*, THE CHRON. OF HIGHER EDUC., <https://www.chronicle.com/article/tracking-higher-eds-dismantling-of-dei> (Jan. 24, 2025).

11. Oral Argument, *SFFA*, 600 U.S. 181 (2023) (No. 20-1199), https://www.supremecourt.gov/oral_arguments/audio/2022/20-1199; Salib & Krishnamurthi, *supra* note 6, at 124 (asserting that many scholars believed the *SFFA* decision “would be the end of preferences for racial minorities in college admissions and a major setback for the cause of racial equality”).

opinion in July 2023.¹² Most scholars agree that the decision will negatively impact efforts to promote structural diversity¹³ at institutions of higher learning, with potentially outsized effects on Black, Latinx, and Native American populations at elite institutions.¹⁴ This Section begins by discussing these settled questions as well as the unique contributions of the seemingly CRT-inspired dissenting opinions. Yet the opinion itself is not a straightforward overruling of affirmative action precedent.¹⁵ Academics disagree on how much flexibility the opinion allows universities in their admissions processes, which methods universities may utilize in the quest for diversity, and even whether affirmative action is truly over.¹⁶ These unresolved questions are covered next, including race-neutral policies, discriminatory metrics, and race-conscious possibilities.

A. Settled Questions

While some of the law surrounding affirmative action remains unsettled, there are some unambiguous takeaways from *SFFA*. First, the majority opinion held that the admissions policies utilized by Harvard and UNC violated the Equal Protection Clause.¹⁷ The Court determined that the specific policies at issue violate the Fourteenth Amendment because they harm white applicants, treating them “negative[ly]” due to their race.¹⁸ Because these procedures are similar to those used by other institutions of higher learning that seek to achieve student body diversity throughout the country, the ruling will have dramatic consequences for affirmative action nationwide.¹⁹

To reach this conclusion, the Court applied the two-pronged strict scrutiny analysis that has long been a hallmark of affirmative action jurisprudence, requiring policies involving race to both “further compelling

12. Deo, *End of Affirmative Action*, *supra* note 6, at 238–39; Yuvraj Joshi, *Racial Indirection*, 52 U.C. DAVIS L. REV. 2495, 2560–62 (2019); Adam Liptak & Anemona Hartocollis, *Supreme Court Will Hear Challenge to Affirmative Action at Harvard and U.N.C.*, N.Y. TIMES, <https://www.nytimes.com/2022/01/24/us/politics/supreme-court-affirmative-action-harvard-unc.html> (Dec. 7, 2023); Bianca Quilantan, *How the Supreme Court’s Decision on Affirmative Action May Change the Future of College*, POLITICO (June 22, 2023, 12:55 PM), <https://www.politico.com/news/2023/06/22/the-supreme-court-could-end-race-in-college-admissions-heres-what-to-know-00103149>.

13. “Structural diversity” refers to the numeric representation of students from diverse backgrounds on campus. Meera E. Deo, *The Promise of Grutter: Diverse Interactions at the University of Michigan Law School*, 17 MICH. J. RACE & L. 63, 84 (2011).

14. Nadra Nittle, *What Will Happen Without Affirmative Action in Colleges? University Leaders Fear a Lapse in Diversity Efforts*, THE 19TH NEWS (June 29, 2023, 9:20 AM), <https://19thnews.org/2023/06/supreme-court-affirmative-action-decision-college-leaders-react/> (quoting current Mount Holyoke College President and former Howard Law School Dean, Danielle Holley); Michelle Chen, *Affirmative Action is Necessary, But It Has Never Been Adequate*, THE PROGRESSIVE MAG. (Oct. 2, 2023, 1:50 PM), <https://progressive.org/latest/affirmative-action-is-necessary-chen-20231002>.

15. Salib & Krishnamurthi, *supra* note 6, at 124.

16. *See infra* Section I.B.

17. *SFFA*, 600 U.S. 181, 223–24 (2023).

18. *Id.* at 228–30.

19. Nina Totenberg, *Supreme Court Guts Affirmative Action, Effectively Ending Race-Conscious Admissions*, NPR, <https://www.npr.org/2023/06/29/1181138066/affirmative-action-supreme-court-decision> (June 29, 2023, 7:52 PM) (The *SFFA* decision “effectively ended race-conscious admission programs at colleges and universities across the country.”).

governmental interests” and be “‘narrowly tailored’—meaning ‘necessary’—to achieve [them].”²⁰ Although the defendants argued that their admissions policies were narrowly tailored to meet the compelling state interest in educational diversity, the majority determined that the programs before them were too amorphous and also failed to create opportunities for “meaningful judicial review,” especially given the absence of a stated end date.²¹ The majority opinion further stated that the means were not connected closely enough to the goal, that structural diversity does not lead automatically to robust conversations among students from different backgrounds.²²

Academic freedom, the Court continued, remains important; however, the Court said it cannot “trust” institutions of higher education to initiate policies that both promote their own interests and follow the law.²³ Justices Thomas, Gorsuch, and Kavanaugh each filed concurring opinions, emphasizing various aspects of the majority opinion.²⁴

Justice Sotomayor and Justice Jackson—the only two women of color on the Court—issued blistering dissents emphasizing the ongoing salience of race in American life despite their colleagues’ assertions to the contrary. Justice Sotomayor (joined by Justices Kagan and Jackson) accused the Court of adhering to a “superficial rule of colorblindness as a constitutional principle” despite the fact that “race has always mattered and continues to matter.”²⁵ When students have an opportunity to learn from “widely diverse people, cultures, ideas, and viewpoints,” this not only promotes “cross-racial understanding” but also “break[s] down racial stereotypes” and gives students access to “the skills needed in today’s increasingly global marketplace.”²⁶ Because restricting access to higher education erodes “public confidence in the ‘legitimacy’ and ‘integrity’ of those institutions” and their graduates, she said, this type of “segregation” goes beyond negative repercussions for students of color alone.²⁷ Justice Sotomayor noted that the end of affirmative action in higher education admissions not only injures applicants of color but “harms ‘our democratic society’ more broadly as well.”²⁸

20. *SFFA*, 600 U.S. at 207 (quoting *Grutter v. Bollinger*, 539 U.S. 306, 326 (2003); *Fisher v. Univ. of Tex. at Austin*, 570 U.S. 297, 311–12 (2013)).

21. *Id.* at 214.

22. *Id.* at 224. My own previous scholarship reached a similar conclusion, though instead of arguing for an end to affirmative action, I proposed specific institutional changes to better facilitate “diversity discussions” in the classroom once students from diverse backgrounds had been admitted. *See Deo, supra* note 4, at 2434–35.

23. *SFFA*, 600 U.S. at 217.

24. *See id.* at 231–318 (Thomas, Gorsuch, & Kavanaugh, JJ., concurring).

25. *Id.* at 318 (Sotomayor, J., dissenting).

26. *Id.* at 332 (quoting *Grutter v. Bollinger*, 539 U.S. 306, 330 (2003)).

27. *Id.*

28. *Id.* at 328 (quoting *Brown v. Bd. of Educ.*, 347 U.S. 483, 493 (1954)). There may also be societal harms based on the shift from mitigating racial resentment through doctrine to “reward[ing] legal tactics [exploiting] such resentment.” Yuvraj Joshi, *The Law of Racial Resentment*, 72 UCLA L. REV. (forthcoming 2025) (manuscript at 5–6), <https://ssrn.com/abstract=4876793>.

Justice Jackson's withering dissent (joined by Justices Sotomayor and Kagan) accused the majority of "let-them-eat-cake obliviousness" in proclaiming "colorblindness for all" despite evidence of ongoing racial disparities in wealth, education, housing, and more.²⁹ Her dissent zeroes in on the real-life consequences that the majority decision will have on the people most affected by it. Justice Jackson noted that institutions of higher education "properly care about preventing racial isolation on campus because research shows that it matters for students' ability to learn and succeed."³⁰ She reproached the majority for maintaining access to higher education only for "underrepresented minorities [headed for] the bunker, not the boardroom,"³¹ alluding to majority's point that military institutions need not abandon affirmative action.³² In short, her dissent provided examples of how "race still matters to the lived experiences of all Americans in innumerable ways."³³

Despite the realities revealed in these powerful dissents, the majority opinion in *SFFA* has three key takeaways. First, affirmative action as we have known it since *Regents of the University of California v. Bakke*³⁴ is over.³⁵ Second, the state interest in educational diversity confirmed in *Grutter* now seems impossible to meaningfully pursue, especially given the requisite narrower tailoring.³⁶ Third, despite a contrary holding just seven years prior in *Fisher v. University of Texas at Austin*,³⁷ the Court will no longer defer to universities relying on academic freedom to further diversity goals.³⁸

B. Unresolved Opportunities

While *SFFA* provided some definitive answers, many questions remain unresolved—creating opportunities for institutions of higher learning to pursue diversity and expand access to education through creative constitutional means.³⁹ Given the uncertainty on what is now prohibited,

29. *SFFA*, 600 U.S. at 407 (Jackson, J., dissenting).

30. *Id.* at 404.

31. *Id.* at 411.

32. *Id.* at 355 (Sotomayor, J., dissenting).

33. *Id.* at 407 (Jackson, J., dissenting).

34. 438 U.S. 265 (1978).

35. *Id.* at 314–15 (holding that the Harvard admission plan was sufficiently narrowly tailored to promote the compelling state interest of educational diversity through affirmative action).

36. See Deo, *supra* note 13, at 74 (discussing the state interest prong in *Grutter*); see also John P. Elwood, James P. Joseph, Sean M. SeLegue, R. Reeves Anderson, & Andrew Tutt, *Supreme Court's Affirmative Action Decision Requires New Approaches to Achieving Diversity in Higher Education*, ARNOLD & PORTER (June 30, 2023), <https://www.arnoldporter.com/en/perspectives/advisories/2023/06/scotus-affirmative-action-decision>.

37. 579 U.S. 365, 388 (2016) ("Considerable deference is owed to a university in defining those intangible characteristics, like student body diversity, that are central to its identity and educational mission.").

38. See *SFFA*, 600 U.S. at 209.

39. Liam Knox, *A Disruptive Year in Admissions*, INSIDE HIGHER ED (Dec. 18, 2023), <https://www.insidehighered.com/news/admissions/traditional-age/2023/12/18/how-will-years-big-admissions-changes-shape-2024> (suggesting *SFFA* could prompt innovation and experimentation in admissions policies).

this Section briefly addresses a few open questions before the Article turns to examining how belonging is a critical need, regardless of the status of affirmative action.⁴⁰

1. Race-Neutral Policies

The most undeniably constitutional method of pursuing diversity is to rely purely on race-neutral measures that nevertheless could be proxies for race and result in some racial diversity on campus. For example, some commentators suggest that universities should consider socioeconomic status as a factor in admissions, rather than racial diversity. There is an ongoing, decades-long argument about whether this method would truly result in a racially diverse campus or whether poor white applicants (who greatly outnumber applicants from communities of color) would be the primary beneficiaries.⁴¹ Nevertheless, this race-neutral alternative has recently been revived and presented as a more inclusive form of affirmative action that can avoid judicial scrutiny, although it may not achieve much racial diversity.⁴² Similarly, some scholars have suggested eliminating tuition,⁴³ while others have suggested implementing guaranteed admission policies, whether for the top performing high school students or through some other means.⁴⁴

2. Reducing Reliance on Potentially “Discriminatory” Metrics

Other commentators have recommended admissions officers reduce reliance on standardized test scores and other metrics that indirectly benefit white applicants.⁴⁵ However, race-neutral admissions as “pure meritocracy” is a myth.⁴⁶ Many admissions metrics are presented and accepted as “race-neutral,” though they often disproportionality favor white applicants, which perpetuates racial disparities, prevents racial diversity, and maintains racial inequities.⁴⁷ Some elite institutions in recent years have employed a more holistic approach to admissions, reducing reliance on

40. Stacy Hawkins, *What’s Next? Diversity in High Education after SFFA v. Harvard/UNC*, 48 J. COLL. & U.L. 231, 231–32 (2023).

41. See Richard D. Kahlenberg, *Class-Based Affirmative Action*, 84 CALIF. L. REV. 1037, 1064 (1996); see also Khiara M. Bridges, *Class-Based Affirmative Action, or the Lies That We Tell About the Insignificance of Race*, 96 B.U. L. REV. 55, 57 (2016).

42. Richard D. Kahlenberg, *New Avenues for Diversity After Students for Fair Admissions*, 48 J. COLL. & U.L. 283, 286 (2023). But see Chen, *supra* note 14; Nittle, *supra* note 14.

43. Chen, *supra* note 14.

44. Knox, *supra* note 39.

45. Patrick Hornbeck, *Implicit Bias Against Asian Americans: A Blind Spot in the Harvard Admissions Case*, 52 J.L. & EDUC. 123, 126 (2023).

46. Jonathan D. Glater, *The Elision of Causation in the 2023 Affirmative Action Cases*, 48 J. COLL. & U.L. 395, 416 (2023). In fact, “the status quo ante—prior to adoption of any form of race-based affirmative action—was race-based exclusion.” *Id.* at 417. Additionally, legacy admissions, donor preferences, and protected admissions have pushed against the meritocracy myth for generations. See Tayo Bero, *Affirmative Action is Over in the United States, but Only for Black People*, THE GUARDIAN (June 30, 2023, 9:30 AM), <https://www.theguardian.com/commentis-free/2023/jun/30/affirmative-action-over-only-black-people>.

47. Uma Mazyck Jayakumar & Ibram X. Kendi, *‘Race Neutral’ Is the New ‘Separate but Equal,’* ATLANTIC (June 29, 2023), <https://www.theatlantic.com/ideas/archive/2023/06/supreme-court-affirmative-action-race-neutral-admissions/674565/>.

standardized tests by making score submission optional, being flexible, or even by not considering these test scores at all.⁴⁸ However, policies that ignore or weaken the impact of standardized tests have also been criticized for furthering disparities.⁴⁹ Research confirms not only that “[standardized] test scores may be helpful for highly selective colleges to create more upward mobility by prioritizing admissions for academically prepared students from a broader range of backgrounds” but also that they may better predict college grades than high school GPAs.⁵⁰ Thus, some worry—and evidence has shown—that students who might have performed well on standardized tests and used that achievement to level the playing field by signaling their ability to succeed in elite institutions lose that opportunity when testing disappears.⁵¹ As such, some schools have reintroduced reliance on standardized tests in part to increase opportunities for applicants from marginalized groups.⁵²

3. Race-Conscious Possibilities

While many people assert that affirmative action is over, others argue that substantial changes might not be necessary in the aftermath of *SFFA*. For example, Professors Peter Salib and Guha Krishnamurthi assert that university admissions will likely continue largely unchanged, with no “overhaul” of policies; they see *SFFA* as purely a “symbolic victory” for anti-affirmative action advocates.⁵³ While institutions can no longer confirm their continued use of affirmative action, these scholars argue, they can continue using the largely “obscure” policies that have governed university admissions for decades.⁵⁴

Academics also have suggested that admissions officers look to application essays to glean identity information from prospective students

48. Mark J. Drozdowski, *New Study Suggests Elite Colleges Should Reinstate SAT/ACT*, BEST COLLEGES, <https://www.bestcolleges.com/news/analysis/new-study-suggests-elite-colleges-should-reinstate-sat> (Jan. 30, 2024) (“Today, more than 1,900 colleges and universities remain test-optional. Of those, eighty-four are test-blind, meaning they not only don’t require scores but also won’t consider them if submitted.”); Knox, *supra* note 39.

49. Michael T. Nietzel, *Yale University to Reinstate Standardized Test Requirements for Admissions*, FORBES, <https://www.forbes.com/sites/michaelt Nietzel/2024/02/22/yale-university-to-reinstate-standardized-test-requirement-for-admissions/?sh=785c34a53182> (Feb. 22, 2024, 9:26 AM) (Yale University released a statement noting that “inviting students to apply without any test scores can, inadvertently, disadvantage students from low-income, first-generation, and rural backgrounds.”).

50. John Friedman, Bruce Sacerdote, & Michele Tine, *Standardized Test Scores and Academic Performance at Ivy-Plus Colleges*, DATA INSIGHTS (Jan. 2024), https://opportunityinsights.org/wp-content/uploads/2024/01/SAT_ACT_on_Grades.pdf.

51. Stephanie Saul, *Brown University Will Reinstate Standardized Tests for Admission*, N.Y. TIMES (Mar. 5, 2024), <https://www.nytimes.com/2024/03/05/us/brown-university-admission-test-optional.html> (“Brown also echoed concerns expressed by both Dartmouth and Yale that suspending test requirements had the unintended effect of harming prospective students from low-income families.”); Nietzel, *supra* note 49.

52. Nietzel, *supra* note 49 (Yale University released a statement that noted “when used thoughtfully as part of a whole-person review process, tests can help increase rather than decrease diversity in our class.”); Saul, *supra* note 51.

53. Salib & Krishnamurthi, *supra* note 6, at 124–25.

54. *Id.* at 125–29. *But see* Vinay Harpalani, *Secret Admissions*, 48 J. COLL. & U.L. 325, 330 (2023) (arguing that future allegations of surreptitious use of race will likely lead to further litigation in the affirmative action context and that greater transparency is preferred).

who write about personal experiences with discrimination or overcoming obstacles.⁵⁵ The *SFFA* majority states that “nothing in this opinion should be construed as prohibiting universities from considering an applicant’s discussion of how race affected [their] life, be it through discrimination, inspiration, or otherwise.”⁵⁶ Although the majority states emphatically that institutions cannot simply use essays to circumvent *SFFA*,⁵⁷ they do leave open the opportunity for applicants to use personal statements to connect race to individual experiences, whether relaying past racial discrimination or how race affects their ongoing “courage and determination.”⁵⁸ According to the majority opinion, an essay about how “heritage or culture motivated [an applicant to] attain a particular goal” is appropriate to consider so long as its review is directly “tied to *that student’s* unique ability to contribute to the university.”⁵⁹ Utilizing the personal essay as a “loophole” may give students an opportunity to discuss their racial background, experiences, and potential campus contributions in a way that does not violate *SFFA*.⁶⁰

One danger of this uncertainty is that institutions of higher learning, fearing legal challenges and public outcry, could unnecessarily scale back or eliminate existing programs that are not directly prohibited by the new ruling.⁶¹ Because the practical implications are unclear, universities are unsure how to craft new admissions policies and whether any of their other programs may be susceptible to legal challenge.⁶² Thus, the impact of *SFFA* could extend far beyond university admissions. Arguably, the shift toward race-neutral policies could affect a host of programs, including race-inclusive recruitment, scholarships, and outreach.⁶³ In fact, some universities have already scaled back diversity efforts, which will likely further decrease representation of students of color.⁶⁴

Regardless of the admissions changes that institutions of higher education ultimately adopt, “higher education will fail to truly advance racial justice” with holistic, race-inclusive admissions policies alone; instead, the

55. Chen, *supra* note 14.

56. *SFFA*, 600 U.S. 181, 230 (2023).

57. *Id.*

58. *Id.* at 231.

59. *Id.* (emphasis in original).

60. Kahlenberg, *supra* note 41, at 1061–64. Note, however, concerns about whether applicants authentically share their racial experiences as well as the selective valuing of racial experiences by those reviewing their files.

61. Applicants are similarly confused about the ruling, wondering how it could impact their chances for admission, and concerned that universities will now ignore the racial realities that define much of their life experiences. See Tai Caputo, *Students Navigate College Admissions After Affirmative Action’s End*, THE LITTLE HAWK (Dec. 11, 2023), <https://www.thelittlehawk.com/63438/news/students-navigate-college-admissions-after-affirmative-actions-end/>.

62. Ian Millhiser, *The Monstrous Arrogance of the Supreme Court’s Affirmative Action Decision*, VOX (June 29, 2023, 11:10 AM), <https://www.vox.com/scotus/23616868/supreme-court-affirmative-action-harvard-unc-students-fair-admissions-john-roberts>.

63. Liam Knox, *Reading Between the Lines on Affirmative Action*, INSIDE HIGHER ED (July 17, 2023), <https://www.insidehighered.com/news/admissions/traditional-age/2023/07/17/what-affirmative-action-decision-means-beyond-admissions>.

