

# STUDYING INSTITUTIONAL ENGAGEMENT: UTILIZING SOCIAL PSYCHOLOGY RESEARCH METHODOLOGIES TO STUDY LAW STUDENT ENGAGEMENT

BONITA LONDON  
VANESSA ANDERSON  
GERALDINE DOWNEY\*

## INTRODUCTION

In *The Architecture of Inclusion*, Susan Sturm outlines a framework for developing inclusive institutions and for building the structural supports necessary to sustain inclusiveness.<sup>1</sup> She develops three ideas key to the task of creating and facilitating institutional inclusiveness: 1) the development of a norm of institutional citizenship as a justification and goal for diversity initiatives, 2) the development of new institutional roles among those she calls “organizational catalysts,” who are charged with energizing the pursuit of full institutional participation, and 3) attention to the role of institutional intermediaries in providing and sustaining accountability for the change process.<sup>2</sup> The broader underlying theoretical question of Sturm’s analysis is: How do institutional environments impact the experience of all institutional members, and particularly those who are typically on the margin of inclusion? In order to address this broad question, we must engage in a systematic process of exploring and identifying those institutional factors that impact inclusiveness, and subsequently developing evidence-based practices for creating environments that aim to promote inclusiveness at all levels.

Drawing on the theories of and literature on social psychology,<sup>3</sup> we suggest that social factors or situational cues of inclusion versus marginalization are powerful forces that affect the engagement of traditionally marginalized individuals within legal education institutions. In this Article we outline a methodology for the study of institutional engagement among law school students during a critical transition period. We draw on research and theory in the field of social and developmental psychology to provide insight into the types of experiences and factors that may compromise en-

---

\* Bonita London is an Assistant Professor of Psychology at Stony Brook University. Vanessa Anderson is a graduate student in the Psychology Department at Columbia University. Geraldine Downey is a Professor of Psychology and Chair of the Psychology Department at Columbia University.

<sup>1</sup> Susan Sturm, *The Architecture of Inclusion*, 29 HARV. J.L. & GENDER 247 (2006).

<sup>2</sup> *Id.* at 250–51.

<sup>3</sup> Social psychology is defined as the scientific study of how individuals’ thoughts, feelings, and behaviors are affected not only by other people but also by situational forces and factors. See, e.g., SHARON S. BREHM ET AL., SOCIAL PSYCHOLOGY 5–7 (6th ed. 2005).

gagement and institutional citizenship versus those that foster investment, full participation, and success.

We begin by first defining full participation and engagement, and then we explore specific institutional, situational, and individual level factors that may be at play in the engagement of students in law schools. We discuss a methodological approach to studying engagement and inclusion drawn from the psychological literature that would provide granular analyses of the mechanisms that promote inclusion and full participation versus disengagement. We provide some summary data that offer insight on perceptions of inclusion versus marginalization based on data from a longitudinal study of entering law school students. We then conclude with suggestions of how organizational catalysts, i.e., individuals motivated to affect positive change in institutions, can use psychological theories and methodologies to craft institution-level interventions that foster and sustain inclusive environments.

### *Sturm's Architecture of Inclusion Framework*

In her discussion of the first concept, the creation of the norm of institutional citizenship as the basis for diversity initiatives, Sturm extends the definition of institutional inclusiveness beyond the idea of merely increasing the numbers of people of traditionally underrepresented groups: "The project of achieving inclusive institutions is not only about eliminating discrimination or even increasing the representation of previously excluded groups. *It is about creating the conditions enabling people of all races and genders to realize their capabilities as they understand them.*"<sup>4</sup> Inclusive environments, therefore, encourage and make normative the full participation of their members and constantly monitor and ensure that all citizens are empowered to fully realize and develop their capabilities.<sup>5</sup> It is not enough to simply strive for numerical parity or representation of women and students of color; parity or equality of experience and institutional engagement among all institutional citizens must be the goal. Indeed, numerical parity has been achieved between men and women enrolled in law school,<sup>6</sup> yet our research indicates that despite this parity, some women and members of traditionally marginalized ethnic groups continue to experience law school differently than majority group members. This gender disparity in engagement in law school may lead to the subsequent gender disparity seen in law school

---

<sup>4</sup> Sturm, *supra* note 1, at 250 (emphasis added).

<sup>5</sup> *See id.*

<sup>6</sup> *See* Christine Garton, *Still a Tough Market for Women*, LEGAL TIMES, Sept. 6, 2004, <http://www.law.com/jsp/printfriendly.jsp?c=LawArticle&t=PrinterFriendlyArticle&cid=1095207119654>; *see also* G. Jeffrey MacDonald, *Law School Verdict's Still Out: Race vs. Ranking*, USA TODAY, Apr. 25, 2006, at 5D, available at [http://www.usatoday.com/news/education/2006-04-24-law-school-race\\_x.htm](http://www.usatoday.com/news/education/2006-04-24-law-school-race_x.htm) (noting that numerical parity has not been achieved by blacks enrolled in law school).

faculties, where women constitute only about 34% of faculty.<sup>7</sup> These issues, then, highlight the critical question addressed in this Article: What are the pervasive barriers to engagement and how are they created and maintained by the institutional culture?

