2008

Recruiting Sexual Minorities and People with Disabilities to be Dean

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I. INTRODUCTION

As our day-to-day work lives make abundantly clear, a law faculty is a many-headed creature: an assortment of people with a variety of interests, strengths, foibles, personalities, and identities. Within the legal academy, a dominant consensus acknowledges that a strong faculty embodies diversity along multiple axes, including, for example, race, gender, religion, age, political ideology, research and teaching methodologies, and subject matter expertise.

The dean, however, stands alone, and stands above. Thus, issues of expectation, representation, comfort with and fear of difference operate quite differently when deans are selected, and when they do their jobs. The dean exercises authority over the entire institution. The dean also represents the entire school, and by common metaphor, is said to be the face of the law school. This symposium's focus on diversity in deaning is important because notions about identity inevitably shape how a dean's authority, competence, vulnerability, power, trustworthiness, and strength are interpreted, understood, and experienced. Imposed identity issues play out differently when the choice is not just about a colleague, but instead about the person in charge.

This Essay discusses diversity in deaning as it pertains to two identity categories: members of the lesbian, gay, bisexual, and transgender (LGBT) communities, and people with disabilities. Each identity is itself

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[†] Dean, Michigan State University College of Law. I thank the organizers of and participants in the Seattle University School of Law/Society of American Law Teachers Workshop Promoting Diversity in Deaning, from whom I learned a great deal. Pat Cain, Craig Christensen, Ann McGinley, Paul Steven Miller, and Dick Morgan provided helpful suggestions and assistance. I produced this essay with research support from the Boyd School of Law, University of Nevada, Las Vegas, where I served on the faculty from July 2001 through June 2008. Judy Cox (Boyd '08) provided excellent research assistance, and Diana Gleason added energetic and smart library assistance. They all have my gratitude.

fluid and contested, containing such enormous variations as to render the category illusive and often obfuscating. People with visible disabilities face fundamentally different issues than people with hidden disabilities, for example. Pairing sexual orientation and disability risks false analogies, and worse.

Yet some common themes may pertain to people with disabilities and to members of the LGBT communities who are potential or sitting deans. Individuals who identify as members of either group may venture into a dean candidacy with only ambiguous, formal legal protections against discrimination, or no legal protection at all. The many variations in what might be considered a disability—some understood to be irrelevant, others permitted to be determinative—create their own uneven and unpredictable employment law landscape.[1] Formal protection against employment discrimination against LGBT candidates forms a geographic patchwork quilt, layered at different thicknesses with possible law school, university, local, or state nondiscrimination policies or laws, but also marred by many large holes, where no laws or policies protect against discrimination. However limited the power of formal prohibitions against discrimination, the absence of those prohibitions carries its own power, too.

Perhaps the most vexing questions that some people with hidden disabilities and some members of LGBT communities may face relate to visibility, passing, secrecy, privacy, and disclosure. Deliberate disclosure of personal information (otherwise known as "coming out") may be central for members of both groups. The irrelevance of being gay or being disabled is not securely established, so communication about these aspects of one's life may be challenging. Even in welcoming contexts, the LGBT or disabled applicant may face decisions about how to discuss that aspect of his or her identity, if at all.

At a more theoretical level, people with disabilities and sexual minorities share identities that may be provocative in similar ways. All members of groups not traditionally associated with power and authority may face challenges from being perceived as inappropriate to represent the entire institution. The particularity of outsider identities is somehow noticed, exceptionalized, and translated into inability or inappropriateness for representing the full breadth and strength of the institution; the

1. For an excellent analysis of the failed promise of the Americans with Disabilities Act, see *The ADA Restoration Act of 2007: Hearing Before the H. Subcomm. On Constitution, Civil Rights, and Civil Liberties of the H. Comm. On the Judiciary*, 110th Cong., Oct. 4, 2007 (statement of Chai R. Feldblum, Professor of Law, Georgetown University Law Center), *available at* http://judiciary.house.gov/media/pdfs/printers/110th/38114.pdf.

equal particularity of traditional insiders may be ignored or mistaken for universality. For people identified as disabled or as members of the LGBT communities, concerns about imperfectly representing the entire institution may overlap in complex ways with discomfort with the corporeal realities presented by the disabled or LGBT person. These identities may draw attention to the physicality of the dean, the body of the dean, or the sexuality of the dean in unsettling ways, even if never acknowledged. These issues may feel new in the context of law school deaning, but they are not.