64. *Id.*

“system must reorient its mission around serving the needs and aspirations of the communities it has long ignored and shut out.”⁶⁵ In addition, widespread racial advancement takes decades. The Court’s timeline for expected structural change was unrealistic, with the majority opinion in *SFFA* assuming there should have been greater and faster progress in a supposedly color-blind society that ignores the reality of most Americans of color.⁶⁶ This misconception reinforces racial and other systemic inequities, as evidenced throughout affirmative action jurisprudence.⁶⁷ Without recognizing the biases that are inherent in our traditional admissions metrics, systemic racism will remain part of the foundation of university admissions.⁶⁸ To recognize racial realities and achieve racial equity, courts must move beyond the flawed Black/white binary, a racial dichotomy that posits Black and white as the only two salient racial categories in the United States.⁶⁹ This binary creates a system that overlooks the experiences of Latinx, Native American, Middle Eastern, Asian American, and other racial groups with long histories and unique American experiences.⁷⁰ It can also turn these racial groups into “buffers” through racial triangulation—as evidenced by the choice to use Asian Americans as plaintiffs in *SFFA*.⁷¹ The exploitation of “negative action” against Asian Americans should be condemned rather than celebrated, as its bait-and-switch strategy used Asian Americans to disrupt affirmative action without truly addressing their concerns about discrimination.⁷² Instead of overlooking the nuanced experiences of Asian American applicants, courts should delve more deeply to understand the intraracial diversity within the Asian American population, considering for instance the socioeconomic differences between Filipino Americans and Chinese Americans or the ramifications

65. Chen, *supra* note 14.

66. Yuvraj Joshi, *Racial Time*, 90 U. CHI. L. REV. 1625, 1633–34 (2023) (“Because the legal enactment of dominant time perpetuates structural inequalities, true transformative progress can be achieved only when subordinated temporalities are acknowledged, considered, and, where appropriate, integrated into the legal framework.”).

67. *Id.* at 1669–70 (“using dominant ideas about time . . . as seen in the *SFFA* case . . . prohibit[s] most race-sensitive admissions, further hindering efforts toward racial inclusion”).

68. Jayakumar & Kendi, *supra* note 47.

69. Juan F. Perea, *The Black/White Binary Paradigm of Race: The “Normal Science” of American Racial Thought*, 85 CALIF. L. REV. 1213, 1219 (1997).

70. Ming Hsu Chen, *What the Supreme Court Got Wrong About Affirmative Action*, THE PROGRESSIVE MAG. (Sept. 6, 2023, 11:05 AM), <https://progressive.org/latest/what-the-supreme-court-got-wrong-about-affirmative-action-chen-20230905/>. The Black/white binary reflects a false racial paradigm where Americans are either white or Black, with no recognition of the various other racial groups that comprise American society. See Perea, *supra* note 69, at 1219; see also Meera E. Deo, *Better than BIPOC*, 41 MINN. J.L. & INEQ. 71, 99 (2023) (stating that “when Latinx, Asian American, Arab American, and other communities of color are purposefully pushed to the periphery, this signals *racial triangulation*—using these groups as a ‘buffer’ separating whites from Black Americans which perpetuates the binary and divides groups that should be unified”).

71. See sources cited *supra* note 70.

72. Mike Hoa Nguyen, Nicole Cruz Ngaosi, Douglas H. Lee, Liliana M. Garces, Janelle Wong, Oyan A. Poon, Emelyn A. Martinex Morales, Stephanie A. S. Dudowitz, & Daniel Woofert, *Racial Stereotypes About Asian Americans and the Challenge to Race-Conscious Admissions in SFFA v. Harvard*, 48 J. COLL. & U.L. 369, 380 (2023); Vinay Harpalani, “Bait-and-Switch”: How Asian Americans Were Weaponized to Dismantle Affirmative Action, 71 DRAKE L. REV. 323, 327 (2024) (“[N]egative action’ [refers] specifically to discrimination against Asian Americans in comparison to [w]hite applicants.”); Bero, *supra* note 46.

of being a Vietnamese refugee versus the son of a Japanese diplomat.⁷³ In short, rather than oversimplifying the complexities of racial identity and diversity, let alone those involving history, power, and privilege, courts as well as administrators and policymakers must recognize racial realities, following the tradition of CRT.⁷⁴

II. BELONGING FROM A CRT LENS

To fully appreciate the importance of building belonging post-*SFFA*, we must first become familiar with the concept of belonging. This Article frames belonging using CRT, which centers the experience of people of color and emphasizes “theory in practice,” also known as “praxis.”⁷⁵ This framework provides an opportunity to consider how law students of color experience belonging. Focus on the law school context is critical. Previous attacks on affirmative action have focused on legal education, along with cases challenging medical school and undergraduate admissions.⁷⁶ Maintaining diversity in law schools through admissions, enrollment, and retention is especially important for society. The Supreme Court previously asserted that law schools are a “training ground for a large number of our Nation’s leaders.”⁷⁷ Lawyers do occupy a variety of leadership positions in society, including in both government and the private sector.⁷⁸ Thus, not only are diverse law schools “necessary for a diverse profession” but they are also “an avenue for diversification of American leadership generally.”⁷⁹ Considering that the legal profession is the least diverse profession in America despite decades of affirmative action,⁸⁰ what will happen now in the wake of *SFFA*?

A. The Framework of CRT

The concept of belonging fits well within a CRT framework. First and foremost, CRT centers personal experiences informed by race and racism.⁸¹ People and their racial experiences are at its heart. CRT scholarship

73. Nguyen, Ngaosi, Lee, Garces, Wong, Poon, Morales, Dudowitz, & Woofert, *supra* note 72, at 380; Deo, *supra* note 4, at 2444–48.

74. Chen, *supra* note 14.

75. Raneta J. Lawson, *Critical Race Theory As Praxis: A View from Outside the Outside*, 38 HOWARD L.J. 353, 359 (1995).

76. Regents of Univ. of Cal. v. Bakke, 438 U.S. 265, 269–70 (1978); Gratz v. Bollinger, 539 U.S. 244, 249–50 (2003); Grutter v. Bollinger, 539 U.S. 306, 311 (2003); Fisher v. Univ. of Tex. at Austin, 570 U.S. 297, 300–01 (2013); Fisher v. Univ. of Tex. at Austin, 579 U.S. 365, 369 (2016).

77. Grutter, 539 U.S. at 332.

78. Rebecca K. Lee, *Implementing Grutter’s Diversity Rationale: Diversity and Empathy in Leadership*, 19 DUKE J. GENDER L. & POL’Y 133, 145 (2011).

79. Deo, *Empirically Derived*, *supra* note 6, at 703 (citing Neil W. Hamilton, *Ethical Leadership in Professional Life*, 6 U. ST. THOMAS L.J. 358, 359–63 (2009)).

80. Bourree Lam, *The Least Diverse Jobs in America*, ATLANTIC (June 29, 2015), <https://www.theatlantic.com/business/archive/2015/06/diversity-jobs-professions-america/396632/> (citing American Bar Association statistics on the lack of diversity in the legal profession).

81. Mari J. Matsuda, *Voice of America: Accent, Antidiscrimination Law, and a Jurisprudence for the Last Reconstruction*, 100 YALE L.J. 1329, 1331 & n.7 (1991); Osagie K. Obasogie, *Foreword: Critical Race Theory and Empirical Methods*, 3 U.C. IRVINE L. REV. 183, 183–84 (2013); Laura E.

is thus defined by “identifying, exploring, and resolving problems through the prism of race.”⁸² Furthermore, CRT draws from a narrative tradition that connects theory to storytelling and personal examples to elucidate abstract thought.⁸³ Individual experiences with race and racism are as important as theory and data. Additionally, CRT urges us to “look[] to the bottom,” investigating peripheral perspectives rather than centering those of the majority who tend to have the most power and privilege.⁸⁴ By highlighting those at the margins, CRT scholars seek to shed light on boundaries, contours, and end points rather than what is already most visible.⁸⁵ Relatedly, CRT promotes novel methods and innovative approaches beyond traditional normative legal scholarship—including a recent trend toward “eCRT” (empirical methods combined with CRT), which this Article employs.⁸⁶

Another central tenet of CRT is intersectionality: the commitment to recognize the whole person and see how overlapping identity markers affect experiences.⁸⁷ Kimberlé Crenshaw explains how intersectionality maintains the marginalization of particular groups based on multiple identity characteristics that are each devalued.⁸⁸ Bias or discrimination may be linked to the “intersection of recognized sites of oppression” rather than simply to one less valued racial, ethnic, gender, or other identity characteristic.⁸⁹ Others have offered different terms to explain similar ideas, including “multiple consciousness, cosynthesis, holism, interconnectivity, and multidimensionality.”⁹⁰ Building on intersectionality is the concept of raceXgender bias, which recognizes “the compound of effects of

Gómez, *A Tale of Two Genres: On the Real and Ideal Links Between Law and Society and Critical Race Theory*, in *THE BLACKWELL COMPANION TO LAW AND SOCIETY* 453, 455–56 (Austin Sarat ed., 2004).

82. Lawson, *supra* note 75, at 359.

83. DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* 144 (1992); Daria Roithmayr, *Introduction to Critical Race Theory in Educational Research and Practice*, in *RACE IS . . . RACE ISN'T: CRITICAL RACE THEORY AND QUALITATIVE STUDIES IN EDUCATION* 1, 1–5 (Laurence Parker, Donna Deyhle, & Sofia Villenas eds., 1999).

84. Mari J. Matsuda, *Look to the Bottom: Critical Legal Studies and Reparations*, 22 *HARV. C.R.-C.L. L. REV.* 323, 324–26 (1987); BELL, *supra* note 83, at 144; Meera E. Deo, *Centering Marginalized Populations*, in *1 BUILDING AN ANTIRACIST LAW SCHOOL, LEGAL ACADEMY, AND LEGAL PROFESSION* (UC Press) (forthcoming 2025), <https://dickinsonlaw.psu.edu/adi-book-series>.

85. Deo, *Empirically Derived*, *supra* note 6, at 692–93, 705.

86. Obasogie, *supra* note 81, at 184–85; Mario L. Barnes, *Empirical Methods and Critical Race Theory: A Discourse on Possibilities for a Hybrid Methodology*, 2016 *WIS. L. REV.* 443, 446–47 (2016); Meera E. Deo, *New Legal Realism, eCRT, and the Future of Legal Education Scholarship*, in *RESEARCH HANDBOOK ON MODERN LEGAL REALISM* 240, 242 (Shauhin Talesh, Elizabeth Mertz, & Heinz Klug eds., 2021).

87. Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 *U. CHI. LEGAL F.* 139, 140 (1989).

88. *Id.*

89. RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* 58 (3d ed. 2017).

90. Adrien Katherine Wing, *Introduction to CRITICAL RACE FEMINISM* 7 (Adrien Katherine Wing, Derrick Bell, & Richard Delgado eds., 2d ed. 2003).

devaluation based on both race and gender.”⁹¹ These ideas provide an avenue for purposefully studying how women of color, for instance, have different experiences not only from white women but from men of color, too. Spotlighting intersectional groups also gives context to why even various groups under the women-of-color umbrella (e.g., Black women compared to Asian American women) have different experiences.⁹²

Finally, belonging connects with CRT through “praxis”—the “iterative process by which the knowledge gained from theory, research, personal experiences, and practice inform one another” and are used in service of racial progress.⁹³ In this way, CRT insists that we go beyond thought experiments and theoretical constructs to pursue theory-informed action on the path to meaningful change.⁹⁴ Praxis urges us to use the tools at our disposal to not simply observe inequities, but to create and maintain lasting change; praxis advocates for breaking barriers, upsetting the status quo, and otherwise working towards racial justice.⁹⁵ CRT scholars thus seek to document ongoing realities and validate the experiences of people of color in various contexts. Additionally, CRT does not shy away from naming and blaming systems and structures that maintain an unequal racial status quo.⁹⁶

Interestingly, Justices Sotomayor and Jackson wove elements of CRT throughout their *SFFA* dissents, providing us with an opportunity to use these opinions as examples of praxis CRT in action. By centering the long history of discrimination against people of color along with their own racial realities, Justices Sotomayor and Jackson followed the basic CRT tenet of fixing the spotlight firmly on people of color.⁹⁷ Race is not simply mentioned or included—it is the focal point of their opinions, as it is the focus of CRT.⁹⁸ When Justice Jackson noted that “the race-blind admissions stance the Court mandates from this day forward is unmoored from critical real-life circumstances,” she shared a CRT perspective by highlighting the lived experiences of people of color.⁹⁹ Both Justices also “looked to the bottom” by detailing the experiences of individuals who are

91. Meera E. Deo, *The Culture of “raceXgender” Bias in Legal Academia*, in POWER, LEGAL EDUCATION, AND LAW SCHOOL CULTURES 240, 241 (Meera E. Deo, Mindie Lazarus-Black, & Elizabeth Mertz eds., 2020).

92. Deo, *supra* note 70, at 93–94.

93. Yael Cannon & Nicole Tuchinda, *Critical Perspectives to Advance Educational Equity and Health Justice*, 50 J.L., MED. & ETHICS 776, 783 (2022).

94. *Id.* at 778, 783.

95. Lawson, *supra* note 75, at 366 (noting that CRT scholarship involving praxis, centers race, uses innovative methods, and is “result-oriented with practical application”).

96. Roithmayr, *supra* note 83, at 1–6.

97. *SFFA*, 600 U.S. 181, 321–25, 333–37, 385 (2023) (Sotomayor & Jackson, JJ., dissenting).

98. For instance, Justice Sotomayor discusses the experiences of students of color, *id.* at 333–37 (Sotomayor, J., dissenting), while Justice Jackson traces the origins and evolution of the Fourteenth Amendment and its effects on Black Americans. *Id.* at 407 (Jackson, J., dissenting).

99. *Id.* at 410.

on the margins of our nation's racial hierarchy.¹⁰⁰ Finally, the dissents invoked praxis by recognizing and vocalizing the practical consequences of the majority decision. For instance, Justice Sotomayor said bluntly, "Ignoring race will not equalize a society that is racially unequal."¹⁰¹ Justice Jackson noted that because "race still matters to the lived experiences of all Americans in innumerable ways, . . . today's ruling makes things worse, not better."¹⁰²

Following the approach that Justices Sotomayor and Jackson took in their dissents, this Article centers race as its primary focal point, uses empirical data to highlight the lived realities of people of color, amplifies the realities of those who are often at the periphery instead of centering those in the majority, and utilizes praxis. In doing so, this Article examines how students of color experience—or do not experience—belonging and advocates for greater racial justice through enhancing belonging and increasing retention for the remarkable students of color who will join law school campuses despite *SFFA*.

B. Connecting CRT to Belonging

The first step to connect belonging with racial equity is to understand the basics of belonging. Original empirical data presented in this article builds on existing research by suggesting how professors, students, and administrators can foster belonging and, in turn, improve retention rates for students of color. This Section introduces belonging—the basics, its role in higher education, its benefits, and its unique application to law students of color.

1. Belonging Basics

The *Cambridge Dictionary* defines belonging as, "[A] feeling of being happy or comfortable as part of a particular group and having a good relationship with the other members of the group because they welcome you and accept you."¹⁰³ Scholars build on this definition by explaining the meaning and purpose of belonging in different but overlapping ways. In one foundational book on the topic, Professor Terrell Strayhorn notes that belonging revolves around "a feeling of connectedness, that one is important or matters to others."¹⁰⁴ Similarly, one can view "sense of belonging . . . as a dimension of perceived cohesion. . . the extent to which

100. See generally *id.* at 334–35 (Sotomayor, J., dissenting) (discussing minority enrollment in schools); *id.* at 388–89 (Jackson, J., dissenting) (discussing laws that hindered the progress and prosperity of Black people).

101. *Id.* at 334 (Sotomayor, J., dissenting).

102. *Id.* at 407 (Jackson, J., dissenting).

103. *Belonging*, CAMBRIDGE DICTIONARY, <https://dictionary.cambridge.org/us/dictionary/english/belonging> (last visited Feb. 19, 2024).

104. STRAYHORN, *supra* note 9, at 2.

individual[s] feel ‘stuck to’ . . . particular social groups.”¹⁰⁵ Some scholars note that sense of belonging is “a feeling that members matter to one another and to the group,” including having “a shared faith that members’ needs will be met through their commitment to be together.”¹⁰⁶ Belonging is not an individual or stand-alone sensation, but rather revolves around relationships, including “social relations, connections, and supportive interactions.”¹⁰⁷

Belonging is also context-specific. When individuals are in particularly fraught situations, or feel unsupported or unwelcome, belonging may have special salience.¹⁰⁸ It is thus intimately connected to physical and emotional safety and security.¹⁰⁹ Furthermore, belonging is neither a linear process nor a static one.¹¹⁰ For instance, “[p]lace-belongingness”—the sense of “being ‘at home’ in a place”—highlights the “emotional attachment to [somewhere] that feels familiar and secure.”¹¹¹ Because belonging depends on context and is fluid, a person’s sense of belonging shifts depending on where they are, who they are with, and how connected they feel to that place and community in that moment.¹¹²

Belonging also connects to the CRT framework. Just as CRT incorporates a commitment to addressing structural inequities that hamper progress for people of color, theories of student belonging identify and resist structural barriers that keep students from maximizing their outcomes. Additionally, CRT promotes the voices of those traditionally “at the bottom” or along the peripheries, often through storytelling. Similarly, scholarship on belonging seeks to give voice to traditionally marginalized students by amplifying their experiences. By recognizing that belonging relates to “how systems of oppression and power interact with people’s various social identities,” theories of racial justice and intersectionality from CRT also come into play.¹¹³ In short, belonging is “an intimate feeling, a fundamental human need, tied to power, bound with safety, and in constant negotiation.”¹¹⁴

105. Kenneth A. Bollen & Rick H. Hoyle, *Perceived Cohesion: A Conceptual and Empirical Examination*, 69 SOC. FORCES 479, 482–83 (1990); Sylvia Hurtado & Deborah Faye Carter, *Effects of College Transition and Perceptions of the Campus Racial Climate on Latino College Students’ Sense of Belonging*, 70 SOCIO. EDUC. 324, 328 (1997).

106. David W. McMillan & David M. Chavis, *Sense of Community: A Definition and Theory*, 14 J. CMTY. PSYCH. 6, 9 (1986).

107. Terrell L. Strayhorn, *Reframing Academic Advising for Student Success: From Advisor to Cultural Navigator*, 35 NACADA J. 56, 60 (2015).

108. STRAYHORN, *supra* note 9, at 5.

109. Rebecca Covarrubias, *What Does it Mean to Belong? An Interdisciplinary Integration of Theory and Research on Belonging*, SOC. & PERSONALITY PSYCH. COMPASS 1, 2 (2023).

110. *Id.*

111. *Id.* at 4; Marco Antonsich, *Searching for Belonging—An Analytical Framework*, 4 GEOGRAPHY COMPASS 644, 646 (2010).

112. See Dan Uehara, Sehoya Cotner, Malcolm Langford, Nasjida Noorestaney, & Alva Kjenli, *Do I Belong in Law School? The Role of Academic and Social Climate* 4 (Mar. 6, 2024) (unpublished manuscript), <https://ssrn.com/abstract=4746818>.

113. Covarrubias, *supra* note 109, at 5.

114. *Id.*

2. Belonging in Higher Education

Most existing research on the importance of belonging in higher education highlights the experience of undergraduate students, with attention shifting to the law school arena only recently.¹¹⁵ Pierre Bourdieu laid a foundation for understanding belonging through “habitus,” which explains how people perceive and act on the world around them in accordance with the limitations of their social position.¹¹⁶ Therefore, individuals from social positions that have traditionally been excluded from elite spaces—such as students of color in higher education—will likely fail to fit in, often as the result of a purposeful process that seeks to keep them out of the upper echelons of society.¹¹⁷

Even early frameworks of belonging in higher education suggested that student integration was essential to retention.¹¹⁸ Over the years, many scholars have expanded this framework by linking belonging to institutional connection and community membership, highlighting its role in retention.¹¹⁹ The connection between belonging and retention is simple, but powerful: when students enjoy a strong sense of belonging on campus, they are more likely to remain engaged and less likely to drop out.¹²⁰ This is a critical time to engage with belonging as a means of improving retention given the vulnerable position of many students of color post-*SFFA*. Today, most researchers studying belonging in higher education consider college students’ sense of belonging on campus, including its correlation with various personal and academic outcomes beyond retention, from wellbeing to higher grades.¹²¹

Belonging is not just a warm, fuzzy feeling but rather “a basic human need, vital for optimal human functioning and critical for students’ learning and development.”¹²² Faculty, classmates, and administrators play a role in cultivating, strengthening, and sustaining the fluid and malleable sense of belonging on campus—as discussed later in this Article.¹²³ Expanding on the definitions provided above can shift focus to the specific

115. Elizabeth Bodamer, *Do I Belong Here? Examining Perceived Experiences of Bias, Stereotype Concerns, and Sense of Belonging in U.S. Law Schools*, 69 J. LEGAL EDUC. 455, 458 (2020).

116. PIERRE BOURDIEU, *DISTINCTION: A SOCIAL CRITIQUE OF THE JUDGEMENT OF TASTE* 170 (Richard Nice trans., 1984) [hereinafter *DISTINCTION*].

117. See PIERRE BOURDIEU, *THE STATE NOBILITY: ELITE SCHOOLS IN THE FIELD OF POWER* 103–04 (Lauretta C. Clough trans., 1989).