The creation of inclusive environments requires that institutions be able to identify institutional barriers to full citizenship and participation of its members, with the goal of ultimately removing them.<sup>8</sup> The identification of such hindrances necessitates a constant monitoring of the institutional environment and its impact on its members. Through a constant assessment of the institutional climate, we can not only identify the disparities that exist between groups in their experiences of the institution (i.e., the ways in which full citizenship is or is not being achieved), but we can also explore the possible reasons behind such disparities. The initial work can be informed by theoretical models and experimental methodologies used in the field of social psychology to explore issues of motivation, personality, engagement, and stigmatization. Data-based assessments that are grounded in social science theories of group and organizational behavior are key to the examination and removal of institutional barriers to full participation and should include a combination of quantitative and qualitative analyses that address specific questions about issues of inclusion, such as: 1) Who is included/excluded? 2) How are barriers to inclusion experienced by individuals? 3) What factors (e.g., institutional, situational, or individual) contribute to disparities in institutional inclusion and participation? and 4) What can be done on an institutional level to address the factors that create institutional barriers to full participation and to ultimately create inclusive environments in which everyone is engaged?

#### DEFINING ENGAGEMENT AND INCLUSION

##### *What is an Inclusive Environment?*

The key element of Sturm's argument is that institutions are better served by creating structures that promote and maintain the full participation and engagement of all members. Sturm provides a cogent analysis of the problems associated with neglecting issues of inclusion within the framework of institutions.<sup>9</sup> An inclusive environment, then, becomes one in which all institutional members (particularly those who have been historically excluded and/or marginalized from the institution) are supported and

---

<sup>7</sup> See Garton, *supra* note 6.

<sup>8</sup> See Sturm, *supra* note 1, at 249.

<sup>9</sup> See *id.* at 250 (noting that inclusion within the framework of the institution allows people of all races and genders to realize their capabilities, and allows those institutions to advance important social values with institutional legitimacy, all the while promoting "universities' core mission of advancing knowledge and preparing the future citizens and leaders of a diverse polity to address complex problems and entrenched injustices.").

expected to thrive both academically and socially, thereby contributing not only to their individual success, but to the success of the institution as a whole.<sup>10</sup> Although Sturm speaks more broadly about inclusion in the workplace,<sup>11</sup> we suggest that the same issues of disenfranchisement and alienation exist earlier in the career process for some groups and have lasting effects over their career development.<sup>12</sup> As the starting point for future careers, the educational institution is an important environment that sets the stage for academic and professional development, as well as sustained investment and engagement in a career domain.

### *What is Engagement?*

Critical to our argument is that “engagement” in a domain is not defined solely in terms of academic grade outcomes. Engagement or success in a given field refers not only to the academic investment, motivation, and commitment that students demonstrate within their institution (both in and out of the classroom context), but also to the psychological connection, comfort, and sense of belonging that students feel toward their institution, their peers, professors, and administrators.<sup>13</sup> Thus, similar to Sturm’s description of an inclusive environment, engagement and success should be defined broadly to incorporate not only objective success outcomes, but also the feeling of inclusion and belonging within the institutional setting.

### *Inclusion vs. Exclusion and the Disparities They Create*

The first critical question that arises out of Sturm’s analysis is: Who is included or excluded from the institutional context? Historically, institutions of higher education have symbolized the economic elite upper echelon of society as well as racial and gender divides that physically and intellectually excluded certain groups (i.e., non-whites and women) from gaining access to higher education.<sup>14</sup> Today, historical milestones such as education reform, the civil rights movement, and the women’s movement have removed some structural barriers to inclusion. Nevertheless, barriers remain. Researchers and educators have continued to document pervasive differences in academic achievement between whites and non-whites.<sup>15</sup> In the field of law specifically, the representation of women and ethnic minority

---

<sup>10</sup> *See id.*

<sup>11</sup> *See id.* at 248.

<sup>12</sup> *See* Jacqueline Eccles, *Gender Roles and Women’s Achievement-Related Decisions*, 11 *PSYCHOL. OF WOMEN Q.* 135, 136 (1987).

<sup>13</sup> *See* Bonita London et al., *Psychological Theories of Educational Engagement: A Multi-method Approach to Studying Individual Engagement and Institutional Change*, 60 *VAND. L. REV.* (forthcoming 2007) (manuscript at 2, on file with author).

<sup>14</sup> *See* WILLIAM BOWEN & DEREK BOK, *THE SHAPE OF THE RIVER: LONG-TERM CONSEQUENCES OF CONSIDERING RACE IN COLLEGE AND UNIVERSITY ADMISSIONS* 1–4 (2001).

<sup>15</sup> *See id.* at 118–54

group members in positions of power and influence lags behind their population numbers. Despite parity in the representation of women versus men graduating from law schools, women only constitute approximately 17% of partnership positions in major law firms nationwide, and only 34% of law school faculty members.<sup>16</sup> While African Americans are 13% of the U.S. population, they comprise only 6.8% of the law school student population.<sup>17</sup> The question then becomes: How and why do these disparities still exist?

In an attempt to identify the causes of such disparities, researchers have put forth varying theories that highlight different root causes for the underrepresentation of traditionally marginalized groups (defined here as members of gender or ethnic/racial minority groups, or other groups that have been traditionally excluded or stigmatized from majority institutions based on their social identity) in high status positions in law firms and in law schools. For example, one theorist, Richard Sander, recently suggested that racial or ethnic differences in grade outcomes result from “racial preferences” received through affirmative action programs in law school admissions.<sup>18</sup> Sander posits that

[a] student who gains special admission to a more elite school on partly nonacademic grounds is likely to struggle more . . . . If the struggling leads to lower grades and less learning, then a variety of bad outcomes may result: higher attrition rates, lower pass rates on the bar, problems in the job market.<sup>19</sup>

Thus, according to Sander, the strain placed on minority students to achieve in elite institutions is the cause of the eventual disparities in success outcomes, such as achieving partnerships in law firms. What Sander (and others) fails to account for in his analysis, however, is the significant impact of psychological and situational factors that undermine feelings of inclusion within historically exclusionary institutions. This consideration is at the heart of Sturm’s article.