II. A MEMORABLE SPEECH AT THE 1990 AALS ANNUAL MEETING: "YOU CANNOT POSSIBLY BE BOTH DEAN OF A LAW SCHOOL AND OPENLY GAY."

As President of the Association of American Law Schools (AALS), former Boalt Hall Dean Herma Hill Kay chose *A Time for Sharing: Speaking Difference, Building Strength* as the theme of the 1990 AALS Annual Meeting.[2] Dean Kay planned the plenary session, *A Time for Sharing: Tokenism, Tolerance or True Diversity*, to feature presentations by three distinguished leaders in legal education: Professor Regina Austin of the University of Pennsylvania; Professor Richard Delgado, then of the University of Wisconsin; and Craig Christensen, then-President of the Law School Admission Services and Executive Director of the Law School Admissions Council and former Dean of the Syracuse University School of Law. Dean Kay asked Dean Christensen to speak personally about his experiences as an openly gay dean. Dean Christensen delivered a brave, effective, and powerful speech entitled, "The Trivial Concerns of the Invisible Minority."[3] Dean Christensen told the plenary audience some of his stories about coming out as a gay man in the context of being a law school dean, a position he had taken several years before when married to a woman. Dean Christensen recounted, for example, that when he began to socialize with members of the gay community, a senior officer of the university, rumored to be gay, called him in to his office. The officer told him, "Surely you must understand that ultimately you will have to make a choice. You cannot possibly be both dean of a

2. Program, *A Time For Sharing: Speaking Difference, Building Strength*, Association of American Law Schools 1990 Annual Meeting, San Francisco, CA (Jan. 3–7, 1990).

3. Craig W. Christensen, President, Law School Admissions Services, Address at the 1990 Annual Meeting Plenary Session of the Association of American Law Schools: The Trivial Concerns of the Invisible Minority (Jan. 6, 1990) [hereinafter Christensen].

law school and openly gay."[4] As Dean Christensen told the senior administrator, and then recounted almost two decades ago to the AALS Plenary session, "if I had to give up one, it was going to be being dean of the law school!"[5]

In truth, Dean Christensen did not have to choose. As described in his AALS speech eighteen years ago, Dean Christensen's problems juggling his responsibilities as dean and his identity as an openly gay man were minimal, limited to "the occasional unfriendly graffiti, . . . fewer social invitations, and . . . an awkward moment or two with an alum."[6] On the other hand, once he had come out, Dean Christensen's chances for advancement at that time within that university disappeared. Dean Christensen told the AALS audience about the chair of Syracuse University's hiring committee having disclosed Christensen's "lifestyle" to the committee as supposedly relevant to the viability of his candidacy for a position as Vice Chancellor. Syracuse University had a formal applicable nondiscrimination policy at the time, but it seemed to have had little impact on the committee's actions. Dean Christensen subsequently formally grieved the committee's treatment of his sexual identity, not to try to obtain a different outcome for the search, but rather to prod the university to seriously enforce its stated policy of not discriminating on the basis of sexual orientation. The university never responded to Dean Christensen's grievance.[7]

Although no real records exist,[8] Dean Christensen was neither the first, nor the last gay law school dean, but rather one in a long line who have served or are serving with distinction and great success. Yet,

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4. Christensen, *supra* note 3, at 2. The university administrator advised Dean Christensen to "go off to New York or maybe Provincetown" and "just be a little discrete." *Id.*

5. *Id.*

6. Christensen, *supra* note 3, at 3.

7. *Id.* at 6. For a thoughtful discussion of conditions for gays and lesbians in the late 1980s at Pennsylvania State University, see Anthony R. D'Augelli, *Lesbians and Gay Men on Campus: Visibility, Empowerment, and Educational Leadership*, 66 PEABODY J. OF EDUC.: EDUCATIONAL LEADERSHIP AND THE STRUGGLE FOR MIND 124 (1989).