118. VINCENT TINTO, *LEAVING COLLEGE: RETHINKING THE CAUSES AND CURES OF STUDENT ATTRITION* 49–50 (2d ed. 1993); Covarrubias, *supra* note 109, at 3.

119. Hurtado & Carter, *supra* note 105, at 327.

120. STRAYHORN, *supra* note 9, at 2.

121. Sylvia Hurtado, June C. Han, Victor B. Sáenz, Lorelle L. Espinosa, Nolan L. Cabrera, & Oscar S. Cerna, *Predicting Transition and Adjustment to College: Biomedical and Behavioral Science Aspirants’ and Minority Students’ First Year of College*, 48 RSCH. HIGHER EDUC. 841, 842 (2007); Leslie R. M. Hausmann, Janet Ward Schofield, & Rochelle L. Woods, *Sense of Belonging As a Predictor of Intentions to Persist Among African American and White First-Year College Students*, 48 RSCH. HIGHER EDUC. 803, 809, 813 (2007); STRAYHORN, *supra* note 9, at 9. See the discussion of the benefits of belonging *infra* Section II.B.3.

122. STRAYHORN, *supra* note 9, at xiv.

123. See *infra* Part IV.

student experience in the context of university life. In higher education, belonging refers to “the extent to which [students] feel personally accepted, respected, included, and supported.”¹²⁴ When students have a strong sense of institutional belonging, they have “perceived social support on campus, a feeling or sensation of connectedness, and the experience of mattering or feeling cared about, accepted, respected, valued by, and important to the campus community or others on campus such as faculty, staff, and peers.”¹²⁵ A team studying women students in physics departments defines belonging in that context as “the extent to which individuals feel like a valued, accepted, and legitimate member in their academic domain.”¹²⁶

Because belonging is embedded in an institution’s culture, everyone within it sends signals about who belongs and how. Thus, “[w]hen students come into a learning environment unsure of whether they belong, they will be on the lookout for signs that say, ‘pull up a chair’ or ‘stay in the outer circle.’”¹²⁷ Reassuring and welcoming behaviors increase belonging for students questioning whether they belong, while rejection and exclusion confirm their sense that higher education, or a particular campus, may be outside their habitus and thus not the right place for them.¹²⁸

3. Belonging Benefits

Numerous research studies demonstrate the connection between belonging and improved outcomes for students. Scholars overwhelmingly agree on the many benefits that students reap from enjoying a strong sense of belonging, as well as drawbacks for those who lack belonging on campus. Beyond its connection to academic success, “[b]elonging has long been recognized as an innate human need and an important driver of physical and psychological well-being.”¹²⁹ In his famous hierarchy of needs, psychologist Abraham Maslow ranks belonging as one of the most important requirements for human development—behind only physical safety and basic physiological concerns such as food and shelter.¹³⁰ Conversely, research has revealed that a lack of belonging results in disadvantages such as alienation, loneliness, and isolation.¹³¹

Beyond retention, scholars have investigated additional ways that belonging benefits students in higher education. A strong sense of belonging

124. Carol Goodenow & Kathleen E. Grady, *The Relationship of School Belonging and Friends’ Values to Academic Motivation Among Urban Adolescent Students*, 62 J. EXPERIMENTAL EDUC. 60, 60–61 (1993).

125. STRAYHORN, *supra* note 9, at 4.

126. Karyn L. Lewis, Jane G. Stout, Steven J. Pollock, Noah D. Finkelstein, & Tiffany A. Ito, *Fitting In or Opting Out: A Review of Key Social-Psychological Factors Influencing a Sense of Belonging for Women in Physics*, 12 PHYSICAL REV. PHYSICS EDUC. RSCH. 1, 1 (2016).

127. Palma Joy Strand, *We Are All on the Journey: Transforming Antagonistic Spaces in Law School Classrooms*, 67 J. LEGAL EDUC. 176, 204 (2017).

128. DISTINCTION, *supra* note 116, at 170, 172.

129. Lewis, Stout, Pollock, Finkelstein, & Ito, *supra* note 126, at 1.

130. A. H. Maslow, *A Theory of Human Motivation*, 50 PSYCH. REV. 370, 380–81 (1943).

131. STRAYHORN, *supra* note 9, at 2.

is a clear predictor of multiple metrics of student success. Belonging has even been considered a prerequisite for achievement in higher education.¹³² One study of college students showed that belonging had a positive impact on academic adjustment—i.e., how well students adjust to academic life in higher education—as well as grades.¹³³ Other research has found that student persistence improves with belonging because connections to campus make students less susceptible to attrition.¹³⁴ Another study investigating academic integration—i.e., a student’s sense of whether they are full members of their institution—concluded that small gifts displaying institutional insignia coupled with communications from university administrators emphasizing target students’ value to the community resulted in increased retention rates for those students, compared to students who received only gifts but no communications and those who received neither gifts nor communications.¹³⁵ Overall, research demonstrates that students who feel that they belong at their institutions “earn better grades, are retained at higher rates, and adjust to [higher education] more easily than their peers who do not feel as if they belong.”¹³⁶

Students who feel assured in their belonging due to significant levels of institutional support are also more likely to engage socially and integrate into the campus community.¹³⁷ Additionally, students with a strong sense of belonging enjoy greater social acceptance by and better adjustment to peers and faculty; they are therefore more likely to seek help when needed by requesting explanations or clarifications that enhance the learning process and lead to better academic outcomes.¹³⁸

Conversely, a lack of belonging has been tied to less campus engagement, worse academic outcomes, and lower retention rates.¹³⁹ When students experience alienation instead of belonging, they become disengaged from the institution, which decreases academic achievement.¹⁴⁰ Those

132. Terrell L. Strayhorn, *Measuring the Relation Between Sense of Belonging, Campus Leadership, and Academic Achievement for African American Students at Historically Black Colleges and Universities (HBCUs): A “Gender Equity” Analysis*, 1 J. MINORITY ACHIEVEMENT, CREATIVITY, & LEADERSHIP 94, 98 (2020).

133. Hurtado, Han, Sáenz, Espinosa, Cabrera, & Cerna, *supra* note 121, at 882.

134. Hausmann, Schofield, & Woods, *supra* note 121, at 831–32.

135. *Id.* at 824–25.

136. Strayhorn, *supra* note 107, at 60; *see also* Victor D. Quintanilla, *Guest Post: A LSSSE Collaboration on the Role of Belonging in Law School Experience and Performance*, LSSSE (Jan. 25, 2019), <https://lsse.indiana.edu/blog/role-of-belonging-in-law-school-experience-and-performance/>.

137. Sungjun Won, Lauren C. Hensley, & Christopher A. Wolters, *Brief Research Report: Sense of Belonging and Academic Help-Seeking as Self-Regulated Learning*, 89 J. EXPERIMENTAL EDUC. 112, 114 (2021).

138. *Id.* at 119.

139. Hausmann, Schofield, & Woods, *supra* note 121, at 804–05; *see* Hurtado & Carter, *supra* note 105, at 324.

140. Antoinette Moriarty & Rory O’Boyle, *The Law School and the Psychology of Belonging*, in WELLBEING AND TRANSITIONS IN LAW: LEGAL EDUCATION AND THE LEGAL PROFESSION 181, 184 (Emma Jones & Caroline Strevens eds., 2023).

lacking belonging may be unable to perform at optimal levels in challenging learning environments, such as law school.¹⁴¹

Beyond academics, a strong sense of belonging promotes wellbeing. Belonging has established connections to improved mental health and self-esteem.¹⁴² Students who have a strong sense of belonging enjoy myriad positive mental health effects, including greater happiness, wellbeing, enthusiasm, interest, and confidence.¹⁴³ Belonging also results in lower levels of stress, anxiety, and depression.¹⁴⁴ Thus, both the benefits of student belonging and the drawbacks associated with its absence are well-established in higher education research.

4. Belonging for Students of Color

For students of color and other populations that are traditionally excluded from higher education, acquiring a sense of belonging tends to be a particularly fraught process. However, once achieved, it also has the potential to yield especially meaningful benefits. Various empirical studies document the ways in which students of color and others from nontraditional backgrounds have a lower sense of institutional belonging.¹⁴⁵ For these students, a lack of belonging can widen race-based disparities involving personal wellbeing as well as academic and professional success.¹⁴⁶

In addition, the socialization process that provides a pathway to belonging is more burdensome for students who have been historically excluded from higher education. Socialization refers to the process by which new students become acclimated into the dominant campus culture, preparing them for life in the profession they will enter upon graduation.¹⁴⁷ Consider: “If the transformation of upper-middle class [w]hite men into upper-middle class [w]hite professionals is a challenging process, how

141. Xiao Yuan, Yang (Lydia) Yang, & Craig M. McGill, *The Impact of Academic Advising Activities on International Students' Sense of Belonging*, 14 J. INT'L STUDENTS 424, 428 (2024); STRAYHORN, *supra* note 9, at 2 (citing Gregory M. Walton & Geoffrey L. Cohen, *A Question of Belonging: Race, Social Fit, and Achievement*, 92 J. PERSONALITY & SOC. PSYCH. 82, 86 (2007)); *see* Uehara, Cotner, Langford, Noorestaney, & Kjetsli, *supra* note 112, at 6.

142. *See* Maithreyi Gopalan, Ashley Linden-Carmichael, & Stephanie Lanza, *College Students' Sense of Belonging and Mental Health Amidst the COVID-19 Pandemic*, 70 J. ADOLESCENT HEALTH 228, 231 (2022); Yvonne Skipper & Michael Fay, *The Relationship Between the Sense of Belonging, Mental Wellbeing and Stress in Students of Law and Psychology in an English University*, 4 EUR. J. LEGAL EDUC. 5, 20 (2023); Uehara, Cotner, Langford, Noorestaney, & Kjetsli, *supra* note 112, at 4–5.

143. STRAYHORN, *supra* note 9, at 9; Yuan, Yang, & McGill, *supra* note 141, at 428.

144. Natalie Skead & Shane L. Rogers, *Stress, Anxiety, and Depression in Law Students: How Student Behaviours Affect Student Wellbeing*, 40 MONASH U. L. REV. 564, 575 (2014).

145. Uehara, Cotner, Langford, Noorestaney, & Kjetsli, *supra* note 112, at 3. *See generally* THE IMPACT OF A SENSE OF BELONGING IN COLLEGE (Erin M. Bentrin & Gavin W. Henning eds., 2022) (providing multiple studies of students from various nontraditional backgrounds and their sense of belonging in college); Bodamer, *supra* note 115, at 457.

146. Gregory M. Walton & Geoffrey L. Cohen, *A Question of Belonging: Race, Social Fit, and Achievement*, 92 J. PERSONALITY & SOC. PSYCH. 82, 82 (2007).

147. John C. Weidman, Darla J. Twale, & Elizabeth Leahy Stein, *Socialization of Graduate and Professional Students in Higher Education: A Perilous Passage?*, 28 ASHE-ERIC HIGHER EDUC. REP. 3, 5 (2001).

much more difficult is that process for women, students of color, and/or working-class students?”¹⁴⁸ There is an expectation that students will assimilate into the dominant culture of higher education—which tends to be white, male, and elite.¹⁴⁹ Like immigrants in a new country,¹⁵⁰ students whose culture of origin is in conflict with their new environment may feel pressured to assimilate, leaving behind certain aspects of their authentic selves in order to succeed.¹⁵¹ Some extra burdens may be due in part to a cultural mismatch between the cooperative communities where many students of color come from and the competitive campus where they have landed.¹⁵² This disconnect “between institutional mainstream values and those of marginalized groups within those settings” negatively affects student belonging.¹⁵³

Numeric representation plays a role as well. In one early study, women who watched a STEM conference recording that showed most participants were men reported a lower sense of belonging in their field compared to those who saw a recording depicting gender balance at the event.¹⁵⁴ Another study revealed that gender parity in student representation predicts “greater academic achievement in STEM for all students,” as does having a female instructor.¹⁵⁵ Though there is little empirical research on legal education, there is evidence that numeric representation matters in this context as well. Research shows that the small numbers of international and Muslim law students make them especially aware of their status as traditional outsiders in legal education, pushing them to rely on one another for support.¹⁵⁶ Another recent law school study tied the numeric underrepresentation of Black students, along with higher debt levels and cultural exclusion, directly to their marginalization on campus.¹⁵⁷ When numerical representation is especially small, the underrepresented groups

148. Debra Schlee, *Identity Transformation, Hegemonic Masculinity and Research on Professionalization*, 4 SOCIO. COMPASS 122, 124 (2010).

149. Moriarty & O’Boyle, *supra* note 140, at 185.

150. See Rubén G. Rumbaut, *Assimilation and Its Discontents: Between Rhetoric and Reality*, 31 INT’L MIGRATION REV. 923, 923 (1997).

151. See ROLAND LITTLEWOOD & MAURICE LIPSEGE, *ALIENS AND ALIENISTS: ETHNIC MINORITIES AND PSYCHIATRY* 9, 12, 15, 20, 25 (Routledge 3d ed. 1997) (discussing the difficulties that immigrants face in assimilating to new cultures while trying to retain their heritage, specifically within the psychiatry profession).

152. Covarrubias, *supra* note 109, at 8.

153. *Id.*

154. Mary C. Murphy, Claude M. Steele, & James J. Gross, *Signaling Threat: How Situational Cues Affect Women in Math, Science, and Engineering Settings*, 18 ASS’N PSYCH. SCI. 879, 883–84 (2007).

155. Nicholas A. Bowman, Christine Logel, Jennifer LaCosse, Lindsay Jarratt, Elizabeth A. Canning, Katherine T. U. Emerson, & Mary C. Murphy, *Gender Representation and Academic Achievement Among STEM-Interested Students in College STEM Courses*, 59 J. RSCH. SCI. TEACHING 1876, 1876 (2022).

156. See Swethaa Ballakrishnen & Carole Silver, *A New Minority? International JD Students in US Law Schools*, 44 L. & SOC. INQUIRY 647, 663–64 (2019); see also Swethaa S. Ballakrishnen, *Pluralistic Professionalisms: Religious Identity, Excluded Voice, and a Toolkit for the Periphery*, 10 TEX. A&M L. REV. 89, 108, 110 (2022) (discussing the microaggressions Muslim law students face).

157. Aaron N. Taylor, *The Marginalization of Black Aspiring Lawyers*, 13 FIU L. REV. 489, 507–11 (2019).

tend to experience more exclusion and bias, though greater diversity does not overcome discrimination.¹⁵⁸ Students of color more frequently report and acutely experience bias or discrimination on campus, which contributes to their lower levels of belonging.¹⁵⁹

Intersectionality is particularly instructive in the context of students of color in higher education. If a student is white and male but not from an elite or wealthy background, he may suffer a disconnect based on socioeconomic status but otherwise sense a congruence. An individual's multiple identities can ease or thwart the socialization process and thereby heighten or diminish belonging. Consider first-generation (first-gen) college students: because their parents do not have a college degree, first-gen students arrive on campus with forms of capital that tend to be less valued in higher education, such as valuing community over individual success.¹⁶⁰ When first-gen students are also people of color, they may need additional targeted mechanisms to foster belonging because it "is likely influenced by issues of race and racism on campus."¹⁶¹

While the students themselves may feel individually unprepared or believe that the problem lies with them personally, there are structural constraints at play. In other words, "The problem is not the gender, race, or class of the students, but the gendered, raced, or classed natures of the professional programs and/or the professional worldview."¹⁶² Because the literature in this area shows that "race and gender are particularly strong determinants of sense of belonging," with lower levels of belonging for women and students of color, we must improve the structure of the institution rather than change individual students.¹⁶³ Thus, sense of belonging is an indicator of both campus inclusivity and individual connection.¹⁶⁴ By better understanding how to enhance student belonging, particularly for groups that will likely be further underrepresented in higher education in

158. SYLVIA HURTADO & ADRIANA RUIZ ALVARADO, HIGHER EDUC. RSCH. INST., DISCRIMINATION AND BIAS, UNDERREPRESENTATION, AND SENSE OF BELONGING ON CAMPUS 2, 3 (2015).

159. Bodamer, *supra* note 115, at 477.

160. Pierre Bourdieu, *The Forms of Capital*, in HANDBOOK OF THEORY AND RESEARCH FOR THE SOCIOLOGY OF EDUCATION 241, 241–46 (J. G. Richardson ed., 1986) (discussing different forms of capital); MEERA E. DEO, CHAD CHRISTENSEN, & JACQUELYN PETZOLD, LSSSE, ANNUAL REPORT: FOCUS ON FIRST-GENERATION STUDENTS 16 (2023) [hereinafter 2023 ANNUAL REPORT]; Monica Teixeira de Sousa, *The Law Professor and the Therapist: Beyond Belonging There's a Place (and Need) for Group Solidarity Among First Generation and Low-Income Students in the Law School Setting*, 28 ROGER WILLIAMS U. L. REV. 161, 163–64 (2023) (defining first-generation students as students who do not have a parent with a college degree); see also *Are You a First-Generation Student?*, FIRSTGENFORWARD, <https://firstgen.naspa.org/why-first-gen/students/are-you-a-first-generation-student> (last visited Feb. 17, 2025).

161. Strayhorn, *supra* note 107, at 60.

162. Schleef, *supra* note 148, at 130–31.

163. Uehara, Cotner, Langford, Noorestaney, & Kjensli, *supra* note 112, at 3; Bodamer, *supra* note 115, at 456–57.

164. Lisa Mataczynski, Advising and Acculturation Variables as Predictors of Satisfaction, Sense of Belonging, and Persistence Among International Undergraduates 59 (May 2013) (Ph.D. dissertation, University of Southern California) (ProQuest); Yuan, Yang, & McGill, *supra* note 141, at 431; Bodamer, *supra* note 115, at 456.

future years, administrators, policymakers, and allies can assess which strategies will increase belonging to improve retention and outcomes for students from all backgrounds.¹⁶⁵

C. *Belonging in Law School*

Belonging through a CRT framework is particularly applicable in the law school context. Improving belonging, however, is also especially fraught given the intense professional socialization that is required during the transition from college graduate to lawyer-in-training.¹⁶⁶ Furthermore, belonging for law students is critically important if we are to maintain or even expand diversity among lawyers and leaders post-*SFFA*—a particularly daunting task given that, even after decades of affirmative action, the legal profession is still one of the least diverse in the country.¹⁶⁷

A law student who has a strong sense of belonging believes she “fits with the institution, is comfortable there, is valued and accepted for who [she] is.”¹⁶⁸ Law school is an arena where students are expected to adhere to rigid norms that are predicated on traditions of whiteness and maleness.¹⁶⁹ Research on “place belongingness,” which refers to a sense of comfort in a particular location, suggests that the physical space of law school tends to result in a lower sense of belonging for many students than other graduate or professional programs.¹⁷⁰ Although they may not have connected it to student belonging the way this Article does, reams of research have investigated how the physical space of law school—featuring portraits of old white men, few community gathering spaces, and buildings named after wealthy, inaccessible donors—has a negative effect on students’ sense of inclusion on campus.¹⁷¹

165. Hurtado & Carter, *supra* note 105, at 324–25; Yuan, Yang, & McGill, *supra* note 141, at 431.

166. Jacquelyn M. Petzold & Meera E. Deo, *Increasing Law Student Belonging: Student Services Professionals as Cultural Navigators*, AM. BEHAV. SCIENTIST (forthcoming 2025) (manuscript at 1–2), <https://ssrn.com/abstract=4971713>.

167. See Lam, *supra* note 80 (citing U.S. Census statistics on the lack of diversity in the legal profession).

168. Meera E. Deo, *A Critical Race Theory Assessment of Law Student Needs*, 125 TEACHERS COLL. REC. 1, 5 (2023), <https://ssrn.com/abstract=4532021>.

169. Elizabeth Mertz, *Canaries in the Mines of the U.S. Legal Academy*, in POWER, LEGAL EDUCATION, AND LAW SCHOOL CULTURES 263, 266–70 (Meera E. Deo, Mindie Lazarus-Black, & Elizabeth Mertz eds., 2020).

170. See Covarrubias, *supra* note 109, at 4; Uehara, Cotner, Langford, Noorestaney, & Kjensli, *supra* note 112, at 1, 13, 39; see also Eric C. Lain, A Phenomenological Case Study: The Law School Environment as Experienced by Academically Dismissed Black and Latina/o Law Students 34–36 (2015) (Ph.D. dissertation, Drake University) (ProQuest).

171. WENDY LEO MOORE, REPRODUCING RACISM: WHITE SPACE, ELITE LAW SCHOOLS, AND RACIAL INEQUALITY 13–14 (2007); Gregory S. Parks & Etienne C. Toussaint, *The Color of Law Review*, 103 B.U. L. REV. 181, 199–205 (2023); Elizabeth G. Porter, *Taking Images Seriously*, 114 COLUM. L. REV. 1687, 1709 & n.94 (2014); Laura P. Graham, “Space Spaces” and “Brave Spaces”: The Case for Creating Law School Classrooms That Are Both, 76 U. MIA. L. REV. 84, 110 (2021).