In other work highlighting a different theory of success disparities, Abigail Stewart and Andrea Dottolo highlight the difficulties that exist for members of traditionally marginalized groups in negotiating the socialization experience in the academy.<sup>20</sup> These authors posit that the foundation of the academy is based on the values and experiences of the mainstream culture, i.e., Eurocentric/Caucasian and male, and thus individuals who are “different” from this culture are more likely to feel alienated and disenfranchised

---

<sup>16</sup> Garton, *supra* note 6.

<sup>17</sup> MacDonald, *supra* note 6, at 5D.

<sup>18</sup> Richard Sander, *A Systemic Analysis of Affirmative Action in American Law Schools*, 57 STAN. L. REV. 367, 370 (2004).

<sup>19</sup> *Id.*

<sup>20</sup> Abigail J. Stewart & Angela L. Dottolo, *Socialization to the Academy: Coping with Competing Identities*, in NAVIGATING THE FUTURE: SOCIAL IDENTITY, COPING, AND LIFE TASKS 167 (Geraldine Downey et al. eds., 2005).

from the educational institution.<sup>21</sup> Stewart and Dottolo suggest that, "Some of those who enter [the Academy] . . . bring identities that are deeply compatible with those of the institution. Others . . . bring with them identities that compete or conflict with the [institution]."<sup>22</sup> Thus, anyone who is outside of the traditional culture may find the academic environment alienating, stressful, and threatening. In the case of women and ethnic minority group members, the incompatibility between their identities and the traditional culture of higher education institutions may create a conflict that increases the stress of the individual and ultimately may impede their success outcomes.<sup>23</sup> Stewart and Dottolo further suggest that socialization occurs formally and informally, inside and outside of the classroom, and in relationships with faculty, staff, and peers.<sup>24</sup> For those students who are not in the inner circle of inclusion, and who do not feel comfortable within this system, psychological engagement becomes difficult to maintain, potentially resulting in disengagement from the institution. For example, law students who feel alienated from classmates and the institution because of socioeconomic differences often report greater personal stress and anxiety, and feel a greater sense of academic inadequacy.<sup>25</sup> The perceived incompatibility between their identity (as a working class individual, for example) and that of an elite institution impedes feelings of inclusion and belonging and harms their ability to engage in the institution.<sup>26</sup>

### *Layers of Inclusion*

Inclusive environments, according to Sturm, are ones in which all institutional members are fully engaged and realizing their potential.<sup>27</sup> Despite the importance of inclusion, the potential impediments to inclusion are numerous. On the *institutional level*, the policies, regulations, and formal or informal structures may create static and inflexible systems that make students from historically excluded groups feel marginalized from the mainstream institutional culture.<sup>28</sup> For example, the availability of limited financial scholarships and fellowships may leave economically underprivileged students feeling underserved, unsupported, and alienated from the elite institution.<sup>29</sup> In such cases, as described above, the institution's lack of financial support can bleed into other areas of students' lives by increasing

---

<sup>21</sup> See *id.* at 169.

<sup>22</sup> *Id.* at 168.

<sup>23</sup> See *id.* at 169.

<sup>24</sup> See *id.*

<sup>25</sup> See Robert Granfield, *Making It by Faking It: Working-Class Students in an Elite Academic Environment*, 20 J. CONTEMP. ETHNOGRAPHY 331, 336 (1991).

<sup>26</sup> *Id.* at 343-44.

<sup>27</sup> See Sturm, *supra* note 1, at 250.

<sup>28</sup> London et al., *supra* note 13 (manuscript at 3).

<sup>29</sup> BOWEN & BOK, *supra* note 14.

their anxiety about money issues and diverting their attention from the academic work.

Another significant institutional factor that may impede feelings of inclusion and belonging is the level of diversity within the academic environment. A recent Harvard University study explored student impressions of law school diversity.<sup>30</sup> The results indicated that many students recognize the value of diversity not only for the institutional culture, but also for their intellectual development.<sup>31</sup> However, left to their own devices, and without institutional frameworks that promote interactions across groups or differences, voluntary “intergroup” interactions between students, e.g., diversity in study groups, was less widely practiced.<sup>32</sup> For example, in one law school, only 35.4% of students surveyed reported interacting with “outgroup” members somewhat often in study groups (ratings of 4 and 5 on a 5 point scale),<sup>33</sup> suggesting that students tend not to form academic connections with outgroup members. This lack of cross-race academic integration may contribute to feelings of alienation and marginalization for students who do not feel included in the institutional system. Exclusion from study groups may highlight their marginalized status more generally.

Issues of inclusion can also be manifested on the *situational level* in the day-to-day interactions students have with representatives (professors and administrative staff members) and co-members of the institution (peers). These day-to-day interactions may serve as reminders of one’s value and place within the institution. Positive experiences in which one feels a sense of respect, belonging, and value from peers and representatives of the institution may foster feelings of inclusion and engagement. Though potentially unintended, the pedagogical style of professors may place some students who already feel marginalized under additional stress and threat. Being “spotlighted,” that is, having attention directed toward you publicly in academic settings, may activate competence-based stereotypes for some groups. Research by Claude Steele and others over the past decade has demonstrated the powerful impact of stereotype salience on achievement outcomes.<sup>34</sup> For example, subtle cues that remind ethnic minority students about their stigmatized status in academic domains can undermine the achievement on aca-

---

<sup>30</sup> Gary Orfield & Dean Whitla, *Diversity and Legal Education: Student Experiences in Leading Law Schools*, in *DIVERSITY CHALLENGED: EVIDENCE ON THE IMPACT OF AFFIRMATIVE ACTION* 143, 155–72 (2001) (Gary Orfield with Michal Kurlaender eds., 2001).

<sup>31</sup> *See id.* at 158–72.

<sup>32</sup> *See id.* at 158.

