Understanding, promoting and supporting LGBTQI+ diversity in legal education (ACCEPTED AUTHOR MANUSCRIPT)

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Understanding, promoting and supporting LGBTQI+ diversity in legal education

Australian law schools are becoming increasingly diverse. Yet, there is very little quantitative or qualitative data on diversity in law schools and even less research examining how students’ diverse backgrounds and social identities – including their sexual orientation and gender identity – impact on their law student experience. This article begins to fill this gap in the literature by reporting the findings from a study examining the law school experiences of LGBTQI+ students at all law schools within a single Australian state. The study reveals that much of the law school experience is similar for both LGBTQI+ and non-LGBTQI+ students, and that LGBTQI+ law students generally perceive law school to be an accepting and equitable environment. However, compared to their non-LGBTQI+ peers, LGBTQI+ law students self-censor more often, witness more bullying and harassment, and feel more stress when interacting with academic staff. Based on the findings from the study, the article suggests strategies law schools might consider to support LGBTQI+ diversity, visibly promote acceptance of “otherness” in tangible ways, and ensure a safe learning environment in which all students can flourish.

Keywords: LGBTQI+ inclusion, diversity in law, legal education, Australia
Introduction

Australian law schools and the legal profession have been criticized for their lack of diversity.¹ In Australia, the “typical” law student of 30 years ago was white, from an English-speaking background, educated at an elite private high school, studying full-time, with university-educated parents, and likely with existing links to the legal profession.² This profile is increasingly inaccurate.³ As law schools become increasingly diverse, there is a need to understand better how social, academic, and cultural factors affect students’ experiences, their learning, and their careers after law school. Yet still, there is very little quantitative or qualitative data on diversity in Australian law schools and even less research examining how students’ diverse backgrounds and social identities – including their sexual orientation and gender identity – impact on their law student experiences. This article reports findings from a study (the WA study) examining the law school experiences of LGBTQI+⁴ students at all five law schools within a single Australian state (Western Australia). All participants in the WA study were either studying for, or had recently graduated with, a professional law degree from one of those five law schools. The project explored LGBTQI+ students’ experiences of law school as well as their perceptions of the law curriculum, law school culture, support services, and their well-being. The results of the WA study have informed recommendations which law schools should implement to better promote and support LGBTQI+ diversity and inclusion within their communities.

Background

Despite the increasing diversity within Australian law schools, there is no empirical research specifically examining the experiences of LGBTQI+ students in Australian law schools. Indeed, as Dau and Strauss found, there is a general “dearth of published research devoted to the [LGBTQI+] student experience in Australian universities”.⁵

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⁴ The acronym LGBTQI+ is used throughout this article to refer collectively to those who do not identify as cisgender and/or heterosexual. It includes lesbian (L), gay (G), bisexual (B), transgender (T), queer/questioning (Q), and intersex (I) people, and others who do not identify as cisgender and/or heterosexual (+). It reflects the language used by participants in this study. Many other terms are used to refer to this group of identities (or some of these identities). Each of these terms may be criticised for leaving some identities out. The placement of the letters within the acronym may be questioned. Some also question whether LGBTQI+ identities can meaningfully be grouped together, as there is great diversity in each identity within the LGBTQI+ community, and the intersections between those identities. Note too that research on LGBTQI+ people over time has focussed on different groupings of identities, including “LGBT” and “LGBTI” groups. That is, studies have not always considered the full range of LGBTQI+ identities. The queer-spectrum and trans-spectrum communities, and the terminology used to describe those communities, continue to evolve. Given that some research has excluded particular identities, the term LGBTQI+ is used in this article somewhat imprecisely.
⁵ Duc Dau and Penelope Strauss, The Experience of Lesbian, Gay, Bisexual, and Trans Students at The University of Western Australia (The University of Western Australia 2016) 5.
Dau and Strauss conducted the largest Australian project to date specifically examining the experiences of LGBTQI+ university students. That study focused on “campus climate” as experienced by LGBT students at The University of Western Australia (“UWA”). It involved a survey of 264 students who identified as LGBT – only 10 of whom were law students. Dau and Strauss found that more than half of the 264 participants reported not disclosing their LGBT identity at university to avoid harassment or discrimination. Sixteen per cent reported experiencing harassment or discrimination at UWA because of their LGBT status. While most participants felt that the campus environment was accepting of gay male students, only 45 per cent felt that the campus environment was accepting of lesbian students. Fewer still (less than 40 per cent) felt that it was accepting of bisexual students and only 18 per cent believed it to be accepting of transgender students.

These findings broadly correspond to findings from similar studies in other countries, including the United States (US). The 2010 State of Higher Education for Lesbian, Gay, Bisexual, and Transgender People Report, for example, found that, compared to their non-LGBTQI+ peers, LGBTQI+ college students reported feeling significantly less comfortable with the overall campus climate. In a retrospective of LGBTQI+ issues on US college campuses from 1990 to 2020, Rankin, Garvey and Duran note that there have been improvements in LGBTQI+ visibility on US campuses, and that inclusive policies and specific programs to support LGBTQI+ students have been widely implemented. However, it is not known whether these improvements and initiatives have actually resulted in positive change for LGBTQI+ people, as the experiences of LGBTQI+ students remain “disparate to those of their heterosexual and cisgender peers across health and academic engagement”.

Despite some improvements in campus climate assessments, LGBTQI+ students continue to report experiencing discrimination and harassment which ranges from micro-aggressions, like insults, to serious and overt physical violence. Consistent with Dau and Strauss’ findings, several studies have also found that some identities within the LGBTQI+ community experience more marginalization at university than do other LGBTQI+ identities.

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6 ibid 1, 5
7 ibid 25.
8 ibid 14.
10 Rankin and others, 2010 State of Higher Education for Lesbian, Gay, Bisexual and Transgender People (n 9).
12 Jun Sung Hong and others ‘Ecological Covariates of Subtle and Blatant Heterosexist Discrimination Among LGBTQ College Students’ (2016) 45 Journal of Youth and Adolescence 117.
Significantly, LGBTQI+ students’ perceptions of the campus climate may vary depending on their area of study. In a 2020 report on a US-based study into the campus climate across disciplines, Forbes found that LGBTQI+ participants reported some disciplines, such as the social sciences and humanities, as being “warm” and “queer friendly”, and others as being “chilly” environments. While the “chilly” environments were primarily the STEM disciplines, other areas such as business and environmental studies were similarly described. Although Forbes’s study did not specifically examine the campus micro-climate in law, it seems reasonable to assume law is perceived of as being “warm”, noting that it is commonly considered a social sciences or humanities discipline (though, one might conjecture also that, in this respect, the discipline of law might foster a similar culture to business).

However, it must be emphasized that while LGBTQI+ students may experience the university environment as safe, they can simultaneously experience it as unsafe. Allen, Cownie and Fenaughty found that whilst LGBTQI+ students often perceive university campuses to be safer than other environments they inhabit, “universities are not silos, cocooned from the homophobia, biphobia and transphobia that circulate in larger society”.

In relation to well-being, Dau and Strauss found that mental health is an especially pressing concern for LGBT students. This corroborates other studies indicating that LGBTQI+ university students have significantly worse mental health outcomes than non-LGBTQI+ students.

Being LGBTQI+ may also affect academic success. This is, at least in part, because of factors such as discrimination, exclusion, and the resultant impact on mental health and emotional wellbeing. Osward and Wyatt have shown that LGBTQI+ students consistently report more frequent impacts on their academic results because of mental health issues compared to non-LGBTQI+ students. It appears that LGBTQI+ students are most likely to encounter barriers to their success at university when they perceive the university environment to be unaccepting of LGBTQI+ people. For example, studies have linked a perceived non-

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17 Dau and Strauss (n 5) 18.
19 Oswalt and Wyatt (n 18).
21 Oswalt and Wyatt (n 18) 1267–70.
inclusive campus environment with a reluctance to disclose LGBTQI+ identity. The concealment of that identity can result in increased stress and negative mental health outcomes which can, in turn, negatively affect academic success.

In this regard, Dau and Strauss found that some 20 per cent of participants reported that their LGBT status had disrupted their academic progress. Alarmingly, that disruption was linked to “feelings of discomfort in class or around other students, and mental health issues as a result of coming to terms with an LGBT identity or as a result of homophobia or transphobia”. Such feelings of discomfort stemmed, at least in part and for many of the participants, from feelings of insecurity about not being fully accepted by teachers or other students. Whilst the disruptions caused by mental health issues were “often a result of experiences indirectly linked to university, such as coming to terms with an LGBT identity or coming out to family and friends”, Dau and Strauss found that these mental health issues were exacerbated by the pressures of studying at university. They also found that approximately one third of participants reported that their LGBT status had affected their ability to socialize at university. This was attributed to self-censorship and anxieties around openness for fear of not being accepted or understood. Dau and Strauss commented that, “[t]hese limitations on the participants’ ability to socialize are likely to have a negative impact on their opportunities to form close friendships at the University and participate fully in campus communities”.