Legal education was built on a long history of exclusion.¹⁷² The petty bourgeoisie that formed along with the legal profession included the “near exclusion of Black and Indigenous men, in addition to all women.”¹⁷³ Even when those from less preferred backgrounds were admitted into law school, additional licensure barriers excluded them from practice.¹⁷⁴ The profession itself bifurcated into two pathways for new lawyers—one more elite and the other more accessible—that are often determined by the racial, ethnic, religious, or class background of the graduate, a process that continues in more complex form today.¹⁷⁵ While many think in the abstract that higher education fosters equal opportunity, others note that “law schools are best at reproducing social hierarchy, ultimately reinforcing conservative and traditional modes of thought and behavior and buttressing rather than upsetting the existing social order.”¹⁷⁶

Thus, the expectation is that students entering legal education adapt to and adopt particular norms, language, and behaviors—essentially, the culture of legal education.¹⁷⁷ Students seen as succeeding in law school are those who learn to “think like a lawyer,” which requires them to “argue equally well for mutually opposing positions, justified on objective grounds ostensibly absent emotion, through a process of drawing connections that appear logical and consistent.”¹⁷⁸ Some say this distills into requiring all students to think like an elite, white man.¹⁷⁹

Assimilating into the culture of legal education is easier for some than others. For students who are already elite, white, and male, the expectations require little adjustment to their sense of self or outward expression of identity. For others, particularly those historically excluded from legal education—whose enrollment numbers are likely to decline post-*SFFA*—

172. See Adrien Katherine Wing, *Lessons from a Portrait: Keep Calm and Carry On*, in *PRESUMED INCOMPETENT: THE INTERSECTIONS OF RACE AND CLASS FOR WOMEN IN ACADEMIA* 356, 360, 368 (Gabriella Gutiérrez y Muhs, Yolanda Flores Neimann, Carmen G. González, & Angela P. Harris eds., 2012).

173. Teixeira de Sousa, *supra* note 160, at 162.

174. This remains true today, considering the racial impact of the bar exam on various populations of recent law school graduates. See JOAN W. HOWARTH, *SHAPING THE BAR: THE FUTURE OF ATTORNEY LICENSING* 25–27 (2023); George B. Shepherd & William G. Shepherd, *Scholarly Restraints? ABA Accreditation and Legal Education*, 19 CARDOZO L. REV. 2091, 2124–25 (1998) (explaining how accreditation limits access to the legal profession, “especially harm[ing] minorities, women, and the poor”); Daria Roithmayr, *Barriers to Entry: A Market Lock-In Model of Discrimination*, 86 VA. L. REV. 727, 789–90 (2000).

175. ROBERT L. NELSON, RONIT DINOVTIZER, BRYANT G. GARTH, JOYCE S. STERLING, DAVID B. WILKINS, MEGHAN DAWE, & ETHAN MICHELSON, *THE MAKING OF LAWYERS’ CAREERS: INEQUALITY AND OPPORTUNITY IN THE AMERICAN LEGAL PROFESSION* 244, 249–50 (2023) (providing empirical data to support the conclusion that race, gender, and class undergird access and success in the legal profession).

176. Teixeira de Sousa, *supra* note 160, at 166; NELSON, DINOVTIZER, GARTH, STERLING, WILKINS, DAWE, & MICHELSON, *supra* note 173, at 10–14.

177. Petzold & Deo, *supra* note 166, at 2–3.

178. Schleef, *supra* note 148, at 126; ELIZABETH MERTZ, *THE LANGUAGE OF LAW SCHOOL: LEARNING TO “THINK LIKE A LAWYER”* 131 (2007); MOORE, *supra* note 171, at 48.

179. LANI GUINIER, MICHELLE FINE, & JANE BALIN, *BECOMING GENTLEMEN: WOMEN, LAW SCHOOL, AND INSTITUTIONAL CHANGE* 6 (1997); CARRIE YANG COSTELLO, *PROFESSIONAL IDENTITY CRISIS: RACE, CLASS, GENDER, AND SUCCESS AT PROFESSIONAL SCHOOLS* 1–2 (2005); MOORE, *supra* note 171, at 20; Schleef, *supra* note 148, at 126.

law school “exacts a tremendous psychological and emotional toll.”¹⁸⁰ Some scholars have even argued that learning about the law can be “intellectually violent” for students of color,¹⁸¹ more “emotionally taxing” for women and students of color than their classmates,¹⁸² and that the law school campus is an “antagonistic space”¹⁸³ subjecting already tokenized students to a “fragmentation” of self.¹⁸⁴ Because these all tie into belonging, which in turn influences student learning, students of color who are less integrated into law school life may also be at greater risk academically.¹⁸⁵

The law school socialization process is especially fraught for students who come from backgrounds that value community and cooperation—concepts in opposition to the autonomy and individualism, which are markers of success in legal education.¹⁸⁶ Forcing students to “reject vital aspects of themselves”¹⁸⁷ on the path to becoming a lawyer can lead to further fragmentation of the self rather than an integration of their past and present.¹⁸⁸ When students struggle through conflict during this assimilation process, it can create “pressure to cultivate a separate persona or ‘false-self’ for the Law School.”¹⁸⁹ By “faking it,” some students attempt “to conceal the ‘stigma’ of their [backgrounds] and to adopt the [expected] behavior, tastes, dress, and values (i.e., the cultural capital) of elites.”¹⁹⁰ Students then fail to cultivate a true sense of belonging on campus, which is perhaps the most significant cost of failing to be their authentic selves.

Belonging also connects with the goals of diversity, equity, and inclusion (DEI).¹⁹¹ In her *SFFA* dissent, Justice Sotomayor noted that diversity itself is “a fundamental American value, housed in our varied and multicultural American community that only continues to grow.”¹⁹² Most law schools today express at least a surface-level commitment to DEI.¹⁹³

180. Teixeira de Sousa, *supra* note 160, at 187.

181. Shaun Ossei-Owusu, *For Minority Law Students, Learning the Law Can Be Intellectually Violent*, ABA J. (Oct. 15, 2020, 11:23 AM), https://www.abajournal.com/voice/article/for_minority_law_students_learning_the_law_can_be_intellectually_violent.

182. Bodamer, *supra* note 115, at 464.

183. An “antagonistic space” describes “learning environments in which students encounter headwinds that make it more difficult for them to do the work they are there to do.” Strand, *supra* note 127, at 199.

184. Susan Grover, *Personal Integration and Outsider Status As Factors in Law Student Well-Being*, 47 WASHBURN L.J. 419, 422–23 (2008).

185. Jeffrey J. Minneti, *A Comprehensive Approach to Law School Access Admissions*, 18 U. MD. L.J. RACE, RELIGION, GENDER & CLASS 189, 208–09 (2018).

186. Petzold & Deo, *supra* note 166, at 5; Terrell L. Strayhorn, Fei Bie, Marjorie L. Dorime-Williams, & Michael Steven Williams, *Measuring the Influence of Native American College Students’ Interactions with Diverse Others on Sense of Belonging*, 55 J. AM. INDIAN EDUC. 49, 50–51 (2016).

187. Grover, *supra* note 184, at 422.

188. *Id.* at 422–23; Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. LEGAL EDUC. 75, 79 (2002).

189. Moriarty & O’Boyle, *supra* note 140, at 185.

190. Schleef, *supra* note 148, at 125.

191. Deo, *supra* note 13, at 77.

192. *SFFA*, 600 U.S. 181, 384 (2023) (Sotomayor, J., dissenting).

193. Rebecca K. Lee, *Core Diversity*, 19 TEMP. POL. & CIV. RTS. L. REV. 477, 479–80 (2010) (discussing “surface” versus “core” diversity ideals in the workplace).

Some even promote institutional websites featuring photos of students from a diverse range of racial backgrounds in numbers that far exceed the actual composition of the student body—an explicit form of racial capitalism.¹⁹⁴ Despite their current commitment to the cause, many law schools could do more and do better. Enhanced efforts are desperately needed, particularly in the face of anti-DEI legislation and advocacy efforts that attempt to thwart racial progress.¹⁹⁵ Yet to enhance student belonging, schools must go beyond DEI to explicitly emphasize belonging.

Belonging has likely increased for students of color as the structural diversity has grown, just as research has showed that low levels of numeric representation predicts low levels of belonging.¹⁹⁶ Law schools have only recently made slow but significant progress, with increases in the number of students of color, women, LGBTQIA+ students, and first-gen students.¹⁹⁷ Despite this increasing diversity among law students, racial context is rarely addressed and is often intentionally overlooked—even when cases involve explicit or implicit racism.¹⁹⁸ This campus environment works against inclusion, despite some increases in diversity itself.¹⁹⁹ Combining these realities with belonging through a CRT framework, we must recognize that students of color remain at “the bottom” of the hierarchical structure of legal education.²⁰⁰ Thus, the structure is not equitable—it does not work toward just processes or outcomes for all students.²⁰¹ Looking to the bottom yields important insights that can not only inform initiatives to improve the experiences of marginalized individuals but also enhance other students’ outcomes. This is also an opportunity to couple belonging with DEI because fostering student belonging “aligns with the increasing use of the idea of inclusiveness, which goes beyond diversity.”²⁰²

Traditionally, law students of color have suffered lower levels of belonging than their classmates.²⁰³ Sociologist and lawyer Elizabeth Bodamer has found that women of color are “significantly more likely” to have

194. Nancy Leong, *Racial Capitalism*, 126 HARV. L. REV. 2151, 2152–53 (2013) (discussing instances where whites have capitalized on the racial identity of people of color for their own social and economic benefit).

195. In 2023, there were sixty-five anti-DEI legislative efforts in half of all U.S. states and the U.S. Congress. *DEI Legislation Tracker*, THE CHRON. OF HIGHER EDUC., <https://www.chronicle.com/article/here-are-the-states-where-lawmakers-are-seeking-to-ban-colleges-dei-efforts> (last visited Jan. 30, 2025).

196. Murphy, Steele, & Gross, *supra* note 154, at 884. “Structural diversity” refers to the numeric representation of students from diverse backgrounds on campus. Deo, *supra* note 13, at 82–83.

197. MEERA E. DEO, CHAD CHRISTENSEN, & JACQUELYN PETZOLD, LSSSE, 2020 SPECIAL REPORT: THE CHANGING LANDSCAPE OF LEGAL EDUCATION: A 15-YEAR LSSSE RETROSPECTIVE 7 (2020).

198. Meera E. Deo, Maria Woodruff, & Rican Vue, *Paint by Number? How the Race and Gender of Law School Faculty Affect the First-Year Curriculum*, 29 CHICANA/O-LATINA/O L. REV. 1, 7 n.21 (2010); Ossei-Owusu, *supra* note 181.

199. Deo, *End of Affirmative Action*, *supra* note 6, at 238–39.

200. Deo, *supra* note 168, at 137.

201. See Deborah L. Rhode, *Diversity and Gender Equity in Legal Practice*, 82 U. CIN. L. REV. 871, 877 (2014).

202. Strand, *supra* note 127, at 204.

203. Bodamer, *supra* note 115, at 457.

a lower sense of belonging not only than white men but also than white women and men of color—highlighting the intersectional challenges that CRT predicts in enhancing belonging.²⁰⁴ This disparity, she finds, is due in part to women of color experiencing higher levels of bias and discrimination on campus,²⁰⁵ corroborating research that a “[h]ostile campus climate, perceived racial tension, stereotypes, and discrimination adversely affect students’ sense of belonging, especially for minoritized students.”²⁰⁶ Another law school study also determined that marginalized law students suffered “weaker interpersonal relationships with peers and faculty,” which “predicted a lower sense of belonging” for those students as well as lower grades and less satisfaction.²⁰⁷ Furthermore, research with college students indicates that belonging is a predictor of positive personal and professional outcomes for law students.²⁰⁸ Findings from one additional study of law student belonging using LSSSE data confirm that white students have a stronger sense of belonging than students of color.²⁰⁹ Furthermore, this study suggests that strong relationships with student services professionals may enhance student belonging, particularly when staff members acting as “cultural navigators” use targeted outreach to connect with diverse populations.²¹⁰ Those historically excluded from legal education are even today the “canaries in the coal mine when it comes to law student distress,” feeling the effects both “first and more deeply than . . . other students,” with regard to both academic success and well-being.²¹¹

Metaphorically beating students into submission by demanding they acclimate and assimilate to the foreign culture around them is not the solution; instead, schools themselves and those with power on campus must work toward change.²¹² When we “unearth the structural elements” that create unrealistic norms and pressures, we see how law schools “are raced, classed, and/or gendered as institutions.”²¹³ This is why scholars observe a lower sense of belonging among women compared to men, and among people of color compared to white students.²¹⁴ Furthermore, applying an intersectional, raceXgender framework shows that law students who are women of color have an even lower sense of belonging.²¹⁵

204. *Id.* at 474.

205. *Id.* at 475.

206. *Id.* at 459.

207. Victor D. Quintanilla & Sam Erman, *Mindsets in Legal Education*, 69 J. LEGAL EDUC. 412, 424 (2020).

208. Mary C. Murphy, Maithreyi Gopalan, Evelyn R. Carter, Katherine T. U. Emerson, Bette L. Bottoms, & Gregory M. Walton, *A Customized Belonging Intervention Improves Retention of Socially Disadvantaged Students at a Broad-Access University*, 6 SCI. ADVANCES 1, 4–5 (2020).

209. Petzold & Deo, *supra* note 166, at 9.

210. *Id.* at 1.

211. Grover, *supra* note 184, at 419–20.

212. *Id.* at 420.

213. Schleef, *supra* note 148, at 131.

214. Petzold & Deo, *supra* note 166, at 9; Bodamer, *supra* note 115, at 474.

215. Bodamer, *supra* note 115, at 474.

Belonging is a function of relationships. Thus, every interaction can contribute—in either positive or negative ways. Researchers have noted that faculty can play a powerful role in belonging, including through micro-level classroom changes.²¹⁶ Belonging also is directly connected to “perceived support from one’s peers, teachers, and family members,” highlighting the importance of relationships between students.²¹⁷ Finally, administrators must lead these efforts, including “institutional opportunities [to] promote a greater sense of belonging [through] campus climate, institutional messaging, [and] curricula.”²¹⁸ We must look to students and their experiences with belonging—or lack thereof—not only as a response to the end of affirmative action but also as a way forward to improve belonging for all students and reap the benefits that come with it.

III. EMPIRICAL FINDINGS ON A LACK OF BELONGING

Having established the CRT framework that underpins this Article and the importance of belonging in law school, the focus now shifts to the data. This Part first introduces the dataset used in this Article, and then delves into findings on diminished belonging for marginalized students. Understanding this baseline reveals the distance we must travel to achieve better belonging for marginalized students. Part IV then discusses *how* faculty, classmates, and administrators can achieve that goal.

A. The LSSSE Dataset

The Law School Survey of Student Engagement (LSSSE) collects survey data from law students across the United States.²¹⁹ Every U.S. law school is invited to participate in the LSSSE survey each year.²²⁰ Participating institutions, in partnership with LSSSE staff, administer the LSSSE survey online to their entire student body, including J.D. and LL.M. students as well as full-time and part-time students.²²¹ Thus, the survey engages in full population sampling. Since 2004, participating law schools have gathered LSSSE data from their entire student population on a range of topics.²²² Although the survey focuses on engagement indicators—such as participation in cocurricular activities and frequency of interaction with faculty, staff, and classmates—it also asks about time usage, quality of

216. Strand, *supra* note 127, at 177; Uehara, Cotner, Langford, Noorestaney, & Kjensli, *supra* note 112, at 43.

217. STRAYHORN, *supra* note 9, at 2.

218. Covarrubias, *supra* note 109, at 3.

219. In past years, LSSSE has also collected survey data from law schools in Canada and Australia. See *Who We Are*, LSSSE, <https://lssse.indiana.edu/who-we-are/> (last visited Jan. 28, 2025). The author of this Article is the Director of LSSSE, though the data are freely available to any researchers, academics, or others who request it.

220. See *Registration*, LSSSE, <https://lssse.indiana.edu/register/> (last visited Jan. 28, 2025) (showing an invitation to register a law school with LSSSE).

221. *Administering LSSSE*, LSSSE, <https://lssse.indiana.edu/administering/> (last visited Jan. 28, 2025).

222. See *Who We Are*, *supra* note 219.

various campus interactions, a range of background characteristics, and more.²²³

LSSSE staff analyze and disseminate the data in two main ways, one private and one public. First, the staff share school-specific data with each participating institution, providing them feedback from their own students on their individual and collective experience.²²⁴ Each institution also receives comparative data from peer schools as well as national averages so they can interpret their findings in context.²²⁵ Second, LSSSE staff share national aggregate data with scholars, researchers, students, and others interested in understanding the law student experience; findings are then used to augment various research projects, support grant applications, and share highlights in formal conference presentations, among other applications.²²⁶ LSSSE staff also publish an annual report that investigates a particular theme or current trend in legal education.²²⁷ Recent publications have focused on first-gen students,²²⁸ online education,²²⁹ diversity and inclusion,²³⁰ and gender equity in legal education.²³¹ The LSSSE Insights Blog provides another opportunity for the public to glimpse snapshots of findings.²³² Every month, LSSSE staff post about a current topic that ranges from preparing law students for a multicultural world²³³ to developing a personal code of values and ethics in law school.²³⁴ External researchers also share posts each month, covering topics such as the power of Critical Legal Research,²³⁵ the experiences of Latinx students during the

223. *The LSSSE Survey Tool*, LSSSE, <https://lsse.indiana.edu/about-lsse-surveys> (last visited Jan. 28, 2025).

224. *See Using LSSSE Data*, LSSSE, <https://lsse.indiana.edu/using-lsse-data/> (last visited Jan. 28, 2025).

225. *See Reports and Analysis Tools*, LSSSE, <https://lsse.indiana.edu/lssse-reports/> (last visited Jan. 28, 2025).

226. *See Scholarship*, LSSSE, <https://lsse.indiana.edu/scholarship> (last visited Jan. 28, 2025).

227. *See Annual Results*, LSSSE, <https://lsse.indiana.edu/annual-results> (last visited Jan. 28, 2025).

228. 2023 ANNUAL REPORT, *supra* note 160, at 6.

229. MEERA E. DEO, CHAD CHRISTENSEN, & JACQUELYN PETZOLD, LSSSE, 2022 ANNUAL SURVEY RESULTS: SUCCESS WITH ONLINE EDUCATION 7 (2022) [hereinafter 2022 ANNUAL SURVEY RESULTS].

230. MEERA E. DEO, CHAD CHRISTENSEN, & JACQUELYN PETZOLD, LSSSE, 2020 ANNUAL SURVEY RESULTS: DIVERSITY & EXCLUSION 6 (2020) [hereinafter 2020 ANNUAL SURVEY RESULTS].

231. MEERA E. DEO, CHAD CHRISTENSEN, & JACQUELYN PETZOLD, LSSSE, 2019 ANNUAL SURVEY RESULTS: THE COST OF WOMEN'S SUCCESS 5 (2019).

232. *See LSSSE Insights Blog*, LSSSE, <https://lsse.indiana.edu/insights/> (last visited Feb. 7, 2025) (providing multiple blog posts about LSSSE findings).

233. *See, e.g.*, Jak Petzold, *Preparing Law Students for a Multicultural World*, LSSSE BLOG (Jan. 10, 2024), <https://lsse.indiana.edu/blog/preparing-law-students-for-a-multicultural-world/>.

234. Jak Petzold, *Developing a Personal Code of Values and Ethics in Law School*, LSSSE BLOG (July 5, 2023), <https://lsse.indiana.edu/blog/developing-a-personal-code-of-values-and-ethics-in-law-school/>.

235. Priya Baskaran, *The Power of Critical Legal Research*, LSSSE BLOG (Aug. 29, 2023) <https://lsse.indiana.edu/blog/the-power-of-critical-legal-research/>.

pandemic,²³⁶ and how law schools can best use their school-specific LSSSE data to maximize student outcomes.²³⁷

This Article uses LSSSE data as its primary source. All quantitative findings draw from original analyses conducted using LSSSE data collected from J.D. students in 2022 and 2023. The findings come from 22,398 student responses from 103 schools during these two years of survey administration, with a 37% response rate.²³⁸ Findings presented in this Article are cross-tabulations of the data, a “two-variable analogue of a frequency distribution.”²³⁹ Cross-tabulations give researchers the opportunity to present frequency distributions of specific survey questions in order to display aggregate responses, as well as variations between groups.²⁴⁰ Thus, the findings and discussion shared in the text, as well as the Tables displayed in the Appendix of this Article, involve individual LSSSE survey questions that are often disaggregated by the race of respondents. Disaggregating by race allows us to examine how Black students may have different belonging indicators than white, or when Asian American and Latinx students have similar perspectives. LSSSE findings are presented in two distinct Parts of the Article. Section III.B, which focuses on belonging indicators, presents LSSSE findings to frame the ongoing challenges and successes related to belonging. Part IV analyzes LSSSE data to suggest opportunities for faculty, students, and administrators to improve student belonging and thereby enhance retention.