<sup>33</sup> *Id.*

<sup>34</sup> *See* Claude M. Steele & Joshua Aronson, *Stereotype Threat and the Intellectual Test Performance of African Americans*, 69 *J. PERSONALITY & SOC. PSYCHOL.* 797 (1995); *see also* Michael Inzlicht & Catherine Good, *How Environments Can Threaten Academic Performance, Self-Knowledge, and Sense of Belonging*, in *STIGMA AND GROUP INEQUALITY: SOCIAL PSYCHOLOGICAL PERSPECTIVES* 129 (Shana Levin & Colette van Laar eds., 2006); Catherine Good et al., *Improving Adolescents’ Standardized Test Performance: An Intervention to Reduce the Effects of Stereotype Threat*, 24 *J. APPLIED DEV. PSYCHOL.* 645 (2003).

demographic tasks of even those students who are as academically prepared and talented as their white peer counterparts.<sup>35</sup> Steele and Aronson demonstrated that simply telling ethnic minority students that their academic ability was being measured on a task for which their group is negatively stereotyped (e.g., verbal comprehension tasks) activates concerns that they might confirm the negative stereotypes about their group, increases their anxiety, and undermines their ability to perform well on the task.<sup>36</sup> Similarly, asking ethnic minority students to indicate their race on an exam in a stereotyped domain prior to working on the exam also makes their stigmatized identity salient and undermines their ability to focus on the task.<sup>37</sup> Similar stereotype threat experiences may be occurring within the classroom environment, interfering with minority students' achievement outcomes. This may, in turn, interfere with their feelings of fit and competence in the educational environment. For example, being called on and challenged publicly in class may activate the concern that others may judge one's ability based on negative academic achievement stereotypes about one's group. These concerns may threaten students' identities and can interfere with engagement, performance, and sense of belonging. Further, this pedagogical model may promote a motivation to "perform" and validate one's intelligence for the benefit of professors and peers. For students who already doubt their academic competence, abilities, and fit in law school, this classroom culture may add an additional layer of stress and may ultimately lead to feelings of incompetence, alienation, and eventual disengagement from the threatening environment.<sup>38</sup>

The pedagogical model and social culture of the institution may also facilitate competitive rather than collaborative motivations in students. Social psychologists Elliot Aronson and Shelley Patnoe studied intergroup relations and group dynamics and proposed that the formation of collaborative work groups in which each member feels valued and respected and contributes to the overall group success is important in fostering engagement and feelings of inclusion and investment of all students.<sup>39</sup> In contrast, competition creates tension, highlights differences, makes negative stereotypes about one's group more salient, and places value on validating one's intelligence rather than the process of learning and academic growth.<sup>40</sup> Thus, the com-

---

<sup>35</sup> *See id.* at 805–06.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.* at 808.

<sup>38</sup> Bonita London et al., *A Framework for Studying Social Identity and Coping with Daily Stress During the Transition to College*, in *NAVIGATING THE FUTURE*, *supra* note 20, at 45, 47–49.

<sup>39</sup> ELLIOT ARONSON & SHELLEY PATNOE, *THE JIGSAW CLASSROOM: BUILDING COOPERATION IN THE CLASSROOM* 14 (Priscilla McGeehon ed., 2d. ed. 1997).

<sup>40</sup> CAROL S. DWECK, *SELF-THEORIES: THEIR ROLE IN MOTIVATION, PERSONALITY, AND DEVELOPMENT* 75, 89 (1999).

petitive environment of legal education<sup>41</sup> may have the unintended effect of creating ruptures in social inclusiveness and academic self-efficacy, compromising the confidence, engagement, and motivation of students.

Finally, on a situational level, students' feelings of value, worth, belonging, respect, and inclusiveness may be affected by their perceptions of bias and exclusion within the institution. A recent report from the New York Bar Association documented the pervasiveness of gender bias for female attorneys. Female attorneys report observing, and/or experiencing, a wide variety of gender-biased behavior against women (e.g., others telling sexist or demeaning jokes, male attorneys treating female attorneys condescendingly, female attorneys being given less respect, verbal advances being made, and even more extreme—female attorneys being the target of unwanted sexual teasing, jokes, questions, or gestures).<sup>42</sup> Within the academic environment, similar forms of overt or covert experiences may be occurring against female law students, e.g., condescending language and behavior, devaluing of the academic contributions made by female law students, etc., as well as against other marginalized group members. Being either overtly discriminated against (e.g., verbally harassed) or subtly excluded from groups, events, or opportunities on the basis of identity may undermine students' sense of belonging and academic engagement.<sup>43</sup> Such experiences may increase feelings of rejection and decrease feelings of happiness, comfort, fit, and overall well-being for students. When a student perceives bias against his or her social group, that bias reinforces his or her perceptions of being on the margin of inclusion and can lead to feelings of alienation, discomfort, and eventual disengagement from the institution.

On an *individual level*, research on stress and coping demonstrates that the above institutional and situational factors can have a differential impact on each individual. That is, there are individual differences in the extent to which cues of bias or stereotyping, pedagogical style, etc. interfere with a given student's perceptions of belonging and engagement within the academy.<sup>44</sup> Although the above factors can be powerful situational forces that impede engagement and inclusion for many students, social psychology also emphasizes the power of the individual differences that allow two individuals to perceive the same environment very differently. The same objective

---

<sup>41</sup> See LANI GUINIER ET AL., *BECOMING GENTLEMEN: WOMEN, LAW SCHOOL, AND INSTITUTIONAL CHANGE* 2 (1997) ("Because law school's educational mission is so intertwined with the goal of selecting students for entry into a competitive profession, much of its pedagogy . . . is designed to rank students.").