Similarly, perceptions of campus as non-inclusive can also affect retention and completion: studies have shown that LGBTQI+ students who experience negative LGBTQI+ bias on campus are more likely to leave, or consider leaving, university.

Further, Szymanski and Bissonette found that LGBTQI+ students who perceive their university environment to be more welcoming of LGBTQI+ students are more satisfied with university, have a greater intention to persist with their studies, and have lower levels of anxiety and depression. These associations were found even when taking into account whether the participant had also reported experiencing any victimization on campus based on their LGBTQI+ identity. These studies demonstrate the importance of universities providing supportive campus environments to enable LGBTQI+ student well-being and success.

While existing scholarship indicates that a person’s LGBTQI+ identity can directly and indirectly affect their life, student experience, and academic success, no single study provides an account of the associations between these issues. Furthermore, the extant research relates

24 Dau and Strauss (n 5) 17.
25 ibid.
26 ibid 19.
to university students generally and it is not possible to extrapolate any specific observations relevant to LGBTQI+ law students. This is especially so because law students’ university experiences may differ from those of university students in other disciplines. There is, for example, a growing body of literature evidencing higher levels of psychological distress in law students compared to the general population and, in some studies, compared to their peers studying in other disciplines. It follows, therefore, that there is a need for research into the experiences of LGBTQI+ students in law. This article begins to meet that need.

Research design and method

The aims of the WA study were twofold: first, to examine the law school experiences of LGBTQI+ law students at the five law schools in a single Australian state; and, second, to explore the perception of law students at these five law schools of the law curriculum, law school culture, support services, and wellbeing specifically relating to LGBTQI+ students. This study complied with the National Health and Medical Research Council of Australia’s National Statement on Ethical Conduct in Human Research (2007). Institutional ethics approval for the study was obtained from the UWA Human Research Ethics Office before the study commenced and was maintained throughout the study period.

Participants and recruitment

LGBTQI+ law students at The University of Western Australia Law School ("UWALS"), Curtin University Law School ("CULS"), Murdoch University Law School ("MULS"), Edith Cowan University Law School ("ECULS"), and the University of Notre Dame Law School, Fremantle ("UNDLS"), were invited to participate in face-to-face semi-structured interviews in 2019. An email invitation to participate was sent by the Dean of the UWALS (who is an author of this article) to the Dean or Head of School of CULS, MULS, ECULS, and UNDLS, requesting that the invitation be circulated to all students at their law school. The invitation requested LGBTQI+ students wishing to participate in an interview to contact a member of the research team. From there, “snowball sampling” was used, asking the interviewees to refer us to other LGBTQI+ students who might be willing to be interviewed. Following the interviews, all law students at UWALS, CULS, MULS, ECULS, and UNDLS were invited to undertake an online survey in 2020. As with the interviews, an email invitation to participate in the survey was sent by the Dean of the UWALS to the Dean or Head of School of CULS, MULS, ECULS, and UNDLS, requesting that the invitation be circulated to all law students at their law school. Background information about each Western Australian university and law school is provided in Table 1.


Table 1. University and law school information.

<table>
<thead>
<tr>
<th>Institution type</th>
<th>Curtin University</th>
<th>Edith Cowan University</th>
<th>Murdoch University</th>
<th>The University of Notre Dame (Fremantle)</th>
<th>The University of Western Australia iv</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Public</td>
<td>Public</td>
<td>Public</td>
<td>Private (Catholic)</td>
<td>Public</td>
</tr>
<tr>
<td>University size by total students i</td>
<td>59,222</td>
<td>31,409</td>
<td>25,406</td>
<td>6,544</td>
<td>25,386</td>
</tr>
<tr>
<td>Year university established</td>
<td>1966</td>
<td>1991</td>
<td>1973</td>
<td>1989</td>
<td>1911</td>
</tr>
<tr>
<td>Year law school established</td>
<td>2012</td>
<td>2005</td>
<td>1992</td>
<td>1997</td>
<td>1927</td>
</tr>
<tr>
<td>Professional law degree offered ii</td>
<td>LLB</td>
<td>LLB</td>
<td>LLB</td>
<td>LLB</td>
<td>JD</td>
</tr>
<tr>
<td>Other coursework law qualifications offered iii</td>
<td>Graduate Diploma in Legal Practice, Business Law major</td>
<td>None</td>
<td>Graduate Certificate in Legal Practice, Business Law major, Legal Studies major</td>
<td>Master of Laws, Undergraduate Certificate in Legal Studies</td>
<td>Doctor of Juridical Science, Master of Laws, other law-related masters, Master of Legal Practice, Graduate Diploma in Law, other law-related graduate diplomas, Business Law major, Law and Society major</td>
</tr>
<tr>
<td>Mode of study</td>
<td>On campus</td>
<td>On campus or online</td>
<td>On campus</td>
<td>On campus or online</td>
<td>On campus</td>
</tr>
</tbody>
</table>

i Measured by headcount, not equivalent full-time student load, in 2020.
ii LLB = Bachelor of Laws, JD = Juris Doctor.
iii Qualifications listed as majors are taught within another undergraduate degree and are not professional law degrees.
iv The University of Western Australia is the only Western Australian university in the Group of Eight, which comprises Australia’s eight leading research-intensive universities.

Interviews

The semi-structured interviews sought to capture the university experiences of law students who identify as LGBTQI+. The primary purpose of this part of the study was to inform design of the survey instrument, which would then provide for a larger sample size and allow the research team to make generalisations about the findings. Another important, yet collateral, purpose of the interviews was to obtain nuanced understandings of the participants’ experiences. The semi-structured nature of the interviews allowed the participants to develop and qualify their ideas, enabling rich insights into their experiences.

The interview themes related to sexuality, gender, law school experiences, learning outcomes, and careers. All participants consented to being interviewed. The interview duration varied between half an hour and an hour. Twenty-two of the 23 interviews were recorded with
consent, de-identified, and professionally transcribed. The remaining interviewee did not give consent for recording, but consented to the interviewer taking notes during the interview (which were also de-identified).

The interview records were subject to an interpretative phenomenological analysis (IPA).\(^{31}\) IPA recognizes that direct participant experience is not accessible to the researcher and that an analysis of interview records is an interpretative process. This IPA included systematically reading the records twice while taking wide ranging and unfocused notes on the text.\(^{32}\) The records and notes were then revisited to determine themes within and across the interviews. This process of analysis enables a more holistic understanding of the themes present within the record data. The data is presented using quotes from interviewees. All participants have been given pseudonyms.

**Survey**

The survey instrument was developed after analysis of the interview records. The survey questions and topics were developed at least partly in response to the qualitative interview data. Participation in the survey was voluntary and anonymous, with no identifying information included in the data collection. The data from the survey is reported here in group-form only.

Participants’ perception of the inclusiveness of law school and the law curriculum for LGBTQI+ students was measured via two survey questions: “I feel like my law school provides an accepting environment for people who identify as LGBTQI+”; and, “I feel like the curriculum in my law school includes material on LGBTQI+ issues”. Both items were rated on the scale: “(1) Strongly disagree”; “(2) Disagree”; “(3) Neither agree nor disagree”; “(4) Agree”; and, “(5) Strongly agree”.

Participants were asked the extent to which they had ever witnessed any harassment or bullying towards LGBTQI+ people both in law school and beyond law school. They were also asked if they had ever witnessed any harassment or bullying towards people generally in law school and beyond law school. For all four questions, it was noted that the harassment or bullying could be in person or online. All four items were rated on the scale: “(1) No”; “(2) Yes, a little”; and, “(3) Yes, a lot”.

On the scale, “(1) Never”; “(2) Rarely”; “(3) Sometimes”; “(4) Often”; “(5) Very often”; and, “(6) Always”, participants were asked to rate whether they self-censored aspects of their personality or identity when interacting with law school staff, law students, family, friends, and in the workplace.