8. A few published accounts of gay and lesbian deans in other fields exist. *See, e.g.*, Toni McNaron, *Poisoned Ivy: Lesbian and Gay Academics from the 1960s through the 1990s*, *in* FEMINIST WAVES, FEMINIST GENERATIONS: LIFE STORIES FROM THE ACADEMY 67, 76 (Hokulani K. Aikau, Karla A. Erickson, & Jennifer Pierce, eds., 2007) (recounting anecdote about 1993 dean search at a "small liberal arts college in the East" in which two candidates recruited to apply for an internal dean search were a white gay man, not 'in' and not 'out,' who decided not to apply because the college was not "ready" and his sexual orientation would be a negative in fundraising, and an African American lesbian who was more "out" and who applied and succeeded in the position, including fundraising). For a moving personal narrative by the partner of a dean, see PENELOPE DUGAN, THE SILENT PARTNER FINDS HER VOICE, LESBIANS IN ACADEMIA 37 (Beth Mintz & Esther Rothblum, eds., 1997).

somehow, the decades since Dean Christensen's experience of coming out as a gay law school dean have not erased all the challenges he faced.

Dean Christensen's experience of coming out as a gay man after becoming the dean may parallel the experiences of many law school deans with visible disabilities who were deans before they became disabled. Deans take the positions with a certain amount of professional experience, and disability rates correlate with age. When I asked a long-time dean about successful deans he knew to be disabled, my friend immediately rattled off several names, each of whose disability post-dated his appointment to the deanship. Those examples of acquired disabilities should prove to skeptics that deaning and disabilities can mix perfectly well, but they may not have opened many doors for potential deans who are known to be disabled.

III. A MEMORY ABOUT RECRUITMENT AMBIVALENCE IN 1992

In 1992, I was one of several speakers at a Saturday morning program in San Francisco sponsored by the area law schools to encourage attorneys of color, women attorneys, and lesbian and gay attorneys to consider becoming law professors. I was the speaker invited to talk about opportunities for gays and lesbians. Due to some late arrivals, I spoke first, inadvertently framing what followed, and inviting explicit mention of gays and lesbians. Several of the speakers who followed, torn between encouragement and honesty, began with a caveat along the lines of, "Although I cannot say that this is yet true for gays and lesbians, it really is true that law schools want people of color and women for their faculties," before launching into their recruitment pitches. Whatever the accuracy of that rhetoric of welcome for women and people of color, the almost ritualized repetition of the tortured qualification about sexual orientation—my strongest memory of the morning—would be unthinkable today, especially in San Francisco, in law faculty recruitment. But that ambivalence about sexual orientation—whether or not it would be stated out loud—may still exist regarding potential deans. And the continuing, glaring paucity of people with disabilities in legal education suggests that a similar ambivalence, or even worse prejudice and negative stereotyping, exists today in many institutions regarding the appointment of a disabled person as dean.

IV. MARKERS OF TODAY'S UNSETTLED SPACE

Seeking some sort of indications, however imperfect, about current prospects for disabled and LGBT prospective deans, I reviewed a collection of this year's announcements for law school deanships. Of these

eighteen announcements, thirteen included some sort of equal opportunity language, of which four explicitly included language about disabilities, and two explicitly mentioned sexual orientation.[9] Deanship announcements are routinely posted on the minority law professors' listserv and on the listserv for the AALS section on Women in Legal Education. It is my impression, however, that the listserv of the AALS section on Sexual Orientation and Gender Identity is not so used, and to my knowledge, no formal listserv exists of law professors who identify as disabled.[10]

For several years, the AALS has maintained a list of potential law school dean candidates who are women, and a list of potential dean candidates who are people of color. Is it time for such a list of disabled dean candidates, and a list of LGBT dean candidates, or would it go unused by either candidates or institutions?

V. A NOTE ABOUT DISABILITY

My perspective follows those who have argued against the medical model of disability,[11] and advocated for the understanding that political, social, and legal conditions create disabilities for people. Disabilities may be visible or invisible, and physical, sensory, or mental, or some combination. The legal identity category of "people with disabilities" is highly contested and fluid. Culturally, it is even more complex. Indeed,

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9. Hamline, Houston, Michigan State, and Richmond included language about disabilities, and Hamline and Richmond included language about sexual orientation. Three others described themselves simply as affirmative action/equal employment opportunity employers (Northern Illinois University, Virginia, West Virginia); three others described themselves as equal opportunity and/or affirmative action employers committed to diversity or inclusiveness (University of California, Davis, Wayne State, and University of Washington); one invited applications from women and "minority candidates" (Drake); one from "women and minority group members" (Texas Wesleyan); and one from "women and other protected group members" (Buffalo). Presumably some of these formulations were intended to include disability and sexual orientation, but perhaps some were not. Five announcements, those from Arizona State, Hofstra, Kentucky, Illinois, and Miami, contained no affirmative action or equal opportunity language.