B. Belonging Indicators

LSSSE data provide a wealth of opportunities to understand the current state of law student belonging. Aggregate data reveal trends in the overall student experience; disaggregating by race, gender, raceXgender, and more provides a glimpse into belonging disparities.²⁴¹ Guided by CRT principles that center racial realities, this Article examines student belonging with a particular focus on how to better support students of color post-*SFFA*.

236. See Raquel Muñiz & Andrés Castro Samayoa, *Guest Post: Legal Education During the Pandemic: The Experiences of Latinx Law Students*, LSSSE BLOG (Oct. 19, 2023), <https://lsse.indiana.edu/blog/guest-post-legal-education-during-the-pandemic-the-experiences-of-latinx-law-students/>.

237. Tracy Turner, *Guest Post: Digging into Data: The Gems at the Back of the Bookstore*, LSSSE BLOG (Jan. 26, 2024), <https://lsse.indiana.edu/blog/guest-post-digging-into-data-the-gems-at-the-back-of-the-bookstore/>.

238. While some of the information provided in this Article is available using the LSSSE public reporting tool, all LSSSE raw data used in this Article were collected by and are on file with the author.

239. *Statistics (Science): Tabular Methods*, ENCYC. BRITANNICA, <http://www.britannica.com/EBchecked/topic/144205/cross-tabulation> (last visited Jan. 29, 2025) (“Another tabular summary, called a relative frequency distribution, shows the fraction, or percentage, of data values in each class. The most common tabular summary of data for two variables is a cross tabulation, a two-variable analogue of a frequency distribution.”).

240. EARL BABBIE, FRED HALLEY, & JEANNE ZAINO, *ADVENTURES IN SOCIAL RESEARCH* 137 (5th ed. 2003).

241. See Meera E. Deo, *Better Than BIPOC*, LSSSE BLOG (Mar. 23, 2023), <https://lsse.indiana.edu/blog/better-than-bipoc/>.

1. Being Valued

As discussed in the literature review above, being valued is a key component of belonging because a strong sense of belonging relies on individuals feeling “valued and accepted for who [they are].”²⁴² On this subject, the LSSSE survey asks students to rate their level of agreement with the statement, “I feel valued by this institution” (Table 1).²⁴³ The results are illuminating, not only because they reveal racial disparities but also in the ways they highlight differences based on gender, first-gen status, and even student debt. Because students of color are more likely to be first-gen²⁴⁴ and carry significant debt,²⁴⁵ there are further intersectional implications, following the CRT tradition, for how a lack of being valued impacts students of color.

While 23% of white students “strongly agree” that they feel valued by their law school, lower rates of students of color do, including 18% of Native Americans, 18% of Asian Americans, 19% of Black students, 20% of Latinx students, and 19% of Multiracial students (Table 1). Conversely, higher percentages of students of color from every racial group “strongly disagree” that they are valued, compared to just 9% of white students.

Men (23%) are also more likely to feel a strong sense of being valued than women (20%) and those who identify as another gender (15%). Additionally, a slightly higher percentage of first-gen respondents (36%) than non-first-gen (32%) note that they do not feel valued by their law schools. Finally, the data also indicate that “schools are signaling to students that their worth is determined at least in part by their debt load,” with one-quarter (25%) of students who have no debt saying they “strongly agree” that they are valued by their law schools, compared to only 14% of students on the highest end of the debt spectrum; in fact, almost one-half (49%) of students who expect to accrue over \$200,000 in educational loans by law school graduation believe that they are not valued by their law school (Table 2).²⁴⁶

When we apply intersectional concepts here to consider how higher percentages of Black students—who are likely to be deeply affected by changes in affirmative action jurisprudence and as a result further underrepresented in our nation’s law schools—are also more likely to be first-gen students, have high levels of debt, and be women—we see who

242. Deo, *supra* note 168, at 5.

243. See also *Topical Module: Diversity and Inclusiveness*, LSSSE, <https://lsse.indiana.edu/wp-content/uploads/2015/12/LSSSE-Diversity-and-Inclusiveness-Module-FINAL.pdf> (last visited Feb. 10, 2025).

244. 2022 ANNUAL SURVEY RESULTS, *supra* note 229, at 7.

245. DEO, CHRISTENSEN, & PETZOLD, *supra* note 197, at 5, 16.

246. See 2020 ANNUAL SURVEY RESULTS, *supra* note 230, at 5, 8.

is most likely to feel devalued by their institution.²⁴⁷ Feeling devalued decreases these students' sense of belonging.

2. Building Community

When students feel closely connected to the campus community, this bolsters their sense of belonging.²⁴⁸ A sense of community reflects students' "feeling of connectedness," a key foundation of belonging.²⁴⁹ Again, findings reveal disparities based on race, suggesting students of color are being excluded from the institutional community.

One LSSSE question asks students whether their school emphasizes "creating an overall sense of community among students" (Table 3).²⁵⁰ A higher percentage of white students (59%) believe that their schools do this "quite a bit" or "very much" compared to all other racial groups (including 51% of Black students, 50% of Asian American and Latinx students, and 44% of Native American students). Conversely, relatively high percentages of students of color—including 20% of Black students and 17% of Latinx and Native American students—believe that their schools do "very little" to foster community (compared to only 11% of white students).

LSSSE also asks whether students feel they are "part of the community" at their institution (Table 4).²⁵¹ Again, higher percentages of white students (76%) "agree" or "strongly agree" than students of any other racial group. The diminished sense of community that students of color feel, especially given that they will be most directly affected by the end of affirmative action, contributes to their lower rates of belonging.

There are also troubling intersectional raceXgender disparities, which reflect "the compound effects often caused by holding multiple devalued identity characteristics, namely the intersection of race and gender" that creates additional hurdles for women of color, as CRT predicts.²⁵² As Table 5 shows, over one-third (36%) of Black women "disagree" or "strongly disagree" that they are part of their law school community, compared to roughly one-quarter of white women (23%) and (25% of Black men (26%). Furthermore, only 17% of Black women "strongly agree" that they are part of their law school community. The lack of community for Black students, particularly Black women, suggests they experience

247. 2023 ANNUAL REPORT, *supra* note 160, at 7–8; DEO, CHRISTENSEN, & PETZOLD, *supra* note 197, at 16 (revealing that Black students are more likely to be first-gen and also women and thus accrue high debt loads).

248. Hurtado & Carter, *supra* note 105, at 333, 338.

249. STRAYHORN, *supra* note 9, at 2.

250. See also *Topical Module: Diversity and Inclusiveness*, LSSSE, <https://lssse.indiana.edu/wp-content/uploads/2015/12/LSSSE-Diversity-and-Inclusiveness-Module-FINAL.pdf> (last visited Feb. 10, 2025).

251. See, e.g., *Topical Module: Diversity and Inclusiveness*, LSSSE, <https://lssse.indiana.edu/wp-content/uploads/2015/12/LSSSE-Diversity-and-Inclusiveness-Module-FINAL.pdf> (last visited Feb. 10, 2025).

252. MEERA E. DEO, UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA 8 (2019).

alienation that undermines their sense of belonging. This, in turn, may contribute to lower retention rates and other negative outcomes, including wellness deficits—challenges that must be addressed to better support these students post-*SFFA*.

3. Feeling Comfortable

Another dimension of belonging is the extent to which students feel comfortable bringing their authentic selves to campus. The dictionary definition of belonging revolves around “being happy or comfortable as part of a particular group.”²⁵³ More academic definitions applied to higher education note that belonging requires a student “fits with the institution [and] is comfortable there.”²⁵⁴ Authenticity is key—a student projecting a “false self” cannot be comfortable and will, therefore, lack belonging.²⁵⁵

Scholars have investigated how legal education and the legal profession require nontraditional participants to assume a “working identity,” forcing them to assimilate into rigid institutional norms rather than enhancing the school or workplace with their diverse backgrounds.²⁵⁶ Communities that encourage participants to be their authentic selves foster greater belonging among members.

As one measure of belonging, the LSSSE survey asks students to what extent they agree with the statement, “I feel comfortable being myself in this institution” (Table 6).²⁵⁷ A full 86% of white students are comfortable being themselves on campus, including 34% who “strongly agree” with the statement. Conversely, 28% of Native American students, 24% of Black students, and 20% of Latinx students are not comfortable being themselves on campus.

These findings reveal that racial disparities in another key metric are indicative of belonging. When students of color are uncomfortable on campus, they either present a false self or share their true selves but live with the discomfort of being in open conflict with institutional norms. Because being yourself is a prerequisite to a strong sense of belonging, this discomfort further suggests that students of color have a lower sense of belonging.

253. *Belonging*, CAMBRIDGE DICTIONARY, <https://dictionary.cambridge.org/us/dictionary/english/belonging> (last visited Feb. 18, 2025).

254. Deo, *supra* note 168, at 5.

255. Moriarty & O’Boyle, *supra* note 140, at 185.

256. Devon W. Carbado & Mitu Gulati, *Working Identity*, 85 CORNELL L. REV. 1259, 1260–62, 1275–76 (2000); *see also* Swethaa S. Ballakrishnen, *Law School As Straight Space*, 91 FORDHAM L. REV. 1113, 1118, 1126–28 (2023).

257. *See Topical Module: Diversity and Inclusiveness*, LSSSE, <https://lssse.indiana.edu/wp-content/uploads/2015/12/LSSSE-Diversity-and-Inclusiveness-Module-FINAL.pdf> (last visited Feb. 10, 2025).

4. Avoiding Stigma

Another indicator of students' sense of belonging is the extent to which they believe that their law school emphasizes the importance of avoiding identity-based stigma. When an institution or individuals on campus stigmatize identity, this promotes shame rather than acceptance, othering rather than inclusion.²⁵⁸ Students who feel stigmatized for their race, gender, or other immutable identity characteristics are more likely to have a lower overall sense of belonging than those who feel their identities are accepted, welcomed, or even celebrated.

LSSSE asks students to what extent they agree that their law school emphasizes they are not stigmatized based on their identity, including race/ethnicity, gender, religion, and sexual orientation (Table 7). While two-thirds (62%) of white students believe their institutions emphasize avoiding identity-based stigma "quite a bit" or "very much," less than half (48%) of Black students agree. Instead, almost one-quarter (22%) of Black and Native American students and 17% of Latinx students see their schools doing "very little" to avoid identity-based stigma, compared to just 11% of their white classmates.

Thus, whether we measure law student belonging on campus by being valued, building community, being comfortable, or avoiding stigma, we reach the same result: there are empirically documented racial disparities along each of these predictors of belonging.²⁵⁹ The lack of belonging is particularly notable for Black, Native American, and Latinx students—the very groups whose belonging is most at risk post-*SFFA*. Taking these disparities into consideration, the next Part shares strategies for increasing belonging and identifies what roles faculty, classmates, and administrators can play in enhancing belonging and improving outcomes not only for vulnerable populations but for all students.

IV. ENHANCING STUDENT BELONGING

Everyone involved in legal education has a role to play in retaining students of color and ensuring that the legal profession does not remain one of the least diverse professions in America.²⁶⁰ Existing research shows that institutions seeking to enhance student belonging should prioritize supporting positive student interactions with faculty, classmates, and administrators.²⁶¹ Students who have higher levels of academic integration

258. Schleef, *supra* note 148, at 125.

259. These arguments are explored more fully in Meera E. Deo, *After Affirmative Action*, 47 SEATTLE U. L. REV. 1231, 1237–40 (2024).

260. Lam, *supra* note 80; Deborah L. Rhode, *Law is the Least Diverse Profession in the Nation. And Lawyers Aren't Doing Enough to Change That*, WASH. POST (May 27, 2015), <https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that> (noting a lack of diversity in the legal profession and particularly in leadership positions with regard to both race and gender).

261. Royel M. Johnson, *A Socio-Ecological Perspective on Sense of Belonging Among Racially/Ethnically Minoritized College Students: Implications for Equity-Minded Practice and Policy*, 2022 NEW DIRECTIONS FOR HIGHER EDUC. 59, 62 (2022).

on campus also enjoy increases in sense of belonging.²⁶² The improved belonging that students experience as a result of warm and supportive relationships with others on campus is also closely linked to academic success.²⁶³ Interventions do not need to be large-scale, costly endeavors; instead, institutions can develop a strong sense of belonging through simple, relatively inexpensive means²⁶⁴ and small but meaningful changes.²⁶⁵ This is critical for students of color, who will presumably enter law schools at declining rates after *SFFA* and whose retention rates can improve with increased belonging.²⁶⁶ Though some may be simple, the strategies must be tailored to students, including specific populations with unique needs and experiences. “Therefore, to effectively foster a sense of belonging, it is imperative to understand [students’] lived experiences during law school [as well as] how they learn[] and how they interact with others.”²⁶⁷

This Part proposes strategies for faculty, students, and administrators to engage in purposeful action to increase student belonging and, as a result, retention. Implementing these strategies is a strong approach to increasing student belonging, ensuring that more students of color who are admitted and enrolled in law school have access to the resources and support needed to succeed.

A. Faculty Strategies

Faculty have numerous opportunities to employ strategies that yield positive belonging benefits for students. Research with Latino male students in community colleges found that having “[a strong] academic relationship with their instructor” was *the single most positive indicator* of a student’s strong sense of belonging.²⁶⁸ Thus, encouraging and facilitating student–faculty relationships could be essential to increase retention rates through belonging.²⁶⁹

Law students nationally do report strong positive connections to professors, with 76% of LSSSE respondents rating relationships with faculty as five or higher on a seven-point scale.²⁷⁰ However, there are racial disparities, with white students enjoying positive relationships with faculty at slightly higher rates (79%) than Black (72%), Asian American (75%), and

262. Hausmann, Schofield, & Woods, *supra* note 121, at 811–12, 824.

263. STRAYHORN, *supra* note 9, at 17.

264. Hausmann, Schofield, & Woods, *supra* note 121, at 830.

265. Strand, *supra* note 127, at 177.

266. Petzold & Deo, *supra* note 166, at 11.

267. Bodamer, *supra* note 115, at 478.

268. Hugo A. Garcia & Tiberio Garza, *Retaining Latino Males in Community Colleges: A Structural Model Explaining Sense of Belonging Through Socio-Academic Integration*, 23 J. APPLIED RSCH. CMTY. COLL. 41, 50 (2016). While their research is specifically with Latino men on community college campuses, their findings are likely applicable to the broader category of students of color.

269. *Id.* at 53 (“Faculty and staff within the community college sector can better serve [students of color] by understanding the factors that promote a sense of belonging and student academic achievement to benefit recruitment and retention.”).

270. DEO, CHRISTENSEN, & PETZOLD, *supra* note 197, at 14.

Latinx (76%) students.²⁷¹ Thus, professors should employ the specific methods that this Section proposes to solidify relationships with students, particularly students of color.

Furthermore, classroom management techniques can also enhance belonging. There are “simple strategies instructors can employ” inside and outside of the classroom to create a lasting impact on students.²⁷² Together, these strategies serve to “counter antagonistic space in law schools for students from traditionally underrepresented groups.”²⁷³ Because these groups are likely to be even further underrepresented post-*SFFA*, employing these techniques is essential to increasing their sense of belonging and thereby facilitating retention.

1. Retire Professor Kingsfield

The 1973 film *The Paper Chase* earned John Houseman an Academy Award for Best Supporting Actor for playing Professor Charles Kingsfield. Besides being portrayed as brilliant, Professor Kingsfield also humiliated students in class, creating an atmosphere of intense stress.²⁷⁴ When the audience watches “arrogant professors browbeating hapless and stressed-out students,” they applaud when these students are shown “triumphant” at graduation.²⁷⁵ Frightening students until they are sick does not reflect best practices in teaching, learning, or belonging. Yet most professors still use the Langdell case method and Socratic method as their primary means of imparting legal knowledge²⁷⁶—despite proof of its ineffectiveness when used in the manner of Professor Kingsfield.²⁷⁷

To increase belonging, we need a new model of a brilliant professor, someone demanding who also gives students the tools they need to meet high expectations. Professors stimulate better student outcomes when they reject the premise that competence is fixed and instead adopt a “growth mindset”—one that “endorse[s] the idea that ability is malleable and can be developed through persistence, good strategies, and quality mentoring.”²⁷⁸ One study of STEM courses showed that when professors adopted a growth mindset, racial achievement gaps in their courses decreased, and their students reported greater motivation and more positive experiences

271. CHAD CHRISTENSEN & MEERA E. DEO, LSSSE, 2018 ANNUAL SURVEY RESULTS: RELATIONSHIPS MATTER 6 (2019).

272. Uehara, Cotner, Langford, Noorestaney, & Kjensli, *supra* note 112, at 42.

273. Strand, *supra* note 127, at 177.

274. Iowa State Bar Association, *The Paper Chase* (1973), YOUTUBE (Aug. 12, 2011), <https://www.youtube.com/watch?v=qx22TyCge7w> (In this scene from the movie, the stress from the teacher’s badgering leads to one student vomiting in the bathroom immediately after class.).

275. Schleef, *supra* note 148, at 122.

276. JOAN W. HOWARTH, SHAPING THE BAR: THE FUTURE OF ATTORNEY LICENSING 22 (2023).

277. JAMIE R. ABRAMS, INCLUSIVE SOCRATIC TEACHING: WHY LAW SCHOOLS NEED IT AND HOW TO ACHIEVE IT 93–95 (2024).

278. Elizabeth A. Canning, Katherine Muenks, Dorainne J. Green, & Mary C. Murphy, *STEM Faculty Who Believe Ability Is Fixed Have Larger Racial Gaps and Inspire Less Student Motivation in Their Classes*, 5 SCI. ADVANCES 1, 1 (2019).

than students taught by fixed-mindset adherents.²⁷⁹ Research with first-year college students found “students’ sense of efficacy for succeeding in class and their perception of the value of tasks required in class were quite strongly associated with their sense of belonging.”²⁸⁰ Specifically, professors can increase belonging by encouraging participation, increasing interactions with and between students, ensuring the course is well-organized, and demonstrating both warmth and openness.²⁸¹ The converse is also true. Research on women in mathematics revealed messages suggesting math ability is a fixed trait prevalent in men, rather than one that can be cultivated in anyone through growth mindset approaches, led women in the field to experience lower levels of belonging.²⁸² The same can be said for the field of legal education.

Law professor Victor Quintanilla, in partnership with the California Bar, studied law school graduates who were preparing for the bar exam. One significant finding was that when professors approach students with a growth mindset, students are more likely to pass the bar exam on their first attempt.²⁸³ This professional success is rooted in the belonging that students feel when professors guide them to the correct answer (even if their first attempt did not achieve the goal), rather than simply telling them that they are wrong.

LSSSE data reveal that students believe that their professors are invested in them. An astounding 93% of LSSSE respondents “agree” or “strongly agree” their instructors “care about [their] learning and success in law school.”²⁸⁴ Additionally, the vast majority of law students (89%) believe faculty “demonstrate a sensitivity to diverse backgrounds and perspectives in their interactions with students.”²⁸⁵ This indicates that professors demonstrate cultural sensitivity, which also increases students’ sense of belonging.²⁸⁶ However, disaggregating current LSSSE data by race reveals some slight racial disparities. While 87% of white students “agree” or “strongly agree” that their professors are culturally competent, smaller percentages of students of color feel the same, including 82% of Latinx students and 79% of Native American and Asian American students

279. *Id.* at 3–4.

280. *Academic Belonging*, MIT TEACHING + LEARNING LAB, <https://tll.mit.edu/teaching-resources/inclusive-classroom/academic-belonging> (last visited Feb. 1, 2025) (citing Tierra M. Freeman, Lynley H. Anderman, & Jane M. Jensen, *Sense of Belonging in College Freshmen at the Classroom and Campus Levels*, 75 J. EXPERIMENTAL EDUC. 203, 216 (2007)).

281. MIT TEACHING + LEARNING LAB, *supra* note 280.

282. Catherine Good, Aneeta Rattan, & Carol S. Dweck, *Why Do Women Opt Out? Sense of Belonging and Women’s Representation in Mathematics*, 102 J. PERSONALITY & SOC. PSYCH. 700, 712–13 (2012).

283. VICTOR D. QUINTANILLA, SAM ERMAN, MARY C. MURPHY, & GREG WALTON, STATE BAR OF CAL., MINDSETS IN LEGAL EDUCATION: EVALUATING PRODUCTIVE MINDSET INTERVENTIONS THAT PROMOTE EXCELLENCE ON CALIFORNIA’S BAR EXAM 2–3, 9 (2020), <https://www.calbar.ca.gov/Portals/0/documents/reports/Mindsets-in-Legal-Education-Executive-Summary.pdf>.