General emotional well-being was measured with the Brief Emotional Experience Scale (BEES). The BEES comprises six adjectives (happy, worried, calm, sad, confident, afraid)


\(^{32}\) Willig (n 31).
rated on a four-point scale: “(1) Not at all”; “(2) A little bit”; “(3) Quite a bit”; and, “(4) A lot”. Participants rated the emotion adjectives reflecting on their past month. An emotional well-being score was then calculated by averaging across the positive adjectives (happy, calm, confident) and negative adjectives (worried, sad, afraid) separately, then subtracting the negative score from the positive score to provide an overall score that can range from +3 to -3. Previous studies have reported that the BEES has good internal consistency and is strongly associated with other similar emotional well-being measures.33 In the current study, the Cronbach’s alpha value for the BEES is .84.

As to their sense of belongingness, participants were asked “I feel a sense of belonging to:” “My university”, “My law school”, “My discipline”, “My year cohort”, rated on a scale, “(1) Not at all”; “(2) Slightly”; “(3) Somewhat”; “(4) Moderately”; “(5) Very much”; and, “(6) Extremely”. The inter-correlations between these four items ranged from .51 – .77, and so an overall belongingness score was created by averaging across all four items. This measure is associated with a Cronbach’s alpha of .88 in the current study. This is similar to the belongingness measure reported in previous studies.34

To assess the participants’ perceptions of their university environment, the survey asked “I feel the university environment is:” for three items, “Supportive”, “Competitive”, and “Stressful”, rated on the scale, “(1) Not at all”; “(2) Slightly”; “(3) Somewhat”; “(4) Moderately”; “(5) Very much”; and, “(6) Extremely”. Except for “stressful”, these items have been used previously.35

A single item asked “Do you place pressure on yourself to perform well at university?” on a scale: “(1) Not at all”; “(2) Slightly”; “(3) Somewhat”; “(4) Moderately”; “(5) Very much”; and, “(6) Extremely”. On the same scale, participants were also asked how stressful they found various aspects of law school: “university assignments and exams”; “interacting with fellow law students”; “interacting with law lecturers”; “the workload associated with law study”; “balancing university study with other life commitments”; “establishing and maintaining a professional identity”; “attending career events”; “finding work experience during law school”; “finding employment after law school”; and, “the pressure placed on oneself to succeed at law school”.

34 Skead and Rogers, ‘Running into Well-Being’ (n 33).
35 Skead and Rogers, ‘Running into Well-Being’ (n 34).
Interview results

As noted, 23 students from three of the five law schools were interviewed: 12 from UWALS; four from ECULS; and, seven from CULS. It is not clear why no students from the other two law schools volunteered. The interviewees’ demographic details are set out in Table 2.

Table 2. Interview details.

<table>
<thead>
<tr>
<th>Participant</th>
<th>University</th>
<th>Course/year</th>
<th>Age</th>
<th>Gender identity</th>
<th>Sexuality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ara</td>
<td>UWALS</td>
<td>JD, 3rd year</td>
<td>22</td>
<td>Female</td>
<td>Lesbian</td>
</tr>
<tr>
<td>Brigid</td>
<td>UWALS</td>
<td>JD, 1st year</td>
<td>27</td>
<td>Female</td>
<td>Bisexual</td>
</tr>
<tr>
<td>Carlos</td>
<td>UWALS</td>
<td>JD, part-time</td>
<td>27</td>
<td>Male</td>
<td>Gay</td>
</tr>
<tr>
<td>Dana</td>
<td>UWALS</td>
<td>JD, 2nd year</td>
<td>22</td>
<td>Female</td>
<td>Lesbian</td>
</tr>
<tr>
<td>Emma</td>
<td>UWALS</td>
<td>JD, 3rd year</td>
<td>23</td>
<td>Female</td>
<td>Bisexual</td>
</tr>
<tr>
<td>Fanya</td>
<td>UWALS</td>
<td>JD, 3rd year</td>
<td>24</td>
<td>Female</td>
<td>Bisexual</td>
</tr>
<tr>
<td>George</td>
<td>UWALS</td>
<td>JD, 3rd year</td>
<td>23</td>
<td>Male</td>
<td>Gay</td>
</tr>
<tr>
<td>Henry</td>
<td>UWALS</td>
<td>JD, 3rd year</td>
<td></td>
<td>Not provided</td>
<td>Male</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Gay</td>
</tr>
<tr>
<td>Isobel</td>
<td>ECULS</td>
<td>LLB, 3rd year</td>
<td>26</td>
<td>Female</td>
<td>Bisexual</td>
</tr>
<tr>
<td>Jon</td>
<td>ECULS</td>
<td>LLB, part-time</td>
<td>41</td>
<td>Male</td>
<td>Gay</td>
</tr>
<tr>
<td>Kip</td>
<td>ECULS</td>
<td>LLB, 3rd year</td>
<td>22</td>
<td>Male</td>
<td>Gay</td>
</tr>
<tr>
<td>Leigh</td>
<td>ECULS</td>
<td>LLB, part-time</td>
<td>25</td>
<td>Non-binary, questioning whether a trans woman</td>
<td>Gay</td>
</tr>
<tr>
<td>Mitch</td>
<td>CULS</td>
<td>LLB, 3rd year</td>
<td>32</td>
<td>Male</td>
<td>Gay</td>
</tr>
<tr>
<td>Nate</td>
<td>CULS</td>
<td>LLB, 2nd year</td>
<td>19</td>
<td>Male</td>
<td>Gay</td>
</tr>
<tr>
<td>Olly</td>
<td>CULS</td>
<td>LLB, 3rd year</td>
<td>22</td>
<td>Male</td>
<td>Gay</td>
</tr>
<tr>
<td>Paul</td>
<td>UWALS</td>
<td>Recent JD grad</td>
<td>25</td>
<td>Male</td>
<td>LGBTQI+</td>
</tr>
<tr>
<td>Quinn</td>
<td>UWALS</td>
<td>Recent JD grad</td>
<td>25</td>
<td>Male</td>
<td>Gay</td>
</tr>
<tr>
<td>Roman</td>
<td>UWALS</td>
<td>Recent JD grad</td>
<td>25</td>
<td>Male</td>
<td>Gay</td>
</tr>
<tr>
<td>Sam</td>
<td>CULS</td>
<td>LLB, 3rd year</td>
<td>22</td>
<td>Male</td>
<td>Gay</td>
</tr>
<tr>
<td>Toni</td>
<td>CULS</td>
<td>Recent LLB grad</td>
<td>22</td>
<td>Female</td>
<td>Bisexual</td>
</tr>
<tr>
<td>Umar</td>
<td>UWALS</td>
<td>Recent JD grad</td>
<td>25</td>
<td>Male</td>
<td>Gay</td>
</tr>
<tr>
<td>Valeria</td>
<td>CULS</td>
<td>LLB, 3rd year</td>
<td>22</td>
<td>Female</td>
<td>Bisexual</td>
</tr>
<tr>
<td>Wendy</td>
<td>CULS</td>
<td>LLB, 4th year</td>
<td>25</td>
<td>Female</td>
<td>Bisexual</td>
</tr>
</tbody>
</table>

The interview records were analyzed thematically. The broad themes emerging from the interviews relating to the interviewees’ law school experience are presented below.

University environment

Overall, the interviewees were positive about their campus’ culture towards LGBTQI+ people. This is consistent with the extant literature. It was noted that each of the universities have a dedicated “queer portfolio” in their student guild and have one or more LGBTQI+ social clubs that organize LGBTQI+ events on and off campus. All three universities participate in the local annual LGBTQI+ Pride parade event; and each of the universities also provide diversity and inclusion training for staff through the ALLY initiative. Staff who have undergone training can place a rainbow ALLY sticker on their office door to provide a visible sign of support for

36 Rankin, Garvey and Duran, ‘A Retrospective of LGBT Issues on US College Campuses’ (n 11); Forbes (n 14).
LGBTQI+ students and colleagues.\textsuperscript{37} In this regard, many interviewees mentioned the importance of the presence of formal university queer representation and social groups:

I would say the culture on campus at [UWALS] was ahead of its time in that, it was potentially more supportive to LGBTQI+ students than other aspects of the community were. [Paul]

Yes, I do [think that there is representation of LGBTQI+ people]. I know that they have LGBTQI groups at [ECULS] and they're quite active in promoting events that they have throughout the year and I've seen them on campus and received emails. [Jon]

I feel like representation is good, especially with the university and more broadly, the guild does a lot that they can as well to provide that kind of representation. [Olly]

A couple of interviewees noted that their campus is generally a supportive environment. For example:

I feel like people generally around uni are fairly open about talking about their experiences and their diversity. Which I found really cool. I think that's a product of the environment. [Olly]

[University] is the most equitable place that you'll probably come across in your lifetime. [Isobel]

The importance of visible university support for LGBTQI+ students in creating a feeling of inclusivity emerged in the interviews as a strong theme:

There was some kind of Pride Week thing going on. Like a nice bit set up on the lawn. It looked really quite busy, lots of different stalls there... it looked like it was buzzing a little bit and lots of people chatting. That was really nice. [Brigid]

Several interviewees from UWALS commented that some law school staff are open about their own LGBTQI+ identity and interviewees from all three law schools noted that some staff display ALLY stickers in their office door. This made them feel more welcome and accepted in their law school:

I think like having people like [LGBTQI+ staff member] to look up to, and some of the lecturers, they're just openly gay, and have these [ALLY] stickers and stuff on their doors. I think that shows that the law school promotes and encourages that microculture. [Ara]

I think just having a clear visual signal [of the ALLY stickers] is very reassuring. [Brigid]

[The ALLY sticker is] just like a nice little reminder that you're in an area that's safe. [Henry]

It's just a reminder that they recognize you. [Valeria]

Someone had an ALLY sticker on their door. I was like, that's very nice. It felt more like an unsaid thing in a way, but just like, I guess if you needed it, the support was there... Fortunately, I never had to look for that support, but I think if you needed it, you could find it. [Umar]

\textsuperscript{37} Dau and Strauss (n 5).
I think it's just made me feel it's not like you don't really fall within a designated minority anymore. Yes, I feel like a majority there, I don't feel like a minority. [Wendy]

Overall, interviewee responses suggest that the visible support markers such as those provided by the ALLY initiative make a positive impact on campus culture for LGBTQI+ students.

**Teaching and the law curriculum**

Some interviewees noted some inclusivity in the manner in which some subjects are taught:

We had an assignment last year for criminal law and the assignment question was based on a gay couple and that was like a pleasant surprise to see. Like, it was a very awful situation. It was like some invented like abusive situation, so it wasn't a lovely topic, but it was just nice to see that included. [Kip]

Major cases that involved LGBTQI+ issues were raised in public law. The case of Toonen [v Australia] comes to mind in that when that was discussed in class, it was very clearly raised in the context of the social movement which brought that case to the courts. [Paul]

Yet, the over-arching theme present in all interviews was that the curriculum was perceived as neither inclusive nor exclusionary:

I wouldn't say it's exclusive but it's definitely not inclusive in that we haven't really covered much beyond perhaps the facts of a case where a person was gay because that's necessary to know that they were doing this or that, but I haven't had any particular discussion of LGBTQI issues in any of the content. [Sam]

It's like, it's there, but it's not... it's recognized, but at the same time it's just brushed over. [Nate]

I would say it's neither inclusive nor exclusive if that makes sense. [Wendy]

While there was a recognition of an attempt by the law schools to be inclusive, it was typically felt that there could be a deeper level of recognition:

I feel like although law schools are improving currently, it's a bit surface-level. [Valeria]

There was unanimous agreement among interviewees that they would like to see more LGBTQI+ inclusiveness in the law curriculum:

I think it could be a beneficial thing because it will open up other people's eyes to the fact that there is diversity out there in the community and they're not just going to be dealing with one certain group. I think it could be really beneficial. [Jon]

**A more inclusive curriculum**

As the main criticism of the curriculum from interviewees was that existing efforts to incorporate LGBTQI+ issues into the law curriculum was somewhat superficial and “tokenistic”, an obvious
strategy to enhance the inclusivity of the curriculum is to ensure deeper and more meaningful engagement with issues of diversity:

… to create an understanding of what the implication is for the community … if it was going to be done, you wouldn't want it to be as if it were tokenistic. [Umar]

I think a deeper exploration of how LGBTQI+ people live with the law and how the law affects us … I just felt like our legal education was very theoretical. There wasn't a lot of cultural or societal for lack of a better word, implications to the law when it was being taught. It was like this is a law, this is how it works… There was not a lot of application to the community as it is now. [Valeria]

With that said, some interviewees expressed some concern about whether this could be done effectively. For example:

You can't invent cases just to make us feel included. Then it would feel like they're taking an extra step to make us feel included, and that feels artificial. [Carlos]

I wouldn't want to push to a point where it's just to include, it needs to be relevant … I don't love the idea of incorporating it for the sake of incorporating it if there's no learning outcome from it. [Kip]

Despite some concerns and doubts, interviewees generally felt optimistic about the possibility of fostering greater LGBTQI+ inclusion through the curriculum:

I would just like to see the law school continue to do what they do in cases like Toonen [v Australia]. I think it's really fantastic to see them present a case like that, to give a clear indication of what was happening in Australia at the time to produce that case and then to give students the opportunity to engage with that. I think that's a fantastic way to present those kinds of cases. [Paul]

However, a common theme in the interviews was that there is a broader diversity imperative. Interviewees suggested using real world cases (where possible) involving different socio-cultural groups within the existing curricula for specific units, and allowing time for further discussion of the implications of the law for different groups:

We can't not teach the doctrines of the law, but I think you can make it more practical to see how those doctrines can apply to different people and how they might adversely affect some people more than others or how traditionally they've been used to support certain groups and not others. I think looking at how history has changed for different people and how the law has either supported them or neglected them or discriminated against them. That's something that hasn't really been taught, but I think could be. [Quinn]

... it's like a lot of the time you're looking at the law through one perspective as well. It's important to have all those perspectives and see how the law is applied differently to different people. [Sam]

Other suggestions for fostering a more LGBTQI+ inclusive curriculum included using gender neutral language, gender-ambiguous names, and more diverse resources:
...gender-ambiguous [names] so you can interpret them however you want to or however you can relate to which may or may not aid your learning in that perspective. [Henry]

I really think that textbooks just need to abolish "his and her", ... You can just change the word husband and wife to spouse, married partner. [Isobel]

... another way of making it more inclusive is on the reading list, making sure that there's something available for it, maybe like a section like LGBTQ issues or something like that. [Roman]

**Support from academic staff**

Interviewees indicated that some law school staff were very supportive of LGBTQI+ students and that the LGBTQI+ students tend to gravitate towards these academics and staff members:

I think they genuinely care, most of them care about your well-being and things like that. Yes, there was definitely a couple of lecturers at [UWALS] that I really bonded with, had a good relationship with. [Roman]

Overall, UWALS appears to have a more openly supportive LGBTQI+ law school culture compared with ECULS and CULS. For example, an interviewee from ECULS commented:

I know that some are very supportive, although nothing has been said. You can just tell sometimes, they know who the LGBT students are, without words they are inclusive, but I don't know whether the others that just don't mention anything at all are just playing it safe. Do you know what I mean? [Kip]

And, in relation to CULS an interviewee mentioned:

I think there's maybe one, two or three people in the law school that would be support networks for students and they tended to be women, other people not so much. There was one guy who was very friendly, but I don't think very like equipped to deal with people's social issues like that. Mainly, yes, it wasn't the whole faculty. I just had a very good experience with one person. [Toni]

**Support from law students**

For the most part, interviewees were positive about the support they receive from their law school peers, apart from an element of competitiveness. However, they reported some exceptions:

Generally most people are very accepting, but there are a few known homophobes essentially. [Emma]

I do feel supported by my friends, but in terms of the student body more generally, I've just found that they're okay to live and let live, but just slowly over time after getting to know everyone. Not everyone is cool with the whole bi thing. They definitely want you to pick a side. [Valeria]
A common theme emerging from the interviews was a general lack of negative comments, innuendo, or bullying around LGBTQI+ issues in the law school across all three universities:

I feel like with Law, it's obviously a very professional profession. I feel like a lot of the law students that go into it basically have that attitude of what we've just touched on here it's like, "Oh, that's cool. Move on". They are all very professional about it. There's no bullying, intimidation, discrimination. [Nate]

I think perhaps law students are maybe more mindful, and more aware of the language they use because law is about language, it's about communication, and maybe there's just a heightened awareness. [Leigh]

Most of the interviewees did not report personally experiencing or witnessing any bullying in their law school. However, one interviewee from CULS mentioned an instance of harassment they witnessed where a gay male student received complaints about making sexual advances towards other male students. They expressed dissatisfaction with how their law school handled the situation. Also from CULS, two interviewees reported experiencing or witnessing some negative comments:

Yes, I've seen it. It's mostly been like looks, raising eyebrows, or making a joke. It came up a lot in the criminal law unit. That's where I just remember it from. [Valeria]

Like a joke here and there about how I can't make up my mind, that kind of thing … I don't specifically remember the comments that were made, but I do remember a few instances when I've called people out. It's generally just comments, just derogatory comments about people who they think might be gay, like LGBT, but who haven't really confirmed it and that sort of thing. [Wendy]