10. "The disability civil rights revolution is invisible." Paul Steven Miller, *Developing Diversity and Equal Opportunity: Why the Disability Perspective Matters*, 120 P.M.L.A. 634, 635 (2005) (noting lack of disability civil rights leaders known to the public, or name the equivalent of "racism" or "sexism" to shame someone who discriminates against people with disabilities); *see, e.g.*, *id.* at 636 (suggesting that "disability diversity in teaching and scholarship lacks the value and credibility afforded race and gender diversity and insights"). I am not sure what to make of the absence of responses to the inquiry I posted to a disability studies listserv seeking to hear from people with disabilities in senior academic administrative positions. Perhaps the lack of response was due to the fact that it was sent out in mid-December, when academics typically have dispersed.

11. *See, e.g.*, Miller, *supra* note 10, at 635 (criticizing the medical model of disability which continues to shape "most social, governmental and legal policies").

"[a]lmost 20% of adult manual wheelchair users nationwide do not perceive themselves as disabled."[12]

According to 2003 figures available from the National Association for Law Placement (NALP), lawyers identified by their firms as disabled "are even less common [than openly gay lawyers], accounting for less than 0.25% of all reported lawyers."[13] Of the 9,803 summer associates reported by firms, only 61 were identified by firms as openly gay and only 8 were identified as disabled.[14] Within the legal profession, the greater numbers of disabled attorneys are very much at the older levels of the profession.[15]

Discrimination against people with disabilities in hiring and promotion is widespread.[16] A Rutgers 2003 national study revealed that the reason that employers gave most commonly for not hiring people with disabilities was "reluctance, discrimination or prejudice."[17] Twenty percent of employers gave that response, compared to seven percent who referred to the need for accommodation.[18] Within the legal academy, relatively few law professors identify themselves as disabled.[19]

Although little scholarship focuses on disabilities in the legal academy, interesting theoretical work explores these issues in the academy more generally. For example, Alessandra Iantaffi argues:

> Academia seems to be trying to preserve this Cartesian 'life of the mind,' not acknowledging the 'materiality of its own production,' and therefore ignoring the bodies that support and increments its ex-

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12. Annie G. Steinberg, Lisa I. Iezzoni, Alicia Conill, & Margaret Stineman, *Reasonable Accommodations for Medical Faculty with Disabilities*, 288 J. AM. MED. ASS'N. 3147, 3148–49 (2002) (citing Iezzoni, et. al., *Mobility Problems and Perceptions of Disability by Self- and Proxy-Respondents*, 38 MEDICAL CARE 1051 (2000)).

13. National Association of Legal Professionals, Few Openly Gay or Disabled Lawyers Reported in NALP Directory of Legal Employers, http://www.nalp.org/content/index.php?pid=151 (last visited Jan. 30, 2008). By comparison, "openly gay lawyers account for less than 1% of the more than 133,000 lawyers and summer associates reported by firms in the 2003-2004 NALP Directory of Legal Employers." *Id.*

14. *Id.*

15. *Id.*

16. *See, e.g.*, JOHN R. VAUGHN, NAT'L COUNCIL ON DISABILITY, EMPOWERMENT FOR AMERICANS WITH DISABILITIES: BREAKING BARRIERS TO CAREERS AND FULL EMPLOYMENT (2007) (offering statistics and strategies for improving employment opportunities for people with disabilities).

17. *Id.* at 73 (citing a 2003 national Rutgers University study revealing that employers' most commonly given reason for not hiring people with disabilities is reluctance, discrimination or prejudice (20%), compared to seven percent who referred to need for accommodation).

18. *Id.*

19. *See, e.g.*, Miller, *supra* note 10, at 636 (estimating that there are only a "handful of faculty members at tier-one law schools who identify themselves as people with disabilities and who understand disability culture").