<sup>42</sup> COMMITTEE ON WOMEN IN THE LAW, *GENDER EQUITY IN THE LEGAL PROFESSION – A SURVEY, OBSERVATIONS AND RECOMMENDATIONS* 30–31 (2001), available at [http://www.nysba.org/Content/NavigationMenu/Attorney\\_Resources/NYSBA\\_Reports/Ordered\\_by\\_Topic.htm](http://www.nysba.org/Content/NavigationMenu/Attorney_Resources/NYSBA_Reports/Ordered_by_Topic.htm) (follow "Gender Equity in the Legal Profession: A Survey, Observations and Recommendations" hyperlink). The study also shows that occurrence of these events was corroborated by male attorneys who witnessed similar treatment of women. *Id.*

<sup>43</sup> *Id.* at 48.

<sup>44</sup> See Eccles, *supra* note 12, at 141; see also London et al., *supra* note 13 (manuscript at 7).

stressor is not experienced uniformly by all. Whether law school is perceived as alienating, anxiety provoking, and stressful versus challenging or engaging depends both on the cues present within the educational environment and on the individual's perceptions and appraisals of those cues. Psychological process models attempt to take into account both the situational relevance of a stressor and individual differences in perceptions and coping with that stressor, and are therefore critical in exploring the individual experiences of law students.

#### STUDYING ENGAGEMENT AND INCLUSION

##### *Methodology for Studying the Engagement Processes of Law Students*<sup>45</sup>

The elements of Sturm's *Architecture of Inclusion* article are consistent with a social psychological analysis of the factors that impact engagement of traditionally marginalized group members.<sup>46</sup> Sturm outlines both institutional and situational level factors that can impede or foster inclusiveness.<sup>47</sup> Yet, the question remains: How can we test whether these factors truly do impede or foster engagement in students? To account for all of the layers of inclusion, one must employ methodologies that allow for a comprehensive, longitudinal, and granular analysis of all of the layers simultaneously. We propose that theories and methodologies from psychology can be effectively used to study issues of engagement in the legal education environment.

*How can we apply research techniques used in psychology to explore the experiences of law students in legal education settings?*

To date, many of the studies conducted on law student engagement have utilized survey methodologies or combinations of surveys and qualitative data collection.<sup>48</sup> While these methodologies provide a snapshot of the experiences and perceptions of law students at one time point in their academic careers, they rarely allow an in-depth analysis of the process associated with daily experiences of institutional and situational level factors that impact engagement and belonging. Further, cross-sectional survey methodologies often rely on retrospective reporting—students report about experiences of bias over the course of a semester—which can be biased by memory artifacts and psychological reappraisal or reconstruction, all of which interfere with the accurate reporting of one's experiences.<sup>49</sup> Method-

---

<sup>45</sup> The following section was taken verbatim (with minimal changes) from the primary author's own forthcoming work. London et al., *supra* note 13.

<sup>46</sup> See Sturm, *supra* note 1, at 248–70.

<sup>47</sup> *Id.*

<sup>48</sup> See, e.g., Granfield, *supra* note 25; GUINIER, *supra* note 41, at 2.

<sup>49</sup> Niall Bolger et al., *Diary Methods: Capturing Life as it is Lived*, 54 ANNU. REV. PSYCHOL. 579–616 (2003).

ologies that avoid distortions of memory and post hoc rationalizations by students are critical for exploring the actual events and interactions that impact engagement.

In order to avoid similar methodological difficulties, we suggest that the use of “experience sampling” or diary methodologies would provide substantial insight into the day-to-day process of engagement for law students. Experience sampling methodologies allow us to explore the specific types of situational and individual influences that can lead to feelings of belonging versus alienation for law students. This methodology can capture both group-based differences and within-person variation over time. For example, Mendoza-Denton et al. utilized the diary methodology to study the activation of race identity in undergraduate students making the transition to college.<sup>50</sup> In this work, Mendoza-Denton and colleagues were able to capture individual differences in perceptions of race-based discrimination and coping with race-related stress over the initial three weeks of college.<sup>51</sup> In another study using the diary methodology, Strauss and Cross studied the coping strategies enacted by African-American women on a daily basis.<sup>52</sup> Niall Bolger and colleagues used the diary method to study the strain on interpersonal relationships experienced when a member of an intimate partnership is approaching the medical school entrance examination.<sup>53</sup> As these examples illustrate, this technique has been used successfully in the psychological literature to study individuals in a variety of environments, exposed to a variety of influences and stressors, and during different life stages.

### *Structure of Diary Questionnaires*

The type of information researchers are seeking determines both the timing of assessments (e.g., measuring factors of interest once per week for several months or daily for several weeks) and the type of questions used (e.g., open-ended narratives or close-ended scale questions). For example, in assessing the experiences of individuals approaching the Medical College Admissions Test (“MCAT”), Bolger and colleagues measured social integration, perceived social support, and anxiety once per day for several weeks up to and including the day of the MCAT exam to assess the impact of exam strategies and interpersonal support on exam performance and coping.<sup>54</sup> Researchers may use a combination of close-ended and open-ended questions. Close-ended questions based on established questionnaires and rating scales

---

<sup>50</sup> Rodolfo Mendoza-Denton et al., *Sensitivity to Status-Based Rejection: Implications for African-American Students' College Experience*, 83 J. PERSONALITY & SOC. PSYCHOL. 896, 906 (2002).

<sup>51</sup> *Id.* at 906.

<sup>52</sup> Linda C. Strauss & William E. Cross, Jr., *Transacting Black Identity: A Two-Week Daily-Diary Study*, in NAVIGATING THE FUTURE, *supra* note 20, at 67.

<sup>53</sup> Niall Bolger et al., *Social Relationships, Personality, and Anxiety During a Major Stressful Event*, 61 J. PERSONALITY & SOC. PSYCHOL. 440 (1991).