**Well-being at law school**

The interviewees consistently reported that law school is very stressful and competitive. They put a lot of pressure on themselves to perform well and almost all talked about having some quite low points. However, this stress was considered not unique to LGBTQI+ students, but rather experienced by all law students. Assessments were identified as a key source of stress:

You're like the first five weeks of semester, this is great. Law school is not hard. It's fine. Then you hit that first exam period, like maybe not and then you hit the next be like, I definitely can't do this. Then you have that week before exams like this is fine. I don't know why I was complaining. then you get your exams like, 'I hate my life. I want this to be over.' That's pretty much how it went every semester without fail. [Umar]

I think because of the pressure, there's this internal pressure that you put on yourself like, 'I have to do this. I have to prove myself'. [Carlos]

Then you put all of these people in a space where everyone's like that and sometimes you get imposter syndrome or people feeling like, 'This person's doing so good, I'm not doing well enough.' Then, there's, of course, some degree of competitiveness between students, but obviously, in some ways, not everyone is like that. It's the classic stereotype of law school, which sometimes does actually hold up. [Fanya]
Then even before Law School, you’re told that it’s really difficult and you’re told that it’s a cut-throat environment and that everyone’s super competitive. I think you go into it expecting that and bracing for that. Then it becomes a self-affirming prophecy where you just anticipate that people that are competitive and don't want to help you even if that's not the reality of it. I think that being on guard with that, all the time and on top of that, the workload can make maintaining your mental health quite difficult. [Dana]

While most interviewees reported experiencing high levels of stress that impacted their wellbeing, a few participants were more positive about their wellbeing. For example:

I think good. Compared to some of the statistics about law students, which can be quite bleak. I think I was very lucky that I had a very good support network, including the faculty who were very supportive. I would say that even though there were periods when I was very stressed or felt overworked, I never really felt that that severely affected me. [Quinn]

**Self-presentation at law school**

How they presented to, and were perceived by others, were common concerns among the interviewees and it seems that such concerns affected their decisions about when and to whom they disclose their LGBTQI+ identity:

... I probably won't [come out] unless it's with friends. Like in a class I wouldn't just offer it because you can't really know everyone. You can't know how everyone will react. I would say I'm open with everyone in a social situation, but I guess in a classroom it feels a bit different. [Dana]

Because I don't know how everyone's going to react, yes, unless I know how the people around me are going to react, I generally would be more inclined to hide that part of myself. I guess also the sense of professionalism too, but I would say more so just not knowing how people are going to take it. [Wendy]

Although, one interviewee thought that this may be a broader law school issue:

I definitely know that I'm not completely myself when I go to uni, but I don't know whether anyone really is. It's hard to even explain it, but there's lots of people pretending or overdoing it, like over exaggerating the truth for their story or in things like that all the time, which obviously happens everywhere, but I feel like it's just a lot of people that do it in law. [Kip]

Some interviewees noted that the way they present at law school is influenced by the impact it might have on their future careers:

I get to law school, I'm very cookie-cutter. I just want to get stuff done and I'm also very aware of how the way I present myself can affect my future. In law school a lot of professors and people that you talk to really stress how small the legal field is. You want to show up to class, show your fellow students that you're a hard worker as well, so that maybe in the future you can still have that positive network. [Valeria]
I do feel like I do edit myself just because in my general life and probably a lot more, I'm probably a lot more confident. I don't know. I probably would describe myself as a little bit flamboyant in my general life. Then I tone it down when I get to law school to fit the corporate vibe that everyone else is going for sort of thing … I feel like how I would represent myself as a queer person doesn't really fit in with the corporate, how you're meant to be as a law student in order to get a job. [Emma]

Survey results

In total, 253 law students participated in the survey: 102 from MULS; 86 from UWALS; 33 from ECULS; and, 32 from CULS. Again, there were no UNDLS participants, although two participants did not indicate their law school. Table 3 sets out the participant demographics.

Table 3. Participant demographics separated by self-identification as non-LGBTQI+ or LGBTQI+.

<table>
<thead>
<tr>
<th></th>
<th>Non-LGBTQI+ — 57% [n=144]</th>
<th>LGBTQI+ — 43% [n=109]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>Mean = 27.60 (SD = 9.05)</td>
<td>Mean = 26.09 (SD = 8.62)</td>
</tr>
<tr>
<td>Sex assigned at birth</td>
<td>F = 66%, M = 34%</td>
<td>F = 73%, M = 26%, I = 1%</td>
</tr>
<tr>
<td>Gender identity</td>
<td>Female = 66%, Male = 34%</td>
<td>Female = 67%, Male = 28%, Gender fluid = 3%, Agender = 1%, Genderqueer = 2%, Non-binary = 6%, Transgender = 5%</td>
</tr>
<tr>
<td>Sexual orientation</td>
<td>Straight = 100%</td>
<td>Gay or Lesbian = 35%, Bisexual = 42%, Bi-curious = 11%, Straight = 5%, Asexual = 3%, Pansexual = 12%</td>
</tr>
<tr>
<td>Background: speaking</td>
<td>Yes = 66%, No = 34%</td>
<td>Yes = 84%, No = 16%</td>
</tr>
<tr>
<td>Background: regional/remote</td>
<td>Yes = 18%, No = 82%</td>
<td>Yes = 25%, No = 75%</td>
</tr>
<tr>
<td>Background: socioeconomic status</td>
<td>Low = 5%, Lower middle = 11%, Middle = 49%, Upper middle = 33%, High = 1%</td>
<td>Low = 4%, Lower middle = 16%, Middle = 53%, Upper middle = 26%, High = 2%</td>
</tr>
<tr>
<td>Law school</td>
<td>C = 12%, E = 10%, M = 35%, U = 43%</td>
<td>C = 14%, E = 17%, M = 47%, U = 22%</td>
</tr>
<tr>
<td>Course</td>
<td>LLB = 49%, JD = 44%, Other = 7%</td>
<td>LLB = 73%, JD = 22%, Other = 5%</td>
</tr>
<tr>
<td>Domestic or International</td>
<td>Domestic = 95%, International = 5%</td>
<td>Domestic = 99%, International = 1%</td>
</tr>
<tr>
<td>Years of study</td>
<td>1 yr = 34%, 2 yrs = 35%, 3 yrs = 13%, 4 yrs = 11%, 5+ yrs = 8%</td>
<td>1 yr = 39%, 2 yrs = 18%, 3 yrs = 17%, 4 yrs = 11%, 5+ yrs = 15%</td>
</tr>
<tr>
<td>In paid or volunteer work</td>
<td>FT = 17%, PT = 29%, Casual = 37%, Unemployed = 15%, Prefer not to say = 2%</td>
<td>FT = 17%, PT = 28%, Casual = 38%, Unemployed = 17%, Prefer not to say = 2%</td>
</tr>
</tbody>
</table>

i Sex assigned at birth: F = Female, M = Male, I = Intersex
ii Law school: C = Curtin University, E = Edith Cowan University, M = Murdoch University, U = The University of Western Australia
iii Course: LLB = Bachelor of Laws, JD = Juris Doctor
iv Paid or volunteer work: FT = Full time, PT = Part time

Noting that in relation to gender identity and sexual orientation participants were not limited to a single selection, 168 participants identified as female, 80 as male, eight as gender fluid, three as agender, five as genderqueer, 15 as non-binary, and 13 as transgender. Fifty-seven per cent reported being non-LGBTQI+ and 43 per cent as LGBTQI+. Thirty-eight of those who identify as LGBTQI+ identify as gay or lesbian, 56 as bisexual, 12 as bi-curious, five as straight, three asexual, and 13 as pansexual.
The majority of participants were Australian from English speaking, metropolitan, middle to upper-class backgrounds, and most were working part-time or casually.

**Acceptance of LGBTQI+ students, and coverage of LGBTQI+ issues in law school**

Mann Whitney U tests were conducted to compare responses across the LGBTQI+ and non-LGBTQI+ groups for those questions dealing with the law school environment and the law curriculum. As reflected in Figure 1, most participants agree (~61 per cent) that their law school provides an accepting environment for students who identify as LGBTQI+, with no statistically significant difference between the LGBTQI+ and non-LGBTQI+ groups (z = 1.82, p = .07).

Figure 1 also indicates that many participants disagreed that the law curriculum covers LGBTQI+ issues, perspectives, or experiences. More LGBTQI+ students disagreed with this (59 per cent) than non-LGBTQI+ students (35 per cent) (z = 4.15, p < .001). For LGBTQI+ students only, there was a positive association between their perceptions of the inclusivity of the curriculum and their perception of the law school environment as accepting of LGBTQI+ students (Spearman r = .41, p < .001).