> istence. The presence of disability, and even more so of gendered disability, becomes threatening . . . .[20]

She adds:

> The absence of disabled women as students, researchers, and academics, in this establishment where knowledge is produced, supported, criticized or rejected, and where attitudes can be challenged or reinforced, was and is too conspicuous to be ignored. Any eventual presence of a disabled woman at university becomes therefore a "special and exceptional,' rather than a legitimate and rightful, case.[21]

Disabled professors appear to have difficulty winning discrimination lawsuits, and most such lawsuits are lost at the summary judgment level.[22]

On the other hand, because the various federal statutory protections in employment and education for people with disabilities have been in place for some time, more and more adults grew up with these benefits for themselves, their classmates, and their colleagues,[23] which suggests that more and more disabled people will become attorneys, law professors, and eventually law school deans.

VI. RECOGNIZING AND TRUSTING DISABLED LEADERS

Excellent deans are perceived as strong, hardworking leaders. In contrast, "[d]isability is feared because it is seen as a hopeless situation

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20. Alessandra Iantaffi, *Women and Disability in Higher Education: A Literature Search*, *in* BREAKING BOUNDARIES: WOMEN IN HIGHER EDUCATION 180, 182 (Louise Morley &Val Walsh eds., 1996). Iantaffi describes academia as "an environment where 'well-functioning' bodies are taken for granted and are often seen as a prerequisite for academic endeavors." *Id.*; *see also* Ruth-Elaine Gibson, *Deaf Women Academics in Higher Education*, *in* BREAKING BOUNDARIES: WOMEN IN HIGHER EDUCATION (Louis Morley & Val Walsh, eds., 1996).

21. Iantaffi, *supra* note 20, at 180, 182 (citations omitted). Iantaffi also argues that a disabled body challenges the authority of an academic, a claim that may be especially relevant to academic leadership positions. *Id.*

22. Suzanne Abram, *The Americans with Disabilities Act in Higher Education: The Plight of Disabled Faculty*, 32 J.L. & EDUC. 1, 6 (2003) (describing *Mobley v. Board of Regents of State of Georgia*, in which an asthmatic professor's doctor's letter describing how the university's self-described "severe ventilation problems" in her office worsened her asthma was used by the court to justify a finding of no disability because it only showed that she could not work in one building). The problem of inability to win ADA lawsuits is not limited to academic plaintiffs; one study shows that 97.2 percent of ADA employment discrimination decisions are won by defendants. Amy L. Allbright, *2006 Employment Decisions Under the ADA Title I – Survey Update*, 31 MENTAL & PHYSICAL DISABILITY L. REP. 328, 328 (2007).

23. Miller, *supra* note 10, at 634.

of passivity, lack of control and of unhappiness."[24] A recent report by the National Council on Disability highlights the persistence of attitudes revealed twenty years ago in a study that showed that people with physical disabilities were perceived as "quiet, honest, gentle hearted, nonegotistical, benevolent, helpless, hypersensitive, inferior, depressed, distant, shy, unappealing, unsociable, bitter, nervous, unaggressive, insecure, dependent, unhappy, aloof, and submissive" more often than were people without disabilities."[25] Although honesty and benevolence would be positive qualities in a dean, the other descriptors assuredly would not. Moreover, as the "face" of the law school, the dean represents the entire institution. What should a dean look like? Anyone who harbors deep fears about disability, or attitudes that equate disability with weakness, inferiority, or the like, will not be comfortable being represented by, or being dependent upon, a disabled person.

Beyond the multiple ways that perceived disabilities may shape impressions of a dean candidate's personality and character, disabled dean candidates may face spoken and unspoken concerns about stamina, travel, and stress. A study of discrimination against people with disabilities in academic medicine provides a concrete example:

> One physician who walked with crutches reported interviewing for an academic position at a prestigious institution. The morning of the interview, the search committee chairperson parked in the nether regions of the garage rather than dropping the candidate off at the front door. "I knew by 9:00," reported the candidate. "They were marching me back and forth from one building to another just to prove to me it was the wrong place for me."[26]

Search committees may also worry about the rigors of travel[27] or the impact of the inevitable stress of the position.[28] And, of course, those who have these concerns but do not want to acknowledge them will attribute the concern to others, worrying aloud or in silence about the impact of

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24. Iantaffi, *supra* note 20, at 183–84 (the original says "happiness," in an apparent editing error).