284. Jak Petzold, *Law Student Perceptions of Faculty*, LSSSE BLOG (Sept. 6, 2018), <https://lssse.indiana.edu/uncategorized/law-student-perceptions-of-faculty/>.

285. *See id.*

286. *See* Petzold, *supra* note 284.

(Table 8). Furthermore, 10% of Black students “strongly disagree” that their professors demonstrate cultural sensitivity, compared to only 3% of white students.

As is clear from the discussion above, there is room for improvement in law teaching; faculty efforts toward cultural competence are not equally effective for all students. Through trainings, increased inclusion efforts, or measuring cultural sensitivity on student evaluations (so it is seen as equally important as mastery of the material), faculty can improve at cultural competency and thereby enhance student belonging.

2. Facilitate Inclusive Pedagogy

Once we retire Professor Kingsfield, we must determine who should succeed him. While engaged, inclusive, and context-specific pedagogy has been recognized as a best practice in teaching and learning in other fields, it has only recently garnered attention in legal education.²⁸⁷ Achieving inclusive classrooms may become even more challenging for faculty due to the expected drop in campus diversity after *SFFA*. As one scholar noted, “Less diversity on elite campuses will mean less representation in classrooms of experiences beyond the most privileged slice of the population.”²⁸⁸ And there are myriad benefits to inclusive pedagogy.

Beyond helping students better learn the material, engaged classrooms also enhance belonging. Law professors who “intentionally engage in ‘microinclusions’” during class employ methods “that affirmatively create a learning environment of belonging.”²⁸⁹ Faculty “naming and discussing difference” instead of pretending to teach in a color-blind classroom, campus, or society not only validates students who share their authentic selves²⁹⁰ but also leads to more insightful discussions where participants draw on their own experiences to provide context to otherwise abstract legal concepts, improving learning for everyone.²⁹¹ Employing microinclusions “does not have to be an onerous chore,” but instead could reinvigorate teaching to “encourage group discussion, solicit input from a diversity of voices, and increase student engagement in their own learning.”²⁹² Professors who utilize these “small intentional strategies for [student] interacti[on]” demonstrate that they have confidence in their students and their abilities, which also translates into increases in students’ sense of belonging.²⁹³ After all, “[a] mindset of intentional validation—as

287. Other fields have focused on inclusive pedagogy (e.g., education, psychology, sociology). Meera E. Deo, *Progress and Backlash in Our Unequal Profession*, 51 SW. L. REV. 310, 315–19 (2022).

288. Glater, *supra* note 46, at 415.

289. Strand, *supra* note 127, at 177.

290. *Id.* at 181.

291. Meera E. Deo, *Faculty Insights on Educational Diversity*, 83 FORDHAM L. REV. 3115, 3142–46 (2015).

292. Uehara, Cotner, Langford, Noorestaney, & Kjensli, *supra* note 112, at 42.

293. Strand, *supra* note 127, at 204.

opposed to microinvalidation—offers a frame for law school pedagogy that goes beyond belonging to empowerment.”²⁹⁴

Inclusive classroom practices not only improve learning and increase belonging but also promote the CRT priority of dismantling oppressive systems.²⁹⁵ Given the prevalence of hierarchies in legal education, demystifying “how law school works” and giving students the opportunity to voice their opinions pushes against the very systems that can otherwise oppress those with little power.²⁹⁶

Interactive classes are key. Courses that emphasize structure, interaction, and collaboration are more likely to create, maintain, and enhance belonging for students, particularly post-*SFFA*.²⁹⁷ Yet national research on law students reveals that women of color are more likely than white men, white women, or men of color to believe their professors do not take them seriously in class.²⁹⁸ Thus, opportunities for participation alone may be insufficient to enhance belonging; professors must also demonstrate that they value all students’ contributions—and particularly contributions from students of color. Even a professor’s efficient organizational structure helps students feel they belong because they can more easily follow and meet class expectations.²⁹⁹ When faculty engage in these sorts of instructional practices that prioritize equity, they also enhance belonging.³⁰⁰

LSSSE tracks much of these data. The LSSSE survey asks participants how much their coursework emphasizes various metrics related to diversity, such as respecting the expression of diverse ideas, recognizing their own cultural norms and biases, and developing the skills necessary to work effectively with people from various backgrounds. The results are instructive (Table 9). Only 44% of respondents say they believe their coursework encourages them to share their own perspectives and experiences “quite a bit” or “very much.” Although almost one-half of LSSSE respondents (48%) say their coursework emphasizes discussing issues of equity and privilege, only one-quarter (27%) say they learn about other cultures. Enhancing these diversity metrics in the classroom can also increase student belonging.

Disaggregating the data reveals racial disparities in student perceptions of diversity efforts (Table 10). One-third to one-quarter of the students who will likely be most affected by the end of affirmative action

294. *Id.* at 177.

295. Roithmayr, *supra* note 83, at 1–6.

296. Alexa X. Chew & Rachel Gurvich, *Saying the Quiet Parts Out Loud: Teaching Students How Law School Works*, 100 NEB. L. REV. 887, 896–97 (2022).

297. Sarah L. Eddy & Kelly A. Hogan, *Getting Under the Hood: How and for Whom Does Increasing Course Structure Work?*, 13 CBE—LIFE SCIS. EDUC. 453, 456 (2014); Scott Freeman, David Haak, & Mary Pat Wenderoth, *Increased Course Structure Improves Performance in Introductory Biology*, 10 CBE—LIFE SCIS. EDUC. 175, 175 (2011).

298. Bodamer, *supra* note 115, at 474.

299. Eddy & Hogan, *supra* note 297, at 456; Freeman, Haak, & Wenderoth, *supra* note 297, at 175.

300. Johnson, *supra* note 261, at 59–65.

(including 32% of Native American students, 27% of Black students, and 25% of Latinx students) believe their schools do “very little” to emphasize classroom conversations involving equity and privilege—concepts that should be routine in perhaps most law school courses. Similarly, almost one-quarter of Black students (24%) and one-in-five Latinx students (21%) think their schools do “very little” to promote coursework emphasizing respect for the expression of diverse ideas. When also considering cultural sensitivity, there is considerable room for improvement, even though ABA Standard 303(c) now requires training on this topic.³⁰¹ Higher percentages of students of color compared to white students believe their coursework places “very little” emphasis on recognizing their own cultural norms or biases. Similarly, while one-third (34%) of white students believe that their coursework places “very little” emphasis on learning about other cultures, higher percentages of students of color—including 45% of Latinx students, 42% of Native American students, and 39% of Black students—view their schools as falling short. Finally, while most students from all backgrounds think their coursework spends at least “some” time on the skills needed for students to work effectively with diverse populations, higher percentages of students of color than white students believe that their schools instead do “very little,” including 30% of Native American students, 29% of Latinx students, and 26% of Black students (compared to 21% of white students).

The classroom environment can be particularly stressful for students of color, though inclusive pedagogy can help counter that stress. Some Black students realize that they stand out in class, like “chocolate chips in vanilla ice cream.”³⁰² Post-*SFFA*, representation will dwindle further, adding more stress. In fact, many students are stressed in law school: roughly one-third (32%) report that the classroom environment or teaching methods cause them stress and anxiety.³⁰³ While this is one of the lowest sources of stress students report, it is still troubling that simply attending class causes students’ stress. Inclusive, engaging, and cooperative pedagogical approaches could relieve that stress and create space for belonging.

301. ABA Standard 303(c) now requires law schools to provide at least two trainings throughout the course of legal education focused on “bias, cross-cultural competency, and racism.” AM. BAR ASS’N, REVISIONS TO THE 2021–2022 ABA STANDARDS AND RULES OF PROCEDURES FOR APPROVAL OF LAW SCHOOLS 2–3 (2022), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2021-2022/21-22-standards-book-revisions-since-printed.pdf.

302. Deo, *supra* note 291, at 3147. This observation was made by a Black male professor named Michael, who himself has felt that way as one of the only Black professors at his institution and understands his students of color also may be “uncomfortable speaking up in class, even when their perspectives would be valued or appreciated by their classmates.” *Id.* at 3148.

303. *Law Student Stress*, LSSSE BLOG, <https://lssse.indiana.edu/2016/08/?cat=80> (last visited Jan. 28, 2024). For more on law student stress, anxiety, and other mental health concerns—as well as proposed solutions to these challenges—see Meera E. Deo, *Structuring Wellbeing* (unpublished manuscript on file with the author).

Women of color professors already are blazing a trail when it comes to inclusive pedagogy. Recent conferences have highlighted how to incorporate critical perspectives, racial and gender realities, and other societal context into the curriculum.³⁰⁴ Institutions have also been more focused on ensuring faculty have the tools needed to navigate sensitive classroom conversations and otherwise facilitate “diversity discussions” in class.³⁰⁵ Many women of color professors engage with critical discourse during class, drawing on societal context when explaining caselaw and encouraging widespread student participation—sometimes to their own detriment when confronted with negative course evaluations from students preferring to learn only “black letter law.”³⁰⁶ Thus, adoption of these strategies should not be an individual effort; faculty need administrators to sanction and provide structural support to improve student belonging.

3. Improve Mentorship

Authentic, engaged, and ongoing mentorship provides another opportunity to facilitate positive student–faculty interactions, thereby increasing belonging. The goal here is not simply to set up a formal mentorship program and ask each professor to email a few students every year; instead, students need to feel that they can reach out for personal and professional help and to know that their mentors truly care about their wellbeing. These relationships could grow beyond mentorship to sponsorship and allyship—when those with power (e.g., faculty) create opportunities for those still striving (e.g., students).³⁰⁷

LSSSE data reveal that many students do rely on faculty mentors for support. A full 83% “consider at least one instructor a mentor whom they could approach for advice or guidance.”³⁰⁸ Remarkably, Black and Latinx students receive mentorship from faculty at even higher rates than their white classmates. Black (30%), Latinx (25%), and Asian American (23%) students are more likely than their white peers (21%) to participate in

304. Recent conferences include: *Racial Bias, Disparities and Oppression in the 1L Curriculum: A Critical Approach to the Canonical First Year Law School Subjects*, BOS. UNIV. SCH. OF L. (Dec. 12, 2019), <https://www.bu.edu/law/2019/12/12/racial-bias-disparities-and-oppression-in-the-1l-curriculum/>; *Yearlong Series Examines Race in the Context of Subjects Foundational to First-Year Curriculum*, DUKE UNIV. SCH. OF L. (Nov. 20, 2020), <https://law.duke.edu/news/yearlong-series-examines-race-context-subjects-foundational-first-year-curriculum>; see also TERI A. MCMURTRY-CHUBB, STRATEGIES AND TECHNIQUES FOR INTEGRATING DIVERSITY, EQUITY, AND INCLUSION INTO THE CORE LAW CURRICULUM: A COMPREHENSIVE GUIDE TO DEI PEDAGOGY, COURSE PLANNING, AND CLASSROOM PRACTICE, at xvii (Howard Katz ed., 2022); INTEGRATING DOCTRINE AND DIVERSITY: INCLUSION AND EQUITY IN THE LAW SCHOOL CLASSROOM 23–24, 31–34 (Nicole P. Dyszlewski, Raquel J. Gabriel, Suzanne Harrington-Steppen, Anna Russell, & Genevieve B. Tung eds., 2021); Deo, *supra* note 287, at 315–19.

305. Diversity discussions are classroom conversations about identity topics such as race, gender, sexual orientation, gender identity, immigration, etc. Deo, Woodruff, & Vue, *supra* note 198, at 2–3, 5–7.

306. See Meera E. Deo, *A Better Tenure Battle: Fighting Bias in Teaching Evaluations*, 31 COLUM. J. GENDER & L. 7, 28 (2015).

307. As I have written elsewhere, “The importance of allies and sponsors cannot be overstated.” DEO, *supra* note 252, at ch. 4, n.11.

308. CHRISTENSEN & DEO, *supra* note 271, at 5.

discussions with faculty outside of class (Table 11). When considering the topics of these student–faculty conversations, students of color are more likely than white students to “often” or “very often” meet with faculty to discuss class assignments (Table 12), and Black students (41%) are more likely than any other group to frequently engage faculty in job search or career discussions (Table 13).

These are all positive indicators of faculty facilitating belonging, particularly for the students of color who may need it the most after *SFFA*. Yet, only one-third (32%) of law students work with professors on research outside of course or program requirements.³⁰⁹ Research demonstrates that engaging in regular communication with faculty outside of class leads to enhanced student belonging.³¹⁰ Simply by hiring more research assistants (RAs)—even while maintaining the same total hours of research assistance—and being purposeful in selecting RAs who may need mentorship and belonging, professors can negate some post-affirmative action challenges, including increasing belonging and facilitating retention.

When students report relatively high levels of faculty mentorship, it is important to recognize who likely provides that mentorship. Research demonstrates that women of color professors as well as white women are more likely than men to engage in all forms of service work on campus.³¹¹ One empirical study of law faculty revealed women of color are more likely to be “academic caretakers” for colleagues as well as students, doing everything from ordering food for faculty events to comforting crying students during office hours.³¹² Another study found that regardless of their own racial or gender identity, law students gravitate toward women faculty and faculty of color for guidance and support, seeing these professors as more accessible, available, and responsive to student needs.³¹³ Because of this confluence, women of color professors tend to be overburdened by “invisible” service, providing many hours of mentorship, advising numerous student organizations, and essentially facilitating mental health counseling sessions.³¹⁴ Thus, to the extent we expect faculty to mentor students to improve belonging, their time and effort should be recognized and rewarded, including as a (greater) part of their assessment for tenure, review,

309. Jak Petzold, *Extracurricular Activity Participation Among JD Students*, LSSSE BLOG (Nov. 1, 2023), <https://lsse.indiana.edu/blog/extracurricular-activity-participation-among-jd-students/>.

310. Hurtado & Carter, *supra* note 105, at 334.

311. Cassandra M. Guarino & Victor M. H. Borden, *Faculty Service Loads and Gender: Are Women Taking Care of the Academic Family?*, 58 RES. HIGHER EDUC. 672, 690 (2017).

312. Meera E. Deo, *The Ugly Truth About Legal Academia*, 80 BROOK. L. REV. 943, 990–93 (2015).

313. Meera E. Deo, Walter R. Allen, A.T. Panter, Charles Daye, & Linda Wightman, *Struggles & Support: Diversity in U.S. Law Schools*, 23 NAT’L BLACK L.J. 71, 87 (2010).

314. DEO, *supra* note 252, at 56–59; Ederlina Co, *Weathering Invisible Labor*, 51 SW. L. REV. 258, 262–63 (2022); Priya Baskaran, *Taking Our Space: Service, Scholarship, and Radical Citation Practice*, 73 RUTGERS U. L. REV. 101, 105 (2021).

promotion, and merit-based financial awards.³¹⁵ Without a formal structure in place to promote the faculty investment in students that translates into increased belonging, many faculty will continue to contribute little while others take on the lion's share of the work. Thus, systemic change and structured rewards for these efforts are needed.

To improve student belonging, faculty should commit to retiring outdated pedagogical traditions, implementing inclusive pedagogical approaches, and providing better forms of mentorship, sponsorship, and allyship. Some professors—particularly women of color professors who tend to innovate in the classroom³¹⁶ and be accessible to students³¹⁷—do these things already. Their efforts should be celebrated and compensated, and other faculty must follow their lead to better support the students who need them most.

B. What Classmates Can Do

Classmates can also make immense contributions toward improving belonging. Research shows that “peers play an important and powerful role in facilitating sense of belonging” and may even be “necessary” to achieving it.³¹⁸ Law school is challenging for most students, as evidenced by the 60% of LSSSE respondents who answered that they “often” or “very often” worked harder than they thought they could to meet faculty members’ expectations.³¹⁹ Yet the myth of hypercompetitiveness among students is exaggerated. A full 76% of LSSSE respondents have positive relationships with classmates, rating them as a five or higher on a

315. Many scholars have written about the critical need to place greater value on service contributions when making decisions about tenure, promotion, and other forms of faculty advancement; this equity necessity is long overdue. DEO, *supra* note 252, at 159 (“Administrators should also appreciate the many ways in which women of color are instrumental and beneficial to the institution, and create ‘institutional accountability for fixing gender service imbalances.’”); Meera E. Deo, *Equity in Legal Education*, 63 SANTA CLARA L. REV. 95, 145 (2023) (“Among other suggestions, administrators, faculty, and policymakers should work together to explode existing status hierarchies in legal academia, rethink tenure and promotion policies to place greater value on service work, recognize that students from different backgrounds have different support needs, and appreciate how the intersection of raceXgender creates unique barriers for non-traditional students and faculty alike.”); Nancy Levit, *Keeping Feminism in Its Place: Sex Segregation and the Domestication of Female Academics*, 49 U. KAN. L. REV. 775, 804 (2001) (suggesting that administrators track faculty time to ferret out gender imbalances in service contributions); DeShun Harris, *Cultural Modesty in the Academy: A Trait Exploited and Penalized Through Service*, 51 SW. L. REV. 275, 286 (2022) (“One major way that institutions can begin to reorient how it treats service is to begin measuring culture and organizational practice to determine if the systems that are currently in place for promotion and pay are tied to gender.”); Patrick V. Farrell & Robert A. Flowers, *What is the Value of Faculty Service?*, INSIDE HIGHER ED (Sept. 19, 2018), <https://www.insidehighered.com/advice/2018/09/20/why-we-need-national-conversation-value-faculty-service-opinion>.

316. See generally Deo, *supra* note 306.

317. Deo, Allen, Panter, Daye, & Wightman *supra* note 313, at 87 (“Students of color and white students alike report that faculty of color are often more accessible than white [faculty] and that female faculty tend to engage students more than male faculty.”).

318. STRAYHORN, *supra* note 9, at 2.

319. Jak Petzold, *Law Students Working Harder Than They Thought Possible*, LSSSE (Jan. 11, 2023), <https://lsse.indiana.edu/blog/law-students-working-harder-than-they-thought-possible>.

seven-point scale,³²⁰ which suggests that these powerful bonds are more cooperative than competitive.

Further, when asked the extent to which various sources contribute “quite a bit” or “very much” to students’ stress or anxiety, “competition among peers” is rated significantly lower (39%) than academic performance (80%), academic workload (79%), and job prospects (59%) (Table 14). This modest level of stress decreases over time, with only 24% of third-year students saying that student competition causes them stress.³²¹

Applying CRT, we have an opportunity for praxis. These data should guide our actions. While many students have strong bonds and often see one another cooperatively rather than competitively, institutions can better foster belonging through student interaction. Administrators “should think [more] about campus climate and policies governing social interactions” to enhance belonging institutionally.³²² Furthermore, students can directly employ strategies to increase belonging, especially for students of color who may have few classmates who share their background.

1. Expand Peer Engagement

Research shows a strong link between students’ sense of belonging and the conversations that they have with classmates.³²³ One foundational study on undergraduate student belonging found that “students who frequently discussed course work with other students outside class [developed] a higher sense of belonging.”³²⁴ Law schools can do better in fostering these connections too. Though law students from all backgrounds do report working together outside of class, Native American (25%) and Black (19%) students are more likely than those from any other background to *never* meet in study groups or otherwise prepare schoolwork with classmates (Table 15).³²⁵

By encouraging study groups through student organizations, hosting “study hours” on campus where students can congregate and work together, creating physical space for students to meet for personal interaction, hosting purely social events on campus for students to interact in stress-free environments, and finding other ways to facilitate student interaction, institutions and students themselves can increase belonging.

320. CHRISTENSEN & DEO, *supra* note 271, at 8.

321. While 42% of first-year students say competition with classmates contributes to their stress, this number drops to 24% by the third year. CHRISTENSEN & DEO, *supra* note 271, at 8.

322. STRAYHORN, *supra* note 9, at 3.

323. Hurtado & Carter, *supra* note 105, at 334.

324. *Id.* at 338.

325. Full-time students also engage in these interactions more than their part-time peers. For more on this topic, see Jak Petzold, *Part 1: Part-Time Students & the Law School Experience*, LSSSE BLOG (Feb. 2, 2023), <https://lssse.indiana.edu/blog/part-1-part-time-students-the-law-school-experience/>.