**Figure 1.** Perceptions of the law school environment as accepting of LGBTQI+ people, and whether the law curriculum includes LGBTQI+ issues, split across LGBTQI+ and non-LGBTQI+ sample.
Harassment or bullying

Participants were asked to report whether they had witnessed any harassment or bullying of LGBTQI+ people, and people in general, within and outside of law school, using a response scale of: “(1) Not at all”; “(2) Yes, a little”; and, “(3) Yes, a lot”. Chi-square tests of association were carried out to assess whether the responses of LGBTQI+ and non-LGBTQI+ students on these questions differed. For the purposes of running the chi-square tests, the “Yes, a little” and “Yes, a lot” responses were combined into a single “Yes” category. This was because there were so few responses within the “Yes, a lot” category that would have violated Chi-square assumptions for a minimum number of frequencies.

Figure 2 indicates that a small number of students reported witnessing harassment or bullying towards LGBTQI+ people in law school. More LGBTQI+ students (17 per cent) reported this compared with non-LGBTQI+ students (6 per cent) ($\chi^2(1) = 8.08, p = .004$). More participants reported witnessing bullying or harassment towards LGBTQI+ people outside of law school ($\chi^2(1) = 2.75, p = .10$), again with more LGBTQI+ participants (33 per cent) than non-LGBTQI+ (24 per cent) reporting having witnessed such bullying or harassment.

More participants reported having witnessed harassment or bullying generally at and beyond law school than harassment and bullying of LGBTQI+ people specifically, again with some difference between the two participant groups. Indeed, the level of harassment or bullying witnessed, particularly outside of law school, is somewhat alarming: 37 per cent and 29 per cent for the LGBTQI+ and non-LGBTQI+ groups respectively at law school ($\chi^2(1) = 1.74, p = .19$), and 48 per cent and 35 per cent outside of law school ($\chi^2(1) = 4.97, p = .03$).

Figure 2. Witnessed harassment or bullying at and beyond law school.
Self-censorship

Wilcoxon signed rank tests with a .01 (i.e., .05/5 comparisons = .01) criterion for statistical significance correction were used to compare the two participant groups' responses to the questions relating to self-censorship. Responses to these questions are presented in Figure 3. As expected, compared to the non-LGBTQI+ participants, the LGBTQI+ participants reported engaging more often in self-censorship when interacting with other law students ($z = 2.92, p = .003$), with family members ($z = 5.98, p < .001$), and in the workplace ($z = 4.40, p < .001$). No statistically significant differences were found between the two participant groups for interacting with law school staff ($z = 2.35, p = .02$) or with friends ($z = 1.88, p = .06$).

That said, a significant percentage of the LGBTQI+ participants self-censor “often”, “very often”, or “always”, regardless of the context: 44 per cent when interacting with other students at law school; 38 per cent with staff at law school; 42 per cent with family members; 12 per cent with friends; and, most notably, 59 per cent in the workplace.

Figure 3. Extent of self-censorship across varied contexts.
**Emotional well-being and belongingness**

As seen in Figure 4(a), the average level of self-reported emotional well-being was higher in the non-LGBTQI+ group compared to the LGBTQI+ group ($t(251) = 2.29, p = .02, d = 0.29$). However, Figure 4(b) indicates no significant difference in the sense of belongingness to their university, law school, discipline, and year cohort experienced by the two groups ($t(251) = 0.89, p = .38, d = 0.11$). Consistent with prior studies, there was a positive association between emotional well-being and feelings of belongingness for both the non-LGBTQI+ participants (Pearson $r = .27, p < .001$) and the LGBTQI+ participants (Pearson $r = .40, p < .001$).

Figure 4(a). Emotional well-being as measured by the Brief Emotional Experience Scale (BEES). A positive score indicates greater self-reported positive than negative emotion, and a negative score indicates greater negative than positive emotion.

Figure 4(b). Belongingness composite score derived from questions asking about belongingness to university, law school, discipline, and year cohort. A higher score indicates greater self-reported belongingness.

The extent of agreement that law school provides an accepting environment for LGBTQI+ students was positively associated with emotional well-being for the LGBTQI+ participants (Spearman $r = .35, p < .001$), with no association found for non-LGBTQI+ students. In addition, as shown in Table 4, a low negative association between emotional well-being and reporting having witnessed harassment or bullying was found for the non-LGBTQI+ participants, with no association found for the LGBTQI+ participants.

Table 4. Pearson correlations between emotional well-being (BEES) and reporting witnessing harassment or bullying.

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Non-LGBTQI+</td>
<td>.26*</td>
<td>-.22*</td>
<td>-.30*</td>
<td>-.22*</td>
</tr>
<tr>
<td>LGBTQI+</td>
<td>-.16</td>
<td>-.17</td>
<td>-.04</td>
<td>-.18</td>
</tr>
</tbody>
</table>

*p < .05
Finally, based on the qualitative interview data, it would be reasonable to suppose that greater self-censorship might be a source of stress for students, and particularly so for LGBTQI+ students. Correlations between the emotional well-being measure and frequency of self-censorship are provided in Table 5. The pattern of results supports this hypothesis as there are small negative associations between well-being and self-censorship for the non-LGBTQI+ participants, and moderate negative associations for the LGBTQI+ participants.

Table 5. Spearman correlations between emotional well-being (BEES) and self-censorship across different contexts.

<table>
<thead>
<tr>
<th></th>
<th>Law students</th>
<th>Law staff</th>
<th>Family</th>
<th>Friends</th>
<th>Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-LGBTQI+</td>
<td>-.17*</td>
<td>-.23*</td>
<td>-.20*</td>
<td>-.16</td>
<td>-.25*</td>
</tr>
<tr>
<td>LGBTQI+</td>
<td>-.37*</td>
<td>-.34*</td>
<td>-.37*</td>
<td>-.19</td>
<td>-.30*</td>
</tr>
</tbody>
</table>

*p < .05

Law school appraisal and sources of stress at law school

As to their appraisal of their law school environment as supportive \((z = 1.16, p = .25)\), competitive \((z = .48, p = .63)\), or stressful \((z = 1.08, p = .28)\) there was no significant difference between the two groups. As can be seen in Figure 5, across the whole sample there is a relatively high proportion of participants that perceive law school as “moderately”, “very much”, or “extremely” supportive (68 per cent), while simultaneously being competitive (74 per cent) and stressful (76 per cent). This is consistent with the qualitative interview data and existing literature.\(^{38}\)

Figure 5. Self-reported perceptions of law school environment as supportive, competitive, and stressful. 

Note. As no significant differences were found between the LGBTQI+ and non-LGBTQI+ participants for these questions the data is collapsed across the two groups.

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\(^{38}\) Rankin, Garvey and Duran, ‘A Retrospective of LGBT Issues on US College Campuses’ (n 11); Forbes (n 14).
Associations between emotional well-being and law school appraisal are shown in Table 6. As might be expected intuitively, perceiving law school as more supportive is positively associated with well-being, and perceiving law school as stressful is negatively associated with well-being. Perceiving law school as competitive had weak negative association with well-being for non-LGBTQI+ students, with no significant association found between these particular two variables for LGBTQI+ students.

Table 6. Spearman correlations between emotional well-being (BEES) and appraisals of the university environment, for both LGBTQI+ and non-LGBTQI+ law students.

<table>
<thead>
<tr>
<th></th>
<th>Supportive</th>
<th>Competitive</th>
<th>Stressful</th>
</tr>
</thead>
<tbody>
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<td>Non-LGBTQI+</td>
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<tr>
<td>LGBTQI+</td>
<td>.33*</td>
<td>-.13</td>
<td>-.57*</td>
</tr>
</tbody>
</table>

*p < .05

A series of Mann Whitney U tests with a .005 (i.e., .05/10 = .005) criterion for accepting statistical significance were carried out to compare if LGBTQI+ and non-LGBTQI+ participants differed in their reporting of a range of potential stressors associated with law school. All comparisons were non-significant, except that 50 per cent of LGBTQI+ participants reported experiencing stress “moderately”, “very much”, or “extremely” when interacting with law staff compared with 27 per cent of non-LGBTQI+ participants. With the lack of significant differences, participant responses on the sources of stress at law school are collapsed across the two groups in Figure 6.