25. VAUGHN, *supra* note 16, at 75 (quoting C.S. Fichten & R. Amsel, *Trait Attributions About College Students With Physical Disabilities: Circumplex analyses and methodological Issues*, 16 J. APPLIED SOC. PSYCHOL. 410 (1986)).

26. Steinberg et al., *supra* note 12, at 3151.

27. *See, e.g.*, Steinberg et al., *supra* note 12, at 3151 ("faculty who use wheelchairs expend many extra hours (e.g., to meet pre-flight airline requirements and organize ground transportation) not spent by nondisabled colleagues. Obtaining accessible lodging is also challenging.").

28. "Ostensibly to protect [a wheelchair user's] health, her department chairperson did not offer a potentially stressful tenure track position but instead provides year-to-year contracts." Steinberg et al., *supra* note 12, at 3150.

the disability on the many constituencies with whom the dean must deal effectively, including, for example, graduates, public officials, and donors.

VII. RECOGNIZING AND TRUSTING LGBT LEADERS

Concerns about relationships with donors, graduates, public officials, and professional leaders may also loom large for gay and lesbian dean candidates. A dean's spouse is often a partner in the social side of the position, which means that a dean candidate's family is more relevant in the deanship context than for other academic positions. Because of the visibility of the position, the dean and his or her family have less privacy.

There may also be spoken or unspoken questions about the capacity of LGBT candidates to provide moral leadership and to handle personal crises of faculty and students. Dean Barry Vickrey of the South Dakota University School of Law gave an affecting presentation in this workshop entitled *The Dean as Pastor.* The dean's role as the law school's representative in the hospital room or at the funeral may underlie some unexamined anxieties about sexual minorities as deans.[29] Particularly in smaller communities, particularly for external candidates, LGBT prospective deans may challenge unexamined notions about how candidates will perform as a source of care, strength, and wise counsel during personal crises of members of the law school community. LGBT candidates who are already members of the community may be more readily judged on their actual capacity for sensitive, effective, caring responses to personal, medical, and family crises.

VIII. VISIBILITY, PRIVACY, SECRECY & DISCLOSURE

I have raised these negative associations and fears in the hope that bringing them into the light will diminish their power. But this recitation of troubling images potentially lurking also serves as a proper precursor to a discussion of the salient issues of disclosure and privacy for a candidate who is either disabled or a sexual minority. How does one come out as a gay, lesbian, bisexual or transgender dean candidate? How does one disclose a hidden disability? If one's disability or minority sexual orientation is apparent, perhaps from a Curriculum Vitae or physical appearance, how does one manage that information?

In his 1993 book *Building Communities of Difference: Higher Education in the Twenty-First Century*, William G. Tierney chose a Shake-

29. *Cf.* UNIVERSITY PRESIDENTS AS MORAL LEADERS (David G. Brown ed., 2006).

spearean warning—"Woe to him who doesn't know how to wear his mask"[30]—to introduce the chapter on gay faculty, the subject he used to illustrate systems of silencing.[31] Negotiating disclosure and silence about sexual identity, and about many disabilities, can still be an ever-present aspect of life within these identity categories. In Eve Kosofsky Sedgewick's words, "'[c]losetedness' itself is a performance initiated as such by the speech act of a silence — not a particular silence, but a silence that accrues particularity by fits and starts, in relation to the discourse that surrounds and differentially constitutes it." [32]

Many people with disabilities face recurring and central questions about disclosure and silence. A disability may be hidden or obvious, and even when apparent it may not be spoken about. Professor Georgina Kleege confronts the uncomfortable silence: "I would like for disability not to have this status as this thing that you don't talk about and the thing that you can't look at and the thing that's so tragic, and so foreign, and so horrific that the polite thing to do is to pretend it isn't there."[33] Her co-author Rosemary Garland-Thomson explains, "We want to redefine, to reimagine, disability—not make it go away."[34]

Yet many people have pragmatic reasons for choosing to hide disabilities if they can. "[S]ome faculty fear reprisals so they do not reveal a hidden or new disabling condition. They fear requesting accommodations, worrying about harming their careers."[35] Disclosure may seem too risky. "Once individuals are recognized as disabled, seeking jobs elsewhere, either for personal reasons or career advancement, is difficult."[36]

Any person with a disability and every sexual minority who is considering being a dean has developed expertise in handling his or her identity in a wide variety of professional situations. But advice from someone with even more experience is always helpful. Having recognized the

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30. LUIGI PIRANDELLO, HENRY IV, act 1 (Edward Storer trans., E.P. Dutton 1922) *available at* http://www.ibiblio.org/eldritch/lp/e4/htm.