2. Engage in Cross-Racial Conversations

Cross-racial interactions are another powerful means of increasing belonging. In *SFFA*, the Court made clear that it no longer considers educational diversity a compelling state interest.³²⁶ However, in their powerful dissents, Justices Sotomayor and Jackson explained how discussions between students from different racial backgrounds remain important for engagement, learning, and society.³²⁷ The anticipated drop in Black, Latinx, and Native American student enrollment after *SFFA* “means fewer opportunities for students of widely differing backgrounds to interact, empathize, learn, and grow from and with one another.”³²⁸

Belonging increases for students “if and when they socialize with peers whose backgrounds may differ from their own.”³²⁹ One study revealed that frequent interactions between students from different backgrounds buffered the effects of discrimination and enhanced students’ sense of inclusion and connection.³³⁰ Frequent cross-racial conversations foster more successful interactions, increasing rather than draining students’ emotional energy.³³¹ Because students of color are more likely to suffer instances of “bias, discrimination, or unfair treatment,” all of which “significantly and adversely influence students’ sense of belonging,” mitigating bias through cross-racial interactions further enhances their sense of belonging.³³² Additionally, the more students have positive engagements with classmates who are different from them, the more *all* students could improve their sense of belonging.

LSSSE asks students about their school’s emphasis on “encouraging contact among students from different economic, social, sexual orientation, and racial or ethnic backgrounds” (Table 16).³³³ The results show many students, regardless of racial background, see their schools as doing “quite a bit” or “very much” to encourage diverse interactions. However, as we have seen throughout this Article, there are racial differences.

326. *SFFA*, 600 U.S. 181, 214 (2023) (“Although [hallmarks of educational diversity may further] commendable goals, they are not sufficiently coherent for purposes of strict scrutiny.”).

327. *Id.* at 332 (Sotomayor, J., dissenting) (quoting *Grutter v. Bollinger*, 539 U.S. 306, 321 (2003) (“It is thus an objective of the highest order, a ‘compelling interest’ indeed, that universities pursue the benefits of racial diversity”); *id.* at 379 (“The costly result of today’s decision harms not just respondents and students but also our institutions and democratic society more broadly.”); *id.* at 404–05 (Jackson, J., dissenting) (stating that students from diverse backgrounds “will interact in classes and on campus, and will thereby come to understand each other’s stories, which amici tell us improves cognitive abilities and critical-thinking skills, reduces prejudice, and better prepares students for postgraduate life”).

328. Glater, *supra* note 46, at 415.

329. STRAYHORN, *supra* note 9, at 2.

330. Maryam Hussain & James M. Jones, *Discrimination, Diversity, and Sense of Belonging: Experiences of Students of Color*, 14 J. DIVERSITY HIGHER EDUC. 63, 63 (2019).

331. Randall Collins, *Emotional Energy as the Common Denominator of Rational Action*, 5 RATIONALITY & SOC’Y 203, 214 (1993); RANDALL COLLINS, *INTERACTION RITUAL CHAINS* 108 (2005).

332. Bodamer, *supra* note 115, at 477.

333. *On to the Survey*, LSSSE, <https://lssse.indiana.edu/wp-content/uploads/2024/07/LSSSE-Survey-Instrument-Final.pdf> (last visited Feb. 11, 2025).

Higher percentages of Black (24%), Latinx (22%), and Native American (22%) students see their schools as doing “very little” to encourage diverse contacts, compared to 14% of white students.

The LSSSE survey also asks two specific questions about the frequency of interactions with students from different backgrounds: one focused on racial identity, the other on religion, political beliefs, and other values (Table 17). The majority of students from every racial background “often” or “very often” participate in serious cross-racial conversations. However, a higher percentage of Black students (14%) than any other group note they *never* have serious conversations with classmates of a different racial background. This finding is particularly disturbing because Black students are such a small percentage of students on almost every U.S. law school campus; that so many *never* have serious conversations with students from other racial backgrounds effectively means they spend many hours in meaningless talk or even silence. Black students may reasonably keep their thoughts to themselves or share them only with others from their own racial group out of a need for self-preservation, although it is nevertheless a missed opportunity for cross-racial connections institutionally.³³⁴ Schools should ensure all students feel comfortable contributing to campus life, thereby creating a greater likelihood for the cross-racial interactions we know enhance belonging.

LSSSE respondents also report how frequently they engage in “serious conversations with students who are very different from [them] in terms of their religious beliefs, political opinions, or personal values.”³³⁵ Again, we see racial disparities, with especially wide divergences between Black students (17% who *never* engage in serious conversations with classmates with different values) and white students (only 8%) (Table 18). Additionally, relatively high percentages of other students of color, such as Latinx students (13%) and Native American students (15%), similarly *never* engage in these discussions. Thus, it is not only cross-racial interactions that are missing from law school but also conversations among students who have different belief systems.

While all students are forced to interact in limited ways in the classroom, and some volunteer to participate in class, LSSSE findings suggest that these conversations remain at the surface level for many students of color. Ideally, all students would at least “sometimes” participate in conversations with students from different backgrounds than themselves. An increase in the baseline—even moving the roughly 10% of students who *never* participate in serious cross-racial conversations into the category of *sometimes* participating—could move the needle on belonging. Individual

334. Angela Onwuachi-Willig, *Silence of the Lambs*, in PRESUMED INCOMPETENT: THE INTERSECTION OF RACE AND CLASS FOR WOMEN IN ACADEMIA 142, 143 (Gabriella Gutiérrez y Muhs, Yolanda Flores Niemann, Carmen G. González, & Angela P. Harris eds., 2012) (noting for some, staying silent is the “key to their survival”).

335. See *On to the Survey*, LSSSE, <https://lsse.indiana.edu/wp-content/uploads/2024/07/LSSSE-Survey-Instrument-Final.pdf> (last visited Feb. 11, 2025).

students who are seeking to enhance their own belonging, as well as that of their classmates, should actively participate in class and encourage peers from all backgrounds to do the same. They could also actively seek out opportunities for cross-racial interaction with peers outside of class, whether in other academic or even purely social settings. Anything students can do to increase conversations with students from different backgrounds would likely lead to improvements in belonging for everyone. Furthermore, schools must understand why certain populations of students avoid or are excluded from cross-racial engagement so they can offer targeted support to increase interactions and thereby enhance belonging. School-specific LSSSE annual reports—shared with each participating LSSSE school every year, along with comparisons to “peer” groups and national averages—can guide this targeted outreach. Finally, while CRT urges us to look to the margins and consider how the fallout from *SFFA* negatively impacts Black and Latinx students, we must also remember that the end of affirmative action is not only about those students. Everyone has a role to play in improving belonging; failing to do so results in a net loss for all. As Justice Jackson noted in her *SFFA* dissent, “ensuring a diverse student body in higher education helps everyone.”³³⁶

3. Join Student Organizations

Student groups can also be critical tools to increase belonging. Volumes of research show how student organizations provide their members with social, cultural, academic, and professional benefits,³³⁷ including through peer mentorship.³³⁸ And studies suggest that students engaged in campus life—including student organizations—have a higher sense of belonging.³³⁹

LSSSE data reveal that the vast majority of law students, regardless of racial background, join campus organizations (Table 19). This is excellent news for those seeking to enhance retention through belonging because it signals that students are gathering in sites where belonging happens naturally through student interactions with others who share similar identities, interests, or priorities.³⁴⁰ The data also reveal interesting racial differences, with students of color—those most in need of belonging post-*SFFA*—participating in student organizations at higher rates than white students. White students (72%) are the least likely to have joined or plan to join student groups, while Black students (84%) are the most likely. The high rates of student participation in campus organizations bodes well for belonging for everyone; the even higher rates for students of color

336. *SFFA*, 600 U.S. 181, 405 (2023) (Jackson, J., dissenting) (emphasis omitted).

337. Meera E. Deo, *Separate, Unequal, and Seeking Support*, 28 HARV. J. RACIAL & ETHNIC JUST. 9, 27–28 (2012).

338. Meera E. Deo & Kimberly A. Griffin, *The Social Capital Benefits of Peer-Mentoring Relationships in Law School*, 38 N. OHIO U. L. REV. 305, 332 (2011).

339. Hurtado & Carter, *supra* note 105, at 334.

340. Meera E. Deo, *Two Sides of a Coin: Safe Space and Segregation in Race/Ethnic-Specific Law Student Organizations*, 42 WASH. U. J.L. & POL’Y 83, 100–01 (2013).

suggest they are likely already receiving not only the social capital benefits of participation in student groups but also enhanced belonging through membership.³⁴¹

Applying a CRT approach to center race requires disaggregating the data further. Students of color may have higher levels of participation in campus groups than their white peers in part because of the high likelihood that they join identity-based organizations, such as the Black Law Student Association (BLSA) or Asian Pacific American Law Student Association (APALSA). While students of color may be more likely to become members of racial- or ethnic-specific groups, there are numerous other identity-based campus organizations, including those based on gender (e.g., Women Law Student Association (WLSA)), sexual orientation (e.g., OUTLaws), and socioeconomic markers (e.g., First-Gen Law Student Association).³⁴² Nevertheless, LSSSE data reveal that students of color are much more likely to join identity-based groups than white students (Table 20). Just over half of white law students (51%) *never* participate in cultural or identity-based clubs or organizations, while the vast majority of students of color from all racial backgrounds at least sometimes do. Many students of color participate in these groups “very often,” including roughly one-third of Native American students (38%) and Black students (30%) and about one-quarter of Latinx students (25%) and Asian American students (22%). Thus, students joining and participating actively in student organizations is a simple but effective way to increase belonging for themselves and for their classmates, including those most likely at risk of attrition after *SFFA*.

Students have various means of enhancing their classmates’ sense of belonging. Many participate in student organizations, supporting one another as peer mentors and contributing to fellow members’ social capital. Students can remind administrators of the belonging work that these organizations do and request greater support for them. Recognizing student organizations as generative sites of increasing belonging, particularly for students from backgrounds that will likely be more severely underrepresented on law school campuses moving forward, and providing the resources that they need to best support their members can go a long way toward enhancing belonging. Whether through student organizations, study groups, or campus events, students can also talk more with one another and engage in meaningful conversations with those who are different from themselves with regard to race, politics, religion, and more. When students engage in these strategies, they enhance belonging for everyone.

341. See, e.g., Deo & Griffin, *supra* note 338, at 310, 323.

342. Furthermore, white students are usually not excluded from participation in racial or ethnic-specific student organizations even if they do not share the racial background of most members of the group.

C. Institutional Responsibilities

Administrators have a particularly important role to play by encouraging and investing in institutional strategies to increase belonging.³⁴³ By demonstrating their commitment to belonging-enhancing endeavors, administrators can maximize positive outcomes, especially to improve retention rates and academic success for students of color who are admitted and do enroll in law school post-*SFFA* as well as those in school now.

Administrative staff have a key role to play in student belonging because they have the power to “make the implicit explicit, the hidden known, and the unfamiliar commonplace.”³⁴⁴ Whether they are financial aid officers, student affairs personnel, or DEI officials, student-facing staff have unique opportunities to interact with students throughout their time in law school. Staff members acting as cultural navigators can be particularly critical for students of color who come from backgrounds distinct from or even in conflict with the individualistic values of traditional law schools, especially because these students tend to have a lower sense of belonging on campus.³⁴⁵

Although making staff available is a necessary first step to improving student belonging, it is not sufficient. These administrators must also be accessible and helpful to students to enhance their sense of belonging.³⁴⁶ Unfortunately, there is a steep hill to climb to improve student–staff relations, especially compared to the strong bonds that students have with faculty and classmates. Only 68% of students enjoy positive relationships with staff (rated as five or higher on a seven-point scale), with a significant dip during the pandemic that has not yet been fully resolved.³⁴⁷ Institutions must actively seek student input on improving these relationships to prevent them from stagnating or deteriorating even further.

In the meantime, administrators can employ strategies such as those identified below to signal institutional support for students, increase student belonging, and retain students of color post-*SFFA*.

343. This Section highlights opportunities for institutions to take definitive measures to increase belonging and improve retention through administrative leadership. For a discussion of how student services professionals and other student-facing law school administrative staff play a critical role in the process of professional socialization and could also increase student belonging, see Petzold & Deo, *supra* note 166.

344. Strayhorn, *supra* note 107, at 62; *see also* Uehara, Cotner, Langford, Noorestaney, & Kjensli, *supra* note 112, at 14; Yuan, Yang, & McGill, *supra* note 141, at 427–28; Johnson, *supra* note 261, at 59; García & Garza, *supra* note 268, at 42.

345. Petzold & Deo, *supra* note 166, at 1.

346. Won, Hensley, & Wolters, *supra* note 137, at 120–21.

347. DEO, CHRISTENSEN, & PETZOLD, *supra* note 197, at 14; 2022 ANNUAL SURVEY RESULTS, *supra* note 229, at 13 (showing in 2021, only 57% of students rated relationships with administrative staff as a 5 or higher on a 7-point scale). The 2022–2023 data suggest ongoing concerns with student–staff relationships because only 56% of students report these are positive relationships.

1. Act on the Commitment to DEI

Most law schools today express a commitment to DEI—though their words are not always accompanied by action.³⁴⁸ A true commitment to acting on these ideals can also foster belonging and thereby retention, especially because students who report that they experience a discriminatory campus climate have lower levels of belonging.³⁴⁹ Enhancing student perceptions of an institution's commitment to diversity can be instrumental in retaining students who might otherwise leave.³⁵⁰

Because research suggests that a positive perception of an institution's commitment to diversity could mitigate the effects of discrimination and bias on students' sense of belonging, institutions seeking to improve belonging and retain students of color should strengthen DEI efforts, putting their words into action in the CRT tradition of praxis.³⁵¹ As one scholar noted, it is not enough to simply voice a commitment; instead, "fostering diversity and inclusive discussions is key."³⁵² However, LSSSE data reveal that 27% of Native American students, 19% of Black students, and 14% of Latinx students believe that their schools are doing "very little" to emphasize a commitment to diversity, while white students view their school's commitment to diversity more favorably (Table 21).

Institutions can further demonstrate their commitment to DEI and belonging through a variety of methods. For instance, they can offer law school for-credit courses on cultural competency, support community engagement (such as sponsoring career panels of successful alumni from nontraditional backgrounds), and advance other diversity-related programming (including Black History Month speakers, "Global Village Days" offering world cuisine and culture, or "Dialogue Events" that seek to break down barriers between students, staff, and faculty from different backgrounds).³⁵³ To some extent, law schools already are required to do this—ABA Standard 303(c) mandates that accredited law schools "provide education to law students on bias, cross-cultural competency, and racism" at least twice during law school.³⁵⁴ Schools should go beyond the minimum

348. An online repository of "Law School Solidarity and Antiracism Statements" is available on the Law Deans Antiracist Clearinghouse website under the "Iterative" Phase. *Law Deans Antiracist Clearinghouse*, THE ASS'N OF AM. L. SCHS., <https://www.aals.org/about/publications/antiracist-clearinghouse> (last visited Feb. 7, 2025); Deo, *supra* note 259, at 1233.

349. Hussain & Jones, *supra* note 330, at 2.

350. Leticia Oseguera & Byung Shik Rhee, *The Influence of Institutional Retention Climates on Student Persistence to Degree Completion: A Multilevel Approach*, 50 RSCH. HIGHER EDUC. 546, 550 (2009).

351. Hussain & Jones, *supra* note 330, at 2.

352. Bodamer, *supra* note 115, at 479.

353. Hussain & Jones, *supra* note 330, at 7–8; *Pepperdine Caruso Law to Host Diversity Week 2023 | September 11–16*, PEPP. CARUSO SCH. OF L. (Sept. 6, 2023), <https://law.pepperdine.edu/surf-report/posts/pepperdine-caruso-law-host-diversity-week-september-2023.htm>; *Diversity, Inclusion and Learning Environment*, UCLA L., <https://law.ucla.edu/life-ucla-law/diversity-inclusion> (last visited Jan. 31, 2025).

354. AM. BAR ASS'N, *supra* note 301, at 2.

requirements of this directive to infuse the campus with actions supporting DEI, including those mentioned here.

Another way an institution can act on its expressed commitment to diversity is by making the campus itself more diverse, including by hiring more faculty of color. This could further enhance belonging because many faculty of color already implement many of the suggested strategies linked to improved belonging³⁵⁵—are things that faculty of color, and particularly women of color professors, do already.³⁵⁶ Institutions should certainly support faculty in their efforts to mentor students and engage in inclusive pedagogy.³⁵⁷ Furthermore, as a “lack of diversity among law professors has been found to have a marginalizing impact on students of color,” increasing faculty diversity will surely produce greater inclusion.³⁵⁸ Hiring more women of color faculty is thus another way to facilitate these faculty strategies as well as demonstrate a commitment to diversity, equity, and inclusion—all of which lead to greater belonging for students.

Given the end of affirmative action and the Court’s apparent disinterest in diversity post-*SFFA*, it may be even more important for institutions to not only express but also demonstrate their own interest in diversity-related endeavors. Adding action to a stated commitment to DEI through greater investment in diversity programs, campus initiatives, and hiring more faculty of color signals to students and the broader community that the institution cares about DEI as well as belonging.

2. Work Toward Antiracism

Law schools should go beyond DEI initiatives to better enhance belonging. Research suggests that educational institutions that are seeking to maximize student belonging should develop antiracist curriculum, programming, and campus climate.³⁵⁹ To be antiracist requires the rejection of neutrality in favor of being diligently outspoken in the fight against racism.³⁶⁰ As Ibram Kendi teaches in his foundational book *How to Be an Antiracist*, “One either allows racial injustice to persevere, as a racist, or confronts racial injustice, as an antiracist;” there is no middle ground.³⁶¹ While the Supreme Court espoused diversity for twenty-five years (from its rise in *Bakke*³⁶² until its demise in *SFFA*³⁶³), an institution’s decision to promote antiracism today signals “a shift [highlighting] broader action-oriented change.”³⁶⁴ This aligns perfectly with the CRT emphasis on

355. See *supra* Section IV.A.

356. DEO, *supra* note 252, at 58.

357. Co, *supra* note 314, at 262; Baskaran, *supra* note 314, at 895; Deo, *supra* note 312, at 988–89.

358. Aaron N. Taylor, *The Marginalization of Black Aspiring Lawyers*, 13 FIU L. REV. 489, 509 (2019).

359. Johnson, *supra* note 261, at 64–65.

360. Deo, *supra* note 70, at 80.

361. IBRAM X. KENDI, *HOW TO BE AN ANTIRACIST* 19 (2019).

362. Regents of Univ. of Cal. v. Bakke, 438 U.S. 265, 379 (1978).

363. *SFFA*, 600 U.S. 181, 206 (2023).

364. Meera E. Deo, *Why BIPOC Fails*, 107 VA. L. REV. ONLINE 115, 122 (2021).

praxis, which pushes not only for theoretical shifts but also for meaningful racial progress in practice.³⁶⁵

This Article recommends that institutions surpass a commitment to diversity by becoming explicitly antiracist; data make clear that law schools have a long way to go. When asked about their confidence in their institution's commitment to broader antiracism issues, LSSSE respondents see their schools as lacking. Overall, 16% believe that their schools do "very little" to prepare students for success in a multicultural world. Student perceptions of institutional commitments to addressing discrimination and harassment, central tenets on the path to antiracism, are even more troubling. More than one-in-five students (21%) think that their law schools do very little to help students "develop the skills to confront discrimination and harassment." Additionally, 11% believe that their institutions do "very little" to take allegations of discrimination or harassment seriously.

The racial disparities in LSSSE responses are particularly illuminating because students of color see even less of a commitment to antiracism than their white peers (Table 22). Only 13% of white students believe that their schools do "very little" to prepare them for success in a multicultural world, compared to roughly one-quarter to one-third of students who are Latinx (24%), Black (28%), and Native American (34%). Additionally, there are sizable racial disparities in how respondents view institutional investment in students' ability to confront harassment or discrimination—which are particularly disturbing given these students are being trained to be lawyers. Significantly higher percentages of Native American students (37%) than white students (18%) lack confidence in their school's ability to prepare them to handle harassment or discrimination. Black students (34%), Latinx students (28%), and Asian American students (26%) also see their schools as doing "very little" to prepare them to confront these challenges. Furthermore, students of color express disappointment in their institution's commitment to addressing discrimination and harassment on campus—a logical priority for schools seeking to be antiracist and an obvious necessity for students of color seeking to belong on campus. When asked to report on their law school's commitment to "taking allegations of discrimination or harassment seriously," 20% of Native American students, 18% of Asian American students, 17% of Black students, and 16% of Latinx students believe that their school has only "very little" dedication to this effort, compared to 10% of white students.

Institutions should enhance belonging by pursuing antiracism. Fortunately, five Black women law deans joined together to provide guidelines for this endeavor, creating the Law Deans Antiracist Clearinghouse Project.³⁶⁶ Their project outlines a five-step process—listening, learning,

365. DELGADO & STEFANCIC, *supra* note 89, at 55.

366. *Law Deans Antiracist Clearinghouse*, *supra* note 348.

leading, audit reporting, and iterating—to guide institutions as they work toward antiracism.³⁶⁷ Law schools that are genuinely invested in becoming antiracist can follow these guidelines and engage in making significant change. Dean Danielle Conway has also spearheaded the Antiracist Development Institute, which “works to dismantle structures that scaffold systemic racial inequality.”³⁶⁸ Working toward institutional antiracism efforts with these leaders and their vision to guide invested schools also result in a greater sense of belonging for students of color and other marginalized students on those campuses.