<sup>54</sup> *Id.* at 442–43.

allow researchers to statistically compare the levels of belonging and engagement or distress and alienation reported by students. Open-ended questions allow researchers to chronicle the specific types of events and interactions students have during stressors that create or activate concerns of belonging, fit, and engagement. Based on previous research,<sup>55</sup> an efficient structure for diary questionnaires to study law student engagement would incorporate daily assessments with both close-ended and open-ended questions that could provide insight into the personal experiences of engagement or alienation.

*Law School Transition Study*<sup>56</sup>

In order to address many of the questions outlined in this paper, two of the authors of this article (London and Downey) designed a daily diary longitudinal study that focused on law students entering an urban, elite law school. The goals of the study were threefold: (1) to explore the types of experiences students report as being central to their feelings of belonging versus alienation during the transition to law school, (2) to assess the impact of social identity on these experiences (i.e., whether members of traditionally stigmatized groups experience negative identity-relevant events that compromise their sense of belonging and engagement in law school), and (3) to explore the impact of these events on engagement over time. To accomplish these goals, we recruited incoming first-year law students several weeks before they began classes, administered a background questionnaire, and surveyed them using a daily diary study during the first three weeks of law school.

Each student first completed a background questionnaire designed to assess her engagement during her undergraduate career (using factors such as office hour attendance, study group participation, sense of comfort with professors and peers), academic achievement (undergraduate grade point average, LSAT score), and expectations for law school. The goal of the background survey was to provide evidence that prior to entering law school, the students in the pilot study did not differ significantly from each other.

After completing the background questionnaire, participants engaged in a web-based daily diary questionnaire study. They logged onto a secure website at the end of each day and answered questions that assessed the following: (1) major stressors that occurred that day (e.g., any physical illness, financial stressors, academic work overload, conflicts with family members, etc.); (2) sense of belonging (e.g., comfort among peers and professors, fit in the university); and (3) academic engagement (e.g., volunteering in class, academic goals and motivation, assessments of performance). Participants

---

<sup>55</sup> See London et al., *supra* note 38; Mendoza-Denton et al., *supra* note 50.

<sup>56</sup> The following section was taken verbatim (with minimal changes) from the primary author's own forthcoming work. London et al., *supra* note 13.

were also asked to write about a significant event that impacted them each day, either positively or negatively, and to indicate the personal identity (e.g., personality, academic competence, physical attractiveness, etc.) or social identity (e.g., race, gender, socioeconomic status, etc.) that became salient as a result of that event. Participants then indicated how they coped with the event and how they felt afterwards.

This combination of close-ended and qualitative questions provided a comprehensive picture of how students perceived their academic environment and their status within it, as well as the types of events and experiences that interfered with their ability to engage successfully. Follow-up assessments of students at the end of their first semester and at the end of their first year provided evidence of *how* events during the transition translated into important long-term outcomes, such as academic success and psychological well-being. For the purposes of this paper, we focus on the narrative of daily experiences students reported to illustrate the issues we have outlined.

*What experiences during the transition to law school impact engagement?*

Our sample in the transition study consisted of approximately 102 law students (54.5% were female; 43% were Caucasian).<sup>57</sup> Interestingly, prior to beginning law school, there were no significant gender or race/ethnicity differences in sense of belonging. Importantly, while women and ethnic minority group members did not begin law school feeling any less included or comfortable than their white and male counterparts, by the end of their first semester, differences began to emerge, perhaps as a result of exposure to institutional or situational cues of bias, threat, or marginalization. Non-white students reported feeling less visible and more isolated and alienated than their white peers. These students also began to doubt their academic competence and abilities, reporting significantly lower satisfaction with their academic progress and a lower frequency of volunteering in class. These findings provide some evidence that as traditionally marginalized students enter elite law institutions, they begin to feel alienated and excluded from the educational institution, and begin to doubt their competence. The psychological strain experienced may also account for any achievement disparities noted between such groups. However, without an analysis of the day-to-day experience of inclusion versus marginalization, we would miss out on valuable information on the mechanisms that lead to growing disparities in belonging, and also on potential ways to create inclusive environments. The diary methodology allows for such a process-oriented analysis.

While the types of experiences students reported on a daily basis in the diary study were wide ranging, the majority of their experiences centered on academic stressors and interpersonal interactions within the institution that

---

<sup>57</sup> London et al., *supra* note 13 (manuscript at 21).

either undermined or fostered feelings of inclusion. For example, many students reported feeling anxious and threatened by the Socratic Method. Because professors are not only representatives of the institutional culture, but also sources of authority and potential academic validation, performing poorly under the academic spotlight significantly contributed to feelings of alienation. For example, one student reported, "I said something in class that apparently the professor didn't give much value to, so I ended up feeling very timid and [did] not want to volunteer anymore!"<sup>58</sup> For many students, one incident of disapproval or perceived failure in the eyes of a professor undermines their willingness to participate and engage in the future. Many students also reported feeling significant pressure to appear intelligent to peers, who may be seen as validators of one's intellectual merit. Feelings of failure or academic inadequacy undermine sense of belonging and confidence and interfere with one's motivation and ability to fully participate in the institutional culture. Much of the pressure may be derived from the culture of competition and performance, which may place the spotlight on intelligence rather than on collaboration and intellectual growth and challenge.<sup>59</sup> The apprehension and anxiety that students feel in "validating" their intelligence to professors and peers is thus heightened. When a student fails at proving her intellectual worth, she may begin to question her value and place within the institution.<sup>60</sup> Although these concerns about competence and intellectual merit can plague any law student, it is plausible, given the extensive literature on stereotypes and academic achievement,<sup>61</sup> that members of traditionally marginalized groups might be more impacted by these negative academic experiences.