As can be seen in Figure 6, the five main stressors which the participants reported experiencing “moderately”, “very much”, or “extremely”, in order of most to least commonly experienced, were: “pressure on myself to succeed” (93 per cent), “university assignments and exams” (91 per cent), “balancing study and other life commitments” (90 per cent), “study workload” (85 per cent), and “finding employment after law school” (83 per cent). Comparatively fewer participants reported experiencing “establishing and maintaining a professional identity” (64 per cent), “attending career events” (57 per cent), and “interpersonal interactions with other law students” (43 per cent) and “law staff” (38 per cent) to be “moderately”, “very much”, or “extremely” stressful.
A separate and final question in the survey asked participants how much pressure they place on themselves to perform well at law school. Consistent with other recent research, most students place a great deal of pressure on themselves: “Not at all” (1 per cent); “Slightly” (2 per cent); “Somewhat” (3 per cent); “Moderately” (24 per cent); “Very much” (42 per cent); and, “Extremely” (29 per cent). There was no statistically significant difference found between the LGBTQI+ and non-LGBTQI+ participant groups in this regard (z = 1.17, p = .24).

As reflected in Table 7, there are consistent low to moderate negative associations between emotional well-being and all the law school stressors identified in the survey. A notable difference between the LGBTQI+ and non-LGBTQI+ groups is that, for the non-LGBTQI+ students, there were only weak or non-significant associations between well-being and interacting with law students and law staff, whereas these same associations are moderate for the LGBTQI+ participants.

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Table 7. Spearman correlations between emotional well-being (BEES) and law school stressors across different contexts for both LGBTQI+ and non-LGBTQI+ law students.

<table>
<thead>
<tr>
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<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
<th>(5)</th>
<th>(6)</th>
<th>(7)</th>
<th>(8)</th>
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<tbody>
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<td>Non-LGBTQI+</td>
<td>-.20*</td>
<td>-.09</td>
<td>-.34*</td>
<td>-.26*</td>
<td>-.38*</td>
<td>-.39*</td>
<td>-.23*</td>
<td>-.36*</td>
<td>-.42*</td>
<td>-.45*</td>
</tr>
<tr>
<td>LGBTQI+</td>
<td>-.30*</td>
<td>-.38*</td>
<td>-.24*</td>
<td>-.43*</td>
<td>-.29*</td>
<td>-.39*</td>
<td>-.19*</td>
<td>-.29*</td>
<td>-.30*</td>
<td>-.29*</td>
</tr>
</tbody>
</table>

*p < .05

(1) Interacting with my fellow law students (2) Interacting with law lecturers (3) University assignments and exams (4) Workload associated with study (5) Balancing study and life commitments (6) Establishing and maintaining professional identity (7) Attending career events (8) Finding work experience after law school (9) Finding employment after law school (10) Self-imposed pressure to succeed at law school.

Discussion and analysis

The method employed in the WA study, whereby the qualitative interview data informed the design of the quantitative survey instrument, provided rich and nuanced insights into the experiences of LGBTQI+ law students. The survey data enables associations between experiences to be understood and is generally consistent with the initial findings from the interviews. The survey data from the non-LGBTQI+ group adds another layer to the research, providing insights as to how LGBTQI+ law student experiences compare with those of their non-LGBTQI+ peers. The findings from both groups also permit some wider observations to be made about the law student cohort generally.

**Acceptance of LGBTQI+ students and coverage of LGBTQI+ issues in law school**

The survey results show that most law students from both groups (~61 per cent overall) agree that law school is an accepting environment for LGBTQI+ people. This might seem to indicate lower than expected levels of acceptance, but it is worth noting that the remaining proportion from both groups mainly express “neutral” responses (rather than disagreement). The survey findings appear consistent with both the extant literature and the interviewee responses that law school is generally accepting of LGBTQI+ people, but with some exceptions.

In the interviews, UWALS students reported feeling more supported by law school staff than interviewees from the other two law schools. This may be a result of the UWALS introducing an LGBTI+ Advisor into the Diversity Portfolio of its academic governance framework in 2017. The LGBTI+ Advisor’s responsibilities include:

- providing support and advice to emerging and existing LGBTI+ scholars (both students and staff) within the School;
- providing advice and support for staff on dealing with issues relating to LGBTI+ matters and inclusion in teaching and research, and particularly to act as a contact point for advice when embedding LGBTI+ matters within pedagogy, research, and the student experience; and

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40 Rankin, Garvey and Duran, ‘A Retrospective of LGBT Issues on US College Campuses’ (n 11); Forbes (n 14).
• actively contributing to shaping a more diverse and inclusive environment within the School whereby all students and staff are valued, respected and able to achieve their full potential.

Interviewees from all law schools expressed that they value interacting with law school staff who they know to be supportive and accepting of LGBTQI+ identities. This speaks to the significance of existing ALLY initiatives in the three institutions and demonstrates the merit in other law schools creating LGBTQI+ advisory roles within their governance frameworks.

Even though the survey results suggest that students generally feel supported and accepted at law school, responses were not as positive in relation to the inclusivity of the law curriculum — at least amongst the LGBTQI+ group. Most LGBTQI+ respondents (59 per cent) disagreed that the law curriculum at their law school includes material on LGBTQI+ issues, with only 12 per cent agreeing. This also accords with findings from the interviews. Across all law schools, interviewees considered that more could and should be done to embed LGBTQI+ (and other diverse) perspectives and experiences into the law curriculum. Some interviewees attributed the lack of diverse perspectives to non-LGBTQI+ academics feeling uncomfortable with discussing LGBTQI+ issues about which they do not have lived experience. This, too, shows that there is scope for internal LGBTQI+ and other diversity advisory roles to assist academics to create and deliver an inclusive curriculum.

The academic literature on legal education emphasizes the need to teach law students about diversity, including issues relating to gender identity and sexual orientation. That literature suggests that this prepares the wider student cohort for the diversity of their future clients and their legal problems, and that it makes students better problem solvers.\(^{41}\) Including these issues also situates the law curriculum within the wider, societal normative concerns of civil and criminal justice. There is also a body of literature relating to best practice for teaching LGBTQI+ issues within the law curriculum. Some suggestions include ensuring that there is strong LGBTQI+ representation within law school academic staff;\(^{42}\) using gender-inclusive language where appropriate;\(^{43}\) consciously working to avoid making assumptions about students’ life experiences;\(^{44}\) and, enhancing visibility of LGBTQI+ experiences through the cases and issues selected for analysis.\(^{45}\)

The survey correlations in this study provide further support for law schools to develop a more inclusive curriculum. There was a positive correlation for LGBTQI+ students between


\(^{44}\) ibid.

\(^{45}\) Brooks and Parks (n 42) 119–22.
their perception of the law school environment as accepting and their well-being \((r = .35)\), and 
a positive correlation between their perception of the inclusivity of the curriculum with their 
perception of an accepting environment. Therefore, making the law curriculum more inclusive 
for LGBTQI+ people has potential to increase feelings of acceptance in LGBTQI+ students, 
with positive well-being ramifications.

**Harassment or bullying**

In the interviews, respondents were generally quite positive with not much evidence of any 
perceived bullying (as noted, with only a couple of exceptions). In the quantitative survey data, 
17 per cent of LGBTQI+ respondents reported witnessing “a little” harassment or bullying of 
LGBTQI+ people in law school. It is concerning that nearly one fifth of LGBTQI+ respondents 
reported witnessing this behaviour, although the nature of the harassment or bullying remains 
unclear. The interview responses indicated that it may involve mocking comments about 
sexuality and gender identity more than overt and deliberately confrontational bullying. These 
results are consistent with previous studies showing that while the campus climate may have 
Improved over time for LGBTQI+ students, university can be perceived as both safe and 
unsafe, with continued reports of on campus discrimination and harassment.\(^{46}\)

While the proportion of LGBTQI+ participants having reported witnessing harassment 
or bullying of LGBTQI+ people in law school is concerning, it is notable that this is the lowest 
proportion compared with all other questions that relate to witnessing harassment or bullying in 
other contexts. This is consistent with the qualitative findings that law school is perhaps one 
of the most accepting environments LGBTQI+ students are likely to inhabit.

Roughly one third of all participants reported witnessing general harassment or bullying 
in law school. This might be linked to the competitive culture of law school.\(^{47}\) The LGBTQI+ 
group reported witnessing harassment or bullying in greater proportions than the non-LGBTQI+ 
group in this and every other context.

Interestingly, negative associations were found between witnessing harassment or 
bullying and emotional well-being for non-LGBTQI+ students but not for LGBTQI+ students. 
This might be the case because LGBTQI+ people are more likely to experience harassment 
and bullying over the course of their lives,\(^{48}\) which could influence the way they come to 
perceive and react to such bullying behaviour.\(^{49}\)

\(^{46}\) Allen, Cownie and Fenaughty (n 16); Hong and others (n 12).