31. WILLIAM G. TIERNEY, BUILDING COMMUNITIES OF DIFFERENCE: HIGHER EDUCATION IN THE TWENTY-FIRST CENTURY, PUBLIC ROLES, PRIVATE LIVES: GAY FACULTY IN ACADEMY, 49–67 (1993). For a similar caution in a different context, see Sarah M. Ginsberg, *Faculty Self-Disclosures in the College Classroom*, 21 THE TEACHING PROFESSOR 5 (2007) (quoting professor who countered the author's argument about the benefits of classroom self-disclosures by arguing that "Faculty who are gay or lesbian cannot share that kind of information without fear of reprisal").

32. EVE KOSOFSKY SEDGWICK, EPISTEMOLOGY OF THE CLOSET 3 (1990).

33. Brenda Jo Brueggemann, Rosemarie Garland-Thomson, & Georgina Kleege, *What Her Body Taught (or, Teaching about and with a Disability): A Conversation*, 31 FEMINIST STUDIES 13, 16 (2005) (quoting author Georgina Kleege).

34. *Id.* at 15 (quoting from author Rosemarie Garland-Thomson).

35. Steinberg et al., *supra*, note 12, at 3150.

36. *Id.* at 3151.

wisdom in Dean Christensen's 1990 speech, I sought his advice in 2008 for sexual minorities considering deanships, specifically regarding disclosure and openness. Reached in Los Angeles, where he is retired after ending his career as a legal educator with fifteen years on the Southwestern law faculty, Dean Christensen emphasized the many benefits as a candidate and as dean of handling sexual identity with candor and without defensiveness, as befits a leader.[37] He reflected that he had used his partner,for example, introducing him or mentioning him in casual conversations, to let others know that his personal life was not taboo.[38]

Noting that a dean's spouse often plays a visible role in the professional life of a dean, Dean Christensen advised gay and lesbian candidates to disclose their sexual identity in the selection process, looking for openings in a non-defensive way. "No one else can say it, if you don't."[39] He suggested that candor and openness are not just about putting forth the best case as a candidate, but also answering the question, "Do I want to be here?" And, ultimately, it would be important for success in the position.[40] Dean Christensen presented the disclosure issues related to sexual identity as illustrative of the general principle that open communication is important for effective leadership.

Dean Christensen emphasized that each person has to make his or her own decisions about how to manage aspects of his or her identity that may trouble others. That surely is also true for people with disabilities, apparent or not. Institutions can help candidates handle these matters wisely and comfortably. The diversity language used in the job announcement can be considered with care, rather than being reduced to a ritualized formality with little meaning. Formal and informal networks can be targeted to reach all the groups identified in the equal opportunity language of the job announcement. Moreover, part of effective recruitment is becoming knowledgeable about issues like domestic partnership benefits or wheelchair access to the interview site.

IX. CONCLUSION

An institution sends multiple messages about itself when it selects its next leader. In other words, a dean search generates and answers

37. Telephone interview with Craig Christensen, retired dean, in L.A., Cal. (Jan. 12, 2008).

38. *Id.* As dean, Christensen and his partner would host events at their home, and Dean Christensen would always introduce his partner when they ran into people at the symphony or other events.

39. *Id.* Dean Christensen advised candidates to identify potential concerns ahead of time and think through affirmative strategies to address these concerns rather than worrying.

40. *Id.* For example, "you want to know, when the chips are down, what are the ground rules?"

questions of identity and disclosure for the law school, not just the candidates. If recent history is any guide, more and more law schools will embrace identities that include genuine openness to the leadership of sexual minorities and of people with disabilities. Search committees can communicate that openness in formal and informal ways, including being attentive to multiple kinds of diversity on the search committee, using targeted outreach efforts, propounding explicitly inclusive diversity statements, and, fundamentally, being genuinely interested in and respectful of candidates who are disabled, sexual minorities, or in other ways not reflective of the dominant demographics of law school leadership. The reward will be a bigger, better pool of strong candidates, and greater potential for an exceptionally good hire.