Applying Ibram Kendi’s conception of antiracism to the context of legal education, an antiracist law school would be one that maintains a commitment to understand and thereby decrease racism; the institution must be vigilant about recognizing both obvious and subtle manifestations of racism, and then not only acknowledge its presence, but root it out.³⁶⁹ Legal education, notoriously slow to change, is nevertheless moving toward antiracism. In August 2020, 150 U.S. law school deans sent a letter to the ABA Section on Legal Education and Admissions to the Bar proposing a new accreditation standard requiring antiracism training on every law school campus.³⁷⁰ This proposal was the impetus for ABA Standard 303(c).³⁷¹ Dean Conway’s Penn State Dickinson Law (now Penn State Law) not only passed a faculty resolution “adopting an antiracist approach to legal education” but also now requires a first-year course on Race and the Equal Protection of the Laws.³⁷² USC Gould School of Law, also led by a Black woman dean, was one of the first law schools in the country to require entering students to enroll in a three-unit Race, Racism, and the Law course.³⁷³ Boston University School of Law boasts a Center for Antiracist Research, which seeks to “provide antiracist pedagogy and . . . trainings to law professors and students across the country,” including a recent webinar entitled *Practicing Antiracism in the Law Classroom*.³⁷⁴ Other schools should follow suit and generate their own methods of becoming antiracist institutions. Doing so would not only directly

367. *Id.*

368. *History of Antiracist Development Institute*, PENNSTATE DICKINSON L., <https://dickinsonlaw.psu.edu/antiracist-development-institute> (last visited Feb. 1, 2025).

369. KENDI, *supra* note 361, at 241.

370. Letter from Law School Deans to the Council of the ABA Section of Legal Education and Admissions to the Bar (July 30, 2020), <https://taxprof.typepad.com/files/aba-bias-cultural-awareness-and-anti-racist-practices-education-and-training-letter-7.30.20-final.pdf>.

371. AM. BAR ASS’N, *supra* note 301, at 2–3.

372. *A Leader in Antiracist Legal Education*, PENNSTATE DICKINSON L., <https://dickinsonlaw.psu.edu/leader-antiracist-education> (last visited Jan. 29, 2025).

373. Leslie Ridgeway, *USC Gould to Offer Unique Required Course Focusing on Race in Legal System*, USC GOULD SCH. OF L. (Feb. 4, 2021), <https://gould.usc.edu/news/usc-gould-to-offer-unique-required-course-focusing-on-race-in-legal-system>; Stephanie Francis Ward, *Required USC Course on Race is Expected to Help Law Students with Various Viewpoints*, ABA J. (Mar. 18, 2021, 9:11 AM), <https://www.abajournal.com/web/article/required-USC-course-on-race-expected-to-help-law-students-with-various-viewpoints>.

374. *Antiracist Legal Education*, BU CTR. FOR ANTIRACIST RSCH., <https://www.bu.edu/antiracism-center/policy/antiracist-legal-education> (last visited Jan. 29, 2025).

improve the campus racial climate but also increase belonging for students of color.

3. Invest in Belonging

In addition to promoting the initiatives outlined above that indirectly increase belonging, institutions should also directly promote belonging itself. Research demonstrates that institutional initiatives that are aimed at normalizing students' uncertainty, enhancing their motivation, improving their coping skills, and boosting their confidence during the socialization process as students adjust to a new institution "can effectively foster sense of belonging among students."³⁷⁵ Institutions must therefore commit to investing directly in belonging. To do so, administrators must first *ask* students to express their priorities; then, they must actively *listen* and *work* to meet student needs.

One of the most effective and efficient ways to ask students about their needs is by administering the LSSSE survey, which is available to every U.S. law school as a means of gauging their own students' experiences, attitudes, and behaviors.³⁷⁶ While over 200 law schools in the United States, Canada, and Australia have participated in LSSSE since its inception in 2004,³⁷⁷ some institutions have never participated and others are missing critical recent data.

The LSSSE survey gives institutions the flexibility to disaggregate their data—not only by race but also by gender, sexual orientation, first-gen status, part-time versus full-time status, year in school, and other metrics.³⁷⁸ Improving belonging requires not only school-wide data collection, analysis, and examination but also disaggregation of the data by different student populations because there is no one-size-fits-all approach to meeting student needs.³⁷⁹

One study of Latinx students at community colleges discovered that many work full-time while in school, which can negatively affect engagement and belonging.³⁸⁰ Staff could play a pivotal role in counteracting this effect by providing targeted outreach to Latinx students for enhanced "socio-academic integrations" (interweaving social and academic engagement) to improve their sense of belonging.³⁸¹ Another project studied Black women at historically Black colleges and universities—again,

375. Johnson, *supra* note 261, at 62.

376. LSSSE data are available to anyone interested in advancing research on legal education or related topics. *What We Do*, LSSSE, <https://lsse.indiana.edu/what-we-do/> (last visited Feb. 8, 2025).

377. LSSSE, 2024 ANNUAL REPORT: 20 YEARS OF LSSSE: SHARING TRENDS IN LEGAL EDUCATION 4, 21 (2024), https://lsse.indiana.edu/wp-content/uploads/2024/11/LSSSE_AR2024_20-Yr_Final.pdf.

378. The LSSSE survey is available online at <https://lsse.indiana.edu/about-lsse-surveys/>.

379. Petzold & Deo, *supra* note 166, at 1–2, 7, 10.

380. García & Garza, *supra* note 268, at 51.

381. *Id.* at 51–52; Regina Deil-Amen, *Socio-Academic Integrative Moments: Rethinking Academic and Social Integration Among Two-Year College Students in Career-Related Programs*, 82 J. HIGHER EDUC. 70, 72 (2011).

recognizing student populations and institutions have unique cultures, priorities, and needs.³⁸² The researchers found that a student's status as a campus leader significantly influenced their sense of belonging.³⁸³ A third study of law students identified racial disparities in students' sense of belonging, with the potential for significant improvement through staff intervention.³⁸⁴ However, certain populations—including first-gen students and students with disabilities—experienced lower levels of belonging, despite significant contact with staff; this suggests again that diverse populations require tailored initiatives.³⁸⁵ Thus, it is imperative that institutions examine disaggregated data to identify population-specific needs in order to enhance belonging for students from various backgrounds, including the students of color likely to be most vulnerable post-*SFFA*.

Once institutions invest in LSSSE or otherwise gather data on student needs, they must listen carefully and respond appropriately. While many students believe that administrators are rising to the occasion, 17% of LSSSE respondents believe administrators do “very little” to respond to their questions and concerns. Although there are not dramatic racial disparities in student responses to this question, it is interesting to note that Black (34%) and Native American (23%) students are among those most satisfied with the administrative attention they receive (Table 23). Additionally, while most students believe that their school's administrative staff “demonstrates sensitivity to diverse backgrounds and perspectives in their interactions with students,” there are some notable racial disparities (Table 24), with a higher percentage of Latinx students (28%) than any other racial group “strongly” believing administrators are sensitive to diverse perspectives (though the group with the lowest percentage (16%) is Black students). Conversely, 14% of Native American students and 8% of both Asian American and Black students “strongly disagree” that administrators are sensitive to diverse perspectives (compared to just 4% of white students).

Furthermore, law schools can now easily gather data not only from their students but also from faculty and staff, which creates an opportunity for individualized and campus-wide assessment of institutional needs, including how best to serve vulnerable populations of students. With the spring 2025 launch of the Survey on the Engagement of Law Faculty and Staff (SELS), two new surveys will accompany the LSSSE student survey—one focused on law faculty, the other on law school staff; thus, participating schools will be in the best position to understand and respond to

382. Strayhorn, *supra* note 132, at 109–10.

383. *Id.*

384. Petzold & Deo, *supra* note 166, at 9, 18.

385. *Id.* at 1, 9–10.

the campus climate as a whole and to identify how faculty, students, and staff at their own institution can work together to promote belonging.³⁸⁶

CONCLUSION

SFFA signals a need for change if law schools and the legal profession are to maintain some semblance of diversity. We are witnessing the end of affirmative action, a decline in educational diversity, and a disregard for academic freedom in higher education.³⁸⁷ *SFFA*'s dissenting opinions are also instructive—particularly when viewed from a CRT lens that centers racial realities and insists on alternative action. As Justice Jackson stated, “Our country has never been colorblind.”³⁸⁸ Similarly, Justice Sotomayor asserted that by thwarting law and fact, the majority opinion makes a mockery of the Fourteenth Amendment rather than promoting its ideals.³⁸⁹ She also noted that the Court’s decision “promotes indifference to inequality and ignores the reality of race.”³⁹⁰ Both dissenting Justices drew from CRT to reveal how the end of affirmative action portends a tremendous loss not only for the students who will no longer have access to higher education but also for the classmates who will miss learning from diverse perspectives and for society as a whole.³⁹¹ The dissenting Justices’ focus on praxis—i.e., theory-informed action—is especially compelling. As Justice Sotomayor urged, “Although the Court has stripped out almost all uses of race in college admissions, universities can and should continue to use all available tools to meet society’s needs for diversity in education.”³⁹²

This Article builds on the CRT foundation laid by the *SFFA* dissents. It centers race in considering the aftermath of affirmative action, looks to vulnerable populations rather than majority perspectives, and highlights the lived experiences of students of color. Additionally, it leans on praxis to propose action informed by both theory and empirical data in the eCRT tradition. In doing so, this Article reveals how law schools must couple innovative recruitment efforts with retention initiatives, particularly through efforts that aim to enhance student belonging. For those who seek to maintain some semblance of diversity in legal education and the legal profession, “fostering a sense of belonging is crucial,” lest we lose even more students of color to attrition.³⁹³

386. In spring 2025, LSSSE launched two additional surveys through the SELFS Study, one collecting data from law faculty, the other from law school staff. See *Survey on the Engagement of Law Faculty and Staff (SELS) Study*, LSSSE, <https://lssse.indiana.edu/selfs-study/> (last visited Feb. 8, 2025); Meera E. Deo, *Introducing the SELFS Study!*, LSSSE (May 13, 2025), <https://lssse.indiana.edu/blog/introducing-the-selfs-study/>.

387. *SFFA*, 600 U.S. 181, 230–31 (2023).

388. *Id.* at 385 (Jackson, J., dissenting).

389. *Id.* at 319 (Sotomayor, J., dissenting) (“Because the Court’s opinion is not grounded in law or fact and contravenes the vision of equality embodied in the Fourteenth Amendment, I dissent.”).

390. *Id.* at 383.

391. See *supra* Section I.A.

392. *SFFA*, 600 U.S. at 384 (Sotomayor, J., dissenting).

393. Bodamer, *supra* note 115, at 456.

Everyone on campus has a role to play in building belonging, particularly for dwindling populations of students of color, whom institutions will have to work hard to retain post-*SFFA*. This Article suggests specific strategies that faculty, students, and administrators can employ to move the needle on students' sense of belonging, thereby improving retention as well as academic and wellness outcomes. When professors facilitate inclusive classroom conversations, students engage in cross-racial dialogues, and institutions strive to become antiracist, these combined efforts enhance learning and foster greater belonging. As students feel a greater sense of belonging on campus, their academic and personal outcomes improve. This will be a boon for all law students and for a society that depends on a diverse legal profession.

While the recommendations set forth in this Article are informed by both theory and data, there are likely many other belonging efforts schools could undertake. As other research on law student belonging demonstrates, schools must go beyond the proposals outlined here to make tailored efforts to improve belonging for diverse populations.³⁹⁴ At times, it may seem daunting to remain engaged in the fight to improve diversity, equity, inclusion, and belonging. But the alternative is an unfathomable loss for those who could lose access to higher education, for the students who might sit silently in homogenous classrooms, and for society as a whole through a loss of legitimacy and integrity.³⁹⁵ Working together, we can reach our goals of improving student retention by building belonging.

394. Petzold & Deo, *supra* note 166, at 12.

395. *SFFA*, 600 U.S. at 332 (Sotomayor, J., dissenting) (citing *Grutter v. Bollinger*, 539 U.S. 306, 332 (2003)) (“[I]nclusive institutions that are ‘visibly open to talented and qualified individuals of every race and ethnicity’ instill public confidence in the ‘legitimacy’ and ‘integrity’ of those institutions and the diverse set of graduates that they cultivate.”).

APPENDIX³⁹⁶

Table 1. Students Feel Valued by their Institution, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Strongly disagree	13%	9%	12%	11%	9%	10%
Disagree	20%	21%	21%	24%	21%	23%
Agree	50%	52%	48%	45%	48%	48%
Strongly agree	18%	18%	19%	20%	23%	19%

Table 2. Students Feel Valued by their Institution, by Debt (LSSSE, 2022–2023)

	\$0	\$1–\$20K	\$20–\$40K	\$40–\$60K	\$60–\$80K	\$80–\$100K	\$100–\$120K	\$120–\$140K	\$140–\$160K	\$160–\$180K	\$180–\$200K	> \$200K
Strongly disagree	8%	7%	6%	8%	8%	11%	12%	12%	13%	15%	17%	22%
Disagree	19%	21%	21%	22%	23%	23%	23%	27%	23%	27%	26%	27%
Agree	49%	51%	49%	48%	48%	47%	45%	46%	45%	43%	44%	38%
Strongly agree	25%	21%	25%	22%	21%	19%	20%	16%	20%	16%	13%	14%

Table 3. Students Believe their Institution Creates Community, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Very little	17%	16%	20%	17%	11%	13%
Some	39%	34%	29%	33%	30%	31%
Quite a bit	32%	32%	31%	33%	38%	35%
Very much	12%	18%	20%	17%	21%	21%

396. Note that some values in the tables below do not add up to 100% due to rounding.

Table 4. Students Feel Part of the Campus Community, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Strongly disagree	18%	8%	12%	7%	7%	8%
Disagree	13%	19%	21%	23%	18%	20%
Agree	58%	54%	48%	51%	51%	51%
Strongly agree	13%	19%	20%	19%	25%	21%

Table 5. Students Feel Part of the Campus Community, by raceXgender (LSSSE, 2022–2023)

	Asian Am.		Black		Latinx		White		Multiracial	
	M	W	M	W	M	W	M	W	M	W
Strongly disagree	3%	10%	11%	11%	11%	6%	8%	5%	8%	8%
Disagree	14%	21%	14%	25%	21%	24%	19%	18%	19%	20%
Agree	54%	53%	45%	47%	46%	52%	48%	53%	48%	54%
Strongly agree	29%	16%	29%	17%	23%	18%	25%	24%	24%	19%

Table 6. Students Feel Comfortable Being Themselves, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Strongly disagree	15%	5%	10%	7%	4%	7%
Disagree	13%	13%	14%	13%	10%	14%
Agree	53%	55%	48%	53%	52%	49%
Strongly agree	20%	26%	28%	28%	34%	30%

Table 7. Students Believe their Institution Avoids Identity-Based Stigma,
by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Very little	22%	15%	22%	17%	11%	14%
Some	37%	33%	30%	29%	28%	27%
Quite a bit	27%	31%	26%	33%	37%	34%
Very much	15%	21%	22%	21%	25%	25%

Table 8. Students Believe Professors Demonstrate Cultural Sensitivity,
by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Strongly disagree	7%	6%	10%	4%	3%	3%
Disagree	14%	15%	16%	14%	10%	10%
Agree	57%	58%	56%	52%	63%	59%
Strongly agree	21%	22%	18%	29%	25%	28%

Table 9. Students Believe Coursework Emphasizes Various Diversity
Metrics (LSSSE, 2022–2023)

	Very little	Some	Quite a bit	Very much
Working effectively with diverse populations	22%	38%	27%	13%
Recognizing own cultural biases	24%	36%	27%	14%
Sharing own perspectives/experiences	19%	38%	30%	14%
Exploring own background	39%	33%	19%	10%
Learning about other cultures	36%	37%	17%	10%
Discussing equity/privilege	18%	34%	30%	18%
Respecting diverse ideas	15%	32%	34%	20%

Table 10. Students Believe Coursework Emphasizes Various Diversity Metrics “Very Little,” by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Discussing issues of equity or privilege	32%	16%	27%	25%	16%	19%
Respecting expression of diverse ideas	17%	15%	24%	21%	13%	16%
Recognizing own cultural norms or biases	36%	26%	28%	32%	21%	26%
Learning about other cultures	42%	36%	39%	45%	34%	40%
Working effectively with diverse populations	30%	21%	26%	29%	21%	24%

Table 11. Students Have Discussions with Faculty Outside of Class, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Never	7%	6%	4%	5%	5%	5%
Sometimes	42%	40%	34%	39%	43%	40%
Often	34%	31%	32%	32%	32%	32%
Very often	17%	23%	30%	25%	21%	23%

Table 12. Students Discuss Assignments with Faculty, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Never	28%	29%	27%	28%	29%	26%
Sometimes	48%	46%	45%	47%	51%	51%
Often	17%	18%	19%	15%	14%	15%
Very often	7%	8%	10%	10%	6%	8%

Table 13. Students Discuss Career Plans with Faculty, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Never	15%	13%	17%	18%	16%	16%
Sometimes	45%	49%	41%	44%	48%	47%
Often	28%	23%	22%	20%	23%	23%
Very often	12%	16%	19%	17%	13%	14%

Table 14. Sources of Student Stress (LSSSE, 2022–2023)

	Very little	Some	Quite a bit	Very much
Academic performance	4%	16%	29%	51%
Academic workload	4%	17%	33%	46%
Financial concerns/Student debt	22%	26%	23%	30%
Job prospects	17%	24%	27%	32%
Competition amongst peers	28%	34%	22%	17%
Classroom environment/Teaching methods	29%	35%	21%	21%

Table 15. Students Work with Classmates on Assignments, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Never	25%	17%	19%	15%	16%	16%
Sometimes	43%	55%	49%	49%	54%	53%
Often	25%	19%	22%	25%	23%	22%
Very often	7%	10%	10%	11%	8%	9%

Table 16. Students Believe their Institution Encourages Diverse Interactions, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Very little	22%	19%	24%	22%	14%	19%
Some	37%	34%	32%	31%	33%	33%
Quite a bit	27%	28%	22%	25%	32%	27%
Very much	14%	20%	22%	22%	21%	21%

Table 17. Students Have Serious Conversations with Classmates of a Different Race, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Never	10%	11%	14%	10%	9%	7%
Sometimes	27%	27%	30%	27%	35%	28%
Often	32%	27%	25%	31%	32%	33%
Very often	31%	36%	32%	32%	25%	33%

Table 18. Students Have Serious Conversations with Classmates with Different Religious Beliefs, Political Opinions, or Personal Values, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Never	15%	14%	17%	13%	8%	9%
Sometimes	28%	38%	36%	36%	36%	32%
Often	35%	24%	25%	27%	32%	32%
Very often	22%	25%	22%	25%	24%	26%

Table 19. Student Membership in Student Organizations, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Undecided	10%	8%	6%	8%	8%	9%
Do not plan to do	15%	16%	10%	16%	20%	15%
Plan to do	5%	16%	20%	17%	12%	12%
Done	70%	60%	64%	60%	60%	64%

Table 20. Student Participation in Identity-Based Organizations, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Never	15%	20%	12%	19%	51%	32%
Sometimes	13%	30%	30%	28%	28%	28%
Often	35%	28%	29%	28%	13%	21%
Very often	38%	22%	30%	25%	8%	20%

Table 21. Students Believe their Institution Demonstrates a Commitment to Diversity, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Very little	27%	11%	19%	14%	7%	12%
Some	17%	35%	29%	30%	27%	26%
Quite a bit	34%	33%	31%	33%	38%	36%
Very much	22%	22%	22%	23%	27%	26%

Table 22. Students Believe their Institution Commits “Very Little” to Various Antiracism Efforts, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Providing resources to succeed in a multicultural world	34%	20%	28%	24%	13%	19%
Developing skills to confront harassment or discrimination	37%	26%	34%	28%	18%	23%
Taking allegations of discrimination or harassment seriously	20%	18%	17%	16%	10%	14%

Table 23. Students Believe Administrators Listen to their Concerns, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Very little	31%	18%	18%	17%	17%	19%
Some	31%	28%	21%	38%	31%	29%
Quite a bit	15%	35%	27%	26%	31%	27%
Very much	23%	19%	34%	18%	21%	25%

Table 24. Students Believe Administrators are Sensitive to Diverse Perspectives, by Race (LSSSE, 2022–2023)

	Native American	Asian American	Black	Latinx	White	Multiracial
Strongly disagree	14%	8%	8%	6%	4%	5%
Disagree	7%	15%	17%	14%	9%	11%
Agree	57%	55%	59%	53%	63%	59%
Strongly agree	21%	22%	16%	28%	24%	25%