



Association of American Law Schools

October 10, 2012

President

Lauren K. Robel
Indiana University –
Bloomington

MEMORANDUM 12-14

President-Elect

Leo P. Martinez
University of California,
Hastings

TO: Deans of AALS Member Schools

FROM: Susan Westerberg Prager, Executive Director

Immediate Past President

Michael A. Olivas
University of Houston

SUBJECT: Employer Assurances of Nondiscrimination

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Dorothy Andrea Brown
Emory University

Over the past 18 months or so, we have noticed a problem new to us coming up for some schools as part of the seven-year interval review for membership in the AALS. We think the problem may have been introduced inadvertently by technology and may be easily remedied.

Ann C. Shalleck
American University

The issue concerns a school's interaction with employers to whom the school furnishes placement assistance or use of the school's facilities. Bylaw 6-3(b) states:

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Pat K. Chew
University of Pittsburgh

Bylaw 6-3 Diversity: Nondiscrimination and Affirmative Action.

Paul Marcus
College of William & Mary

b. A member school shall pursue a policy of providing its students and graduates with equal opportunity to obtain employment, without discrimination or segregation on the ground of race, color, religion, national origin, sex, age, disability, or sexual orientation. A member school shall communicate to each employer to whom it furnishes assistance and facilities for interviewing and other placement functions the school's firm expectation that the employer will observe the principle of equal opportunity.

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Blake D. Morant
Wake Forest University

AALS Executive Committee Regulation 6-3.2(a) further states:

Kellye Y. Testy
University of Washington

Executive Committee Regulation 6-3.2 The Obligation to Provide Equal Opportunity to Obtain Employment Without Discrimination.

*Executive Director and
Chief Executive Officer*
Susan Westerberg Prager

a. A member school shall inform employers of its obligation under Bylaw 6-3(b), and shall require employers, as a condition of obtaining any form of placement assistance or use of the school's facilities, to provide an assurance of the employer's willingness to observe the principles of equal opportunity stated in Bylaw 6-3(b).

Managing Director
Jane M. La Barbera

Associate Director
Linda D. Jellum

Assistant Director
Rachel A. Wilson

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In the transition from paper forms to an online environment, the step of obtaining explicit assurance of nondiscrimination from employers may, in some cases, have been overlooked. Examples of affirmative assurance would include signing a statement or pledge, or checking a box on an online form. We understand that the Symplicity career placement software may be adapted to obtain this kind of assurance from employers. From discussions in our Membership Review Committee we also see that some job postings are received by phone. In these instances, some schools tell us they ask the employer to return a signed form by email or fax. The method may vary, but the purpose is to ensure positive assurance of compliance with the school's nondiscrimination policy.

Given the importance of nondiscrimination to the core values of the AALS, the Executive Committee has found itself in the position of requesting additional information from some schools to determine compliance with this membership requirement. Since we believe the issue can be easily avoided, the Executive Committee and I concluded that we would like to make you aware of this potential problem.

You may want to forward this message to your chief staff person who oversees your Career Services Office.