Students reported events related to their social identities (e.g., ethnicity and gender) as having negative implications for their confidence in law school and for their feelings of fit and belonging, suggesting a strong link between marginalized status and feelings of inclusion. Often, these events made their status as a numeric minority on the margin of inclusion more salient. For example, one student poignantly reported on her feelings of isolation and alienation as a minority group member within the law school environment:

I went to [a law school event] and it reminded me of how I am one of few at this school. [The event] was full of people that looked nothing like me and I felt uncomfortable . . . it is an awkward feeling being the only black female amongst all white people.<sup>62</sup>

---

<sup>58</sup> *Id.* at 28.

<sup>59</sup> See DWECK, *supra* note 40, at 15–16.

<sup>60</sup> *See id.* at 16.

<sup>61</sup> *See, e.g.,* Steele & Aronson, *supra* note 34; London et al., *supra* note 38.

<sup>62</sup> London et al., *supra* note 13 (manuscript at 24).

For other students, the feeling that they did not belong because of their marginalized status was made salient by the perceived entitlement, privilege, and comfort expressed by majority group members. These alienating experiences varied from the relatively ambiguous issue of mistaken identity to overt incidences of race stigmatization. For example, one student reported a statement made by a professor in class that was directed toward minority students specifically:

While speaking of the diversity of the class, my Professor said something to the effect of “if you aren’t successful, don’t blame your failure on your minority status.” Although personally I agree with this statement in my own life . . . I felt that this was an incredibly insensitive statement based on the fact that my professor was indeed a white male.<sup>63</sup>

Such a statement from a professor can bring the issue of minority student success under negative scrutiny and create the stereotype threat effects discussed earlier.

Students also noted differences in participation by gender. One reported, “I had my hand raised for a long time to answer a question, but I never got called on. Some guy in the back corner got called on twice (I am female). Some other female students were called on, but it seemed like males were more aggressive.”<sup>64</sup> As Sturm suggests, the full participation of individuals within the system is a defining characteristic of an inclusive institution. Feeling silenced is in direct conflict with the goal of an inclusive environment.

The trajectory of these experiences (both good and bad) over time is a critical issue. The diary methodology allows researchers to explore how an event on one day impacts engagement on subsequent days. For example, one student wrote:

After yesterday’s depression at not having anyone around with a similar background, late last night I started to learn that I will have to look beyond race, and today I began to live my life outside those boundaries.<sup>65</sup>

This narrative demonstrates how concerns about belonging can plague students over time, but also how students can learn to cope with being part of a minority group.

---

<sup>63</sup> *Id.* at 25.

<sup>64</sup> *Id.* at 26.

<sup>65</sup> *Id.* at 29.

*Experiences that foster engagement*

While most students (members of traditionally stigmatized groups and others) reported experiences that threatened their academic and psychological engagement, they also reported some experiences that bolstered their sense of comfort and feelings of competence. Whether these positive events sufficiently buffer students against the stressful and threatening experience of the competitive and performance-oriented classroom and academic environment can be answered with the quantitative data from the diary study. In addition to the quantitative data, the qualitative narratives of students' experiences provide some evidence that students are strengthened by positive interactions.

While many students referred to the stress of the Socratic Method as the cause of their doubts about their competence, sense of belonging, and fit in the university, one student explored how this methodology might be better used to increase engagement and the comfort of students without compromising the rigorous standards of learning:

I was thinking about the Socratic method in class today as I listen[ed] to my classmates floundering, and I came to the tentative conclusion that the Socratic method would be a great way to learn if it was done in a more intimate, supportive setting. If I wasn't so worried about losing face, I think I'd be able to focus on grappling with the actual issues and concepts.<sup>66</sup>

Thus, even traditionally "threatening" techniques could be used in way that would strengthen students' feelings of competence and success.

Peer interactions also positively translated into feelings of belonging and fit. Over the course of the transition, students reported engaging in academic group meetings/study groups, general conversations, and social events that bonded them with their classmates. Members of traditionally marginalized groups attended social identity relevant events (e.g., the Black Law Students group). While these events were often social in nature, they also served a critical academic function. Students gained access to upper-level law students who had successfully navigated the system. These upper-level students not only legitimized the stressful experiences of first-year law students, but also often provided them with strategies and advice on how to remain engaged despite the threats they perceived. This form of socialization may be critical for students as they search for ways to engage in a system where feelings of alienation are salient.

---

<sup>66</sup> *Id.* at 31.

## DISCUSSION: CREATING INCLUSIVE ENVIRONMENTS

We have so far discussed individual, situational, and institutional factors that may serve to compromise inclusion and engagement, as well as a methodology that can be used to evaluate and re-evaluate the dynamic process of institutional inclusiveness. We now turn our focus to how the information culled from this methodology, combined with theory and practice from social psychology, can be employed to help foster engagement. We focus on institutional actions such as endorsing a learning-focused (incremental) theory of intelligence, emphasizing more encouraging modes of critical feedback, and taking steps to normalize the challenges of the law school experience, all of which may serve to mitigate the effects of individual factors that impede engagement.