\(^{47}\) Skead, Rogers and Johnson, ‘The Role of Place, People and Perception in Law Student Well-Being’ (n 39).

\(^{48}\) Lynne Hillier and others, Writing Themselves in 3: The Third National Study on The Sexual Health and 
Wellbeing of Same Sex Attracted and Gender Questioning Young People (Australian Research Centre in Sex, 
Communication Education 502, 503.

\(^{49}\) Michelle Birkett, Michael Newcomb and Brian Mustanski, ‘Does it Get Better? A Longitudinal Analysis of 
Psychological Distress and Victimization in Lesbian, Gay, Bisexual, Transgender, and Questioning Youth’ 
**Self-censorship**

The results relating to self-censorship provide novel insights in the context of the existing literature\(^\text{50}\). The LGBTQI+ survey respondents reported significant self-censorship (considerably greater than the non-LGBTQI+ group) in all contexts. We also found negative associations between self-censorship and well-being. These results are consistent with the qualitative findings. This is of further concern because, as noted, the literature relating to LGBTQI+ students suggests that concealment of LGBTQI+ identity can lead to a negative effect on LGBTQI+ students’ academic success.\(^\text{51}\)

Most starkly, nearly 60 per cent of respondents in the LGBTQI+ group reported self-censoring “often”, “very often”, or “always” when at work, compared with 32 per cent for the non-LGBTQI+ group. This indicates that LGBTQI+ law students can perceive their workplaces to be unsafe or unwelcoming environments in which to self-identify as LGBTQI+.

**Emotional well-being and belongingness**

There is a difference in overall well-being between the two groups. The survey data indicates that a higher proportion of participants in the LGBTQI+ group have greater negative than positive emotion, compared with the non-LGBTQI+ group. Specifically, 46 per cent of the non-LGBTQI+ participants are at zero or below on the BEES, while 56 per cent of the LGBTQI+ group are at zero or below. By comparison, a recently published study by Skead, Rogers and Johnson found that statistic for the general public is around 20 per cent.\(^\text{52}\) Consistent with that and other studies, the results from this current study indicate elevated distress in law students as compared to the general population,\(^\text{53}\) and suggest that well-being is of even greater concern for LGBTQI+ law students. This is also consistent with the existing research showing that mental health is of particular concern for LGBTQI+ university students generally.\(^\text{54}\) Some of the data on self-censorship and the sources of stress might provide some insights into why this might be so for LGBTQI+ law students.

Both groups show a positive association between well-being and a sense of belonging to one’s law school – a finding which is consistent with previous studies.\(^\text{55}\) However, the current study shows that the association is substantially stronger for LGBTQI+ students \(r = .40\) compared to non-LGBTQI+ students \(r = .27\). This might indicate that feeling a sense of belongingness to one’s law school is a stronger factor influencing well-being for LGBTQI+ students than it is for non-LGBTQI+ students. In the interviews, some interviewees felt that law school might be the most accepting environment they would ever inhabit. The survey data reflects this.

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51 Nama and others (n 22) 2; Sanlo (n 23); Zamani-Gallaher and Choudhuri (n 23).
52 Skead, Rogers and Johnson (n 39).
53 Kelk and others (n 9); Skead, Rogers and Doraisamy, ‘Looking Beyond the Mirror’ (n 33).
54 Oswalt and Wyatt (n 18); Dau and Strauss (n 5) 18; Kerr, Santurri and Peters (n 18).
Law school appraisal and sources of stress at law school

Although interviewees considered law school to be very competitive and stressful, they acknowledged that this is so for all law students. The survey data is consistent with this, with a fairly high proportion of participants from both groups perceiving law school to be competitive and stressful, but also supportive. The correlations between these variables and emotional well-being replicate prior findings in the student well-being literature.  

Consistent with the interview responses, all survey participants reported experiencing stress at law school. This stress most commonly related to performing well, workload pressures, and finding a job after law school. It is interesting that the only significant difference in sources of stress between the two groups relates to interacting with law lecturers, with nearly double the proportion of LGBTQI+ students (50 per cent) reporting stress from this source “moderately”, “very much”, or “extremely” compared with non-LGBTQI+ students (27 per cent). This is consistent with the existing research relating to LGBTQI+ students generally. It is also consistent with the interview responses which demonstrate that many LGBTQI+ law students only feel that certain law lecturers are positively supportive of LGBTQI+ people.

Recommendations for change

The results of the WA study show that visible acceptance, tangible support, and genuine inclusivity are important pathways for law schools to improve the experiences of LGBTQI+ students. The literature supports this approach. For example, McKee and others highlight the benefits of raising law student awareness of diversity barriers to entry into the legal profession, as “engendering a sense of cohort solidarity” and to “encourage students to challenge their own perceptions and biases”.

To promote visible acceptance, law schools should encourage their academic and professional staff to take part in ALLY training initiatives and subsequently display their ALLY paraphernalia in a manner which is visible to students. They should also visibly demonstrate that the school is accepting and supportive of LGBTQI+ students by participating in events that celebrate and acknowledge LGBTQI+ identities (e.g., the International Day Against Homophobia, Biphobia, Intersexism and Transphobia).

Law schools should promote inclusivity by ensuring there is adequate representation of LGBTQI+ people amongst their academic and professional staff, and amongst their student cohort. Establishing equity and diversity admission pathways which specifically include LGBTQI+ people may help to achieve greater representation within the law student cohort. Representation alone is not sufficient, as law schools must also foster a “zero tolerance” environment for harassment and bullying of all kinds, including harassment and bullying targeting LGBTQI+ people, to ensure that LGBTQI+ people feel safe within their law school environment. Law schools must also work with their university to ensure that practical support tailored to the needs of LGBTQI+ students is available (e.g., counselling services which are safe for LGBTQI+ people) and make sure that students are informed of and referred to this support when appropriate.

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56 Skead, Rogers and Johnson, ‘The Role of Place, People and Perception in Law Student Well-Being’ (n 39).
57 Dau and Strauss (n 5) 17.
58 McKee and others (n 1) 26–27.
To provide both visibility and genuine inclusivity, law schools should – with guidance from LGBTQI+ people and the literature – work towards developing a curriculum which is meaningfully diverse and inclusive of LGBTQI+ people and the issues relevant to them. Finally, to assist with implementing and maintaining each these recommendations, law schools should consider introducing LGBTQI+ advisory roles, with LGBTQI+ staff occupying such roles.

Limitations

The WA study was limited by a number of factors. First, the study draws self-reported, non-diagnostic data from self-selecting participants and is, therefore, shaped by the participants’ biases, perceptions, and subjectivities. Second, as participation was voluntary and student participants self-selected, selection bias may affect the reliability of the findings as a reflection of the broader law student population. Similarly, as the interviews were limited in number, the views expressed by the interviewees may not be broadly representative of all LGBTQI+ law students in the state. Further, the WA study focusses on the five law schools in the state, but the interviewees were from only three and survey participants from only four of the five law schools. Whether the data is applicable to all law schools in the state – and indeed, other law schools in Australia and globally – is unknown. However, the similarity of results across the participant cohorts suggests broader applicability.

The WA study is also limited in its ability to provide meaningful insights into the diversity of LGBTQI+ people, identities, and experiences, principally because the constraints of the survey data necessitated analysing the experiences of LGBTQI+ people as a collective group only. It was not possible to consider reliably the experiences associated with each identity within the LGBTQI+ community separately. Finally, the WA study only reflects limited appreciation for intersectionality. The results do not materially engage with the complexity and uniqueness of overlapping and interdependent identities (including race, socioeconomic status, gender, and those individual identities within the LGBTQI+ community). There is scope for future research to understand how these identities and their interactions are relevant to law student and graduate experiences.

Conclusion

This project has provided novel insights into the way that LGBTQI+ law students experience law school. It reveals that, although much of the law school experience is similar for both LGBTQI+ and non-LGBTQI+ students, there are material and consequential differences. In some ways LGBTQI+ law students experience more adversity – they seem to self-censor more often, witness more bullying and harassment, and feel more stress when interacting with law lecturers than their non-LGBTQI+ peers do. Nevertheless, the news is largely good – law school is generally perceived to be an accepting environment for LGBTQI+ students in which they feel supported by both their teachers and peers.

Undeniably, law schools still have much work to do to support their LGBTQI+ students. But implementing the strategies suggested in this article that aim to increase diversity, visibly promote acceptance of “otherness” in tangible ways, and ensure a safe learning environment in which all students can flourish, and a community to which they feel they belong, is a critical first step.