Students' responses to the daily diary offer insight into how institutional change catalysts, along with administrators and instructors, can work to create institutional environments that encourage the full participation of all their citizens. As Susan Sturm proposes in *The Architecture of Inclusion*, the creation of inclusive environments entails the removal of institutional barriers to such participation.<sup>67</sup> One barrier students mentioned was the use of the Socratic Method in large lecture classes as a pedagogical method. Public, on-the-spot tests of knowledge or understanding of course material may, in addition to fostering a competitive and unpleasant environment, send the message that what is institutionally valued is "natural" intellectual endowment or "smarts," as opposed to learning. According to developmental and social theories, feeling judged and evaluated may produce doubts about one's competence and abilities.<sup>68</sup>

Developmental psychologist Carol Dweck has found that in academic environments in which "smarts" are valued over learning, students are encouraged to prove their "smarts," and failure to do so may lead them to withdraw from challenging tasks, which they view as a threat to their intelligence.<sup>69</sup> By contrast, in learning-focused environments, or those that endorse an incremental theory of intelligence, when faced with difficulty, students tend to adopt a learning goal, and view difficult tasks as challenges that can be overcome with effort.<sup>70</sup> Interventions at the elementary and middle school level involving the institutional endorsement of an incremental theory have resulted in increases in academic achievement and decreases in the black-white achievement gap as well as the male-female achievement gap in math.<sup>71</sup> Such an intervention is also possible at the law school level. The endorsement of an incremental theory of intelligence in the classroom is

---

<sup>67</sup> Sturm, *supra* note 1, at 250.

<sup>68</sup> DWECK, *supra* note 40, at 16.

<sup>69</sup> *Id.* at 22–37.

<sup>70</sup> *Id.* at 31–32.

<sup>71</sup> Good et al., *supra* note 34, at 645.

as simple as not making an incorrect response a final judgment of a student's intellectual ability and competence in law. Incorrect responses can be viewed as opportunities for learning and growth, rather than humiliation, provided that such a tone is set by the institution. Indeed, one participant from the law school transition study states that her problem is not so much the Socratic Method itself, but the context in which it is employed. The respondent suggested that in a more supportive environment, she would feel less threatened and more encouraged to learn. While supportiveness is often associated with smaller, more intimate academic settings, supportiveness could also be conveyed simply in an institutional endorsement of an incremental theory of intelligence, and an insistence that classroom environments focus less on proving competence and more on the process of learning.

Along with the adoption of an incremental theory and learning-focused environments, institutions may reconsider the ways in which critical feedback is conveyed in pedagogical practice. Work by Cohen, Steele, and Ross suggests that unbuffered, harsh critical feedback is often differentially experienced among students, with African-American students finding such feedback more threatening to their belief in their intelligence and sense of competence than white students.<sup>72</sup> Following such feedback, African-American students were more likely than white students to disengage from a writing task and less likely than whites to assimilate suggestions from the feedback into a re-write of the task.<sup>73</sup> They were also more likely than whites to feel that the evaluator of their essay was biased against them.<sup>74</sup> However, when they received "wise" feedback, or feedback that stressed that the standards were being set high precisely because the students were capable of meeting them, they were as likely as whites to incorporate the evaluator's feedback into a re-write and they no longer viewed the evaluator as biased against them.<sup>75</sup> We have evidence that the threat of evaluation in law school is differentially experienced by women and students of color relative to white men, and that women and students of color report feeling less competent than white men. However, when students are reminded that the standards for law school are high and that their admission is an indication that they are capable of meeting these standards, the threat to their feelings of competence should be diminished, based on the work of Cohen, Steele, and Ross. The adoption of institutionally encouraged "wisdom" in mentoring and evaluating should address and alleviate feelings of incompetence in a field that *is* challenging and lead to increased feelings of inclusion and engagement.

---

<sup>72</sup> Geoffrey L. Cohen, Claude M. Steele & Lee D. Ross, *The Mentor's Dilemma: Providing Critical Feedback Across the Racial Divide*, 25 PERSONALITY & SOC. PSYCHOL. BULL. 1302, 1303 (1999).

<sup>73</sup> *Id.* at 1308-09.

<sup>74</sup> *Id.* at 1308.

<sup>75</sup> *Id.*

Some students mentioned elements of their social identities, such as race and gender, as playing a role in their feelings of belonging. Indeed, women and students of color appear to have a more difficult time, both academically and socially, in law school than white men.<sup>76</sup> Law school is, however, a challenging experience for all. Normalizing the experience of law school reduces the tendency to personalize negative experiences as being unique to the student. A fascinating intervention study by social psychologist Gregory Walton found that African-American students at a prestigious university who were presented with survey results and quotations authored by upperclassmen of *all* ethnic groups about the difficulties of freshman year displayed greater improvement in their GPAs than African-American students in a control condition.<sup>77</sup> Students in the treatment condition were more likely than those in the control condition to e-mail professors for help, and they also reported studying over an hour longer each day as compared to the control group.<sup>78</sup> Simply knowing that others (many of whom were not like them) had experienced and survived the same difficulties served as an intervention tool in combating the “sophomore slump” in grades experienced by control group participants.<sup>79</sup> The normalization of the law school experience through printed materials, addresses during law school orientation, and social events with professors and advanced graduate students may alleviate doubts about competence that some students may attribute to non-environmental factors like race and gender. The alleviation of these concerns may make it easier for students to fully participate and engage in law school.

These strategies are not exhaustive. Interventions that foster engagement must address the issue at all levels. Interventions should work to change institutional or structural forces that increase competition, stress, and marginalization; promote situational cues of inclusion from faculty and peers; and armor individuals with adaptive coping strategies and belief systems that protect them from the threat of disengagement. Though the full range of potential analyses are not discussed in this Article, the diary methodology will serve as a valuable tool in exploring the process of engagement and identifying sources of potential intervention as we pursue our goal of creating truly inclusive environments.

---

<sup>76</sup> See London et al., *supra* note 13 (manuscript at 33–34).

<sup>77</sup> Gregory M. Walton & Geoffrey C. Cohen, *A Question of Belonging: Race, Social Fit, and Achievement*, 92 J. PERSONALITY & SOC. PSYCHOL. 82, 87–88, 91–93 (2007).

<sup>78</sup> See *id.* at 91.

<sup>79</sup> *Id.* at 94.

